

Formalisation of legal family formats in Slovenia

by Neza Kogovsek Salamon ¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 1 – Formalisation)

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earlier version of the answers in this section of the database.

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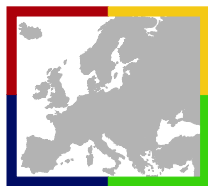


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The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper 64(2016)*, www.familiesandsocieties.eu.

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

The six papers about Slovenia

The answers concerning Slovenia can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu):

Formalisation of legal family formats in Slovenia by Neza Kogovsek Salamon (Section 1)

Income, troubles and legal family formats in Slovenia by Barbara Rajgelj (Section 2)

Parenting and legal family formats in Slovenia by Barbara Rajgelj (Section 3)

Migration and legal family formats in Slovenia by Neza Kogovsek Salamon (Section 4)

Splitting up and legal family formats in Slovenia by Barbara Rajgelj (Section 5)

Death and legal family formats in Slovenia by Neza Kogovsek Salamon (Section 6)

So this paper is based on **Section 1 (Formalisation)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 1.1 Legal family formats
- 1.2 Two siblings
- 1.3 With resident foreigner
- 1.4 With non-resident foreigner
- 1.5 Two foreigners
- 1.6 Two resident foreigners
- 1.7 Two non-resident foreigners
- 1.8 Start at registry
- 1.9 Start at public authority
- 1.10 Start at religious building
- 1.11 Contract
- 1.12 Statutory contract
- 1.13 Surname
- 1.14 Living together
- 1.15 Sex
- 1.16 General background regarding formalisation
- 1.17 Literature

In the following pages of this paper, first the answers to questions 1.16 and 1.17 are presented, followed by the answers to questions 1.1 to 1.15.

1.16 - General background regarding formalisation (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, constitutional, legal-cultural, religious, etc.) that may be relevant for the understanding of your answers above regarding formalisation, then please do so here.

1.17 - Literature (Open question)

Please list some relevant literature about the family formats concerned, especially in English and/or online (with web links).

It is important to note that on 21 April 2016 a new Civil Unions Act has been adopted by the National Assembly which will become applicable in February 2017. The new law will equalize registered same-sex partners with spouses and cohabiting same-sex partners with cohabiting different-sex partners. The only exceptions are marriage and joint adoption, the two privileges are still accessible only to different-sex partners.

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Jurisdiction: **Slovenia**

Source: **N. Kogovsek Salamon**, "Formalisation of legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SI-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.01 - Legal family formats**

Which of the three legal family formats mentioned here are available to different-sex and/or same-sex couples?

(For the distinction between registered partnership and cohabitation, see section e of the [Guidance for experts answering questions in the questionnaire](#). If there are two or more formats available for informally cohabiting couples, then please mention these formats separately in the explanation to this question.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1976	2015 No 0000	2015 No 0000	2015 Yes 2005	2015 Yes, but 1976	2015 No, but 2013
Yes 1965			No 0000	No 0000	No 0000
References to legal sources: Art. 16 of Marriage and Family Relations Act (ZZZDR, Official gazette SRS, No. 15/76 of 4.6.1976). Basic Law on Marriage (Official gazette SFRJ, No. 28/65).		References to legal sources: Art. 2 of Registration of Same-Sex Partnership Act (ZRIPS, Official gazette RS, No. 65/2005 of 8.7.2005).		References to legal sources: Art. 12(1) of Marriage and Family Relations Act (ZZZDR, Official gazette SRS, No. 15/76 of 4.6.1976).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: In December 2015, legislation that would have opened up marriage to same-sex couples, was rejected in a referendum.</p>		<p>Explanations and nuances: See also question 1.16.</p>		<p>Explanations and nuances: "Yes but": In the Slovene legal system cohabitation is understood as the bond between a man and a woman who have been living together for a longer period of time and are not married. If the condition that a potential marriage between these two individuals would not be invalid (such would be the case, for example, between two siblings) is fulfilled, then cohabitation has the same legal consequences in the context of this Law (ZZZDR) as marriage. In other areas, cohabitation has legal consequences only if the applicable Law so provides. There is no registration or ceremonial process involved for establishing cohabitation. Whether cohabitation exists or not is decided on a case to case basis, with the decisive criterion being the existence of an emotional, economic and life bond between the two individuals that has lasted for a longer period of time and is equal to the one between a married couple.</p> <p>In general the legislation does not regulate cohabitation of same-sex partners, but in 2013 the Constitutional Court ruled that same-sex cohabiting partners have equal inheritance rights as different-sex cohabiting partners (see question 6.3). See also question 1.16.</p> <p>Since 2011, same-sex cohabitants also have some rights in immigration law (see questions 4.1, 4.3 and 4.4).</p>	

Jurisdiction: **Slovenia**

Source: **N. Kogovsek Salamon**, "Formalisation of legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SI-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.02 - Two siblings**

Is starting this type of relationship legally possible for two siblings?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 1976	2015 N/A 0000	2015 N/A 0000	2015 No 2005	2015 No 1976	2015 No 0000
No 1965			N/A 0000	No 0000	
<p>References to legal sources: Art. 21 of Marriage and Family Relations Act (ZZZDR, Official gazette SRS, No. 15/76 of 4.6.1976).</p> <p>Basic Law on Marriage (Official gazette SFRJ, No. 28/65).</p>		<p>References to legal sources: Art. 3 of Registration of Same-Sex Partnership Act (ZRIPS, Official gazette RS, No. 65/2005 of 8.7.2005).</p>		<p>References to legal sources: Art. 21 of Marriage and Family Relations Act (ZZZDR, Official gazette SRS, No. 15/76 of 4.6.1976).</p> <p>Art. 12(1) of Marriage and Family Relations Act (ZZZDR, Official gazette SRS, No. 15/76 of 4.6.1976).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
Explanations and nuances:		Explanations and nuances:		Explanations and nuances: Marriage between two siblings is invalid and as the existence of cohabitation is judged as marriage within the context of the Marriage and Family Relations Act (ZZZDR), cohabitation between two siblings is likewise invalid.	

Jurisdiction: **Slovenia**

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Section: **1 - Formalisation**

Question: **1.03 - With resident foreigner**

Is starting this type of relationship legally possible for a national citizen and a foreigner both residing in the country?
(As to the meaning of "residing", see section c of the [Guidance for experts answering questions in the questionnaire](#).)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1976	2015 No 0000	2015 No 0000	2015 Yes 2005	X	X
? 0000			N/A 0000	X	X
References to legal sources: Marriage and Family Relations Act (ZZZDR, official gazette SRS, No. 15/76 of 4.6.1976). Aliens Act (ZTuj-2, Official gazette RS, No. 50/2011 of 27.6.2011).		References to legal sources: Art. 3 of Registration of Same-Sex Partnership Act (ZRIPS, Official gazette RS, No. 65/2005 of 8.7.2005).			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Slovenian nationality is not a condition for marriage.</p>		<p>Explanations and nuances: Art. 3 of the Registration of Same-Sex Partnership Act (ZRIPS) provides that it is only possible to register a partnership if one of the two individuals has Slovenian citizenship, implying that the second individual can be a (non-) residing foreigner.</p>			

Jurisdiction: **Slovenia**

Source: **N. Kogovsek Salamon**, "Formalisation of legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SI-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.04 - With non-resident foreigner**

Is starting this type of relationship legally possible for a national citizen residing in the country and a foreigner residing abroad?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1976	2015 No 0000	2015 No 0000	2015 Yes 2005	X	X
? 0000			N/A 0000	X	X
References to legal sources: Marriage and Family Relations Act (ZZZDR, Official gazette SRS, No. 15/76 of 4.6.1976). Aliens Act (ZTuj-2, Official gazette RS, No. 50/2011 of 27.6.2011).		References to legal sources: Art. 3 of Registration of Same-Sex Partnership Act (ZRIPS, Official gazette RS, No. 65/2005 of 8.7.2005).			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Slovenian nationality or residence is not a condition for marriage.</p>		<p>Explanations and nuances: The Registration of Same-Sex Partnership Act (ZRIPS) provides that it is only possible to register a partnership if one of the two individuals has Slovenian citizenship, implying that that the second individual can be a (non-) residing foreigner.</p>			

Jurisdiction: **Slovenia**

Source: **N. Kogovsek Salamon**, "Formalisation of legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SI-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.05 - Two foreigners**

Is starting this type of relationship legally possible for two foreigners, only one of whom is residing in the country?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1976	2015 N/A 0000	2015 N/A 0000	2015 No 2005	X	X
? 0000			N/A 0000	X	X
<p>References to legal sources: Marriage and Family Relations Act (ZZZDR, Official gazette SRS, No. 15/76 of 4.6.1976).</p> <p>Aliens Act (ZTuj-2, Official gazette RS, No. 50/2011 of 27.6.2011).</p>		<p>References to legal sources: Art. 3 of Registration of Same-Sex Partnership Act (ZRIPS, Official gazette RS, No. 65/2005 of 8.7.2005).</p>			
<p>Explanations and nuances: Slovenian nationality or residence is not a condition for marriage.</p>		<p>Explanations and nuances: The Registration of Same-Sex Partnership Act (ZRIPS) provides that it is only possible to register a partnership if one of the two individuals has Slovenian citizenship.</p>			

Jurisdiction: **Slovenia**

Source: **N. Kogovsek Salamon**, "Formalisation of legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SI-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.06 - Two resident foreigners**

Is starting this type of relationship legally possible for two foreigners residing in the country?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1976	2015 N/A 0000	2015 N/A 0000	2015 No 2005	X	X
? 0000			N/A 0000	X	X
<p>References to legal sources: Marriage and Family Relations Act (ZZZDR, Official gazette SRS, No. 15/76 of 4.6.1976).</p> <p>Aliens Act (ZTuj-2, Official gazette RS, No. 50/2011 of 27.6.2011).</p>		<p>References to legal sources: Art. 3 of Registration of Same-Sex Partnership Act (ZRIPS, Official gazette RS, No. 65/2005 of 8.7.2005).</p>			
<p>Explanations and nuances: Slovenian nationality is not a condition for marriage.</p>		<p>Explanations and nuances: The Registration of Same-Sex Partnership Act (ZRIPS) provides that it is only possible to register a partnership if one of the two individuals has Slovenian citizenship.</p>			

Jurisdiction: **Slovenia**

Source: **N. Kogovsek Salamon**, "Formalisation of legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SI-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.07 - Two non-resident foreigners**

Is starting this type of relationship legally possible for two foreigners residing abroad?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1976	2015 N/A 0000	2015 N/A 0000	2015 No 2005	X	X
?			N/A 0000	X	X
References to legal sources: Marriage and Family Relations Act (ZZZDR, Official gazette SRS, No. 15/76 of 4.6.1976). Aliens Act (ZTuj-2, Official gazette RS, No. 50/2011 of 27.6.2011).1		References to legal sources: Art. 3 of Registration of Same-Sex Partnership Act (ZRIPS, Official gazette RS, No. 65/2005 of 8.7.2005).			
Explanations and nuances: Slovenian nationality or residence is not a condition for marriage.		Explanations and nuances: The Registration of Same-Sex Partnership Act (ZRIPS) provides that it is only possible to register a partnership if one of the two individuals has Slovenian citizenship.			

Jurisdiction: **Slovenia**

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Section: **1 - Formalisation**

Question: **1.08 - Start at registry**

Can you legally start this type of relationship at the registry of births, marriages and deaths (État civil, Standesamt)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1976	2015 No 0000	2015 N/A 0000	2015 Yes 2005	X	X
? 0000			N/A 0000	X	X
<p>References to legal sources: Art. 28 of Marriage and Family Relations Act (ZZZDR, Official gazette SRS, No. 15/76 of 4.6.1976).</p>		<p>References to legal sources: Art. 6 of Registration of Same-Sex Partnership Act (ZRIPS, Official gazette RS, No. 65/2005 of 8.7.2005). Art. 13 and 14 of the Rules on the registration of same-sex partnerships (Pravilnik o registraciji istospolnih partnerskih skupnosti, Official gazette RS, No. 55/2006 of 26.5.2006).</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances:</p>		<p>Explanations and nuances: The two individuals must submit an application to register their partnership at the registry of births, deaths and marriages at least 30 days before the planned registration. At that time they are required to bring forth the documents for registration set by the implementing regulation referred to in art. 7 of the Registration of Same-Sex Partnership Act (ZRIPS). The procedure of registering a partnership takes place at the time designed by the administrative unit chief in specifically designated spaces at the registry (unlike with marriage, where the possibility exists to marry somewhere else than at the registry).</p> <p>The partners must both be present during the procedure (unlike with marriage, where one of the future spouses can in some cases be represented by an agent).</p>			

Jurisdiction: **Slovenia**

Source: **N. Kogovsek Salamon**, "Formalisation of legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SI-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.09 - Start at public authority**

Can you legally start this type of relationship at another public authority (e.g. notary public, local population administration, court)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 1976	2015 N/A 0000	2015 N/A 0000	2015 No 2005	X	X
? 0000			N/A 0000	X	X
References to legal sources: Art. 28(3) of Marriage and Family Relations Act (ZZZDR, Official gazette SRS, No. 15/76 of 4.6.1976).		References to legal sources: Art. 6 of Registration of Same-Sex Partnership Act (ZRIPS, Official gazette RS, No. 65/2005 of 8.7.2005).			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: "Yes but": The Marriage and Family Relations Act (ZZZDR) does not have a specific provision that would allow future spouses to legally start marriage at another public authority. However, art. 28(3) of ZZZDR allows marriage to legally start elsewhere if the future husband and wife demand so and present valid reasons for their decision. This implies that from the perspective of ZZZDR marriage can legally start in a variety of places - including, potentially, at the notary public or at the court (if that will actually be possible depends on the regulations governing these other public authorities). Regardless of where it takes place, the crucial condition for marriage to legally start is that the procedure is conducted by the chief of the administrative unit or by an authorized person in the presence of the registrar.</p>		<p>Explanations and nuances: Same-sex partnerships can only be registered at the registry.</p>			

Jurisdiction: **Slovenia**

Source: **N. Kogovsek Salamon**, "Formalisation of legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SI-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.10 - Start at religious building**

Can you legally start this type of relationship at a church, synagogue, mosque or other religious building?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No, but 1976	2015 N/A 0000	2015 N/A 0000	2015 No 2005	X	X
? 0000			N/A 0000	X	X
References to legal sources: Art. 28(3) of Marriage and Family Relations Act (ZZZDR, Uradni list SRS, št. 15/76 z dne 4.6.1976).		References to legal sources: Art. 6 of Slovene Law on Registration of Same-Sex Partnership (ZRIPS, Uradni list RS, št. 65/2005 z dne 8.7.2005).			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The Marriage and Family Relations Act (ZZZDR) does not have a specific provision that would allow future spouses to legally start marriage at a religious building.</p> <p>However, there is a principle of separation of church and state enshrined in art. 7 of the Constitution which states: "The state and religious communities shall be separate."</p>		<p>Explanations and nuances: Same-sex partnerships can only be registered at the registry.</p>			

Jurisdiction: **Slovenia**

Source: **N. Kogovsek Salamon**, "Formalisation of legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SI-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.11 - Contract**

Can the partners make a contract (with or without third-party effect) to organise their relationship, for example with regard to property or personal obligations? (Think of prenuptial contracts and cohabitation contracts.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1976	2015 N/A 0000	2015 N/A 0000	2015 Yes 2005	2015 Yes 1976	2015 No 0000
?			N/A 0000	?	
References to legal sources: Art. 62(1) of Marriage and Family Relations Act (ZZZDR, Official gazette SRS, No. 15/76 of 4.6.1976).		References to legal sources: Art. 18 of Registration of Same-Sex Partnership Act (ZRIPS, Official gazette RS, No. 65/2005 of 8.7.2005).		References to legal sources: Art. 12 and 62(1) of Marriage and Family Relations Act (ZZZDR, Official gazette SRS, No. 15/76 of 4.6.1976).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to art. 62(1) of the Marriage and Family Relations Act (ZZZDR) spouses may conclude among themselves all legal transactions that can be concluded with all other persons and on this basis establish rights and obligations.</p> <p>Prenuptial agreements or cohabitation contracts among spouses or future spouses are not provided for in the Slovenian law.</p>		<p>Explanations and nuances: Similarly as with marriage, the same-sex partners may conclude among themselves contracts that can be concluded with all other persons and on this basis establish rights and obligations.</p> <p>Prenuptial agreements and cohabitation contracts among partners or future partners are not provided for in the Slovenian law.</p>		<p>Explanations and nuances: As explained under question 1.01, if the condition is fulfilled that a potential marriage between these two individuals would not be invalid (such would be the case, for example, between two siblings), then cohabitation has the same legal consequences in the context of the Marriage and Family Relations Act as marriage (art. 12). This similarly allows the application of art. 62(1) to cohabitation.</p> <p>Prenuptial agreements and cohabitation contracts among cohabiting partners are not provided for in the Slovenian law.</p>	

Jurisdiction: **Slovenia**

Source: **N. Kogovsek Salamon**, "Formalisation of legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SI-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.12 - Statutory contract**

Are there specific statutory rules regarding such a contract?

(See question 1.11 about the possibility for the partners to make a contract to organise their relationship.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1994	2015 N/A 0000	2015 N/A 0000	2015 Yes 2005	2015 Yes 2006	2015 No 0000
? 0000			N/A 0000	No 0000	
References to legal sources: Art. 47 of the Notary Act (Official gazette RS, No. 13/94 as amended).		References to legal sources: Art. 18 of Registration of Same-Sex Partnership Act (ZRIPS, Official gazette RS, No. 65/2005 of 8.7.2005).		References to legal sources: Art. 47 of the Notary Act (as amended in 2006: Official gazette RS, No. 115/2006).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Art. 47 of the Notary Act provides that treaties on the regulation of property relations between spouses must be concluded in the form of notarial record. If not, legal transactions shall be null and void, according to art. 48 of the same act.</p>		<p>Explanations and nuances: The Registration of Same-Sex Partnership Act (ZRIPS) specifically demands that contracts on property relations that partners conclude during the time of the partnership must be concluded in the form of a notarial record. There are no special regulations in the Notary Act regarding contracts on the regulation of property relations between registered same-sex partners.</p>		<p>Explanations and nuances: Since 2006 art. 47 of the Notary Act provides that treaties on the regulation of property relations between cohabiting opposite-sex partners must be concluded in the form of notarial record. If not, legal transactions shall be null and void, according to art. 48 of the same act.</p>	

Jurisdiction: **Slovenia**

Source: **N. Kogovsek Salamon**, "Formalisation of legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SI-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.13 - Surname**

Can (or must) one partner use or have the surname of the other partner?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2006	2015 N/A 0000	2015 N/A 0000	2015 Yes, but 2005	2015 Yes, but 2006	2015 Yes, but 2006
? 0000			N/A 0000	? 0000	? 0000
References to legal sources: Art. 15 of the Personal Name Law (ZOI-1, Official gazette RS, No. 20/2006 of 24.2.2006).		References to legal sources: Art. 10 and 11 of the Personal Name Law (ZOI-1, Official gazette RS, No. 20/2006 of 24.2.2006).		References to legal sources: Art. 10 and 11 of the Personal Name Law (ZOI-1, Official gazette RS, No. 20/2006 of 24.2.2006).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: It is not obligatory but it is possible for one spouse to use the name of the other. When entering marriage spouses may agree that their common last name will be the last name of one or the other spouse, they can retain their surnames, they can add the surname of the spouse to their own or the other way around - add their own last name to the surname of the spouse.</p>		<p>Explanations and nuances: The Law does not specifically regulate the change of the surname of the partners when entering a registered partnership. They can, however, change their name in the same manner as any other citizen of age can by submitting an application and paying the administrative tax. The procedure is still quite easy and accessible.</p>		<p>Explanations and nuances: The Personal Name Law (ZOI-1) does not specifically regulate the change of the surname of the cohabiting partners. They can, however, change their name in the same manner as any other citizen of age can by submitting an application and paying the administrative tax. The procedure is still quite easy and accessible.</p>	

Jurisdiction: **Slovenia**

Source: **N. Kogovsek Salamon**, "Formalisation of legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SI-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.14 - Living together**

Do partners in this type of relationship have a duty to live together in the same house?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 1976	2015 N/A 0000	2015 N/A 0000	2015 No 2005	2015 No, but 1976	2015 No 0000
? 0000			N/A 0000	? 0000	
References to legal sources: Marriage and Family Relations Act (ZZZDR, Official gazette SRS, No. 15/76 of 4.6.1976).		References to legal sources: Registration of Same-Sex Partnership Act (ZRIPS, Official gazette RS, No. 65/2005 of 8.7.2005).		References to legal sources: Art. 12 of Marriage and Family Relations Act (ZZZDR, Official gazette SRS, No. 15/76 of 4.6.1976).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: No such requirement exists in ZZZDR.</p>		<p>Explanations and nuances: No such requirement exists in ZRIPS.</p>		<p>Explanations and nuances: "No but": The Law demands that a so-called 'life community' (življenjska skupnost) exists between the two individuals living in cohabitation (for it to be considered cohabitation), but there is no explicit demand in Marriage and Family Relations Act (ZZZDR) for them to actually live together for an exact period of time. Only when the rights or obligations stemming from cohabitation are to be identified, the existence of cohabitation comes under question. Whether cohabitation exists or not is then decided on a case to case basis, with the decisive criterion for 'life community' (as established by jurisprudence) being the existence of an emotional, economic and life bond between the two individuals that has lasted for a longer period of time and is equal to the one between a married couple. The meaning of the term "longer period of time" is decided on a case to case basis.</p>	

Jurisdiction: **Slovenia**

Source: **N. Kogovsek Salamon**, "Formalisation of legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SI-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.15 - Sex**

Does the law require relationships of this type to be sexual or intimate?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 0000	2015 N/A 0000	2015 N/A 0000	2015 No 2005	2015 No 0000	2015 No 0000
			N/A 0000		
References to legal sources: Marriage and Family Relations Act (ZZZDR, Official gazette SRS, No. 15/76 of 4.6.1976).		References to legal sources: Registration of Same-Sex Partnership Act (ZRIPS, Official gazette RS, No. 65/2005 of 8.7.2005).		References to legal sources:	
Explanations and nuances: No such requirement exists in ZZZDR.		Explanations and nuances: No such requirement exists in ZRIPS.		Explanations and nuances:	