

# LEGAL ASPECTS OF THE ESTABLISHMENT AND DEVELOPMENT OF THE UNIVERSITY OF MARIBOR

ŠIME IVANJKO,<sup>1</sup> RAJKO KNEZ,<sup>2</sup> DUNJA LEGAT,<sup>1</sup>  
MOJCA TANCER VERBOTEN<sup>1</sup>

<sup>1</sup> University of Maribor, Maribor, Slovenia

sime.ivanjko@um.si, dunja.legat@um.si, mojca.tancer@um.si

<sup>2</sup> Constitutional Court of the Republic of Slovenia, Ljubljana, Slovenia

rajko.knez@us-rs.si

This chapter discusses the development milestones of the University of Maribor, from the legal aspects of its establishment. For 50 years, Maribor has been home to an internationally recognized University with numerous educational programmes and scientific research areas implemented by 17 faculties and two members providing support in the field of librarianship and student housing. The development of the University in the city of Maribor reflects its historical growth, response to social and economic needs, and the formation of its identity. Since its establishment in 1975, the process of status organization and operation of the University of Maribor and its faculties has been carried out in accordance with the provisions of higher education legislation. Based on Article 40 of the Constitution of the Socialist Republic of Slovenia (“Ustava Socialistične republike Slovenije”, 1974) and Article 9 of the Higher Education Act (“Zakon o visokem šolstvu”, 1975), amendments and supplements to the Self-Government Agreement on the merger of six higher education working organizations into the University of Maribor were signed on June 11, 1976. These organizations had been transformed over the past 50 years, new faculties were established, and the University of Maribor, regardless of its name, expanded to other parts of Slovenia.

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University of Maribor Press

## 1 Introduction

The development of a city over time is not only a story of urban and economic growth but also a narrative of shaping cultural identity and establishing educational foundations as key factors that enable a city to transform from a simple urban centre into a hub of social and creative progress. A city is a living organism that shapes its soul through cultural institutions, art, and scientific and educational achievements. Maribor, as the second-largest city in the Republic of Slovenia with 110,000 inhabitants, played a special role in the initial establishment of higher education institutions outside the capital, Ljubljana, already during the socialist era of the 1960s. The founding of the first junior colleges and other educational institutions played an important role in connecting the social community and creating space for progress and innovation in the economy.<sup>1</sup> From the very beginning, higher education in Maribor had a nationwide character. In the early years of higher education development, students from all Slovenian regions studied in Maribor. Statistics show that in the first years, 45.5% of students came from the Carinthia-Styria area, 15.2% from the Podravje-Pomurje region, and 30.77% from the Zasavje-Savinja area. From Ljubljana, 2.8% were enrolled, 3.9% from Gorenjska, 3.2% from Dolenjska, and 5.5% from the Primorska-Notranjska region. A relatively high percentage, around 9.3%, came from other republics of the former state (Bračič, 1975).

There is no doubt that the establishment of higher education and the founding of the University of Maribor is historically one of the most significant events for the city. The role of higher education in Maribor during the 1960s and 1970s, in the socialist era, was crucial for the economic, social, and cultural development of the city and the wider region. At that time, Maribor was a highly industrialized city and an important centre for the Yugoslav economy. The need for qualified labour drove the development of higher education institutions. Maribor's higher education institutions were primarily established to meet the demand for technically educated

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<sup>1</sup> Efforts to organize higher-level education have long been present in Maribor's history, with various more or less successful attempts, particularly in organizing clergy education in philosophy and theology. Near Fala Castle, Benedictines organized philosophical studies as early as 1638. After the transfer of the Lavantine Diocese seat from St. Andraž to Maribor, the first higher education institution for theological studies was established in Maribor in 1859. Alongside this, various cultural, scientific, and educational societies and institutions were founded. For example, in 1903, the Historical Society was established, and by 1904, it began publishing the well-known *Časopis za zgodovino in narodopisje* (Eng. *Journal for History and Ethnography*), which continues to be published under the same name today (Bračič, 1975).

personnel to support industrialization and technological progress. Schools often collaborated with local companies in education, research, and the development of new technologies. The establishment of higher education and, consequently, the university as a centre of research and progress contributed to technological and scientific advancement in Maribor's industry and accelerated the resolution of local challenges. Higher education organizations studied and addressed specific city issues (e.g., traffic, environmental protection, legal needs in the economy) and offered expert solutions at an advanced level. With the founding of the University of Maribor, the city became more attractive to residents who value access to education, significantly contributing to the development of the city's identity. Even today, the phrase "University City Maribor" can be seen on many occasions.<sup>2</sup>

## **2 Legal Regulation of Higher Education in Slovenia (1950–1975)**

In the 1950s, the People's Republic of Slovenia (hereinafter: PRS) did not have a statutory system regulating higher education. In 1957, the Law on the University of Ljubljana was adopted, which governed the status, organization, and operations of the University of Ljubljana and its member faculties ("Zakon o Univerzi v Ljubljani", 1957). The first law to systematically regulate higher education was the Higher Education Act of the People's Republic of Slovenia ("Zakon o visokem šolstvu v Ljudski republiki Sloveniji", 1960). This act defined both the organizational forms of higher education and the institutions themselves. It distinguished between faculties, colleges, art academies, and junior colleges. Faculties could merge into a university and develop scientific research, while junior colleges and colleges could form associations and engage in scientific work in accordance with their founding act. All forms of higher education institutions could be established by the PRS, a district, a municipality, an economic or other organization, or an association of higher education institutions. In cases where the founder was not the PRS, the founding act had to be approved by the Executive Council. Until the adoption of this act, the PRS established individual junior colleges and colleges through special legislation. Under Article 81 of the cited Higher Education Act, all regulations governing the status and operation of junior colleges that conflicted with the provisions of this act ceased to apply. According to Article 29, all higher education

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<sup>2</sup> As an interesting detail, bronze manhole covers with the city's coat of arms and the inscription "University City Maribor" can be found in the city centre.

organizations were required to harmonize their statutes within one year, with the Executive Council authorized to extend this deadline for junior colleges.

Since the PRS was renamed the Socialist Republic of Slovenia (hereinafter: SRS) in 1963, a second Higher Education Act was adopted in 1965, which required mandatory verification of a higher education institution if it was established by a municipality, a working organization, or another self-managed entity (“Zakon o visokem šolstvu”, 1965, Article 14).

## **2.1 Legal Foundations for the Establishment of Higher Education Institutions in Maribor**

Among the first higher education institutions based in Maribor was the two-year Junior College of Commerce.<sup>3</sup> The fact that this school was located in Maribor provoked resistance from certain interest groups in Ljubljana, known for their “conservative narrow-mindedness, arrogance, and self-satisfaction.”<sup>4</sup> Just two years after its establishment, the school was renamed the Junior College of Economics and Commerce, and by 1969 it began offering a four-year programme as the College of Economics and Commerce, which from 1972 also had the right to award doctoral degrees. In 1959, the Junior Technical College was established with departments for mechanical engineering, electrical engineering, textiles, civil engineering, and chemistry (“Zakon o ustanovitvi Višje tehnične šole”, 1959).<sup>5</sup> The strong interest in studying at junior colleges in Maribor prompted local authorities to propose to the People’s Assembly of the PRS the establishment of three additional junior colleges, namely a two-year Junior College of Law, a two-year Junior College of Agronomy,

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<sup>3</sup> Interestingly, on July 2, 1959, the People’s Assembly of the PRS adopted the Law on the Establishment of the Junior College of Commerce without specifying the school’s location. Certain political structures in Ljubljana insisted that the school be based in Ljubljana and even prepared curricula and staffing plans for that purpose. However, the Executive Council (acting as the government) recognized the need for such professionals in Maribor and its economy and, through a special decree (despite resistance from Ljubljana), determined that the school would be located in Maribor (Bračič, 1975).

<sup>4</sup> This illustrates the resistance of centralized Ljubljana-based higher education institutions to initiatives from Maribor – a pattern that persisted with almost every attempt to transform junior colleges into colleges or faculties. This was one of the defining characteristics of Ljubljana’s attitude toward Maribor in the development of higher education (Bračič, 1975, p. 11).

<sup>5</sup> The school began operating in February 1960. It was transformed into a four-year Technical College in 1973. Its establishment and development were strongly supported by Maribor’s advanced industry, particularly TAM (Maribor Automobile Factory) and Metalna Maribor (Bračič, 1975).

and a three-year Junior College of Dentistry.<sup>6</sup> All three began operating in October 1960. The Higher School of Dentistry was abolished in 1970 on the grounds that medical studies could not be segmented and that there was an oversupply of such professionals.<sup>7</sup> In 1961, the Pedagogical Academy was established by law (“Zakon o ustanovitvi Pedagoške akademije v Mariboru”, 1961). Its founding essentially transformed the detached department of the Junior Pedagogical College in Ljubljana (Bračić, 1975), which had started operating in Maribor in 1960 alongside the three newly established junior colleges. The Pedagogical Academy was founded as a higher education institution for teacher training, organizing first- and second-cycle studies (Haramija, 2011). It educated teachers with higher and university-level qualifications for primary and other schools, as well as other educational institutions. By law, it was granted the right to organize and develop scientific work in the field of education. “The establishment of junior colleges marked an important period for Maribor – indeed, a turning point in its development.”<sup>8</sup>

## **2.2 Legal Foundations for the Establishment of the Association of Higher Education Institutions in Maribor**

The junior colleges and the Pedagogical Academy cooperated closely, soon revealing the need for institutional integration – a need recognized also by the People’s Assembly of the PRS through the adoption of the Law on the Establishment of the Association of Higher Education Institutions in Maribor (“Zakon o ustanovitvi Združenja visokošolskih zavodov v Mariboru”, 1961) (hereinafter: Association) stipulating that future junior colleges in Maribor would also join the Association. If the Association refused membership, the Executive Council would decide upon request by the institution. The Association’s headquarters were initially located at Mladinska ulica 9, later moving to Krekova ulica 2, where it was located from 1975 until 2000, when the seat of the University of Maribor relocated to a new building.

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<sup>6</sup> All three junior colleges were established by decisions of the People’s Assembly of the PRS at the session of the Chamber of Producers and the Republic Chamber on June 21, 1960 (“Zakon o Višji agronomski šoli v Mariboru”, 1960; “Zakon o Višji pravni šoli v Mariboru”, 1960; “Zakon o Višji stomatološki šoli v Mariboru”, 1960).

<sup>7</sup> Medical circles had already proposed in 1960 that a medical programme be organized in Maribor, but this was deemed infeasible, so a dentistry programme was introduced instead. Initially, classes were held in barracks equipped with modern facilities, but with support from the Health Insurance Institute and the City of Maribor, a modern building was quickly constructed, which, at the time, was the most advanced higher education facility of its kind in Yugoslavia. After completing the third year, students could continue their studies in the fourth year of medicine in Ljubljana (Bračić, 1975, p. 11).

<sup>8</sup> A visionary statement by France Venturini, then President of the District Court in Maribor, published in an interview in Večer (Z. P., 1960).

With six higher education institutions, Maribor became a strong academic centre. The Association was the first institution of its kind in Slovenia and was based on the legal framework of the University of Ljubljana's status. It operated under a statute adopted at the assembly of its members in December 1961. Essentially, the Association represented the beginning of the future university, which was established in 1975. The role of the central library for Maribor's higher education was assumed early on by the Study Library in Maribor, the only general scientific and well-organized library in the city. Founding rights were initially held by the District People's Committee Maribor, which transferred them to the Association at the end of 1964. In 1970, the Association approved renaming the library to the Academic and Study Library in Maribor (Hartman, 1978).

Similar educational institutions were also established in other Slovenian towns. For example, in 1958, the District People's Committee Kranj founded the Institute for Personnel Training and Work Organization Studies in Kranj, offering a two-year programme for managerial staff from major companies in the Gorenjska region. In 1962, the institute established the Junior Personnel College, confirmed by the Executive Council of the PRS in 1963. In 1965, it was renamed the Junior College of Work Organization in Kranj. The operation of higher education institutions established by municipalities was subject to verification by the republic administrative authority, which was not successful. The Assembly of the SRS adopted the Law on the Establishment of the Junior College of Work Organization, which absorbed students from the dissolved former junior college and continued studies in the field of work organization (Šetinc, 1979).

### **2.3 Legal Foundations for the Establishment of the University of Maribor**

At the end of the 1950s, criticism and debates began in Slovenia and other republics of the former Yugoslavia regarding the higher education system for educating professionals needed by the economy. These criticisms focused primarily on the traditional structure of university education, which did not meet the contemporary needs of the economy nor the socio-political guidelines of the time. The debate concluded at the federal level with the adoption of the Resolution on the Education of Professional Staff ("Resolucija o izobraževanju strokovnih kadrov", 1960). The Resolution emphasized the integration of curricular and extracurricular methods of professional education into a unified system. It recommended introducing various

forms of extracurricular education, including part-time studies and tiered study programmes at faculties, and also allowed for the establishment of junior colleges. The founding of the first junior colleges and colleges in Maribor in the early 1960s was based on the principles of this Resolution. By the late 1960s, the existence of junior colleges in Maribor was “under strong pressure from conservative forces at the University of Ljubljana, with the silent support of some republic administrative bodies” (Zorič, 1979, p. 85). This resistance led to the abolition of the Junior College of Dentistry in Maribor. Debates on higher education ended with the adoption of the Higher Education Act (“Zakon o visokem šolstvu (ZVS)”, 1975), which consolidated the position of higher education in Slovenia and served as the foundation for establishing the University of Maribor (15. seja Zbora združenega dela, April 29, 1975; Socialistična republika Slovenija, 1976).

The adoption of the ZVS marked a political turning point in the development of higher education in Slovenia. For Maribor, it was even more significant, as it ensured the survival of junior colleges and colleges under the reform efforts aligned with the 1960 resolution.<sup>9</sup> A key feature of the act was the organization of higher education on the principles of self-management, involving users, education workers, and students. Higher education working organizations could be established by associated labour organizations (economic entities), self-managed interest communities, local communities, socio-political communities, and socio-political organizations, provided the founder met the conditions<sup>10</sup> and obtained approval from the Assembly of the SRS. Article 50 of the ZVS specifically regulated the possibility of part-time study. The “ZVS” (1975) also defined the status of a university as a community of higher education working organizations with the status of a legal person, stipulating that these organizations must merge into universities.

Work on drafting the Self-Management Agreement on the Merger into the University of Maribor (hereinafter: the Agreement) began already during the preparation of the ZVS proposal. The Agreement was a comprehensive legal act considered the founding document of the University of Maribor. Its introductory

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<sup>9</sup> “Today’s adoption of the new act is undoubtedly the most revolutionary act in the historical development of our higher education,” said Janez Milčinski, Rector of the University of Ljubljana, at the 15<sup>th</sup> session of the Chamber of Associated Labour of the Assembly of the SRS on April 29, 1975, during the adoption of the Higher Education Act (Slovenia, 1976).

<sup>10</sup> The »ZVS« (1975) set the following conditions: demonstrated long-term need for professionals in a specific field with higher, university, or postgraduate education; definition of their profile; proposal of necessary teaching and other staff; secured funding for at least one prescribed study cycle; and approval from the Assembly of the SRS.

fundamental principles emphasized that the signatories were merging into a university based on the freely expressed will of workers and students to fulfil tasks requiring a unified system of work and to coordinate and jointly pursue common interests. Matters of common importance were detailed in Article 3, which contained 22 points (Bračić, 1975). Special attention was given to self-management, defining the University Council as the highest body, composed of delegates from member institutions, students, and users. Alongside the University Council, the Council for Self-Management Control operated to monitor the proper, purposeful, and efficient use of resources managed by the university. Since one of the university's essential tasks was conducting habilitation procedures, the Agreement also defined the Habilitation Commission, which assessed whether candidates met the legal criteria for appointment as higher education teachers, researchers, and associates before their election. The Commission could also propose revocation of titles. The Habilitation Commission consisted of 15 members, most of whom were delegates from the Executive Council of the Assembly of the SRS and the Republic Conference of the Socialist Alliance of Working People.

In addition to these bodies, the Agreement defined executive bodies, including the Economic Committee, the Committee for General People's Defence and Social Self-Protection, and the Committee for Study and Research Work (Bračić, 1975). It also established the Collegial Management Committee, responsible for managing university operations and coordinating member institutions. Members of this Committee were appointed by the University Council on the proposal of the Socialist Alliance of Working People from among staff, students, and the secretariat's working community. The President of the Management Committee was the Rector, who had to be a higher education teacher. The Rector was the university's legal representative and decided on the use of funds.

The remainder of the Agreement contained provisions on planning programmes and activities of member institutions, pooling resources for common tasks, and financing activities. The Agreement stipulated that administrative tasks would be carried out by staff organized in a special unit within the university secretariat, headed by the University Secretary General. Transitional provisions required the university to adopt its statute by November 21, 1975, and to elect delegates to the University Council and the Council for Self-Management Control within 30 days of adopting the statute. Since the Agreement received support during the public debate among

the Association's members, its head, Vladimir Bračić, invited all member institutions to adopt a resolution to join the university and appoint a legal representative from among teaching staff and students to sign the Self-Management Agreement on the Merger into the University of Maribor. The signing took place in the presence of representatives of state and local authorities on June 12, 1975, in the large conference hall at the headquarters of the Association of Higher Education Institutions in Maribor, located at Krekova ulica 2. On July 2, 1975, the Assembly of the Socialist Republic of Slovenia confirmed the establishment of the university by adopting the Decree on the Approval of the Self-Management Agreement on the Merger into the University of Maribor ("*Odlok o potrditvi samoupravnega sporazuma o združitvi v Univerzo v Mariboru*", 1975). The Council of the Association officially declared the establishment of the University of Maribor on July 3, 1975. The legal proclamation of the university's establishment, based on the Assembly's approval, was carried out in the conference hall of the Impol working organization in Slovenska Bistrica as a symbolic gesture of the connection between the economy and the University of Maribor.

The formal proclamation of the University of Maribor took place on September 18, 1975, in the Union Hall in Maribor. The ceremony was attended by the highest representatives of republic state bodies and leadership of socio-political organizations, representatives of the economy and non-economic sectors, higher education staff, students at the new university, and representatives of cross-border Slovenes from Carinthia and Primorska, as well as Rectors and Vice-Rectors of twelve Yugoslav universities and eight foreign universities. The ceremonial parchment charter was signed by Dušan Bobek and student Marjan Vešnar for the College of Economics and Commerce, Ljubo Črepinšek and student Marjan Kočevar for the Technical College, Bogdan Kavčič and student Marjan Hajdinjak for the College Work Organization in Kranj, Borut Belec and student Vesna Lapanje for the Pedagogical Academy, Šime Ivanjko and student Tomo Jarni for the Junior College of Law, Stojan Vrabl and student Rado Klančar for the Junior College of Agronomy, Bruno Hartman and Zlata Kert for the Academic and Study Library in Maribor.

### 3 Organizational Status of the University of Maribor and Its Members

Since its establishment in 1975, the process of status organization and operation of the University of Maribor and its faculties has been carried out in accordance with the provisions of the “ZVS” (1975). Based on Article 40 of the Constitution of the SRS (“Ustava SRS”, 1974) and Article 9 of the “ZVS” (1975), amendments and supplements to the Self-Management Agreement on the Merger into the University of Maribor (“Samoupravni sporazum”, 1977) were signed on June 11, 1976 by the following six higher education working organizations: College of Economics and Commerce Maribor, Technical College Maribor, College of Work Organization Kranj, Pedagogical Academy Maribor, Junior College of Law Maribor, Junior College of Agronomy Maribor, Academic and Study Library Maribor. These institutions were also signatories of the original Self-Management Agreement on the Merger into the University of Maribor. In accordance with Paragraph 2 of Article 9 of the “ZVS” (1975), the university was organized as a community of higher education working organizations and was a legal entity performing statutory functions and tasks delegated to it by the member organizations through the Self-Management Agreement. The university was represented by the Rector, appointed for a two-year term by the University Council on the proposal of the Socialist Alliance of Working People of Slovenia, from among publicly recognized higher education teachers. For internal organization of operations, universities were required under Paragraph 2 of Article 14 of the “ZVS” (1975) to adopt a statute, defining their tasks, organizational structure, the functioning of their bodies, the implementation of workers’ control, and other matters of common interest for workers, organizations, and communities. On this basis, the Council of the University of Maribor confirmed that the Statute of the University of Maribor (“Statut Univerze v Mariboru”, 1977) had been adopted by a majority vote of all employees and students at the University of Maribor and that the Assembly of the SRS had approved its provisions.

To coordinate and develop library, documentation, and information activities at the University of Maribor, a Self-Management Agreement on the Establishment and Operation of the Library-Documentation-Information System of the University of Maribor was signed on May 15, 1977, in cooperation with the University of Maribor Library, linking all libraries of higher education and other working organizations (“Samoupravni sporazum o ustanovitvi in delovanju knjižnično-dokumentacijsko-

informacijskega sistema v Univerzo v Mariboru združenih visokošolskih in drugih organizacij”, 1977). On June 20, 1977, another agreement was signed: the Self-Management Agreement on the Status, Organization, and Operation of the Computer Centre at the University of Maribor<sup>11</sup> (“Samoupravni sporazum o položaju, organiziranju in delovanju Računalniškega centra pri Univerzi v Mariboru”, 1977), aimed at unified and coordinated development of informatics and computing and their integration into the pedagogical process and scientific research activities. To provide student accommodation, five student dormitory towers were built between 1978 and 1984, offering a total of 1,349 new beds for University of Maribor students.

The development of new study programmes and the needs of the environment were the reasons for transforming the higher education working organizations united under the University of Maribor from colleges into faculties. In 1985, the Technical College was transformed into the Faculty of Technical Sciences in Maribor. In 1986, the Pedagogical Academy Maribor became the Faculty of Education Maribor under the Decree on Approval of the Name Change of the Pedagogical Academy Maribor.<sup>12</sup> In 1989, the College of Economics and Commerce was renamed the Faculty of Economics and Business Maribor, followed later that year by the College of Work Organization Kranj, which became the Faculty of Organizational Sciences Kranj. Based on the Elaborate on the Study of Law within the University of Maribor and preparations for changes related to the implementation of the study programme, the Law on the Establishment of the College of Law in Maribor was adopted by the Assembly of the Republic of Slovenia on September 27, 1990 (“Zakon o ustanovitvi Visoke pravne šole v Mariboru”, 1990).

In 1992, the composition of the University of Maribor was further reorganized when the Government of the Republic of Slovenia, based on Article 11 and Point 2 of Article 23 of the Research and Development Act (“Zakon o raziskovalni dejavnosti”, 1991), issued the Decree on the Establishment of the University Institute of Information Sciences (“Odlok o ustanovitvi Univerzitetnega inštituta

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<sup>11</sup> The text of Article 1 of the agreement introduced the abbreviation RCU for the newly established centre.

<sup>12</sup> The Decree on Approval of the Name Change of the Pedagogical Academy (1986), effective February 28, 1986, stated: “At the proposal of the Pedagogical Academy Maribor, the Assembly of the Socialist Republic of Slovenia grants approval for changing the name of this higher education organization to the Faculty of Education Maribor.”

informativskih znanosti”, 1992). This decree transformed the Institute of Information Sciences of the University of Maribor into a public research institute.<sup>13</sup> According to Article 6 of the Decree on the Establishment of the University Institute of Information Sciences (“Odlok o ustanovitvi Univerzitetnega inštituta informativskih znanosti”, 1992), the University of Maribor committed to providing the initial operating funds as specified in the agreement on the transfer of founding rights for the Institute of Information Sciences of the University of Maribor, signed between the University of Maribor and the Government of the Republic of Slovenia on February 17, 1992. Within the University of Maribor, the Computer Centre of the University of Maribor (RCUM) remained operational and continues to function today. Its primary activities include the development and maintenance of the university’s computing and communication infrastructure and the university’s information system and those of its members.

Changes in the status of individual members continued in 1992, when the Law on the Establishment of the College of Agriculture in Maribor (“Zakon o ustanovitvi Visoke kmetijske šole v Mariboru”, 1992) was adopted to implement programmes in higher education with an agricultural focus, aimed at acquiring and upgrading qualifications and conducting research in the field of agriculture. The Junior College of Agronomy was thus transformed into the College of Agriculture in Maribor, which offered a higher education programme in Fruit Growing and Viticulture.

From 1968, when the Junior Technical Safety College was established, until 1993, no new higher education institution was founded in Slovenia. This stagnation ended with the establishment of the Junior College of Health Care at the University of Maribor, which enrolled its first generation of students in the academic year 1993/1994 (“Nacionalni program visokega šolstva Republike Slovenije (NPVS) – EPA 319 – II – prva obravnava”, 1997). The junior college was established by the Law on the Establishment of the Junior College of Health Care in Maribor (“Zakon o ustanovitvi Višje zdravstvene šole v Mariboru”, 1993) as a public higher education institution, a legal entity operating within the University of Maribor.

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<sup>13</sup> Article 2 of the decree introduced the abbreviation IZUM as the official short name.

On June 2, 1993, the National Assembly of the Republic of Slovenia adopted another law related to the University of Maribor, namely the Law Amending the Law on the Establishment of the College of Law in Maribor (“Zakon o spremembi Zakona o ustanovitvi Visoke pravne šole v Mariboru”, 1993), providing the legal basis for renaming the College of Law in Maribor to the Faculty of Law in Maribor.

In 1993, a new Higher Education Act (“Zakon o visokem šolstvu (ZViS)”, 1993) was adopted, providing the legal basis for the organizational restructuring of public universities at the time, the establishment of independent higher education institutions, and new guidelines for the development of higher education. After the implementation of the “ZViS” (1993), some large faculties at both public universities were reorganized into smaller units, separated by study and scientific research fields. At the University of Maribor, these included: Faculty of Electrical Engineering and Computer Science, Faculty of Civil Engineering, Faculty of Chemistry and Chemical Engineering and Faculty of Mechanical Engineering. The Junior College of Internal Affairs was transformed into a professional college and renamed the Police and Security College, which at that time was the only independent higher education institution in Slovenia to use the legal provision on affiliated membership, becoming an affiliated member of the University of Ljubljana under its Statute (“Nacionalni program visokega šolstva Republike Slovenije (NPVS) – EPA 319 – II – prva obravnava”, 1997). The “ZViS” (1993) also envisaged the adoption of a strategic document for higher education and the National Programme of Higher Education as well as the establishment of the Council of the Republic of Slovenia for Higher Education by the Government of the Republic of Slovenia. This body advised the government on preparing and amending higher education legislation, participated in planning the development of higher education, promoted cooperation among higher education institutions, and performed legally defined tasks related to shaping and changing educational activities of higher education institutions. The Council of the Republic of Slovenia for Higher Education was the predecessor of today’s National Agency for Quality in Higher Education.

Under Articles 85 and 86 of the “ZViS” (1993), it was stipulated that the Republic of Slovenia would become the founder of the University of Ljubljana and the University of Maribor, which would continue to operate as public higher education institutions, and that faculties, art academies, and junior colleges and colleges united under these universities would become members of the respective universities upon

the law's implementation. This was carried out through the adoption of the Act on the Transformation of Universities by the National Assembly of the Republic of Slovenia. For the University of Maribor, the Decree on the Transformation of the University of Maribor ("*Odlok o preoblikovanju Univerze v Mariboru*", 1994) (hereinafter: Decree) was adopted, under which the university became a legal entity with eight faculties and two professional junior colleges as its members. The most significant changes involved the division into four new technical faculties and the transformation of the Junior College of Health Care into the College of Health Care. Under the Decree ("*Odlok o preoblikovanju Univerze v Mariboru*", 1994), the University of Maribor began operating as a legal entity on January 1, 1995, and the former Faculty of Technical Sciences ceased to exist. Article 24 of the Decree precisely defined the legal successors related to organizational departments that had previously operated within the Faculty of Technical Sciences ("*Odlok o preoblikovanju Univerze v Mariboru*", 1994).<sup>14</sup> The University of Maribor Library and Student Dormitories were not included in the text of the Decree ("*Odlok o preoblikovanju Univerze v Mariboru*", 1994). Subsequently, all organizational changes related to the new status or name of university members or other units were adopted by the National Assembly of the Republic of Slovenia based on Article 15 of the Higher Education Act ("*ZViS*", 1993) through the Decree on Amendments and Supplements to the Decree on the Transformation of the University of Maribor ("*Odlok o spremembah in dopolnitvah Odloka o preoblikovanju Univerze v Mariboru (OdPUM-A)*", 1995). The College of Agriculture became the Faculty of Agriculture with the adoption of "*OdPUM-A*" (1995).

With the Decree on Amendments and Supplements to the Decree on the Transformation of the University of Maribor ("*Odlok o spremembah in dopolnitvah Odloka o preoblikovanju Univerze v Mariboru (OdPUM-B)*", 1996), the University of Maribor Library became the second institutional member of the University of Maribor.

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<sup>14</sup> In accordance with Article 24 of the Decree ("*Odlok o preoblikovanju Univerze v Mariboru*", 1994), the following new members of the University of Maribor were established: Faculty of Technical Sciences – Department of Electrical Engineering, Computer Science, and Informatics as the Faculty of Electrical Engineering and Computer Science; Faculty of Technical Sciences – Department of Civil Engineering as the Faculty of Civil Engineering; Faculty of Technical Sciences – Department of Chemical Engineering as the Faculty of Chemistry and Chemical Engineering and Faculty of Technical Sciences – Department of Mechanical Engineering as the Faculty of Mechanical Engineering.

By adopting the Decree on the Transformation of the University of Maribor (“Odlok o preoblikovanju Univerze v Mariboru (OdPUM-1)”, 2000), the University of Maribor had 19 members: 17 faculties and 2 other institutions, the University of Maribor Library and Student Dormitories. The adoption of “OdPUM-1” (2000) also defined the basic activities in accordance with the Regulation on the Introduction and Use of the Standard Classification of Activities, as well as study fields and examples of programmes classified according to the ISCED classification. This was extremely important for university funding and determining the study group factor for resource allocation after 2003. “OdPUM-1” (2000) also specified the detailed composition of the University of Maribor Management Board and the ratio between different categories of representatives.

Since 2003, the University of Maribor has undergone several transformations and changes in the composition of its members. With the adoption of Decree on Amendments and Supplements to the Decree on the Transformation of the University of Maribor (“Odlok o spremembah in dopolnitvah Odloka o preoblikovanju Univerze v Mariboru (OdPUM-1A)”, 2003), two new members were added: Faculty of Criminal Justice and Security, transformed from the former affiliated member – the Higher Police and Security School – into a faculty of the University of Maribor, based in Ljubljana as well as the newly established Faculty of Medicine. With Decree on Amendments and Supplements to the Decree on the Transformation of the University of Maribor (“Odlok o spremembah in dopolnitvah Odloka o preoblikovanju Univerze v Mariboru (OdPUM-1B)”, 2004), a new member was established within the University of Maribor: the Faculty of Logistics, located outside Maribor (educational and research activities are carried out in Celje). In 2006, the Faculty of Education was reorganized, resulting in the creation of two new members: the Faculty of Arts and the Faculty of Natural Sciences and Mathematics (“Odlok o spremembah in dopolnitvah Odloka o preoblikovanju Univerze v Mariboru (OdPUM-1C)”, 2006).<sup>15</sup> With the development of new study programmes in nursing, the College of Health Care was transformed into the Faculty of Health Sciences, confirmed by the adoption of Decree on Amendments and Supplements to the Decree on the Transformation of the University of Maribor (“Odlok o spremembah in dopolnitvah Odloka o preoblikovanju Univerze v Mariboru (OdPUM-1D), 2006) in the National Assembly of the Republic of

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<sup>15</sup> Under “OdPUM-1C” (2006), at the initiative of the University Senate and the University Management Board, the name of the Faculty of Police and Security Studies was changed to the Faculty of Criminal Justice and Security.

Slovenia on December 20, 2006. In 2007, the University of Maribor established another member: the Faculty of Energy Technology, based in Krško with a branch in Brežice (“Odlok o spremembah in dopolnitvah Odloka o preoblikovanju Univerze v Mariboru (OdPUM-1E)”, 2007). In 2009, the Faculty of Tourism, based in Brežice, was added (“Odlok o spremembah in dopolnitvah Odloka o preoblikovanju Univerze v Mariboru (OdPUM-1G)”, 2009). With changes in study programmes and faculty development, two members changed their names: the Faculty of Agriculture became the Faculty of Agriculture and Life Sciences (“Odlok o spremembah in dopolnitvah Odloka o preoblikovanju Univerze v Mariboru (OdPUM-1F)”, 2009) and the Faculty of Civil Engineering became the Faculty of Civil Engineering, Transportation Engineering, and Architecture (“Odlok o spremembah in dopolnitvah Odloka o preoblikovanju Univerze v Mariboru (OdPUM-1H)”, 2015).

### **3.1 The University of Maribor Library and Its Role in the Development of Library Services**

The origins of the University of Maribor Library (Sl. *Univerzitetna knjižnica Maribor*, UKM) date back to 1903, when the library of the Historical Society for Slovenian Styria was established. At that time, Maribor’s intellectuals, led by dr. Franc Kovačič, laid the foundation for systematic collection and research of documents that testify to the history of Styrian Slovenes. In 1918, through a regulation on mandatory copies, the library secured the right to receive obligatory copies of all printed materials from the territory of Slovenia (“194. Naredba poverjeništvu za notranje zadeve”, 1918, cited in Hartman, 1978, p. 21), and its scope expanded to other fields of knowledge. Maribor’s municipal authorities responded to the expressed need for a public scientific library by adopting a statute in 1925, naming it the Study Library, with the Municipality of Maribor assuming responsibility for its management (Hartman, 1978).

The period between the two world wars and after World War II was marked by the work of Janko Glazer, initially a librarian and later the long-time director of the Study Library. The library’s professional growth was interrupted by World War II, which also affected its collection. A quarter of its pre-war holdings were lost forever. The library’s legal status was defined in 1945 by a regulation of the then Ministry of Education on the establishment of district study libraries for the Celje, Novo Mesto,

and Maribor districts. In 1946, the library was formally established, with funding shared between the Maribor district and the Ministry of Education. The regulation defined the library's local history function for the Maribor district, as well as its educational and scientific role. After several relocations, the library settled in 1952 in a building at the corner of Partizanska and Prešernova ulica in Maribor (Hartman, 1978).

The 1958 Statute of the Study Library defined the Study Library as the central scientific library for Maribor and its surroundings. Efforts to develop the Study Library into a higher education and later a university library began in 1959, alongside the development of higher education in Maribor. With the establishment of the Association of Higher Education Institutions in Maribor in 1961, the Study Library, as the only general scientific library in Maribor, became the central library for Maribor's higher education, assisting in the creation and organization of libraries for new higher education institutions. That same year, the District People's Committee stated in its founding decision that the Study Library was "primarily intended to meet the needs of junior colleges and colleges in Maribor" (Sapač, 2003, p. 38), and in 1964, transferred founding rights to the Association of Higher Education Institutions in Maribor, further strengthening its ties to higher education institutions. Two-thirds of the library's budget was covered by the Education Fund of the Republic of Slovenia, and one-third by the District People's Committee (Sapač, 2003). During this period, the Study Library was both a public library for the Maribor area and the central library for Maribor's higher education institutions (Sapač, 2003, p. 39). In 1964, the library adopted a statute that established it as an independent institution (Sapač, 2003), formalizing its organizational structure to reflect its expanded activities. It was the central library of the higher education institutions in Maribor. From 1972, under the Mandatory Deposit Act ("Zakon o obveznem pošiljanju tiskov", 1972), the library became the recipient of obligatory and archival copies of Slovenian publications, cementing its archival role. Its readership also evolved, with the share of students and teachers from Maribor's higher education institutions steadily increasing since 1962.

In 1970, the library was renamed "the Academic and Study Library in Maribor, with the approval of the Association of Higher Education Institutions in Maribor and the Maribor Municipal Assembly" (Sapač, 2003, p. 40). This renaming was merely a formal confirmation of the role the library had played since 1959. "In 1972, the

library's funding was fully taken over by the Slovenian Education Community, while its local history activities were financed by the Maribor Cultural Community" (Sapač, 2003, p. 39).

The Academic and Study Library in Maribor also participated in the process of establishing the University of Maribor. On June 12, 1975, it signed the Self-Management Agreement on the Merger into the University of Maribor as an equal co-founder alongside six higher education institutions. The agreement was signed on behalf of the library by its then director, Bruno Hartman, and Zlata Kert. After the university's establishment in 1975, the library was renamed the University of Maribor Library (hereinafter: UKM) (Sapač, 2003).

UKM became the central university library, a scientific library for the wider region, a local history library for Maribor and its surroundings, and an archival library for materials from Slovenia. Following international models, UKM aimed to integrate Maribor's academic library activities into an efficient system. Initially, there was an idea for the library to "centrally manage all library matters" (Sapač, 2003, p. 40), but higher education institutions established their own libraries. In 1974, Bruno Hartman prepared the Project for the Higher Education Library System in Maribor (Hartman, 1974), which led to the signing of a self-management agreement in 1977 to establish the Library-Documentation-Information System of the University of Maribor, forming the basis for rational and developmental prospects of academic librarianship in Maribor (Hartman, 1978). This framework also included efforts to build a new UKM building, which was completed in 1988. The grand opening took place on November 25, 1988. The building comprised seven floors with a total area of 11,519 square meters, designed by architect Branko Kocmut, with interior design by Mirko Zdovc (Rajh, 1993).

Located next to the University of Maribor building, the library forms part of the university centre. Many Maribor residents still remember the symbolic relocation of library materials through a "human chain", involving more than 1,000 citizens, who helped move the collection from Prešernova ulica to the new building on Gospejna ulica (Rajh, 1993). In 1982, the library began introducing information technology (Sapač, 1993). A project for automated lending was developed, and based on this, the University Computer Centre (later the Institute of Information Science – IZUM) prepared the first version of computer programmes in collaboration with UKM

librarians. UKM thus became the first library in Slovenia to implement computer-supported lending (Sapač, 1993). Other computer-supported activities followed, including the bibliographic record system for research work at the University of Maribor, later integrated into the cooperative online bibliographic system and services COBISS. By 1987, the library began offering electronic resources.

With the amendment of the decree (“OdPUM-B”, 1996), the University of Maribor Library officially became part of the University of Maribor, formalizing its legal status and continuing the development path it had pursued since 1959. The great importance of the library also derives from the Statute of the University of Maribor (“Statut Univerze v Mariboru”, 2001, p. 13), which contains the following provision: “The University of Maribor Library, as the central university library, provides IT support to educational, research and artistic work conducted at the University. In addition, it coordinates library and information services, the procurement of library and information material and interlibrary loan, compiles the bibliography of the University, educates users about the library material and provides information required for research or professional work also to other users /.../.”

In addition to its “university role,” UKM is also important for other activities. As an archival library, UKM preserves mandatory and archival copies of library materials from the territory of the Republic of Slovenia. As a local history library, it collects, documents, and provides local history materials for the city of Maribor and its wider surroundings. According to the Library Act (“Zakon o knjižničarstvu (ZKnj-1)”, 2001) and the Act on the Realization of the Public Interest in Culture (“Zakon o uresničevanju javnega interesa za kulturo (ZUJIK)”, 2002), UKM is the main academic library, performing tasks within the public service defined in Article 2 of the “ZKnj-1” (2001) and fulfilling the responsibilities of higher education libraries, including coordinating library activities at the University of Maribor. Today, library activities at the University of Maribor are carried out by UKM and 12 member libraries of the University of Maribor, which operate as a unified system, with UKM ensuring their coordination and unified functioning.

## **4 The Constitutional Principle of University Autonomy – A View on Decisions of the Constitutional Court and the Importance of the Principle of Autonomy for the University of Maribor**

The rights to free education and university autonomy are regulated in the section of the Constitution of the Republic of Slovenia (“URS”, 1991) that governs human rights. Article 58 of the Constitution guarantees universities and higher education institutions substantive and financial autonomy and, under the heading “Autonomy of Universities and Other Higher Education Institutions,” stipulates: “State universities and state higher education institutions are autonomous. The manner of their financing shall be regulated by law.” (“URS”, 1991) Autonomy means the right of universities to regulate their academic, administrative, and financial matters independently, without direct interference from the state. During the transition to a new social reality after Slovenia’s independence, the content of the right to autonomy was subject to review by the Constitutional Court of the Republic of Slovenia, which will be explained further below.

### **4.1 The Role of the Constitutional Court of the Republic of Slovenia in Safeguarding University Autonomy**

The initial precedent-setting decision was adopted in 1998, at the very beginning of building a new legal order and defining the position of universities as institutions of tertiary education, independent of political structures (Ustavno sodišče Republike Slovenije, 1998). The decision laid the foundations for the autonomy of state universities. The Constitutional Court emphasized that universities must enjoy autonomy in organizational and academic matters; however, this autonomy does not mean complete independence of individual faculties or academies.<sup>16</sup>

The Constitutional Court of the Republic of Slovenia (Ustavno sodišče Republike Slovenije, 1998) set out the following fundamental principles and positions (emphasis by R. K.):

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<sup>16</sup> The absence of autonomy at that time was reflected in the inability to have their own rules on appointments and habilitations, study regimes, self-organization, and so forth.

24. To understand the concept of **autonomy**, an important document [...] is also the “Magna Charta” of European universities, adopted in Bologna in September 1988. Two principles are particularly relevant to the case under consideration:

- that the university must be morally and scientifically independent in its research and teaching activities in relation to any political and economic power [...]; and
- that the fundamental principle in the life of universities is the freedom of research, teaching, and education; respect for this principle must be ensured and implemented by both public authorities and the university, each within its own competences [...].

25. The Constitution uses the terms “autonomy” and “autonomous” only in Article 58 and its title. Otherwise, autonomy is not a concept with a clearly defined legal content. Therefore, it must first be interpreted by its meaning [...].

26. University autonomy [...] means that the university decides on its own affairs. However, such a general statement is too vague to serve as a criterion for determining which issues the university should decide about on its own. **The provided definition of the content of the concept of autonomy is too general for at least two reasons.**

27. To speak of university autonomy and for it to function autonomously, the university as a legal entity must first come into existence. The establishment and continued existence of a state university as a legal entity **must be ensured by the state**: such an obligation arises from the third paragraph of Article 57 of the Constitution, from Article 58, which refers to state universities, and from Article 59 [...].

28. Secondly, the university, like any social subsystem, is so closely connected with other social subsystems that there are almost no issues that concern only the university; on the other hand, there are many issues that at first glance belong to other subsystems but can significantly affect the position of universities.

A completely autonomous social subsystem is an internally contradictory concept: if it is completely autonomous, it is no longer social and not a subsystem.

29. **Autonomy is a certain free field of activity**, available only to the “members” (elements) of the subsystem and into which other social factors outside the subsystem cannot intrude [...]. **Social changes have led to greater mutual dependence between science and the social environment. Meaningful and functional governance in the field of science can only be achieved by replacing (complete) sectoral autonomy with greater participation of holders of this autonomy in the decision-making process.** [...]

30. The content of the constitutional right can only be properly interpreted by taking into account the actual circumstances in which this right is exercised. **In this way, university autonomy can be understood primarily as the autonomy of professors to research and teach autonomously (independently), without restrictions and pressures. The state materially regulates relations that it, as a public authority (legislator), can and must regulate for the functioning of both state**

**and private universities** [...] Autonomy therefore does not only mean the legally guaranteed possibility for the university to adopt its statute and other acts, but also **obliges the state to delineate the field of complete autonomy from the field of public interest and, in regulating higher education, to define the fundamental status-related, personnel, managerial, and financial frameworks for the functioning of state universities, to regulate the basic relations between subjects within the university, and the role of the public in university governance and oversight of its functioning.** [...]

Point 30 of the decision (Ustavno sodišče Republike Slovenije, 1998) contains the key elements of university autonomy. Furthermore, Decision U-I-156/08 from 2011 is also important, as it relates to the issue of university funding. The Constitutional Court of the Republic of Slovenia (Ustavno sodišče Republike Slovenije, 2011) found that university funding was regulated by secondary legislation instead of by law, as required by the second paragraph of Article 58 of the Constitution of the Republic of Slovenia (Ustavno sodišče Republike Slovenije, 1991). It added that this was also contrary to the constitutional principle of the rule of law. The Constitutional Court of the Republic of Slovenia decided that the issue of university funding must be precisely defined by law and not left to the discretion of the executive authority. In 2021, Decision U-I-163/16 further strengthened the constitutional protection of university autonomy. The Constitutional Court of the Republic of Slovenia (Ustavno sodišče Republike Slovenije, 2021) found the unconstitutionality of Article 10 of the “ZViS” (2012) because it did not clearly define the rules on the legal status of university members. This decision closely aligns with the first mentioned decision (Ustavno sodišče Republike Slovenije, 1998) regarding the definition of substantive autonomy.

#### **4.2 The Importance of the Development of the Constitutional Right to University Autonomy for the University of Maribor**

As a state university, the University of Maribor is a direct beneficiary of the constitutional right to autonomy (Article 58, “URS”, 1991), which is also an important aspect of the right to free education. Autonomy is crucial for the development of scientific and pedagogical work. The need for the Constitutional Court decisions (Ustavno sodišče Republike Slovenije, 1998, 2011, 2021) also indicates that state universities, including the University of Maribor, faced challenges related to governance and funding policies, namely, the influence of political authorities. All three decisions had significant implications for the University of Maribor.

The Constitutional Court first addressed the issue of the legal status of universities and their members in Decision U-I-34/94 (Ustavno sodišče Republike Slovenije, 1998). Among other things, it found the unconstitutionality of the then-valid Higher Education Act (“ZViS”, 1993), which stipulated that university members were also autonomous. The legislature responded to this decision of the Constitutional Court of the Republic of Slovenia (Ustavno sodišče Republike Slovenije, 1998) by adopting amendments to the Act in 1999 (“Zakon o spremembah in dopolnitvah zakona o visokem šolstvu (ZViS-A)”), but unfortunately, it only remedied the unconstitutionality regarding autonomy and not the one that the Constitutional Court of the Republic of Slovenia (Ustavno sodišče Republike Slovenije, 1998) found in relation to the legal status of the university and its members. Since Article 10 of “ZViS” (2012) did not define the legal status of university members clearly and unambiguously, the required conduct of universities was not predictable. Therefore, the Court of Audit of the Republic of Slovenia requested further intervention from the Constitutional Court of the Republic of Slovenia years later (in 2016). The Court of Audit of the RS found that the statutory regulation of the legal status of university members differed among the three public universities in the Republic of Slovenia (members of the University of Ljubljana had legal personality, while members of the University of Maribor and the University of Primorska did not). Ordinary courts, despite previous findings of the Constitutional Court of RS on the ambiguity of Article 10 of “ZViS” (2012), adopted the position that only the university itself is a legal entity, but that university members could be granted the capacity to be a party in proceedings concerning their market activities. Such unclear statutory provisions, which allowed university members to acquire legal personality, created numerous practical problems. The inconsistency was evident even in court register entries, as only members of the University of Ljubljana could be registered as independent legal entities.

Therefore, regarding Decision U-I-163/16, the Constitutional Court of RS (Ustavno sodišče Republike Slovenije, 2021) explained that the principle of clarity and determinacy of regulations requires that norms be defined clearly and precisely so that they can be implemented, do not allow arbitrary conduct, and unambiguously define the legal position of the subjects to which they apply. It further clarified that university autonomy in regulating the status of its members is limited and that the university cannot regulate this issue independently; it must be defined by law. Since Article 10 did not clearly and unambiguously define the legal status of university

members in a way that would make the required conduct predictable, the Constitutional Court of the RS found that the provision was inconsistent with the principle of clarity and determinacy of regulations under Article 2 of the Constitution of the Republic of Slovenia. Nevertheless, the Constitutional Court of RS did not annul the provision, as its annulment would have left certain issues regarding the legal position of university members completely unregulated, causing even greater unconstitutionality. The University of Maribor had already followed the original reasoning of the Constitutional Court of RS. Its internal organization was therefore consistent with the concept of a single autonomous institution even before this decision.

Decision U-I-156/08 (Ustavno sodišče Republike Slovenije, 2011) had direct positive consequences for the funding of the University of Maribor. The requirement to strictly follow the Constitution of the Republic of Slovenia and define university funding through clear statutory rules, rather than leaving it to the executive authority and secondary legislation, ended a long-standing unconstitutional practice in which universities were constantly dependent on the will of the government. Without statutory regulation of funding, arbitrariness in the allocation of resources is possible, leading to unpredictability and hindering long-term planning of university operations.<sup>17</sup> This is particularly important for the University of Maribor, which, although not located in the capital, must operate in an environment where stable and fair funding is crucial for its competitiveness and development.

The Constitutional Court of RS was thus first faced with the interpretation of the concept of university autonomy, which, under the new legal order, also meant a different response to social reality. Before independence, the system was dominated

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<sup>17</sup> The second paragraph of Article 58 of the Constitution of the Republic of Slovenia requires the state to regulate the manner of funding state universities by law. "ZViS" did not regulate the content of the funding method. Universities could not predict their funding position based on the law. The Constitutional Court of RS therefore decided that paragraphs 1–3 and paragraph 5 of Article 73 of ZViS were inconsistent with the second paragraph of Article 58 of the Constitution of the Republic of Slovenia ("URS", 1991). Since ZViS did not set funding criteria as a statutory framework for detailed regulation by secondary legislation, paragraph 4 of Article 73 of ZViS amounted only to a blank authorization for the executive branch to determine the funding method independently, which was also inconsistent with the second paragraph of Article 58 of the Constitution of the Republic of Slovenia ("URS", 1991). The government issued the regulation on public funding formally based on statutory authorization, but without substantive dependence on ZViS. By regulating the matter originally (and not by law), the entire then-valid Regulation on Public Funding of Higher Education Institutions and Other Institutions ("Uredba o javnem financiranju visokošolskih zavodov in drugih zavodov", 2017) was inconsistent with the second paragraph of Article 58 of the Constitution of the Republic of Slovenia (Ustavno sodišče Republike Slovenije, 1991).

by one-party rule, which certainly did not support the development of university autonomy. Autonomy, as a central and necessary precondition for the functioning of truly free universities, was highlighted as a fundamental value of Article 58 of the Constitution of the Republic of Slovenia (“URS”, 1991). Especially with Decision U-I-34/94 (Ustavno sodišče Republike Slovenije, 1998), university autonomy was placed on a pedestal, while the other two decisions (Ustavno sodišče Republike Slovenije, 2011, 2021) significantly strengthened it. The scientific and pedagogical component of autonomy cannot mean that universities entirely decide on their position and mode of operation and that they are not obliged to respect the Constitution and laws. However, it importantly means that the content of the constitutional right under Article 58 of the Constitution of the Republic of Slovenia (Ustavno sodišče Republike Slovenije, 1991) can be understood primarily as the autonomy of the academic environment, allowing its members to research and teach autonomously (independently), without restrictions and pressures. This is also a necessary precondition for a free society. The then-valid Higher Education Act (“ZViS”, 2012) did not give full weight to autonomy. The Constitutional Court of the Republic of Slovenia (Ustavno sodišče Republike Slovenije, 2021) therefore provided important substance to the principle of autonomy, within which universities can now operate more freely.

An even tougher issue than the content itself was university funding. Despite numerous calls from universities for the legislature to regulate it at the statutory level, intervention by the Constitutional Court of RS (Ustavno sodišče Republike Slovenije, 2011, 2021) was necessary. The absence of statutory regulation of funding allowed the executive branch to maintain a state of uncertainty, in which universities were *de facto* subordinated to political will. There is a significant difference between funding being a matter decided by the executive branch at one of its Thursday sessions (perhaps even a correspondence session) and funding being agreed upon in parliament (by law), where, under democratic decision-making conditions, the coalition and opposition regulate such an important issue for the long term, thus enabling a stable operating environment independent of any (new) government. We recall situations when, even at the beginning of the academic year, the university did not know how it would be funded for the current academic year or how it would implement its study programme. A system that allowed each government to change funding turned already difficult long-term planning into a situation where even planning for the current academic year was difficult or impossible.

These constitutional aspects and decisions of the Constitutional Court of RS (Ustavno sodišče Republike Slovenije, 2011, 2021) reflect efforts toward autonomy – both directly in substance and indirectly in financial terms. Both reflections are important. The Constitutional Court of RS contributed to an understanding of the principle of university autonomy<sup>18</sup> that enables universities to operate independently of state structures, with freedom of teaching and research, which enriches society and is a necessary condition for its progress.

## 5 Conclusion

In the 1950s, the People's Republic of Slovenia (LRS) did not have a statutory system regulating higher education. The first law to systematically regulate higher education was the Higher Education Act of the People's Republic of Slovenia ("Zakon o visokem šolstvu v Ljudski republiki Sloveniji", 1960). Since LRS was renamed the Socialist Republic of Slovenia (SRS) in 1963, a second Higher Education Act ("Zakon o visokem šolstvu", 1965) was adopted in 1965, which required mandatory verification of higher education institutions.

The legal basis for establishing the University of Maribor was the signing of the Self-Management Agreement on the Merger into the University of Maribor ("Samoupravni sporazum o združitvi v Univerzo v Mariboru", 1975). The signing took place on June 12, 1975, in the presence of representatives of state and local authorities. On July 2, 1975, the Assembly of the SRS confirmed the establishment of the University of Maribor by adopting the Decree on the Confirmation of the Self-Management Agreement on the Merger into the University of Maribor ("Odlok o potrditvi samoupravnega sporazuma o združitvi v Univerzo v Mariboru", 1975). The Council of the Association officially declared the establishment of the University of Maribor on July 3, 1975. The ceremonial proclamation of the establishment of the University of Maribor and the ceremonial signing of the Self-

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<sup>18</sup> In case U-I-112/19, the Constitutional Court of RS (Ustavno sodišče Republike Slovenije, 2022) was faced with the question of whether the principle applies not only to state universities but also to private universities – concessionaires. Unfortunately, due to an amendment to "ZViS" (2021), the case ended with a procedural dismissal, and the Constitutional Court of RS lost the opportunity for a substantive decision. The provision that the Constitution of the Republic of Slovenia guarantees autonomy to state universities, but not to non-state (private) universities and higher education institutions, was explained by the Constitutional Court of RS (Ustavno sodišče RS, 1998) in U-I-35/94, considering the fact that, conceptually, only founders can intervene in the operation of private-law entities in accordance with the rules they have adopted or agreed upon, and the state as an authority. Founders define whether a university or higher education institution is private or state. This position has not yet been subject to new review in circumstances where concessionaires are funded with public resources.

Management Agreement on the Merger took place on September 18, 1975, which is also celebrated as the University of Maribor Day.

Since its establishment in 1975, the process of status organization and operation of the University of Maribor and its faculties has been carried out in accordance with the provisions of the “ZVS” (1975). The development of new study programmes and the needs of the environment were the reasons for transforming higher education work organizations, which were merged into the University of Maribor, from colleges into faculties. The activities of the University of Maribor Library and student accommodation capacities provided by Student Dormitories also expanded. The University of Maribor has undergone several transformations since its establishment, changing the composition of its members, establishing new members, and incorporating the Faculty of Criminal Justice and Security. The University of Maribor Library has also developed, becoming a scientific library for a wider region, a local history library for Maribor and its surroundings, and an archival library for materials from Slovenia.

The functioning of the University of Maribor has been influenced by the constitutional right to autonomy, which is also an important aspect of free education. Autonomy is crucial for the development of scientific and pedagogical work, and the decisions of the Constitutional Court of the Republic of Slovenia determine the direction of its functioning and organization.

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