

# Slovenian Spatial Legislation over Time and Its Issues

Andreja Benko

**Abstract**—Article presents a short overview of the architects' profession over time with outlined work of the architectural theoreticians.

In the continuation is described a former affiliation of Slovenia as well as the spatial planning documents that were in use until the Slovenia joint Yugoslavia (last part in 1919). This legislation from former Austro-Hungarian monarchy was valid almost until 1950 in some parts of Yugoslavia even longer. Upon that will be mentioned some valid Slovenian spatial documents which will be compared with the German legislation.

Analyzed will be the number of architect and spatial planners in Slovenia and also their number upon certain region in Slovenia. Based on that will be given also the number from statistical office of Slovenia of the number of buildings between years 2007 and 2012, and described also the collapse of the major construction companies in Slovenia and consequences of that.

At the end will be outlined the morality and ethics by spatial interventions and lack of the architectural law in Slovenia as well as the problematic of minimal collaboration between the Ministry of infrastructure and spatial planning with the profession.

**Keywords**—Architect, history, legislation, Slovenia.

## I. INTRODUCTION

IN this article, we will focus on the situation and on the position of the architecture, architects and spatial legislation in Slovenia. The position of the profession did with time decrease and that is why will be done a short overview of the position of architect over time, on basis of which, we will be able to focus also on the current situation, also on the basis of analyses and of the experiences from own praxis.

Proposed will be the new position of the architect, which will include participation in the planning of the user space and on the other hand on legislative authority. It will be also highlighted, that the profession should be a key link between the legislature and the general public.

### A. The Position of the Architect in the Past

The position of the architect in the society was well researched by the architectural theoreticians as well as by the historians, as architecture is interesting profession that combines technical and artistic profession (where output or final product is useful). In Slovenia, the architectural theoretician Fedja Kosir (2006) did a review on the position of the architect and architecture in his work *K arhitekturi/Towards architecture* [1]: The prefix *arhós* is eminent: “*arhé*” means essence, the original form, the essence perhaps even the soul... In the word architect, we feel the individuum: the personality of the expert.

By the meaning of Kosir, is the status of the architect in the

Roman antique is not stabilised, although the Varro and Cicero have the architecture for something more distinguished. The Christian middle age, consolidates the division into seven arts, among which is the most important philosophy. But unlike the seven liberal arts, another seven mechanical arts were added. Architect at that time, despite his qualifications is a “respectable” craftsman, but still only a craftsman. In the Renaissance, in the church of Santa Croce, are firstly shown three types of Michelangelo's works, including architecture. We can assume that the crucial moment, when the architect was no more considered only as the craftsmen, was probably when architects started to construct churches, but at the same time they painted interior decoration (the fresco) of the church. That probably showed, that architect is also an artist. Architecture as a separate branch has from that point on evolved and posed as well as defined many artistic styles, including the later - Parametricism, the “founder” of which is Patrik Schumacher, partner in Zaha Hadid architectural bureau [2].



Fig. 1 The statue of Gudea, of the state of Lagash in Southern Mesopotamia, around 2120 b.C. [3]

The other book, which consists of two volumes and fully concentrates in this theme is *Der Architect*, author Winfried Nerdinger with other co-authors [4]. The books were accompanied by an excellent overview exhibition eponymous of the profession in Munich in 2013. Nerdinger also follows the development of the profession of architect. In his work we can find the description of position of architect, his obligations

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and work from Egypt on. He deals with the historical facts and with the different directions in architecture (theory of architecture, history, practice etc) as well as with the different status of the architect all over the world, Figs. 1, 2.



Fig. 2 Imhotep around 600-400 b.c. [5]

The profession of the architect is outlined also by the philosopher Martin Buber (1906-1912) in his theoretical work about the society (*Die Gessellschaft - Sammlung sozialpsychologischer Monographien*) [6], where he exposed the architectural profession as one of the four key occupations, which are necessary for the existence of society (among doctors, engineers and writers).

Apparently the architects' work was interesting and important also for the wider public, as already in the year 1933 it was published a smaller publication in Slovenian language (actually a translation from German language) with the title "What is an architect?" (and not who is an architect). This was a work of Artur Grünberger, Czech architect of the Jewish faith [7]. In this small book was in non-technical and easy to read language (dialog between two friends) described to the general public the profession of architect, its intrinsic features and responsibilities.

A short outline of the interesting parts of the works was highlighted, for the synthesis of the position of the architect in past, on which basis we can define, that in the past the profession was much more appreciated, respected, responsible and ambitious.

In the sphere of designing and planning procedure, the legislation has a great influence. Legislation defines many important parameters, but also takes into account the realities of the environment and natural and cultural heritage as well as the well-being of the user. In most cases is the problem that people who write the acts and rules, do not have experiences from architecture or spatial planning, what is actually important. And because of that are necessary so many changes of legislation, especially at the beginning of validation; when

things written do not work in practice.

In the article will be described the profession of architect, legislation and influence of it on the work of the architect or urban planner.

### *B. Legislation before 20<sup>th</sup> Century*

In past (until 1918), Slovenia was under Austro-Hungarian supremacy. At that time, the spatial acts and laws practically did not exist; but there existed laws about construction of buildings and about the use of safe materials in the construction. In the west part of Slovenia was in use Building code for the Duchy of Carniola (*Bauordnung für das Herzogthum Krain*) [8] from year 1875, on the western part (seaside) Code for Austro-Illyrian Coast (*Zakonik in ukaznik za Avstrijsko-Ilirsko Primorje*) [9] from year 1886 and for the eastern part were the Rules for the building construction in *Železna Zupanija* from year 1879 (*Pravila Železne Zupanije glede stavb in javne cistice*) [10], seen in Fig. 3.



Fig. 3 Influence of legislation in past in Slovenia

Increasing need for spatial laws and spatial interventions was revealed after separation from Yugoslavia, when Slovenia started to write and make their own laws and regulations. The regulations are mostly based on the German legislation, but the problem in Slovenia is in disrespect of it and in different interpretation of it.

## II. METHOD

The main focus in this article is set on Slovenia. Used method for the article was historical descriptive method, for the acquisition of existing material to analyze the situation in the past and present.

The descriptive method was used for description of current situation and problematic. In last part there is used the method of comparison and comparative method for analysis.

Comparison of legislation was in some parts made with the selected German laws and spatial legislation, which in practice often serves as a base for foreign legislation, including the Slovenian.

## III. RESULTS AND DISCUSSION

The architect is an expert in the designing of architecture, urban planner in the field of spatial planning. He has acquired a basic knowledge of the designing on some college and the knowledge that he got in practice; and proved it before the committee on a professional examination.

In Slovenia, based upon the facts of number of degrees on Faculty of architecture, University of Ljubljana, we can see the number of architects and urban planners (as up until year 2012 there was no separated study of urbanism). The total number of degrees between years 1970 and 2013 is 2827, as seen in Fig. 4; in this number are not considered the architects that got their degree in other faculties abroad.

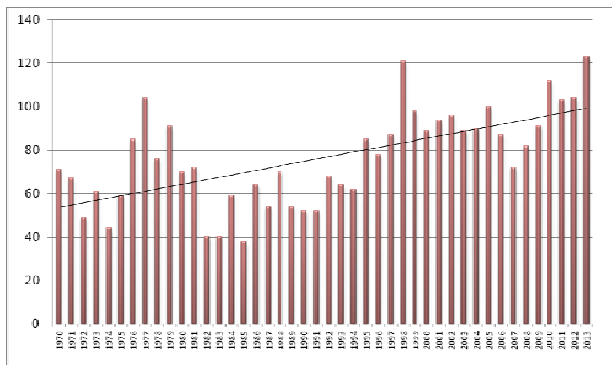


Fig. 4 Number of diplomas per year in Slovenian Faculty of architecture in Ljubljana

That means, that based upon the number of Slovenian citizens (2.061.015 [11]), we can say, that on 1000 people, we have 1.37 qualified architects, from which almost half of them – 1408 (0.68), has also the “professional exam”, a license for autonomous designing (they are listed in the directory of licensed architects of Chamber of architecture and spatial planning of Slovenia [12]). That is quite a lot, considering the number of Slovenians.

We can just analyze that a bit on the construction of single-family houses, as this is the most common type of building in Slovenia. If we take the number of family households (450.262 in 2012) and we divide it with the number of Slovenian architects, we get the number 159 households or project per architect in his 40 years of career (that is about 4 projects per year). Of course that number is correct, if all of these households would actually build their own home once in their lifetime.

In Fig. 5 can be seen how the number of architects differs from the region where they work. The biggest density is in the central region, with capital town – Ljubljana, what was actually expected, although the population in Slovenia is not concentrated only in central area. We can assume that this is the result of main idea, that the bureau gets noticed and gets more work, if the company is established in capital town.

In other European countries, the number of architect differs. Taking into consideration again Germany, the number is even higher – per capita they have 1.2 architects per 1000 population [13]; but they have also significantly higher average salary, as well as GDP. The average salary in Slovenia in year 2012 was 18,306.20€/year (bruto) and in Germany 28,952.00€/year (bruto). In the same year the GDP per capita in Germany was 32,600€ and in Slovenia almost half 17,200€. That shows a smaller area of investment, lower purchasing power, and also lower income for the architects.

That is even worse from the start of the economic crisis in 2008, what can be seen in Fig. 6.

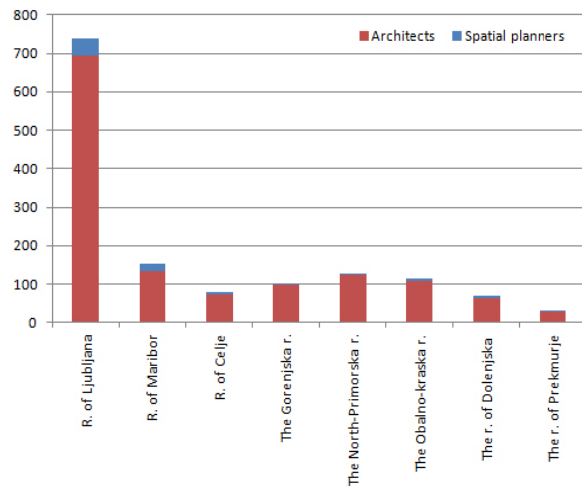


Fig. 5 Number of licensed architects per region in Slovenia

The number of investment in the real estate did fall, but still bigger fall is seen by the legal persons.

Investment in real-estate fell drastically – from the Fig. 6 it can also be seen that the fall of investments was in residential architecture as well as in non-residential architecture, although the fall in relation with Fig. 6, is bigger in residential architecture. The main difference between figures is that parameters in Fig. 7 show total built area for dwelling purpose (including blocks, multi-dwelling units etc.).

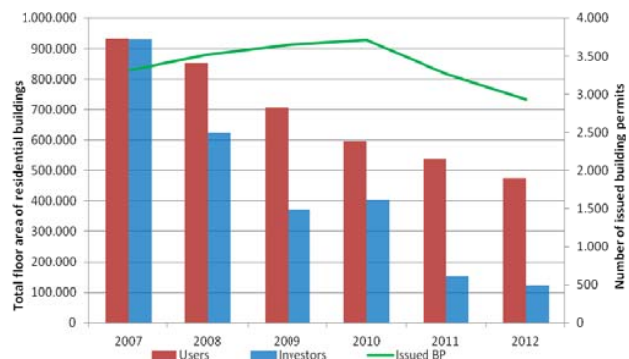


Fig. 6 Fall of the investments in single family houses, from year 2007

Before the economic crisis, the planned large-scale constructions in the field of residential construction (neighborhoods) were planned. Between 2011 and 2013 the companies (three major), which built these object, collapsed. The result are many unfinished buildings and, of course, the fall, seen from the Fig. 7 [14].

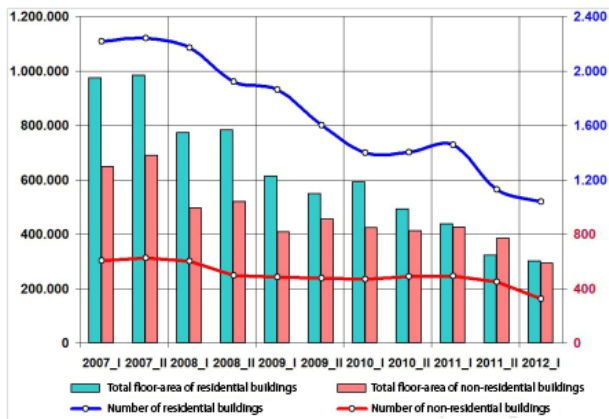


Fig. 7 Fall of the investments in real-estate, from year 2007

Collapse of major construction companies, also left a negative implications. Many of construction sites on good locations are still unfinished and dangerous or in worst case even a litter of crime, Fig. 8.



Fig. 8 Abandoned construction site in Ljubljana [15]

We know that architects interventions in space are public. After the start of economical crises in 2008 is power of capital (money) even bigger and consequence is reduced power of disciplines that deal with space to such extent that their impact on the processes of spatial planning is minimal to faint. The problem now is that architects do not have enough of work (earnings) so they struggle for any kind of project which would bring them the money.

After more than twenty years (since Slovenian independence) of inadequate understanding and realizing the role of the architectural and engineering profession for effective and generally beneficial development, were clearly demonstrated the disastrous consequences of politics - to satisfy short-term individual interests - in the general form of a deep social crisis and total failure in development - including real estate. This can be seen from the current situation in architectural landscape; Investors/money got an enormous role and unfortunately in many cases last word [16].

In Slovenia, currently valid spatial laws are Spatial Planning Act [17], Spatial Management Act [18], and Construction Act [19], special Rules for certain field etc. Architects work mostly upon decrees of implementing

national spatial plans, regional spatial plans (that are actually not really done), municipal spatial plans and municipal detailed spatial plans. Contrary to Slovenia, which is a young country, Germany has a longer tradition in the preparation of spatial planning legislation, as well as the defined the scope of the individual's responsibilities in spatial planning. It is important to mention also, that most of the Germanys' regions (Bundesländer) have their own building act, spatial planning acts, code of ethics for architects and professions' act.

In every act in Slovenia, is written, that participation of people (public) is necessary and very welcome to the urban planners and designers. Although architect Giancarlo de Carlo [20], says, that participation in the beginning was authentic. And then it became the instrument of politics and in many cases it was misused. Rachel Luck [21], says it different: "While it is acknowledged that learning is a two-way process: that the participants will learn more about design and the purpose of an event, to have a better understanding of their situation, while the designers learn about the participants' situation." At the end of 20<sup>th</sup> Century and in the beginning of 21<sup>st</sup> Century in Slovenia, the participation was really spreading. The planners and the municipalities organized various symposiums, consultations, workshops ... And in many cases they did get a good response and people were actively involved in planning of their new build environment. Now after some years – no one seems to care about the spatial interventions, although they can be really inappropriate. And the care for the built environment should be also on architects and spatial planners as this is written in Code of professional ethics of architects, landscape architects and spatial planners in introduction part:

- Architecture represents the cultural image of the country and the society, the nation's heritage and tangible cultural identity,
- Architectural creation is durable in time and space, and usually survives his designer, builder owner and users,
- Architectural creation largely determines the conditions for long-term life and stay and the impact on the environment and space,
- Architectural creation is based on a synthesis of aesthetic and ethical values and is therefore different from most other business services [22].

Our code can be compared with other ethical codes over the Europe, but the difference is in noticing it when planning or making a spatial intervention. The time has come to include the ethics in the practice and profession again.

#### IV. CONCLUSION

The theme of the article was focused on the legislation and work of the architect in the sphere of the planning in Slovenia. Exposed were some problematic in the cases of participation of the general public by the spatial interventions and the lack of the responsibilities by spatial interventions.

At this point it is also important to expose the deficit of Act of architectural and engineering profession of Slovenia. Although the draft of the act was made already in year 2006,

we still do not have it. Consequences are increasing every day - lack of responsible, thoughtful spatial interventions and degradation of the professions' impact. This area would be precisely defined by that kind of law which most of the European countries already have.

And it is quite important also for the engineers (as architects are also engineers) to have this law, as lays down the conditions, rules and work mainly defines the responsibilities of each actor in construction process. In comparison – in Germany Gesetz zur Regelung von Ingenieur- und Architektenleistungen [23] and Hoai (Honorarordnung für Architekten und Ingenieure) [24] also defines the architectural prices in Austria this is Ziviltechinkergesetz (HOA for prices) [25], and Hungary Experts law for designers and engineers, architects and professional associations [26].

Because of non-defining of the individual's responsibility in the construction procedure, current situation is far away from the ideal; people interpret spatial interventions at their own meaning, profession is not sufficiently active and at the same time mostly incoherent, even from the standpoint of evaluating their own work; the consequence is disloyalty to the profession and dumping prices. However, it should be mentioned that some of the individual relations between subjects is defined in the Construction act, some in Code of professional ethics, but there is not defined, for example criminal responsibility in the case that something goes wrong.

It is positive to conclude with positive experiences. Changes of legislation is in many cases dictated by practical experience (architectural and urban design), which directly points to the diverse issues. Therefore, we can point out the example of good praxis; when the legislative authority in Slovenia (Ministry of infrastructure and spatial planning) prepared and did open to the profession and invited us to actively participate in the preparation of new planning legislation. But still just around 20 architects (among 2827), replied, and were willing to help; although this is better than none.

#### REFERENCES

- [1] F. Kosir, *K arhitekturi: Razvoj arhitekturne teorije*. Fakulteta za arhitekturo, Univerza v Ljubljani, 2006.
- [2] P. Schumacher, *The autopoiesis of architecture, A new agenda for architecture*. Wiley, Great Britain, 2011.
- [3] Exhibition *Der architekt*. Photography: Domen Zupancic.
- [4] W. Nerdiner. et al, *Der Architekt. Band 1, 2*. Prestel, München, London, New York, 2012.
- [5] W. Nerdiner. et al, *Der Architekt. Band 1, 2*. Prestel, München, London, New York, 2012, pp. 20.
- [6] W. Nerdiner. et al, *Der Architekt. Band 1, 2*. Prestel, München, London, New York, 2012, pp. 7.
- [7] A. Grünberger, *Kaj je arhitekt? Pojasnilo o obsegu arhitektovega delovanja*. Jugoslovanska tiskarna v Ljubljani, Ljubljana, 1933.
- [8] *Building code for the Duchy of Carniola from 25.Oktobar 1875*. Ljubljana, Klein & Kovač, Selbstverlag.
- [9] Code for Austro-Illyrian Coast (Zakonik in ukaznik za avstrijsko-ilirsko Primorje), Trst, Tiskarna Avstr. Oger. Lloyd.
- [10] *Rules for the building construction in Zvezna zupaniya (Pravila Zvezne zupaniye glede stavb in javne cistoce)*. Archive PISK 5, Murska Sobot.
- [11] <http://www.stat.si/> <13.1.2014>.
- [12] [www.zaps.si](http://www.zaps.si/) <13.1.2014>.
- [13] <http://epp.eurostat.ec.europa.eu/> <13.1.2014>.
- [14] <http://www.stat.si/> <13.1.2014>.
- [15] Photography: Matej Leskovsek.
- [16] A. Benko, *Verantwortung im Raumplanung - Grenzen und Möglichkeiten*. In: *Signal* 2014/15, Pavelhaus, Laafeld, 2014.
- [17] <http://www.uradni-list.si/1/objava.jsp?urlid=200733&stevilka=1761> <16.1.2014>.
- [18] <http://www.uradni-list.si/1/objava.jsp?urlid=2002110&stevilka=5387> <16.1.2014>.
- [19] <http://www.coe.int/t/dg4/cultureheritage/heritage/cemat/compendium/ActSlovenia.pdf> <16.1.2014>.
- [20] M. Desman, *Uvodnik. V: Arhitektov bilten, Participacija*, 188-189, p. 4-5, 2011
- [21] R. Luck, *Learning to talk to users in participatory design situations*. In: *Design studies*, Volume 28, Issue 3. Str. 217-242, 2007.
- [22] <http://www.uradni-list.si/> <16.1.2014>.
- [23] [http://www.mlit.go.jp/kokudokeikaku/international/spw/general/germany/index\\_e.html](http://www.mlit.go.jp/kokudokeikaku/international/spw/general/germany/index_e.html) <16.1.2014>.
- [24] [http://www.hoi.de/online/HOAI\\_2013/HOAI\\_2013.php](http://www.hoi.de/online/HOAI_2013/HOAI_2013.php) <20.1.2014>.
- [25] <http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10012368> <20.1.2014>.
- [26] <http://www.gvh.hu/> <20.1.2014>.