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FROM PAPER TO PORTAL: THE SLOVENIAN COVL REFORM AND THE DIGITALISATION OF MASS ENFORCEMENT

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SUMMARY: This article analyses the Slovenian reform of enforcement proceedings based on trustworthy documents, centred on the creation of the Central Department for Trustworthy Documents (COVL). It demonstrates how centralisation, full digitalisation and procedural redesign transformed mass enforcement into a highly efficient, largely automated system, offering transferable design lessons for jurisdictions confronted with high volumes of uncontested debt claims.

KEYWORDS: judicial digitalisation; civil enforcement; uncontested claims; Slovenia; automation

SUMMARY: 1. INTRODUCTION.— 2. ENFORCEMENT BASED ON A TRUSTWORTHY DOCUMENT: A PROCEDURAL INNOVATION.— 3. THE SLOVENIAN FRAMEWORK AND THE PERSISTENCE OF THE TRUSTWORTHY DOCUMENT PROCEDURE.— 4. ENFORCEMENT BASED ON A TRUSTWORTHY DOCUMENT AS A GENERATOR OF COURT BACKLOGS.— 5. THE PROJECT OF SYSTEMIC REORGANISATION OF THE PROCEDURE FOR ISSUING ENFORCEMENT ORDERS.— 6. THE CENTRAL DEPARTMENT FOR TRUSTWORTHY DOCUMENTS (COVL).— 7. THE DIGITALISATION OF THE ISSUING PHASE.— 8. THE NORMATIVE FRAMEWORK OF THE REORGANISED PROCEDURE.— 9. CONCLUSION: WHAT THE SLOVENIAN COVL REFORM TEACHES ABOUT DIGITALISING MASS CIVIL JUSTICE.— BIBLIOGRAPHY.

1. INTRODUCTION

The increasing incorporation of digital technologies into civil justice systems has generated significant potential for reshaping the administration of

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high-volume, standardised procedures, although the extent to which this potential is realised in practice varies considerably across jurisdictions. One area in which this potential has been particularly visible is the judicial handling of uncontested monetary claims, where procedural standardisation and automation can substantially reduce institutional burdens.

This article examines the Slovenian reform of a summary judicial procedure for issuing enforcement orders on the basis of specific categories of documents—referred to in Slovenian law as *verodostojna listina* and translated here as "trustworthy documents". In this procedure, the court issues an enforcement order without prior adversarial proceedings, relying solely on the creditor's application and the indicated documentary basis; the order becomes final and enforceable unless the debtor lodges a timely objection. The analysis therefore concerns the judicial determination of enforceability, rather than the subsequent execution of enforcement measures. In practice, the procedure most commonly relies on invoices and extracts from business records, which makes it particularly amenable to standardised electronic filing and automated processing. The Slovenian case thus offers an instructive example of how a traditionally paper-based, court-centred model for issuing enforcement orders in uncontested cases has been reconfigured into a digitally mediated system capable of processing large volumes of claims. The analysis therefore concentrates on the issuing phase, while the execution phase, in which structural bottlenecks may persist, lies beyond the scope of the article.

Although enforcement based on trustworthy documents was incorporated into Slovenian law as part of the inherited procedural framework following the dissolution of the former Yugoslavia, the organisational and technological framework governing its operation underwent a profound shift only later. Prompted by severe court congestion and the mass volume of such cases, Slovenia introduced a comprehensive reform in 2008 centred on the creation of the Central Department for Trustworthy Documents (COVL). Through the centralisation of jurisdiction and the full digitalisation of filing, communication, and case management, the COVL reform transformed the issuing phase of enforcement orders from a fragmented, paper-intensive process into a largely automated, portal-based workflow.

This article draws on the Slovenian experience and selected efficiency indicators. It examines how digital infrastructure, procedural design, and institutional reorganisation interact in the large-scale issuance of enforcement orders based on trustworthy documents. The analysis proceeds in four steps. First, it situates enforcement based on a trustworthy document as a distinctive procedural innovation within the former Yugoslav tradition and explains its doctrinal logic and subsequent adaptation in Slovenian law (Sections 2 and 3). Secondly, it shows how this mechanism, when combined with mounting structural pressures and uneven organisational capacity, became a significant generator of court backlogs and prompted a reform strategy centred on centralisation and digitalisation (Section 4). Thirdly, it analyses the project of systemic reorganisation, including the establishment of the Central

Department for Trustworthy Documents (COVL), its organisational rationale, staffing structure, outsourcing arrangements, and procedural outcomes (Sections 5 and 6). Finally, it examines the digitalisation of the issuing phase and the accompanying normative framework, before drawing out the broader implications, design lessons, and trade-offs for jurisdictions considering the digitalisation of mass, documentation-based civil justice (Sections 7–9).

2. ENFORCEMENT BASED ON A TRUSTWORTHY DOCUMENT: A PROCEDURAL INNOVATION

Enforcement based on a trustworthy document represents a distinctive procedural mechanism developed within former Yugoslav procedural law, designed to facilitate the judicial handling of uncontested monetary claims. Its defining feature is that the court may issue an enforcement order on the basis of specified categories of documents, without prior adversarial proceedings. The order becomes final and enforceable if the debtor fails to lodge an objection within the statutory time limit; if an objection is filed, the dispute is transferred to ordinary civil litigation. The procedure thus operates as a summary and conditional pathway to enforceability, with full judicial scrutiny deferred unless triggered by the debtor[1].

The legislative rationale underlying this mechanism was to avoid the need for full-scale civil litigation—often lengthy and resource-intensive—in cases where the existence of the claim was not genuinely disputed[2]. By allowing creditors in possession of a statutorily defined document to seek an enforcement order directly, the procedure aimed to reduce institutional burdens while preserving the debtor's right to contest the claim through a timely objection.

Historically, the procedure emerged as a development within former Yugoslav enforcement law. Its initial formulation under the Enforcement Procedure Act of 1978 was relatively narrow and conceptually imprecise. A more coherent design was introduced by the 1990 legislative amendment, which clarified the procedural structure and expanded the range of documents on which the procedure could be based. While originally limited to invoices, bills of exchange, and cheques, the catalogue of "trustworthy documents" was extended to include public documents, extracts from certified business records, and statutorily authenticated private documents.

At the time this mechanism was conceived, the evidentiary assumptions underpinning it were shaped by the technological and economic context in which it operated. The production and circulation of documents such as invoices or certified business records were comparatively costly and administratively demanding, which contributed to their perceived reliability as

[1] Bratković (2015, p. 1026).
[2] Uzelac and Bratković (2015).

indicators of an uncontested claim. This context helps to explain why the legislator was prepared to attach significant procedural consequences to the mere indication of such documents. Advances in information technology and the ease of document generation in contemporary practice have since altered this background assumption.

Conceptually, the mechanism drew inspiration from the documentary payment order procedure[3]. Under that model, the court issues a payment order on the basis of documentary evidence and without prior adversarial proceedings, subject to the debtor's right to object. The Yugoslav legislator went one step further by integrating this logic directly into enforcement law: a single judicial act combined a conditional payment order with a conditional enforcement order, both of which became unconditional and final in the absence of an objection.

Within the broader system of enforcement law, trustworthy documents thereby acquired—albeit conditionally—the function of enforcement titles (*tituli executionis*). Their role as a basis for enforcement was nevertheless initially subject to significant limitations. Under the 1978 regime, enforcement based on a trustworthy document was confined to due monetary claims between organisations engaged in economic activity. The 1990 reform relaxed these constraints by extending the availability of the procedure to claims held by all legal persons, regardless of the debtor's status[4].

3. THE SLOVENIAN FRAMEWORK AND THE PERSISTENCE OF THE TRUSTWORTHY DOCUMENT PROCEDURE

Following the dissolution of the Socialist Federal Republic of Yugoslavia and the proclamation of independence, the Republic of Slovenia largely continued to apply the former federal enforcement framework. Slovenia's first autonomous Enforcement Act (*Zakon o izvršbi in zavarovanju*) was adopted only in 1998 and, notwithstanding numerous subsequent amendments, remains in force today[5]. The Yugoslav innovation of enforcement based on a trustworthy document was incorporated as an integral component of that statute.

In a judicial system burdened by lengthy civil proceedings and a growing volume of unresolved cases, the retention of this mechanism appeared functionally justified. At the normative level, both Slovenian enforcement law abandoned the personal limitations that had previously restricted the application of the procedure. As a result, any creditor—whether a natural or a legal person—holding a trustworthy document evidencing the existence of a monetary claim became entitled to seek the issuance of an enforcement order against the debtor[6].

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[3] Dika (2007, p. 253); Triva, Belajec, and Dika (1984, p. 155).
[4] Bratković (2015, p. 1027).
[5] Bratković (2015, p. 1027).
[6] Bratković (2015, p. 1028).

From the perspective of the statutory conditions governing the compulsory realisation of claims, the conceptual design of this mechanism proved particularly attractive for creditors of monetary claims. Creditors were, in principle, able to obtain a final enforcement order without initiating ordinary civil litigation and to pursue satisfaction of their claims in subsequent enforcement proceedings. The issuing phase of the procedure was intended to be simple and expeditious. In practice, however, procedural speed and simplicity depended not only on the normative design of the mechanism, but also on organisational capacity, the allocation of tasks within courts, and the professional expertise of the personnel involved[7].

The structural pressures confronting the Slovenian judiciary at the turn of the millennium illustrate the systemic relevance of these factors. Statistical data for the year 2000 indicate that more than 63 per cent of first-instance civil proceedings before local courts exceeded one year in duration, with over 28 per cent lasting longer than three years. Before district courts, more than 80 per cent of first-instance commercial disputes lasted longer than one year, and over 36 per cent longer than three years[8]. Although subsequent judicial reforms led to measurable improvements over the following decade—such that by 2010 approximately 60 per cent of first-instance civil proceedings were resolved within one year—these figures illuminate the institutional environment in which enforcement based on trustworthy documents increasingly assumed a central role within the Slovenian justice system.

4. ENFORCEMENT BASED ON A TRUSTWORTHY DOCUMENT AS A GENERATOR OF COURT BACKLOGS

Prior to the 2008 reform, the issuing of enforcement orders based on trustworthy documents in Slovenia fell entirely within judicial jurisdiction, in continuity with the former Yugoslav model. Competence for issuing such orders was distributed among 44 first-instance local courts (*okrajna sodišča*), whose territorial jurisdiction was generally determined by the debtor's place of residence or registered seat. The processing of these cases engaged approximately 350 judicial staff members nationwide, at least for a substantial portion of their working time[9].

Although the availability of a summary procedure for issuing enforcement orders contributed to a modest reduction in the inflow of new civil cases in litigation, it simultaneously generated significant pressure within the enforcement segment of the judiciary. Judges and court staff dealing with enforcement matters became increasingly overburdened, often performing tasks that were administrative rather than adjudicative in nature[10]. As noted

[7] Bratković (2015, p. 1028).
[8] Bratković (2015, p. 1027).
[9] Strojin (2013, p. 161).
[10] Bratković (2015, p. 1028).

in the literature, such patterns are characteristic of enforcement systems in several jurisdictions shaped by a socialist legal tradition, where enforcement structures have tended to be under-resourced, highly formalised, and administratively intensive[11].

The sheer volume of applications for enforcement orders based on trustworthy documents placed considerable strain on Slovenian courts and gradually emerged as a systemic challenge. Inefficiencies within enforcement proceedings thus became one of the structural sources of inefficiency affecting the judiciary as a whole. Empirical data indicate that, between 1997 and 2004, a substantial proportion of all unresolved court cases at the end of each year—on average approximately 38 per cent—consisted of unresolved enforcement matters, irrespective of the date of filing[12].

Given the procedural attractiveness of enforcement based on trustworthy documents from the creditor's perspective, it is unsurprising—and empirically confirmed—that a large share of enforcement cases concerned precisely this category of proceedings. Available statistical data show that, in the period from 2003 to 2007, Slovenian courts registered an annual average of approximately 148,000 new enforcement cases, of which around 118,000 related to enforcement based on trustworthy documents. In other words, roughly 80 per cent of all enforcement cases filed during that period fell into this category[13].

The cumulative effect of this caseload concentration adversely affected key indicators of judicial efficiency and had broader systemic implications, including in the context of Slovenia's accession negotiations with the European Union[14]. In its 2004 annual report, the Slovenian Supreme Court explicitly identified enforcement proceedings as an area requiring thorough analysis and radical reform in order to improve overall judicial performance. A subsequent review conducted by the Ministry of Justice in cooperation with the courts established that enforcement cases accounted for as much as 42 per cent of all unresolved court cases[15].

One of the central conclusions of that analysis was that courts were predominantly occupied with enforcement proceedings based on trustworthy documents, many of which concerned claims of relatively low monetary value. Subsequent assessments confirmed that it was precisely the mass volume of such cases that constituted one of the most significant drivers of court backlogs. Crucially, however, the problem was not attributed to the legal or factual complexity of these cases. Rather, it stemmed from the extensive administrative processing associated with the issuing of enforcement orders, which consumed a disproportionate share of judicial working time.

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[11] Uzelac (2010, p. 84).
[12] Bratković (2015, p. 1029).
[13] Bratković (2015, pp. 1029–1030).
[14] Strojin (2013, p. 170).
[15] Strojin (2013, p. 170).

Courts thus perceived themselves as overburdened with administrative activities remote from their core adjudicative function. The analysis further noted the paradox that some courts were able to resolve legally and factually more complex enforcement proceedings—such as those involving immovable property—more swiftly than legally straightforward proceedings based on trustworthy documents[16]. Against this background, the procedure for issuing enforcement orders based on trustworthy documents was identified as requiring comprehensive structural reform.

5. THE PROJECT OF SYSTEMIC REORGANISATION OF THE PROCEDURE FOR ISSUING ENFORCEMENT ORDERS

Confronted with mounting structural pressures within the judiciary, the Slovenian legislator pursued a reform strategy centred on the digitalisation and internal reorganisation of the judicial procedure for issuing enforcement orders. This approach was grounded in the assessment that the structure of trustworthy documents was particularly well suited to electronic data processing, given that the law exhaustively defined both the permissible categories of such documents and their mandatory content. That initial assessment, however, required further elaboration at the organisational, technical, and normative levels[17].

Between 2004 and 2008, a specialised unit within the Slovenian Supreme Court responsible for collecting and organising case law played a leading role in developing a project to systematically reorganise the procedure for issuing enforcement orders based on trustworthy documents through the use of modern information technology. More broadly, this department was responsible for the development and implementation of information and communication technology within the Slovenian judiciary until the end of 2014, when these responsibilities were transferred to the newly established independent Project Management Service (*Služba za upravljanje projektov*, SUP). Within the same institutional framework, the Centre for Informatics (CIF) was established as a specialised organisational unit of the Slovenian Supreme Court tasked with providing technical support to courts and developing centralised judicial information systems. Strategic coordination of digitalisation projects was further ensured through a User Council composed of representatives of individual courts, which convened at least annually to assess progress and determine future development priorities[18].

The project of systemic reorganisation was conceived as a direct response to the deficiencies previously identified in the field of judicial enforcement and as a means of improving overall efficiency. Through the digitalisation of

[16] Bratković (2015, p. 1031).
[17] Bratković (2015, p. 1032).
[18] Bratković (2015, p. 1032).

the issuing phase, the objective was to enable the judiciary to provide the service of issuing enforcement orders in a rapid and user-friendly manner. The project's stated aim was that, following implementation, creditors would be able to obtain an enforcement order based on a trustworthy document swiftly by electronic means and to monitor the progress of the procedure at any time through a dedicated online portal.

Implementation of the project took place within the framework of a broader European initiative, in which Slovenian representatives cooperated with German experts on measures to reduce court backlogs, notably the EU Twinning project *Reduction of Judicial Backlog*[19]. The reorganisation resulted in a partial reallocation of judicial jurisdiction, the development of a new information system, and a series of accompanying normative amendments. The implementation process, however, was not without difficulties. According to participants involved in the project, institutional support from the competent ministry was at times insufficient, leading to the abandonment of certain design proposals, such as the establishment of a separate debtor registry or the introduction of a minimum claim threshold for enforcement against immovable property[20].

Additional challenges emerged during the implementation phase, particularly with regard to coordination and team cooperation within the project structure. As one participant observed, effective twinning presupposes sustained joint engagement, including the exchange of ideas, proposals, and working documents—a condition that was not consistently fulfilled across all segments of the project. Despite these constraints, the project's core objectives were ultimately achieved, largely due to the sustained commitment of a number of proactive individuals[21].

6. THE CENTRAL DEPARTMENT FOR TRUSTWORTHY DOCUMENTS (COVL)

As of 1 January 2008, the issuance of enforcement orders based on trustworthy documents was concentrated within a single judicial body: the Local Court in Ljubljana (*Okrajno sodišče v Ljubljani*), more precisely its specialised unit known as the Central Department for Trustworthy Documents (*Centralni oddelek za verodostojno listino*, COVL). The designation "central" reflects the nationwide jurisdiction of this department over all proceedings for the issuance of enforcement orders based on trustworthy documents in Slovenia.

The decision to concentrate jurisdiction in a single court formed part of a broader strategy to redesign the processing of mass, documentation-based claims. It was driven primarily by organisational considerations and infor-

[19] Strojin (2013, p. 168).
[20] Strojin (2013, pp. 179–180).
[21] Strojin (2013, pp. 179–180).

med by comparative experience with centralised judicial dunning procedures, most notably the *Mahnverfahren* in German and Austrian law. While the *Mahnverfahren* is not identical to enforcement based on trustworthy documents, both mechanisms address structurally similar challenges arising from high volumes of uncontested monetary claims and rely on standardisation and limited judicial intervention at the initial stage[22].

The establishment of COVL replaced the earlier decentralised model under which 44 local courts had been competent to issue enforcement orders based on trustworthy documents. Under the reformed system, local courts retained jurisdiction only for the subsequent execution phase once an enforcement order became final, as well as for decisions arising in the course of enforcement. The issuing phase, by contrast, was fully centralised[23].

Organisational Rationale and Staffing Structure

The creation of a single body competent to issue enforcement orders based on trustworthy documents was intended to remedy structural deficiencies arising from the uneven professional and technical capacities of courts under the previous decentralised model. Prior to the reform, enforcement matters were administered in highly divergent ways. In many courts, particularly smaller ones, judges were required to handle enforcement cases in their entirety, including tasks of a clerical and administrative character, often without the support of specialised administrative staff. This arrangement was not perceived as problematic by judges themselves, since such activities enabled them to meet formally prescribed workload targets. In practice, however, it was not uncommon for a single judge to process all enforcement cases received by a given court, a situation that inevitably diverted judicial resources from other categories of cases and contributed to broader systemic backlogs[24].

A different organisational pattern could be observed in larger courts, where individual procedural steps were allocated to designated staff members who had developed a degree of specialisation in particular segments of enforcement proceedings[25]. Yet this model was likewise affected by structural shortcomings. Limited coordination among staff, combined with the varying complexity of individual cases, resulted in delays and placed considerable pressure on human resources. As a consequence, a substantial number of judicial and non-judicial personnel across the court system were required to participate in enforcement-related tasks alongside their other duties. In quantitative terms, this involved more than 350 individuals nationwide, in-

[22] Uzelac and Bratković (2015).
[23] Bratković (2015, p. 1033).
[24] Bratković (2015, p. 1033).
[25] Strojin (2013, p. 172).

cluding approximately 50 judges, who were engaged in enforcement matters at least for part of their working time[26].

By contrast, following the establishment of the Central Enforcement Department (COVL), the previously dispersed enforcement-related workload was consolidated within a compact organisational unit comprising some seventy staff members. Judicial involvement was correspondingly limited. Enforcement matters within COVL were entrusted to a very small group of judges, initially numbering around four, with a temporary increase to approximately six in response to fluctuations in application volumes, before settling at around five. The organisational model adopted at COVL relies predominantly on non-judicial staff. Approximately two thirds of personnel are judicial assistants and court clerks, complemented by a smaller contingent of registry officers and legally trained professional associates. In practical terms, this arrangement entails that the nationwide issuance of well over 200,000 enforcement orders annually, together with decisions on some 20,000 objections, is handled by a limited number of judges supported by a compact administrative and professional structure[27]. Judges at COVL are authorised to reject objections that are inadmissible, incomplete, out of time, or insufficiently reasoned.

Outsourcing and Administrative Streamlining

In assessing the staffing figures, it is necessary to take account of the fact that a significant portion of tasks previously performed within courts was outsourced following the establishment of COVL. In particular, the preparation and dispatch of outgoing mail were entrusted to a private service provider equipped with appropriate IT infrastructure. All documents are transmitted to the provider in electronic form, printed, sorted, enveloped, recorded, and submitted for postal delivery. During the design phase of the reform, judges had already identified mail handling as a potential bottleneck, and comparative experience played an important role in shaping this solution. In 2010 alone, more than 1.1 million postal items comprising over 9.4 million pages were dispatched for the purposes of COVL. Absent outsourcing, this volume would have required the engagement of an estimated 60 to 70 additional staff members on an annual basis. The outsourcing model proved highly effective and was later extended to land registry and insolvency proceedings[28].

From 2011 onwards, the digitisation of delivery receipts was also outsourced. Incoming receipts were scanned and the date of service entered directly into the electronically generated case file. This model was subsequently applied more broadly across enforcement proceedings[29]. These measures resulted in substantial reductions in postal and administrative costs for the

[26] Strojin (2013, p. 204).
[27] Bratković (2015, p. 1034).
[28] Strojin (2013, p. 190).
[29] Strojin (2013, p. 190).

judiciary as a whole. Postal expenditure had previously accounted for almost one quarter of the judiciary's total non-salary material budget[30]. Within this framework, COVL alone allocated approximately €3.5 million per year to postal services, representing roughly half of the funds earmarked for material costs[31], while a further €0.5 million annually was devoted to outsourced services. Beyond direct financial savings, outsourcing also produced organisational benefits by relieving courts of a significant volume of time-consuming administrative tasks that had previously absorbed considerable judicial and clerical resources[32].

Procedural Outcomes and Performance Indicators

The competence of COVL is confined to the issuing phase of enforcement orders based on trustworthy documents and to decisions concerning the admissibility, completeness, timeliness, and reasoning of objections. In practice, approximately 90 per cent of enforcement orders issued at this stage become final upon the expiry of the objection deadline, with the objection rate remaining broadly stable and close to one tenth of all issued orders[33]. The relatively low incidence of objections may therefore be regarded as an indicator of procedural efficiency. Where proceedings operate efficiently, debtors are disincentivised from raising unfounded objections, as they are aware that doing so would merely expose them to additional financial burdens—such as court fees, potential legal representation costs, and accrued default interest—which they would be required to bear within a relatively short period of time[34].

Further insight into the proportion of substantiated objections is provided by the fact that a substantial share of objections lodged was dismissed as inadmissible, incomplete, out of time, or insufficiently reasoned[35]. Where an objection is dismissed on any of these grounds, the party concerned may lodge an appeal, which is decided by a single second-instance court, namely the Higher Court in Ljubljana (*Višje sodišče v Ljubljani*). In order to prevent divergences in the case law of different appellate courts, the legislature designated a single appellate forum for enforcement proceedings based on trustworthy documents. This solution, however, was adopted only in 2011, when the Ministry of Justice ultimately endorsed the proposal for a centralised appellate forum[36]. Appeals against decisions rejecting objections have in practice remained rare, accounting for only a very small fraction of cases, generally in the range of one to two per cent.

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[30] Bratković (2015, p. 1035).
[31] Bratković (2015, p. 1035).
[32] Bratković (2015, p. 1035).
[33] Bratković (2015, p. 1035).
[34] Bratković (2015, p. 1036).
[35] Strojin (2013, p. 203).
[36] Bratković (2015, p. 1037).

Trends in caseload further illustrate the capacity of the centralised system to absorb fluctuations in demand. Throughout the period examined, COVL was required to process a very large volume of enforcement matters—on the order of two hundred thousand applications annually—yet the digitalised system proved capable of accommodating increased inflows without major disruption to overall performance[37].

This capacity was reflected in processing times. One of the project's operational objectives—namely, the issuance of enforcement orders within a very short period following filing—was achieved in a substantial proportion of cases. In the great majority of proceedings, orders were issued within a matter of days, representing a dramatic improvement compared with the pre-reform situation, in which the issuing phase alone frequently extended over several months. As a result, the average duration of proceedings handled by COVL was reduced to a fraction of its previous length[38].

The reorganisation of the issuing phase also appears to have had a behavioural impact on debtors. In a significant share of cases, obligations were satisfied, either in full or in part, before coercive enforcement measures were carried out. Empirical findings indicate that debtors discharged their obligations prior to execution in roughly one third of cases[39]. This is further reflected in the withdrawal of approximately one tenth of applications before the enforcement order became final, as well as in an additional withdrawal of around one fifth of cases before execution proceedings commenced[40].

7. THE DIGITALISATION OF THE ISSUING PHASE

The digitalisation of the procedure for issuing enforcement orders based on trustworthy documents constituted a core element of Slovenia's project of systemic reorganisation. From the outset, the reform was premised on the assessment that this category of proceedings was particularly well suited to electronic processing. The law exhaustively enumerates both the permissible types of trustworthy documents and their mandatory content, which enabled a high degree of standardisation and the development of uniform electronic application forms[41].

Electronic Filing and User Access

From 1 January 2008 onwards, applications for enforcement orders based on trustworthy documents could be submitted electronically, alongside the continued availability of a strictly prescribed paper form obtainable free of

[37] Bratković (2015, p. 1038).
[38] Bratković (2015, p. 1038).
[39] Bratković (2015, p. 1039).
[40] Strojin (2013, p. 202).
[41] Bratković (2015, p. 1039).

charge at local courts. Each paper application bears a unique identification number, which must be referenced when paying the court fee[42]. Electronic filing and case tracking were initially facilitated through a dedicated portal and, from 1 March 2012, through the *e-Izvršba* (e-Enforcement) sub-portal within the broader *e-Sodstvo* platform. The latter enabled electronic filing not only in enforcement proceedings, but also in land registry and insolvency matters, thereby consolidating user access to multiple judicial services[43].

Electronic applications may be submitted by any person with internet access and a valid email address, irrespective of nationality. Registration on the *e-Sodstvo* portal requires only the applicant's name and email address, to which a personal access password is sent. This minimalist registration model marked a deliberate departure from more formalistic approaches traditionally associated with civil procedure[44]. It was adopted under the influence of pragmatic foreign models, most notably the English *Money Claim Online* system, which is premised on the assumption that users who are willing to pay the applicable fee and bear the legal consequences of filing should not be subject to excessive entry barriers. Comparable simplified filing models had also been observed in Finland during expert study visits conducted in the course of the reform project[45].

In addition to ordinary users, the platform allows for the registration of "qualified users", who authenticate themselves by means of a qualified electronic certificate. Qualified users are authorised to submit multiple applications simultaneously, a feature particularly relevant for institutional creditors. The filing process was designed to be accessible even to users with basic digital literacy, supported by detailed instructions, frequently asked questions, and a dedicated technical support channel. User uptake was rapid: by 2014, 99.7 per cent of enforcement applications were filed electronically, with the proportion submitted by qualified users increasing from approximately 20 per cent in 2008 to around 50 per cent in 2014[46].

Document Abstraction and Procedural Logic

Although the procedure continues to be described as enforcement "based on" a trustworthy document, the reorganised model no longer requires the submission of the document itself at the issuing stage. Instead, the creditor merely indicates the document and specifies its date of issuance. The procedure therefore operates on a model of affirmative *litis contestatio*, in the sense that the debtor's failure to lodge a timely, complete, and reasoned objection is

[42] Bratković (2015, p. 1040).
[43] Bratković (2015, p. 1040).
[44] Bratković (2015, p. 1040).
[45] Strojin (2013, p. 184).
[46] Strojin (2013, p. 204); Business Intelligence System of the Supreme Court.

treated as acceptance of the creditor's factual assertions[47]. In the absence of an objection, the conditional payment order and the conditional enforcement order become unconditional and final. Conversely, a valid objection prevents finality and results in the transfer of the dispute to ordinary civil litigation.

The abstraction from documentary submission significantly facilitated digitalisation and relieved courts of the need to examine and store annexes. At the same time, it altered the balance of procedural safeguards[48]. Documentary evidence can assist both courts and debtors in assessing whether a claim exists and in what amount[49]. While the existence of a trustworthy document may indicate a higher probability that a claim is genuine, certain categories of such documents—particularly invoices and extracts from business records—are relatively easy to generate in contemporary practice. As a result, judicial review at the issuing stage, even where documents are submitted in other systems, often remains largely formal rather than substantive[50].

Data Integration and Automated Verification

Digitalisation also addressed a further structural weakness of the earlier system: the time-consuming collection of data from external public registers. Under the previous model, creditors were required to obtain information concerning the debtor's employer, bank accounts, immovable property, or securities through separate written requests, a process that was often slow and incomplete. Drawing inspiration from the Finnish model, the Slovenian system now enables courts to obtain such data electronically[51].

The judicial information system is connected to a range of external registers, including tax registers, citizenship records, the central register of bank accounts, land registers, and the commercial register. Where electronically available data indicate that enforcement is feasible with respect to the objects proposed by the creditor, the Local Court in Ljubljana is authorised not only to issue the enforcement order, but also to transmit it directly to the relevant addressees, such as the debtor's debtor, the land registry court, the enforcement agent, or the payment services provider, depending on the enforcement method sought[52].

Data integration also performs a corrective function at the filing stage. Information entered by the applicant is automatically cross-checked against official registers, and the user is alerted to potential errors or inconsistencies. By way of example, the debtor's forename and surname are electronically

[47] Čalija and Omanović (2000, p. 311).
[48] European Commission (2002, Section 3.1.1).
[49] Dika (2007, p. 253); Triva, Belajec, and Dika (1984, p. 132); Poznić and Rakić-Vodinelić (2010, p. 447).
[50] Bratković (2015, p. 1041).
[51] Bratković (2015, p. 1042).
[52] Strojin (2013, p. 190).

compared with the register of Slovenian citizens, and the applicant is warned of possible difficulties in identifying the debtor. Nevertheless, where the discrepancy is minor and the creditor considers it not to be decisive for the application, the application may still be lodged notwithstanding the warning. Automated error signalling has contributed to the acceleration of the procedure as a whole, by reducing the number of applications that courts are required to return for correction or completion on account of incompleteness or lack of clarity. In 2011, only 1.5 per cent of electronically filed applications were incomplete, compared with more than 16 per cent of paper-based submissions[53]. Certain stages of processing, however, continue to require human verification, particularly where paper applications are digitised.

End-to-End Digital Processing and Statistical Monitoring

Digitalisation in the reorganised procedure extends beyond filing. Judicial decisions—including requests for correction of incomplete applications and enforcement orders—are generated electronically, and all paper submissions received at COVL are digitised, subjected to optical character recognition, and verified by administrative staff[54]. Even paper-based applications are thus fully integrated into the electronic workflow.

From the outset, project participants emphasised the importance of reliable statistical monitoring[55]. Prior to the establishment of COVL, dependable data on the number of proceedings based on trustworthy documents, objection and appeal rates, and the duration of the issuing phase were largely unavailable. German experts involved in the project had warned that existing judicial statistics were overly complex and unsuitable for systematic analysis[56]. Accordingly, although formally a department of the Local Court in Ljubljana, COVL was treated as a separate statistical unit to ensure accurate monitoring of outcomes and reform effects.

Finally, the reorganised system incorporated additional design features drawn from comparative experience. Each case is assigned a unique identification number that remains attached to it throughout its lifecycle, preventing double counting where cases are transferred between courts and enabling reliable tracking of final outcomes[57]. To further streamline filing, an electronic court-fee payment system was introduced, allowing fees to be paid by credit card and automatically matched to the relevant application through the judicial information system[58].

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[53] Strojin (2013, p. 207).
[54] Strojin (2013, p. 198).
[55] European Commission for the Efficiency of Justice (2008).
[56] Borchert (2016, p. 10).
[57] Bratković (2015, p. 1043).
[58] Strojin (2013, p. 190).

8. THE NORMATIVE FRAMEWORK OF THE REORGANISED PROCEDURE

The organisational and technological changes described above would not have been possible without sustained and coordinated legislative activity accompanying the implementation of the reform project. The converse is equally true: purely normative amendments, in the absence of technically and organisationally viable solutions, would not have produced the desired effects. Incremental or fragmentary changes to individual statutes would likewise have been insufficient. The Slovenian reform therefore proceeded on the premise that digitalisation required a comprehensive and coherent normative framework capable of supporting new procedural practices[59].

To that end, legislative intervention extended beyond enforcement law and the rules of civil procedure—applied subsidiarily in enforcement proceedings—to a broader set of organisational and procedural regulations. These included amendments to the Courts Act, the Court Rules of Procedure, legislation governing court fees, and related regulatory instruments. Even the Criminal Code was amended to criminalise abuse of enforcement proceedings, punishable by a fine or imprisonment of up to two years (Slovenian Criminal Code, Art. 216). Taken together, these reforms underscore the legislature's recognition that procedural efficiency depends not only on technological tools, but also on the legal environment in which those tools operate. A deliberate sequencing strategy proved decisive: practical technical solutions were developed and tested first, and only subsequently embedded in binding legal rules once their operational viability had been demonstrated[60].

Enabling Electronic Procedure

A central precondition for digitalisation was the removal of normative barriers to electronic communication with courts. Prior to the establishment of COVL, electronic filing of submissions was, in practice, not feasible within the Slovenian judiciary, despite the existence of provisions on electronic commerce and electronic signatures. The relevant procedural rules were mutually inconsistent and, at times, contradictory. Courts were, for example, considered entitled to reject electronically filed submissions on the ground that they had not been submitted in a sufficient number of copies for the court and the opposing party[61].

This situation changed with the 2007 amendment to the Civil Procedure Act (ZPP-C), which introduced a realistically operable framework for elec-

[59] Bratković (2015, p. 1044).
[60] Strojin (2013, p. 206).
[61] Strojin (2013, p. 171).

tronic judicial proceedings. Electronic submissions were, in principle, equated with written submissions, and a secure electronic signature verified by a qualified certificate was equated with a handwritten signature. Courts were authorised to issue and sign decisions electronically, without the need for judges to affix handwritten signatures, and electronic service of documents was equated with traditional service.

At the same time, the legislature addressed a range of technical and procedural details—sometimes to a notably granular extent—in order to prevent excessive formalism from undermining the practical implementation of electronic procedures. It was expressly provided, for example, that an electronic submission need be filed in only a single copy, so that courts could no longer reject e-submissions on the ground that they had not been lodged in a sufficient number of copies for the court and the opposing party. Similarly, parties were relieved of the obligation to submit written proof of payment where court fees were paid electronically.

The degree of regulatory detail reflects a legislator attentive to lessons learned from earlier practice. This is illustrated by the adoption of a special regulation that standardised, in a uniform manner, the colour, size, printing method, and overall appearance of envelopes used for the service of court documents in civil proceedings. Such measures were intended to ensure that the transition to electronic communication would not be frustrated by residual formal requirements inherited from paper-based procedure[62].

At the same time, the statute did not directly authorise electronic filing without a secure electronic signature. Instead, it empowered the Minister of Justice to specify which submissions, and under what conditions, could be filed electronically. Pursuant to this authorisation, a special regulation provided that an applicant seeking an enforcement order based on a trustworthy document need identify themselves only by stating their name and a valid email address. The absence of additional formal requirements was counterbalanced by the obligation to pay a court fee: where the fee was not paid within eight days of filing, the application was deemed withdrawn (a period reduced from ten days in 2012). Applicants may also seek exemption from court fees, either in advance or at the time of filing, with COVL maintaining a dedicated register of persons exempt *ex lege*[63].

Adaptation of Enforcement Law

Parallel amendments were made to the Enforcement Act, the *sedes materiae* of enforcement law. A 2007 amendment abolished the obligation to submit the trustworthy document itself at the issuing stage. It now suffices for the creditor to refer to the document and specify its date of issuance and

[62] Strojin (2013, p. 186).
[63] Bratković (2015, p. 1045).

the maturity date of the claim. In addition to the principal amount, creditors may seek recovery of interest and procedural costs. The Act further requires that court fees be paid by reference to the unique identification number of the enforcement application, enabling automated recording within the judicial information system. It also expressly obliges COVL to examine the feasibility of enforcement against the proposed enforcement objects by consulting relevant electronic registers.

The structure and content of both paper-based and electronic submission forms are regulated by a dedicated by-law, which provides standardised variants for cases involving multiple creditors, multiple debtors, or multiple trustworthy documents. Exclusive jurisdiction of the Local Court in Ljubljana for issuing enforcement orders based on trustworthy documents is prescribed in the Courts Act, which also obliges custodians of relevant public registers to provide data to courts promptly and free of charge, thereby enabling technical interoperability between judicial and external information systems.

Court Fees as a Regulatory Instrument

Court fees form an integral part of the redesigned enforcement framework. In proceedings based on trustworthy documents, fees are regulated by the Court Fees Act, amended in 2013 specifically for this category of cases. Irrespective of the value of the claim, the fee amounts to EUR 44 where the application is filed electronically and EUR 55 where it is filed on paper; even where an application is withdrawn or rejected, one third of the prescribed fee remains payable.

The flat-rate structure of court fees, detached from the monetary value of the claim, reflects a deliberate legislative choice. By setting a fixed rather than proportional fee, the legislature sought both to incentivise electronic filing and to discourage the initiation of enforcement proceedings in respect of very small claims[64]. Court fees thus function not merely as a source of public revenue, but as behavioural instruments within a mass enforcement system.

At the same time, the use of court fees as a procedural filter inevitably raises questions of access to justice. Fixed fees—particularly those applicable to objections and appeals—may deter not only frivolous challenges but also economically vulnerable debtors from exercising available remedies. The Slovenian system seeks to mitigate this risk through statutory exemptions and judicial discretion in granting fee relief. Even so, the impact of court fees on effective access to justice warrants cautious interpretation and ongoing empirical assessment.

[64] Bratković (2015, p. 1046).

Fiscal Effects and Systemic Implications

From a systemic perspective, the redesigned fee structure has also had significant fiscal implications. In 2010, enforcement applications concerned claims exceeding EUR 1.2 billion in total value, with an average claim of approximately EUR 5,700 and an average claim per individual trustworthy document of around EUR 1,400[65]. Creditors were incentivised to consolidate multiple documents into a single application, as the court fee is payable only once irrespective of the number of documents relied upon[66].

Court fees collected through COVL constitute a substantial source of revenue for the state budget. Approximately EUR 10 million was collected in 2010, decreasing to around EUR 8.3 million in 2013[67]. These revenues exceed COVL's annual operating costs, which range between EUR 5.5 and 6 million, the largest components being postal costs (EUR 3.5 million) and outsourced printing and scanning services (EUR 0.5 million)[68]. Given that development costs for the new system up to 2008 amounted to approximately EUR 3.2 million, the reform rapidly recouped its initial investment[69].

9. CONCLUSION: WHAT THE SLOVENIAN COVL REFORM TEACHES ABOUT DIGITALISING MASS CIVIL JUSTICE

Although the new organisational model of issuing enforcement orders based on trustworthy documents initially encountered a degree of scepticism[70], the Slovenian experience is today widely regarded as a success. The available evidence supports this assessment. The statistical data presented above substantiate the conclusion that the principal objective of the reform project—namely, the establishment of a rapid and efficient system for issuing enforcement orders based on trustworthy documents—has largely been achieved. System users likewise report a high level of satisfaction, reflected in an average satisfaction score of 4.13 obtained through a user survey[71].

At the same time, it would be misguided to regard this reform as signalling the completion of Slovenia's broader judicial transformation. Considerable efforts remain necessary to ensure that the judicial system as a whole becomes consistently efficient and worthy of public trust—particularly in the subsequent execution phase, where structural bottlenecks may persist even where the issuing phase is markedly accelerated. Nevertheless, the reorga-

[65] Strojin (2013, p. 202).
[66] Bratković (2015, p. 1046).
[67] Bratković (2015, p. 1046).
[68] Strojin (2013, p. 203).
[69] Bratković (2015, p. 1047).
[70] Volk (2007).
[71] Strojin (2013, p. 203).

nisation of the issuing procedure demonstrates that sustained, interdisciplinary engagement—despite institutional resistance and implementation challenges—can yield tangible and measurable results. It also confirms that purely normative reform, unaccompanied by technically and organisationally workable solutions, is rarely sufficient[72].

The Slovenian experience may be distilled into a set of general lessons relevant to the digitalisation of mass civil justice[73] First, reliable empirical data constitute a prerequisite for any serious quantitative and qualitative assessment of existing judicial arrangements. Without such analysis, and without clearly defined yet realistically attainable objectives, meaningful and systematic judicial reform is unlikely to succeed. Secondly, the determination of uncontested monetary claims calls for a specialised and autonomous procedural framework tailored to high-volume, standardised processing. Centralisation of such a framework can contribute both to operational efficiency and to consistency of practice, particularly where the prior model was fragmented across institutions with uneven capacity.

Thirdly, digitalisation delivers durable efficiency gains only when it is embedded in institutional design. In high-volume procedures, the decisive question is not whether documents are "digitised", but whether the procedure is redesigned into structured, standardised data inputs and predictable decision outputs. Digitalisation can significantly accelerate processing and, equally importantly, enable continuous statistical monitoring of relevant performance indicators, thereby facilitating iterative refinement. In this regard, digitalisation is markedly easier to implement where documentary evidence—such as trustworthy documents—is not required at the initial issuing stage, allowing the process to proceed through form-based submissions and conditional finality unless contestation is activated.

Fourthly, digital justice depends not only on filing technology but also on interoperability and workflow design. Connectivity between court information systems and external public registers offers an economically efficient solution for both courts and litigants and can reduce error rates through automated cross-checking. The introduction of a unique case identifier likewise enhances transparency and improves the reliability of judicial statistics, preventing double counting and enabling meaningful performance monitoring.

Fifthly, administrative bottlenecks often determine overall system performance. Where clerical tasks threaten to overwhelm adjudicative functions, selective outsourcing may represent an effective solution—provided that procurement compliance, auditability, and accountability for legally significant documents are ensured. Clear and well-designed rules on service of documents, together with intelligible procedural requirements, remain essential preconditions for efficiency in any judicial setting, including fully digital environments.

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[72] Bratković (2015, p. 1047).
[73] Bratković (2015, pp. 1047–1048).

Finally, the Slovenian experience illustrates that procedural incentives matter. Where appropriate safeguards exist for those genuinely unable to pay court fees, the imposition of fees for objections may help reduce the incidence of unjustified challenges. At the same time, a low objection rate should not be treated as a sufficient indicator of procedural quality. While it may be consistent with efficiency, it may also reflect informational asymmetries or practical barriers to contestation; it should therefore be interpreted with care and corroborated by additional indicators, including accessibility of remedies and effective debtor protection.

More broadly, the Slovenian case shows that in mass, documentation-based procedures, durable efficiency gains arise not from digitalisation alone, but from the co-design of procedure, institutional organisation, and incentives—within a framework that preserves meaningful avenues for contestation. Judicial reform, accordingly, must be carefully designed, professionally led, and insulated from the exigencies of day-to-day politics if it is to achieve durable and legitimate outcomes.

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