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EXPROPRIATION AS A FORM OF INTERFERENCE WITH OWNERSHIP RIGHT IN ORDER TO ATTAIN GOALS OF SPATIAL LEGISLATION OF THE REPUBLIC OF SLOVENIA (RS)

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Abstract:
Expropriation is nowadays considered as an admissible interference with ownership right if the main legal requirements have been satisfied. There is no doubt that expropriation is an interference with the ownership right of the worst kind. In the daily use it is seen as an action that can be aimed at the citizen of the country which imposes expropriation, or at foreigners or foreign investors.

This contribution presents on the basis of legislation dilemmas regarding the right use of the institute of expropriation.

Key words:
Expropriation; Ownership right.

1. INTRODUCTION

Due to fast economic growth and the growth of population, space is becoming a more and more restricted factor in meeting private and public needs. The arranging of space is linked to the phenomenon of planning. Purposeful and systematic use of space should therefore be carefully planned. Spatial plans represent a key element and direction in the future use of space. In the legal system of RS they represent the source for forming ownership relations with important legal consequences. Ownership relations are legal relations with the demand for complete legal system, although they are not regulated only by general laws, as Stvarnopravni zakonik – Law of Property Code (SPZ; Official Gazette of RS, No. 87/2002, 18/2007) but also by special legislation which restricts the ownership rights. Therefore it can be said that ownership right is formed outside the ownership's interest.

Owner's position within the new Slovene organisation of the state is still subjected to the social binding of ownership right, however, only if it has its grounds in the realisation of public interest. Restriction of ownership right is regulated by different laws within all ownership law areas- law of contracts, substantive law, and law of succession- nevertheless; this does not mean that the constitutional right of the uniformity of ownership right is violated. When analysing the restrictions of the ownership rights, we soon come to the conclusion that the subject of the restriction is mainly the ownership right to immovable property, where the wise use of the immovable property represents the primary objective of the spatial policy and the development in a certain area. Spatial planning is thus, as seen from the owner's point of view, the severest type of interference with the ownership's legal status.

As property is a constitutional category, the basic admissibility frames for interference with it have been set according to the principle of the rule of law. Ustava RS – Constitution of the Republic of Slovenia – already rightly sets the limits in Article 67 which defines the restriction on the ownership right in order to achieve its ecological, economic and social

function. Based on that, the legislator can accept restrictions with laws which determine restriction beforehand to an unspecified number of owners. Such restrictions can refer to all owners or only to owners of specially defined objects. This means mainly for examples of constructions built in public interest, where the nature of building demands certain carrying out on an apportioned parcel.

To validate the interference with the ownership right when ensuring one of the previously named functions of it, the existence of public interest and the principle of public interest should be taken into consideration.

Zakon o urejanju prostora – Spatial Planning Act (ZUreP-1; Official Gazette of RS, No. 110/2002 (8/2003 revised.)) classifies the interferences with ownership right into three types:

- Expropriation as the most powerful interference, meaning the seizure of the ownership right

- Encumbrance on immovable property with temporary or permanent easement

- Restriction with forming a right to temporary use of the immovable property

Expropriation is nowadays considered as an admissible interference with ownership right if the main legal requirements have been satisfied. There is no doubt that expropriation is an interference with the ownership right of the worst kind. In the daily use it is seen as an action that can be aimed at the citizen of the country which imposes expropriation, or at foreigners or foreign investors. The first subject area is covered by the national public law, and the second by the international economic or the international investment law[1.] Besides the cases where the nature of public interest and interference with immovable property demands the seizure of the ownership right, there are also cases where constructing of a building in public interest can be carried out without expropriation; legal relation between the owner of the immovable property and the constructor can thus be regulated on other legal basis. In this case we speak of restriction or encumbrance upon ownership right as the so called incomplete expropriation. Two possibilities are open: the right to temporary use and the encumbrance with temporary or permanent easement. Expropriation as well as restrictions on ownership right are admissible under the same conditions.

This contribution will try to present on the basis of legislation dilemmas regarding the right use of the institute of expropriation. We will stress on one hand questions on the effective legal protection of rights of the expropriated party and whether the expropriated party is entitled to a proper compensation based on legal regulation, as well as questions if the realisation of public benefit is enabled to expropriation beneficiaries and, based on that, the acquisition of the ownership right in 'the shortest period of time'.

2. PUBLIC LAW RESTRICTIONS OF OWNERSHIP RIGHT

Theory and use deviate from the classical absolute ownership right as they emphasize the restrictive element of the ownership right. Restrictions are seen in regarding the subjects of

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1 Tratnik M.: Razlastitev; Podjetje in delo, 7/2003, p. 1589.

the ownership right or the objects[2.] Ownership restrictions are defined by numerous provisions of public law, however, for the purpose of this contribution we will focus on restrictions for attainment of spatial goals. If the civil law restrictions are characterized through the duty of the owner to abandon or to stand certain behaviour, then the public law restrictions can be seen in the duty of certain behaviour.[3] Public law restrictions can be classified according to the content of the interference[4:]

1. Intended use: the owner can use his immovable property only for the purpose which is in accordance with the spatial regulations.

2. Duty of certain behaviour: this is mainly seen in the agricultural land, forests, and in immovable properties with the status of natural or cultural heritage. According to Zakon o varstvu kulturne dediščine - Cultural Heritage Protection Act – the owner has to maintain the cultural monument at his own costs in agreement with its intended use.

3. Duty of abandoning certain actions: the owner is forbidden to any other action which could be in accordance with its primary intention. Such restrictions can be found in Zakon o vodah (Water Act), Zakon o gozdovih (Act on Forests), Zakon o ohranjanju narave (Nature Conservation Act), whereas the latter one defines the abandoning in the sense of changing the vegetation or of executing certain types of work.

4. Duty to stand the actions of others: typical example of this is the right to pass over a property.

5. Expropriation: Expropriation is a forced seizure or restriction of the ownership or any other property right in the benefit of the state, local community, or of any other subject of public law.

According to the ZUreP-1, expropriation is the utmost provision which can be used only if the execution of spatial arrangements lies in the public benefit, which is separately regulated by law. In accordance with the Article 92 of ZUreP-1, expropriation or restriction of property right is admissible only in the public interest and under the proviso that it is strictly necessary for public benefit and that the public benefit of expropriation is in proportion to the interference with private property.

Expropriation is the . Due to all stated, national legal orders and international law permit expropriation as the utmost provision and under conditions set in advance. In our legal order expropriation must be based on law, public benefit must be clearly stated, and the expropriated person must receive a fair compensation in kind or monetary compensation. This legal institute enables the state and local communities to perform construction master plans, if they define such actions on the property which are subjected to public benefit[5.] Expropriation

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2 Ude L.: Lastninska pravica v ustavi RS; Dnevi javnega prava, Portorož, 2003.

3 Juhart M.: Omejitev lastninske pravice na nepremičninah zaradi doseganja prostorskih ciljev, Podjetje in delo, 6-7/2003, p. 1536 and titl.

4 Ude L.: ibidem, p. 127 and titl.

5 Rijavec V., Keresteš T., Vrenčur R., Knez R.: Pravna ureditev nepremičnin, GV Založba, Ljubljana 2006, p. 44-45.

is not permitted if the state or municipality has any other appropriate immovable property to attain the same purpose.

3. REGULATIONS GOVERNING EXPROPRIATION

The Constitution of RS guarantees in the Article 32 the right to private property and inheritance. Article 15 defines the execution of human rights and fundamental freedoms directly on the basis of the Constitution. The manner in which human rights and fundamental freedoms are exercised may be regulated by law whenever the Constitution provides so or where this is necessary due to the particular nature of an individual right or freedom. Human rights and fundamental freedoms are be limited only by the rights of others and in such cases as are provided by the Constitution. Article 67 defines the manner in which property is acquired and enjoyed as to ensure its economic, social and environmental function. With reference to that, the Constitution determines on the basis of the Article 69 that the ownership rights to real estate may be revoked or limited in the public interest with the provision of compensation in kind or monetary compensation under conditions established by law.

Regulations that govern the economic function of property in detail are Zakon o prostorskem načrtovanju – Spatial Planning Act- (Official Gazette of RS, No. 33/2007 – ZPNačrt), which mainly invalidated the use of ZUreP-1, except some individual provision of ZUreP-1, and also Zakon o graditvi objektov – Building Act ((Official Gazette RS, No. 110/2002, 102/2004-UPB1 (14/2005 revised), 126/2007 – ZGO-1). Therefore the provisions of ZUreP-1 concerning expropriation are still in use. Quoted regulations bring into force the classic Roman maxim superficies solo cedit, as Stvarnopravni zakonik – Law of Property Code as lex generalis regulates that everything permanently joined with immovable property or being permanently on the property, above it or under it, forms a part of the immovable property.

The general regulation that governs expropriation is thus ZUreP-1 and comprises also the common provisions regarding the procedure of expropriation. It is generally used also for expropriations based on other special laws, if these special regulations do not govern individual procedure institutes (e.g. determination of compensation). It should be stressed here that ZUreP-1 does not give whole or uniform regulation for all types or procedures of expropriation, as Slovenian legislation at this time has a large number of acts (Zakon o ohranjanju narave - Nature Conservation Act, Zakon o vodah - Water Act, Zakon o varstvu okolja - Environmental Protection Act, Zakon o varstvu kulturne dediščine - Cultural Heritage Protection Act, Zakon o rudarstvu - Mining Act, Zakon o javnih cestah - Public Roads Act, Zakon o elektronskih komunikacijah - Electronic Communications Act, etc.) which comprise specific procedure provisions regarding expropriation.

ZUreP-1 places the institute of expropriation into administrative jurisdiction. At first level the administrative units decide on expropriation, at second level the ministry for environment and spatial planning. If the compensation is not set in the administrative procedure, this stage is then being transformed into solving in a non-litigious civil procedure and falls into jurisdiction of the court.

ZUreP-1 gives the explanation on the basic terms of expropriation beneficiary, expropriated person and sets out the situation of other persons in the process of expropriation. Expropriation beneficiaries can therefore be the state or municipality, while the expropriated person can be either natural or legal person owning land subjected to expropriation. Expropriated person can also be a public body, except the state.

4. DETERMINING PUBLIC BENEFIT

Ownership right is on one hand a fundamental human right which calls for absolute protection, but on the other hand it is also one of the property rights which regulate economic and social relations and therefore enjoys protection restricted by its economic, social and environmental function. Generally speaking, the restrictions because of the stated functions are called restrictions in public interest or restrictions for public benefit. Finding the balance between the interest of each individual owner and the public interest is one of the most important tasks of the politics and law, while at the same time this also means that the contents of the ownership right[6] must be re-determined.

The notion of public interest changes in time and place, but as a rule it mainly denotes the interest of the society[7].

The existence of public benefit is also a supposition of the constitutional admissibility of the expropriation according to the Article 69 of the Constitution. The notion of public benefit has therefore an autonomous constitutional meaning, which is embodied through defining the purposes of expropriation by the legislator. The legislator is thus obliged to regulate in detail the public benefit, especially the purposes of expropriation, in the individual areas. This defining is logically restricted by the Constitution[8]. Public benefit as the supposition of the admissibility of the expropriation comprises three elements:

- There must exist a real public need, which can be determined;

- Expropriation is inadmissible if the public need can be realised in any other way. Expropriation must be a suitable and at the same time inevitable means to attain the purpose.

- Public benefit must be proportional to the gravity of interference with ownership right due to expropriation[9]. If tenement house or agricultural land is expropriated, the gravity of interference is larger than in the seizure of woods or uncultivated land, which the owner did not use.

Test of proportionality has two stages; the first stage refers to abstract purposes of expropriation, the second to concrete cases. The abstract purposes of expropriation taken into consideration are: construction or take-over of a built public benefit or immovable property in common use; construction of infrastructure facilities for the needs of carrying out economic public services; construction or attaining buildings for the needs of non-economic public services (science, schools, culture, health care), of state authorities, municipalities; preservation of cultural heritage, natural sites of special interest; building of non-profit

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6 Krisper Kramberger M.: Omejitve lastninske pravice v javnem interesu, Pravnik , No. 4-5, 1997, p. 147.

7 Ibidem.

8 Virant G. In Comment on the Constitution, p. 667.

9Ibidem , p. 668.

apartments or social housing, natural disaster protection; promotion of employment and economic growth, etc.[10]

Claim for public benefit in concreto is satisfied only if the purpose of expropriation authority meets the abstract legal purpose, if the existence of public need has been shown, and if the concrete project has been presented and determined.

The submitter or the expropriation beneficiary must provide reasons for planning of project on the specified land or prove that it does not own other suitable land. Before the expropriation takes place, the expropriation beneficiary must try to buy the land from its owner at market price.

5. ADEQUACY OF EXPROPRIATION PROCEDURE ACCORDING TO ZUREP-1

As expropriation is admissible only if the seizure of the ownership right over immovable property has been shown as public benefit, it is understandable that the expropriation beneficiaries can be either state or municipality.

Which one it will be in an individual case depends on performing activities in public benefit on the local level (local affairs) or performing activities in public benefit which fall under state jurisdiction.

Expropriation procedure begins by handing in the request for expropriation by the expropriation beneficiary. Expropriation beneficiary can submit a proposal for expropriation if it failed to obtain the immovable property upon agreement with its owner within 30 day after handing in the offer to buy the property.

Procedure of deciding on the request for expropriation consists of two stages, whereas the first stage begins with handing in the request and ends with the decision of allowing the expropriation procedure; but if expropriation has been refused the procedure ends at this stage. The second stage is completed with a decision to expropriate. The act limits the time of expropriation to take effect, as the expropriation beneficiary must fill in the request for expropriation in 4 years after the implementation of the spatial plan.

In the process from initiation of expropriation to the finality of decision on compensation following decisions are foreseen:

- decision on the beginning of the expropriation procedure, which is used by the administrative authority to determine whether the public benefit has been proved and to decide on the introduction of the expropriation procedure;

- decision of second instance authorities (Ministry for environment and spatial planning) on a complaint against the decision on the beginning of the procedure;
- verdict in the administrative dispute against the decision on the beginning of the expropriation procedure;

- decision on expropriation;

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10 Ibidem,p. 670.

- decision of the appropriate ministry on the complaint against the decision on expropriation;

- verdict in the administrative dispute against the decision on expropriation; Two extraordinary legal remedies that can be used against the finality of the verdict in the administrative procedure are appeal on points of law and revision of the procedure.

- decision on determining the compensation, which is provided in the non-litigious civil procedure.

ZUreP-1 has extended the procedure regarding the one-stage procedure typical of former regulation[11] from the beginning of the expropriation procedure to the moment the expropriated person actually receives compensation. If we look closer at the procedure of expropriation, we can see that it could be rationalised. An ordinary legal remedy is already foreseen against the decision on the introduction of the expropriation procedure which states whether the public benefit has been proved and decides on the introduction of the procedure of expropriation. The jurisprudence of the constitutional court holds the position that the first instance authority has to carry out a special preliminary procedure[12] according to the provisions of Articles 145 and 146 of Zakon o splošnem upravnem postopku (General Administrative Procedure Act) and in accordance to which it has to give the expropriated person the possibility to make a statement on the facts and circumstances, to take part in the production of evidence and to be made familiar with the success of evidence production (principle of interlocutors hearing) . This kind of regulation can result in a procedure that can lasts for many years[13.]

After the decision on the beginning of the expropriation procedure enters into force, it is sent ex officio by the administrative authority to the court of competent jurisdiction (land register) to mark the beginning of the procedure in the land register. Until the procedure of expropriation has not been finally completed, the trade with immovable property is not allowed. In this stage the administrative authority can allow different types of preparation work, like the execution of the procedure for setting the boundaries of the land, land allotment, measurement, ground surveys, and other types of work.

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11 In the former regulation of expropriation procedure in Zakon o stavbnih zemljiščih (Construction Land Act), which was abolished in 2003, the court decided on the expropriation in a non-litigious civil procedure. It delivered a decision against which no complaint was possible. The begin of the procedure was marked ex officio in the land register.

12 Special preliminary procedure is carried out in cases when certain actions in the procedure need to take place (examining the parties or witnesses, making an inspection, using the principle of interlocutors hearing, etc.) The procedure is applied whenever it cannot be decided upon in the abridged preliminary procedure. B. Grafenauer, J. Breznik: Upravno pravo. procesni del : upravni postopek in upravni spor, Ljubljana : GV založba, 2009, p. 441-443.

13 Administrative unit introduced the expropriation procedure with a part decision in November 2005. The expropriated person lodged a complaint against the decision, but it was dismissed by the Ministry for environment and spatial planning in the beginning of 2006. The expropriated person then initiated legal proceedings in the administrative dispute. Administrative Court decided to consent to the complaint and return the case and repeat it by the administrative authority, which has to carry out special preliminary procedure. If we consider the fact that the expropriated person will again have a chance to lodge the complaint in the special preliminary procedure, it is obvious that the regulation, which allows a complaint after the introduction of the procedure, is unreasonable.

In the second stage the expropriation is determined by a decision after the preliminary procedure. Contents of the decision are in detail regulated by the act which sets an accurate entry of immovable property as the basic component of the decision. According to Article 102 of ZUreP-1, decision on expropriation can comprise a provision in accordance with which the expropriated person is obliged to hand over the immovable property in a set period of time, if this is discussed by both parties. The deadline for handing over the immovable property, according to ZUreP-1 regulation, is not an obligatory component of the decision on expropriation, while determining the date of the work begin by the expropriation beneficiary is. It should be added here that if the determining of the date of the work begin is obligatory and is nevertheless affected by handing over the immovable property, the deadline for handing over the immovable property should also be included in the decision. I hold the opinion that the compensation of expropriated property should be regulated by the decision on expropriation. A complaint with a suspensive effect against the decision is permitted, whereas the appeal body has to decide on the complaint with priority[14.]

The act enables the administrative authority to decide, in addition to the 'common' expropriation procedure, on the request for expropriation with priority in an urgent procedure. In this case, the complaint against the decision does not stand the transfer of ownership right and the acquisition of the property, except if any other act states otherwise. The procedure is executed if a 'quick' acquisition of property is needed, according to all cases determined in Article 93 paragraph 1 and 2 of ZUreP-1[15.] Suggestion for an urgent procedure must be comprised in the request for expropriation; the beneficiary must state why he decided for it, what the use is and determine circumstances that demand quick acquisition of the property. Legislator did not set in the article regulating the urgent procedure the criteria or measures in detail, on the basis of which the urgent procedure can be carried out and the suspensive effect of the complaint excluded. Therefore a more suitable and detailed regulation of the act would be necessary, in consideration of the fact that the expropriated person cannot hinder the immediate transport of ownership right by handing in the complaint in the procedure of introducing the expropriation procedure[16.] The act states that the compensation in urgent procedure is set as per agreement or in a non-litigious civil procedure, whereas in the case of dispute the compensation is discussed in the legal procedure.

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14 Deviation from the general principle of suspensivity is determined by the possibility to exclude the suspensive effect in the urgent expropriation procedures. Nevertheless, the basic rule of Zakon o splošnem upravnem postopku (General Administrative Procedure Act) is still valid, namely that administrative authority must decide on the complaint in 2 months after the complete complaint was lodged

15 Immovable property can be expropriated due to following reasons: construction of buildings for economic public infrastructure; construction of buildings for state defence needs, for the needs of storing state reserves, protection of citizens and their property from natural and other disasters; construction of building for the needs of non-economic public services as health care, education, culture, science and research; construction of non-profit apartments or social housing; reconstruction and demolishing of the stated buildings.

16 On the appropriateness of urgent procedure see: Teršek A.: Argumenti o protiustavnosti v Zakonu o urejanju prostora (ZUreP-1), Pravna praksa No. 37/2008, p. II-VII; Sodja V.: Še o ZureP-1 in razlastitvi, Pravna praksa, No. 45/2008, p. 8-12.

6. ACQUIRING THE OWNERSHIP RIGHT

Expropriation beneficiary acquires the ownership right over the expropriated property with finality of the decision on expropriation or with the decision or an agreement on the compensation (Article 103 of ZUreP-1). Statutory text determines two methods of acquirement that are regulated alternatively. According to the first method, the beneficiary acquires the ownership right the day the decision on expropriation has become final. The execution of the decision on expropriation and consequently also the transport of the ownership right over the expropriated property are bound by the finality of the decision valid on the day the deadline for the complaint to be filed in has expired if the complaint has not been lodged. If the complaint has been filed in but was not successful, the decision becomes final with the termination of the deadline for introducing proceedings which initiate the administrative dispute if the proceedings were not initiated. If the proceedings have been initiated, the finality of the decision is reached with a completed administrative dispute. According to the second method, the beneficiary acquires the ownership right over expropriated immovable property with the finality of decision or with the agreement on the compensation as seen in Article 106 of ZUreP-1, which suggests from its content that the final decision is obviously the decision which includes the content of the agreement on a compensation between the expropriated person and the beneficiary. The agreement on compensation can also represent the basis instead of the decision. Article 106 of ZUrep-1 states that administrative authority must summon the expropriation beneficiary and the expropriated person within 15 days upon the final decision on expropriation. In the case when the agreement has been concluded, the decision on expropriation can be final, meaning that the beneficiary has already acquired the ownership right. Regulation, based on which the beneficiary could acquire the ownership right with a conclusion of an agreement again with the agreement, is therefore inappropriate. It is also not stated that the expropriated person is obliged to hand over the immovable property.

Beneficiary can acquire the property on the expropriated immovable property only when he pays compensation or ensures the expropriated person property on the substitute immovable property, or after the date set in the decision on expropriation if the decision defines one.

7. COMPENSATION

Article 69 of the Constitution establishes a right to compensation in kind or monetary compensation. Compensation in kind is therefore of primary importance, and if the substitute immovable property is of the same value as the expropriated property, the expropriated person may not have the right to choose. A similar regulation, although not completely the same, for tenement buildings or their parts and for immovable property in use for professional and agricultural activities is seen in Article 107 of ZUreP-1.

For European Court of Human Rights the legitimacy of interference with the property is connected with the right to compensation[17.] The Constitution of Slovenia provides a full compensation which covers the whole loss and offers the expropriated person to re-establish his former property situation. Expropriation is an interference which shatters the balance

17 Krisper Kramberger M.: Omejitev lastninske pravice v javnem interesu, Pravnik, No. 4-5, 1997, p. 33.

between public and private interest. Each expropriation results in a special victim[18] which the compensation should cover or should replace the loss. The function of the compensation is in enabling the expropriated person to acquire on the market object or right of the same kind and value which was taken from him. Compensation must consist of two parts; of compensation for the taken right and of compensation for 'collateral damage'[19.] The primary form of settlement should be monetary compensation, although in some cases the expropriated person should be given the right to demand compensation in kind[20.] Expropriated person has the right to choose if his social security is being endangered. Compensation in kind is appropriate when expropriated building or its part is used for an apartment by the expropriated person. In this case, the expropriated person has the right to have the compensation primary ensured.

Compensation comprises the value of the immovable property together and other costs connected to the expropriation, as for example costs that arise when the expropriated person has to move out of his home, or when he has loss of profit during the moving out, and costs of the possible reduced value of the remaining immovable property.

Handing over the property is conditioned by the paid compensation or the ensured compensation in kind. Administrative authority which delivered the decision on expropriation must summon the expropriated person and expropriation beneficiary to conclude an agreement on compensation in kind or monetary compensation. Agreement can be handed in orally to the minutes of the administrative authority or be concluded in the form of a certified document.

If the agreement is not concluded in two months after the administrative authority has summoned the expropriated person and the expropriation beneficiary, either party can hand in a proposal to determine the compensation in kind or monetary compensation in a non-litigious civil procedure. However, there exists a problem in separating the stage of deciding on expropriation or the seizure of the ownership right from the stage of determining the compensation. The current regulation does not assure parallelism between the payment of compensation and the seizure of ownership right.

8. CONCLUSION

Through this contribution we wanted to draw attention to certain peculiarities and deficiencies in the regulation of the expropriation procedure in the Republic of Slovenia, although only a few institutes could be present due to space limitation. Legal regulation of the expropriation as the most powerful interference with the ownership right must, on one hand, assure the expropriated person just compensation in the shortest period of time, and on the other hand, it should assure the expropriation beneficiary to be able to acquire the ownership right in the shortest period of time.

Literature:

- Tratnik M: Razlastitev, Podjetje in delo, 7/2003, p. 1589.

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18 Virant, ibidem, p. 681.

19 Ibidem, p. 683.

20 Comment on the Constitution, p. 681.

- Ude L.: Lastninska pravica v ustavi RS; Dnevi javnega prava, Portorož, 2003.
- Juhart M.: Omejitev lastninske pravice na nepremičninah zaradi doseganja prostorskih ciljev, Podjetje in delo, 6-7/2003, p. 1536 and titl.
- Rijavec V., Keresteš T., Vrenčur R., Knez R.: Pravna ureditev nepremičnin, GV Založba, Ljubljana 2006, p. 44-45.
- Krisper Kramberger M.: Omejitve lastninske pravice v javnem interesu, Pravnik , No. 4-5, 1997, p. 33, 147.
- Virant G. In Comment on the Constitution, Ljubljana, FPDEŠ, p. 667-668, 670, 681-683
- B. Grafenauer, J. Breznik: Upravno pravo. procesni del : upravni postopek in upravni spor, Ljubljana : GV založba, 2009, p. 441-443.
- Teršek A.: Argumenti o protiustavnosti v Zakonu o urejanju prostora (ZUreP-1), Pravna praksa No. 37/2008, p. II-VII.
- Sodja V.: Še o ZureP-1 in razlastitvi, Pravna praksa, No. 45/2008, p. 8-12.

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