

## **House search without a court order – legal and factual problems**

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House search which can be conducted by a police officer without a court order is an exception to the general rule, according to which any infringement on the constitutionally granted right to the inviolability of dwellings must be allowed to the executive branch of power only by a court. In the past, the majority of such searches were conducted without court orders, but in the last decade, the situation has been the opposite. In spite of a relatively clear constitutional and legal demand for exceptionality and specificity in exercising this police power, there are still some legal and factual questions concerning the execution of a search without a court order, which nevertheless remain open. By analysing individual reasons for conducting a search without an order, making a comparative legal analysis and by the analysis of practical problems, the paper presents some of the most important problems, such as the concept of a dwelling or other premises belonging to another person, conducting a search with consent, conducting a search without a court order on the grounds of suspicion of a misdemeanour, and conducting a house search without a court order on the ground of taking a person in by order of a competent authority. In the conclusion, the paper provides some possible solutions in the exercise of this task and police authority, so important for the further stages of a criminal procedure.

**Key words:** right to the inviolability of dwellings, concept of dwellings and other premises of another person, grounds for house search without an order, legal and factual problems

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