

1. Introduction

The importance of annotations of court decisions for legal practice, research, and information systems.

Objectives of the document: standardization, accuracy, comprehensibility.

Key elements and information from court decisions that need to be selected and captured in the annotation so that the subsequent analysis of the decision is accurate and reliable.

Some basic legal norms, especially codes, contain provisions that determine the structure and content of court decisions. These norms precisely define what a decision must contain in order to be legally effective and comprehensible. Their aim is to ensure consistency, transparency, and legal certainty in the decision-making activities of courts.

Some fundamental legal norms (codes) describe the substantive aspect of court decisions, for example:

Civil Litigation Code [Civilný sporový poriadok] (160/2015 Z.z.) in Sections 212–233 specifies what the judgment must contain.

Section 220

(1) In the written version of the judgment, after the words “In the name of the Slovak Republic,” the designation of the court, the names and surnames of the judges deciding the matter, the precise identification of the parties and their representatives, other entities, the designation of the dispute under consideration, the operative part, the reasoning, the notice of the time limit for filing an appeal, information on which court the appeal is filed with and the requisites of the appeal, the notice of the possibility of enforcement (exekúcia [exekúcia]) and the date and place of pronouncement shall be stated.

*(2) In the reasoning of the judgment, the court shall indicate **the relief the claimant [žalobca] sought, the facts claimed, the evidence identified, the procedural means of attack used, how the defendant [žalovaný] responded to the matter, and the procedural means of defence used.** The court shall clearly and succinctly explain **how it assessed the material factual allegations and legal arguments of the parties, which facts it considers proven and which not, which evidence it took, which evidence it relied on and how it evaluated them, why it did not take additional proposed evidence, and how it legally assessed the matter, possibly referring to established decision-making practice.** The court ensures that the reasoning of the judgment is convincing.*

*(3) If the court departs from established decision-making practice, the reasoning of the judgment shall also include **a thorough justification of this departure.***

(4) Individual paragraphs of the judgment’s reasoning shall be marked with Arabic numerals.

Administrative Judicial Procedure Code [Správny súdny poriadok] (162/2015 Z.z.) in Section 133–162, on what the decision must contain:

Section 139

(1) In the written version of the judgment, after the words “In the name of the Slovak Republic,” the designation of the administrative court, the names and surnames of the judges deciding the matter, the precise identification of the participants in the proceedings and their representatives, the participation of the prosecutor, the designation of the matter under consideration, the wording of the operative part, the reasoning, instructions on the admissibility of a cassation complaint, on the time limit for lodging a cassation complaint, on the requisites of a cassation

complaint, on the mandatory representation by a solicitor in cassation proceedings or on the inadmissibility of a remedy, and the date and place of the pronouncement shall be stated.

(2) In the reasoning of the judgment, the administrative court shall provide **a concise course of the administrative proceedings, a concise summary of the contested decision, a material summary of the claimant's arguments and the respondent's statement, or possibly other participants, persons involved in the proceedings, and the interested public, an assessment of the substantial factual allegations and legal arguments, possibly referring to established decision-making practice. If the administrative court annuls the decision of the public administration authority and returns the matter to it for further proceedings, the court is obliged to state in the reasoning of the judgment how the public administration authority is to proceed further in the matter.** The administrative court ensures that the reasoning of the judgment is convincing.

(3) If the administrative court departs from established decision-making practice, the reasoning of the judgment shall also include **a thorough justification of this departure.**

(4) If the judgment is rendered by a panel, its reasoning shall also contain the ratio of votes by which the judgment was adopted. If the judgment was not adopted unanimously, a judge who disagrees with the decision of the panel or with its reasoning shall have the right to have his dissenting opinion stated in the reasoning of the judgment.

(5) Individual paragraphs of the judgment's reasoning shall be marked with Arabic numerals.

Criminal Procedure Code [Trestný poriadok] (No. 301/2005 Z.z.) in Sections 162–184 sets out what the judgment must contain:

Section 168

(1) If the judgment contains reasoning, the court shall briefly state **which facts it found proven, on which evidence its findings of fact are based, and what considerations guided it in evaluating the evidence that was presented, especially if it is mutually contradictory. The reasoning must make it clear how the court dealt with the defence, why it did not grant motions to take further evidence, and by what legal considerations it was guided in assessing the proven facts under the relevant provisions of the Act as regards guilt and punishment.** If the judgment contains other pronouncements, those must also be justified.

(2) In the reasoning of the judgment approving a plea and sentencing agreement, the court shall briefly state in particular the course of the agreement proceedings and its outcome, and the defendant's responses to the questions under Section 333 paragraph 3; if the defendant is a minor and has not reached the age of eighteen at the time of the proceedings, also the statement of his counsel and legal representative.

If we disregard the formal structuring of the decision (the operative part, the reasoning, and the instruction), from the perspective of substantive analysis, it is also interesting to structure the reasoning itself. This may have an impact on the quality and accuracy of the analysis.

Therefore, the “proper” reasoning of a civil judgment should include the following elements:

- What relief the claimant sought (the subject of the claim).
- What facts were asserted (the claimant's allegations concerning the factual situation).
- Which evidence was identified (the list of evidence the claimant proposed).
- Which procedural means of attack were employed (e.g. motions, objections).
- How the defendant presented his position (the defendant's standpoint).
- Which procedural means of defence were employed (e.g. counterarguments, evidence).
- A clear and succinct explanation by the court of how it assessed:
 - a) the material factual allegations of the parties,

- b) the legal arguments of the parties.
- Which facts are considered proven and which not.
- Which evidence was taken and on which evidence the court relied.
- How the evidence was evaluated.
- Why the court did not take additional proposed evidence.
- How the court legally assessed the matter (including a reference to established decision-making practice, if relevant).

In the case of the “proper” reasoning of a decision in administrative justice, it should be:

- A concise summary of the administrative proceedings (what happened before the administrative authority).
- A concise summary of the contested decision (the content and essence of the administrative authority’s decision).
- A substantial summary of the claimant’s arguments (the main factual claims and grounds of the complaint).
- The statement of the respondent (the administrative authority’s position).
- Possibly the statements of other participants, persons involved in the proceedings, and the interested public (if relevant).
- An assessment of the material factual allegations and legal arguments (how the court evaluated the facts and legal views).
- A possible reference to established decision-making practice (if appropriate).
- If the court annuls the decision and returns the matter for further proceedings, it must state: how the public administration authority is to proceed in the matter (instructions for further proceedings).

In the case of the “proper” reasoning of a criminal judgment (which contains reasoning), the following content elements are required:

- Which facts the court found proven (a clear determination of the factual situation).
- Which evidence it relies on (a list of the evidence supporting the findings).
- What considerations guided the court in evaluating the evidence that was taken, especially if it is mutually contradictory (the logic and grounds of evaluation).
- How the court dealt with the defence (a response to the defendant’s arguments).
- Why the court did not grant motions to take additional evidence (justification for refusal).
- What legal considerations guided it in assessing the proven facts under the relevant provisions of the law on the issues of guilt and punishment (legal assessment).

For annotating the reasoning, it is advisable to choose, after consideration, a few generalised attributes (not a large number) so that they cover all types of decision-making, for example:

- the subject of the claim / the subject of the administrative proceedings / the factual basis of the criminal offence or the prosecuted act
- the statements of the parties, arguments, and counterarguments
- evidence
- procedural aspects
- the court’s references to legal regulations or other case law on which it based its decision
- the court’s reasons leading to the decision

However, it is also possible to annotate the **operative part** – e.g. the level of punishment, protective measures, contractual penalties, interest, damages, etc.

We attach examples of the content-related annotation of decisions:

We have selected 3 decisions related to the ALTAML project domains:

1-kr.pdf – on the domain “1. Unfair competition” – a decision on misleading advertising

2-zp.pdf – on the domain “2. Contractual penalty” – a decision on a contractual penalty and how the court moderated its amount

4-oks.pdf – on the domain “4. Copyright” – a decision on the claim of a collective rights management organisation

We annotated the following parts:

red = the subject of the claim

purple = the operative part

turquoise = the claimant’s assertions – closer to the subject of the claim

green = the reasoning of the court’s decision

grey = references to legal regulations on which the court based its decision

1. Header – Identification Details

- Court:
- Case number:
- Date of decision:
- Type of decision:
- Panel / Judge(s):

2. Subject Matter of the Case

Provide a concise description of the legal issue, claim, administrative matter, or criminal act at the core of the proceedings.

3. Key Factual and Legal Findings

- Essential facts established by the court.
- Summary of parties’ arguments and counterarguments.
- Evidence presented and its evaluation.
- Relevant procedural steps.

4. Legal Assessment

- Key statutes applied.
- Relevant case law.
- Court’s reasoning and explanation of how the legal rules were applied.
- Any departure from prior judicial practice.

5. Operative Part of the Decision

Summarize the court’s ruling on the merits, including any ancillary decisions such as costs, sanctions, or instructions for further proceedings.

6. Legal Significance

Explain the precedential value, practical impact, or interpretative contribution of the decision.