
EDITORIAL

Dear readers,

In front of you is a special issue of the *Journal of Law* entitled, “Consensual Justice in Croatian Criminal Procedure”, which, in five published studies, addresses various forms of consensual procedures in Croatian criminal procedural law. The authors, prominent scholars from all four law faculties in the Republic of Croatia, question the basic aspects of certain forms of consensual procedures primarily through theoretical, comparative and normative approaches but also through the analysis of case law, taking into account European legal standards and basic principles of contemporary criminal procedure law. These articles are the result of a research project of the Faculty of Law, University of Zagreb — “Systematic approach to models of negotiated justice in Croatian criminal procedure – NegJusCro” — which is funded by the Croatian Science Foundation. Project activities are aimed at a systematic scientific analysis of the issue of consensual justice in Croatian criminal procedure law in order to consider the critical shortcomings of the existing normative framework and practice of Croatian judicial bodies to propose concrete legislative changes for the better and clearer regulation of various consensual procedures in Croatian law — both at the normative level and in practice.

The first of the five papers is dedicated to the classic plea-bargaining in criminal proceedings — a judgment based on the agreement of the parties. Authors *Elizabeta Ivičević Karas*, *Ante Novokmet* and *Igor Martinović* use a comparative approach to analyze some problematic aspects of the agreement in order to determine whether the Croatian model of this consensual procedure has some specific features that may differ from the analyzed solutions in comparative law and whether these specific features actually cause certain theoretical and practical problems. The paper of *Elizabeta Ivičević Karas*, *Zoran Burić* and *Matko Pajčić*, also through a comparative legal perspective, discusses the procedural position of “collaborators of justice” — (potential) suspects or defendants who choose to cooperate with the authorities by contributing to the detection and prosecution of other serious crimes and perpetrators, primarily by testifying before the court. Special attention was paid to certain issues of the legality of the examination of a crown witness and a person with witness immunity from the practice of the Supreme Court of the Republic of Croatia. Authors *Zlata Đurđević*, *Marin Bonačić* and *Marija Pleić* consider the penal order in Croatian law in their paper and from a comparative perspective, comprehensively analyzing the legislative framework and jurisprudence in order to determine the peculiarities of the penal order in Croatia, focusing on the shortcomings of the existing normative framework and practice. Special attention is given to the requirements for the issuing of the penal order, the judicial control of the indictment requesting a penal order, the defense rights in the proceedings before issuing a penal order and the position of the victim. *Zoran Burić*, *Marija Pleić* and *Ivana Radić* wrote a paper about the conditional deferral (and withdrawal) from criminal prosecution, considering the usefulness and purposefulness of that institute in a comparative context, taking into account the criminal offenses to which it can be applied, the role of the court, the rights of the defendant and the position of the victim. A paper devoted to the effects of the defendant’s admission of guilt during the criminal proceedings was written by *Igor Martinović* and *Ivana Radić*. It discusses the impact and legal consequences of a guilty plea in continental European and Anglo-American law, in particular

the position of the accused after the confession given at the trial, the effects of the confession, the role of the court in further proceedings and the rights of the victim.

The exceptional commitment of the authors to the realization of the set project tasks can already be seen from such a short presentation of individual papers. We believe that by dedicating a special issue of the *Journal of Law* to this interesting and above all current topic — of such importance for the Croatian legal order, as was noticed and supported by the Croatian Science Foundation — we will encourage further discussion on the importance and purpose of various consensual forms in Croatia as well in continental Europe.

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Editor-in-Chief