# MEASURING PROPORTIONALITY? A PROTOTYPE FOR A BROADER METHODOLOGICAL APPLICATION

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*Providing everyone an equal chance of accessing justice requires adapting proceedings to the complexity, value, and social importance of each case. Many countries achieve this goal by laying down simplified rules for small claims proceedings. In Croatia, such endeavors have been unsuccessful, as evidenced by earlier empirical findings. However, two key circumstances justify a reassessment of this conclusion. First, recent procedural reforms of 2022 granted the court discretion to render decisions in small claims disputes without conducting hearings, along with other simplifications. Also, upgrades have been made to the ICMS, enabling even more extensive aggregate analysis. This paper aims to assess whether small claims disputes are now processed faster, with fewer hearings, and simplified evidentiary proceedings. A combination of correlation analysis and general descriptive statistics could represent a model for analyzing similar reforms in other countries.*

*Key words: court efficiency; procedural proportionality; empirical analysis; correlation analysis; descriptive statistics*

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## 1. INTRODUCTION **

In literature, traces of the idea of the need for proportionality in a broader social and legal context can be found as early as in the texts of Aristotle.[1] Traces of its application are also present in German administrative law,[2] but it gained the most momentum after World War II in comparative constitutional law doctrine and in the extensive case law of international and domestic courts where international treaties on fundamental human rights and freedoms were applied.[3] In the context of civil justice, the need for proportionality in proceedings in developed democracies began to be discussed at the end of the 20th century, and these debates have only intensified with the new economic crisis at the beginning of the 21st century.[4] Reducing the costs of proceedings and shortening their duration have been the focus of most judicial reforms in the past few decades.[5]

In the context of civil justice, proportionality could be defined as a general procedural principle that requires all procedural activities of judges, litigants and other participants in litigation, to correspond to the specifics of each individual case, taking into account the factual and legal complexity of the case, its value, and importance for the parties and/or society as a whole.[6] In a practical sense,

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1 García Odgers, R., *El Case Management en perspectiva comparada. Teoría, evolución histórica, modelos comparados y un caso en desarrollo*, Tirant lo Blanch, Valencia, 2020, p. 234.

2 Arenhart, S. C.; Osna, G., *Complexity, Proportionality and the 'Pan-Procedural' Approach: Some Bases of Contemporary Civil Litigation*, International Journal of Procedural Law, *vol.* 4, no. 2, 2014, p. 11.

3 Lepsius, O., *Die Chancen und Grenzen des Grundsatzes der Verhältnismäßigkeit*, in: Jestaedt, M.; Lepsius, O. (eds.), *Verhältnismäßigkeit: Zur Tragfähigkeit eines verfassungsrechtlichen Schlüsselkonzepts*, Mohr Siebeck, Tübingen, 2015, p. 2.

4 Ervo, L., *Changing Civil Proceedings – Courts Service or State Economy*, in: Carpi, F. *et al.* (eds.), *Recent trends in economy and efficiency of civil procedure: materials of international conference*, Vilnius University, Vilnius, 2013, p. 61.

5 Uzelac, A.; van Rhee, C. H., *The Pursuit of Truth in Contemporary Civil Procedure: Revival of Accuracy or a New Balance in Favour of Effectiveness?*, in: Uzelac, A.; CH van Rhee, C. H. (eds.), *Truth and Efficiency in Civil Litigation. Fundamental Aspects of Fact-finding and Evidence-taking in a Comparative Context*, Intersentia, Cambridge, Antwerp, Portland, 2012, p. 7.

6 García Odgers, *op. cit.* (fn. 1), pp. 79-80.

it is an interpretation tool which helps to balance different interests affected by the very existence of litigation.[7] The result of such balancing is a value judgment about whether the consequences that will arise from the application of a certain litigation action justify undertaking that action, whereby the analysis of potential consequences is not limited exclusively to the rights and interests of the litigants, but also public interests.[8]

This wide-angled approach is the result of the development and understanding of the role that the justice system plays in society. Modern justice systems are based on the idea that it is necessary to expand access to justice as much as possible, because justice can be considered a public service.[9] Just like in the case of (public) healthcare services, the litigants are users of the judiciary.[10] Since the number of users usually exceeds the resources, a proportionate approach seems to have no true alternative.

Of course, this does not presuppose saving time and money *at all costs.* The well-known maxim that delayed access to justice essentially represents a denial of access (*justice delayed is justice denied*), can be supplemented by its opposite, according to which the same result is achieved by hurried access to justice (*justice hurried is justice buried*).[11] Some cases, due to their legal or factual complexity or importance for the parties or society as a whole, require additional labor and time. The passage of time in litigation is thus value-neutral and becomes undue delay only when it is disproportionate to the importance and complexity of the individual case.[12]

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7 Alexy, R., *On Balancing and Subsumption. A Structural Comparison*, Ratio Juris, *vol.* 16, no. 4, 2003, pp. 436 *sqq*; Arenhart, Osna, *op. cit.* (fn. 2), p. 14; Craig, P., *EU Administrative Law*, Sweet & Maxwell, London, 2016, p. 591.

8 García Odgers, *op. cit.* (fn. 1), p. 231.

9 Storme, M., *A Single Civil Procedure for Europe: A Cathedral Builders' Dream,* Ritsumeikan Law Review, International Edition, 2005, p. 98; Zuckerman, A. A. S., *Court Adjudication of Civil Disputes: A Public Service to be Delivered With Proportionate Resources, Within a Reasonable Time and at Reasonable Cost*, in: van Rhee, C. H.; Heirbaut, D.; Storme, M. (eds.) *The French Code of civil procedure (1806) after 200 years, The civil procedure tradition in France and abroad*, Kluwer, Mechelen, 2008, pp. 435-436.

10 Klein, F.; Engel, F., *Der Zivilprozess Oesterreichs*, Scientia, Aalen, 1927, p. 190; Ervo, *op. cit.* (fn. 4), pp. 56-57.

11 Economides, K.; Haug, A. A.; McIntyre, J., *Toward Timelessness in Civil Justice*, Monash University Law Review, *vol.* 41, no. 2, 2015, p. 416.

12 Uzelac, A., *Goals of Civil Justice and Civil Procedure in the Contemporary World. Global Developments - Towards Harmonisation (and Back)*, in: Uzelac, A. (ed.), *Goals of Civil Justice and Civil Procedure in Contemporary Judicial Systems*, Springer, Heidelberg, New York, Dordrecht, London, 2014, p. 21.

Both cost and time ultimately depend on the judicial case management practices and parties' behavior. Legislators have limited opportunities to influence them. Modern procedural codes strive to organize proceedings proportionally by making certain powers or the manner of their use dependent on the nature of each individual case. In some cases, when it is proportionate to the nature, value, and importance of the case, it is possible to organize the hearing by exchanging written submissions instead of conducting an oral hearing, to limit the scope of the evidentiary procedure or the duration of the oral hearing, to prescribe special rules of procedure for certain types of proceedings, to limit the possibility of adjourning hearings, etc.[13] In addition to such a general approach, proportionality can be achieved by introducing simplified procedures or tracks, offering fast and inexpensive adversarial proceedings in less complex types of proceedings.[14]

Croatia is no exception, although the rules have been reintroduced only in 1972.[15] Despite these special rules, procedural economy has not been a primary procedural goal, or at least not as relevant as the substantive truth and accuracy of the decision.[16] This explains why the rules for small claims disputes did not generally really deviate that much from the general rules. In fact, these rules were rarely subject to major amendments of the Civil Procedure Act (CPA) until 2008, when a special preliminary stage and a mandatory preliminary hearing with strict preclusion rules were introduced. These were later extended to regular proceedings in 2013, while the rules for small claims disputes were further strengthened.[17] All facts must now be presented and evidence proposed, as a rule, in the initial pleadings. Exceptionally, when a party's omission is not their fault, this can occur later, but no later than the conclusion of the preliminary stage (art 461a CPA). The CPA Amendments of 2019 further adjusted the already restrictive rules for appeals: while factual grounds remain excluded, appeals are allowed for errors of law and manifest procedural errors,

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13 Principle 8(1), Council of Europe Recommendation (84) 5 on the Principles of Civil Procedure Designed to Improve the Functioning of Justice.

14 Kramer, X.; Kakiuchi, S., *Austerity in Civil Procedure and the Role of Simplified Procedures*, Erasmus Law Review, *vol.* 8, no. 4, 2015, p. 145.

15 Triva, S.; Dika, M., *Građansko parnično procesno pravo*, Narodne novine, Zagreb, 2004, p. 818.

16 Uzelac, A., *Croatia: Omnipotent Judges as the Cause of Procedural Inefficiency and Impotence*, in van Rhee, C. H.; Fu, Y. (eds.), *Civil Litigation in China and Europe*, Springer,Dordrecht, Heidelberg, New York, London:, 2014, p. 198.

17 Bilić, V., *Novela Zakona o parničnom postupku iz 2013.*, Informator, *vol.* 61, 2013, p. 1.

except those concerning territorial or subject-matter competence, which were expressly excluded (art 467 CPA). The amendments additionally introduced the direct enforceability of judgments regardless of a lodged appeal as a rule which judges can only exceptionally deviate from (art 467a CPA). Some rules were aligned with regular proceedings, no longer requiring judges to render judgments immediately after the closure of the main hearing (former art 466 CPA) and extending the appeal deadline from 8 to 15 days (art 348 CPA). Until 2022, the only simplifying feature in the main hearing stage was the summary content of hearing records (art 463 CPA). However, the CPA Amendments of 2022 permitted courts to render decisions without holding a hearing, even if parties or their lawyers request one (art 461a CPA).

Was this introduction of special rules successful? Although some stakeholders claimed that some of the earlier reform attempts, such as introduction of preclusions and the preliminary stage in 2008 were successful,[18] there was no empirical foundation for that assertion. In fact, until 2021, there has been no comprehensive analysis of the functioning of Croatian courts in civil proceedings. In my doctoral thesis, however, I managed to collect data from the official ICMS (*eSpis*) and analyze it thoroughly, before performing a sampled study.[19] One of the key findings of the doctoral thesis, which explored best pre-trial case management practices, was that the correlation between the value of the dispute on the one hand and duration and the number of hearings on the other hand was very weak, and in some years even non-existent.[20] It was an important finding for the thesis, because the conclusions called for proportionate decision-making in the preparatory phase, which was obviously lacking.

A year later, in 2022, judges were empowered with greater flexibility to tailor the handling of small claims disputes, ensuring proceedings are better suited to the unique circumstances of each case. With the ICMS also updated in the meantime, now is an ideal moment to assess whether recent reforms have brought tangible changes.

This paper expands upon the previously used research methodology, presenting a comprehensive guide for conducting such evaluations and demonstrating its practical use on a concrete example from Croatia. If successful, the proposed methodology could serve as a practical reference for similar studies for the purposes of judicial reforms in other countries. It is based on the premise that

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18 *Ibid*.

19 Brozović, J., *Priprema i organizacija raspravljanja u parničnom postupku. Doctoral Thesis*, Pravni fakultet, Zagreb, 2021, pp. 58-88.

20 *Ibid*., pp. 72-73, 83.

proportionality is measurable and that measuring tools are already available, and that it only takes stepping away from the clear forest path to discover the exciting wilderness that lies just beyond.

## 2. (RE)INVENTING THE WHEEL? THE NEED FOR A DIFFERENT METHODOLOGY

At first glance, the title of this paper may raise an obvious question: why develop a new methodology in a field where a universally accepted approach already exists and has been implemented for decades? Indeed, the studies of the European Commission for the Efficiency of Justice (CEPEJ) have been published on a biannual basis since 2004. Simultaneously, the World Bank has also been instrumental in studying the functioning of judicial systems worldwide.[21] In such a developed environment, is a different methodology truly needed?

It is true that CEPEJ has offered unprecedent comprehensive data for almost fifty countries, covering budgets, judicial personnel, case processing times, and ICT integration. Its methodological rigor supports the reliability of findings, which makes it perfectly suitable for influencing policy decisions on a national and even multinational level.[22] Similarly, the World Bank's assessments focused in more detail on the functioning of the courts which can influence business, so they are more user oriented.[23]

There are, however, some crucial methodological issues with these studies. The comparability of the analyzed data remains questionable.[24] Data collection is done via extensive questionnaires which are completed by national reporters, who have their own understanding of the questions and who do not always provide sufficient explanations which could help to interpret the data properly, thus influencing the reliability of the results.[25]

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21 Uzelac, A., *Public and Private Justice: The Challenges of Rational Assessment of Performance in the Contemporary Justice Systems*, in: Uzelac, A.; van Rhee, C. H.. (eds.), *Public and Private Justice*, Intersentia, Antwerpen, Oxford, 2007, pp. 14-17.

22 Fabri, M., *Methodological issues in the comparative analysis of the number of judges, administrative personnel, and court performance collected by the Commission for the Efficiency of Justice of the Council of Europe*, Oñati Socio-legal Series, *vol.* 7, no. 4, 2017, pp. 619-621.

23 Uzelac, *op. cit.* (fn. 21), p. 16.

24 Ontanu, A.; Velicogna, M., *The challenge of comparing EU Member States judicial data*, Oñati Socio-Legal Series, *vol.* 11, no. 2, 2021, pp. 453-475.

25 Fabri, *op. cit.* (fn. 22), pp. 622, 631.

For CEPEJ, one the biggest issues in the beginning was that very few countries were able to report precise data on important indicators, such as case durations.[26] The World Bank analyses perhaps contained more precise data which could shed some light on the true pace of court proceedings. However, leaning on self-assessment and experience of the respondents, it may also face the same challenges and not necessarily reflect reality.[27]

The existing mechanisms are useful for international comparisons, maybe even for ranking different justice systems,[28] but this is not particularly helpful in assessing individual national reform attempts. Quite on the contrary, the reporting to CEPEJ and the World Bank often becomes mechanical and soon the methodology becomes a tool for a misrepresentation of the real situation. In Croatia, national reports on the functioning of the judiciary openly rely on CEPEJ methodology and offer statistics. But even when they show data which can later be used in CEPEJ comparisons, some variables are intentionally mistranslated and misrepresented. Such is the case with Disposition Time (DT) which keeps being translated as "Duration of proceedings".[29] My doctoral research has shown that these DT values are on average two to three times smaller than the actual duration of the proceedings.[30] This should not at all surprise us, because DT (at least as used in the CEPEJ studies) is at best an estimate of the duration if the ratio of pending and resolved cases stays the same.

While detailed analyses have been rare, there have been occasional efforts through academic and institutional cooperation and some comparative studies were also prepared to support discussions at IAPL congresses and conferences in the past.[31] In the field of law and economics, there have been numerous individual initiatives and studies aiming to measure efficiency and link various variables

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[26] Albers, P., *Evaluating Judicial Systems: A balance between variety and generalisation*, CEPEJ(2003)12, https://www.albersconsulting.eu/pdf/albers_coe_cepej_report.pdf (last accessed 13 October 2025), p. 5.

[27] Uzelac, *op. cit.* (fn. 21), pp. 16-17; Uzelac, A., *Efficiency of European Justice Systems. The strength and weaknesses of the CEPEJ evaluations*, International Journal of Procedural Law, *vol.* 1, no. 1, 2011, pp. 130-131.

[28] CEPEJ methodology is basis for EU Scoreboard that started in 2013. Dori, A., *In Data We Trust? Quantifying the Costs of Adjudication in the EU Justice Scoreboard*, Erasmus Law Review, *vol.* 14, no. 2, 2021, pp. 281-282.

[29] Uzelac, A., *Judiciary in Croatia 2020: Current situation, causes of crisis and possible reform measures. Discussion material*, 2020, p. 1 (https://www.alanuzelac.from.hr/pubs/C04_Judiciary_in_Croatia_preprint.pdf; last accessed 13 October 2025).

[30] Brozović, *op. cit.* (fn. 19), p. 66.

[31] Uzelac, *op. cit.* (fn. 27), p. 109.

to prolonged case durations or disposition times, sometimes using these notions interchangeably and also with different levels of methodological explanations.[32]

To measure the level of implementation procedural proportionality, I suggest starting from collecting raw data from the CMS and conduct an independent analysis, focusing on as many traceable elements per case as electronic databases allow. This will certainly weaken international comparability, but it will simultaneously offer immense gains for the national stakeholders. The analysis could provide a clearer view of the actual courts performance and can better assess the influence of individual reform attempts. Relying solely on CMS integrated reports, however, remains insufficient.

## 3. KEY FEATURES OF THE PROPOSED MODEL

### 3.1. Sources of data

Many CMSs have integrated reporting dashboards and systems which may, to a certain extent, be used for more concrete aggregate data analysis. However, these tools are primarily used for internal purposes, so they should be used with caution.[33] In my own experience, all CMSs in Croatia and the Western Balkans have this kind of reporting system, but they mostly rely on CEPEJ methodology, so they do not include the real length of the proceedings.

Since such pre-made systems do not necessarily take into account scientific rigor required to measure proportionality, it is crucial to use custom-collected data directly from the CMS. Such data can be extracted and exported to simple .XLSX tables which are the basis for the analysis. In these tables, each case could be registered in a separate row and for each case different variables can be put in the columns: from basic case identifiers (name of the court, case number, assigned judge) and concrete case type descriptors (type of case, case value, number of parties and their lawyers) to case outcomes (type of decision, number of hearings, number of witnesses, experts and other pieces of evidence, appeals) and relevant dates (case initiation, hearing date, resolution date). The resulting table might look as below:

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[32] For overview of these studies, see Economides, K.: Haug; A. A.; McIntyre, J., *Are Courts Slow? Exposing and Measuring the Invisible Determinants of Case Disposition Time*, University of Otago, Department of Economics Working Papers 1317, pp. 6-9. For newer references, see Pistora, D.; van Dijk, F.; Verkerk, R., *Time Taken for Disposition of Commercial Disputes in the Netherlands*, Utrecht Law Review, *vol.* 20, no. 1, 2024, pp. 45-46.

[33] Pistora *et al., op. cit.* (fn. 32), p. 49.

*Table 1: Example of raw data tables*

| Court | Number | Judge | Type | Value | Plaintiffs | Defendants | Lawyers | |
|---|---|---|---|---|---|---|---|---|
| Municipal court | Pn-456/ 2021 | John Doe | Damages | 10.000 EUR | 1 | 2 | 2 | … |
| | | | | | | | | |

| … (cont) | Decision type | Hearings | Witnesses | Experts | Pleadings | Initiation date | Resolution date |
|---|---|---|---|---|---|---|---|
| | Judgment | 4 | 3 | 1 | 8 | 02/01/2021 | 23/09/2023 |
| | | | | | | | |

Prompt preciseness is essential for anticipating all potential issues.[34] There should be no misunderstanding or inconsistencies in collected data. For instance, the initiation date must always refer to the date when the claim was filed with the court. If the claim was submitted to the wrong court and subsequently transferred to the competent court, the initiation date should stay the same. If the same case, for various procedural reasons, gets assigned a different case number (e,g, in case of interlocutory appeals or stay of proceedings), the initiation date should also stay the same and the cases should be merged. This should also be reflected in calculations (e.g. total number of hearings). When doing such calculations, only hearings that were actually held should be taken into consideration. The same goes for witnesses and experts who were actually part of evidentiary proceedings and summoned to court (and not merely proposed). Additionally, special attention should be given to factors which are prone to changes. E.g., there are possibly multiple persons assigned as judges to each case. To enable any kind of comparability with CEPEJ data, choosing 31 December as the relevant date for all entries is advisable. Finally, system-generated calculations are to be avoided unless absolutely necessary (e.g. as regards case duration) to maintain the preciseness of calculations.[35]

[34] For an excellent overview of potential issues, which might arise when assessing aggregate court data, see *ibid*, pp. 49-51.

[35] These variables have been identified earlier as relevant ones. Fabri, *op. cit.* (fn. 22), p. 635. There are others which could provide even wider picture. Economides *et al., op. cit.* (fn 33), pp. 28-31.

Before any analysis takes place, cases with missing data must be excluded from the analysis. Of course, if only a few cases have entries of the same variable, no cases need be deleted. Instead, that variable should be disregarded. Furthermore, negative entries, which are the result of human error, should also be excluded from the analysis. Every inconsistency or ambiguity should result in the same decisions. All entries in the columns should be converted to numbers, to avoid any calculation mistakes. If multiple years are analyzed, consistency between variable names should also be kept, so as not to compromise the comparison.

### 3.2. Indicators

If procedural proportionality is viewed as an effort to distribute as much labor, resources and court's time as the specifics of each case require, then a less complex case should require fewer resources (time, hearings, evidence) than a complex one. The main criteria for the division between simplified and regular proceedings are case value and case type, but some other artificial numerical variables, such as case weight, can also play a role.

Custom-made aggregate datasets, prepared in the way described above, are the perfect soil for a correlation and regression analysis. If the criteria for the division between simple and regular cases is well chosen, the correlation and regression analysis should be able to confirm that.[36] For instance, there should be some statistically provable connection between case value or type on the one hand and duration, the number of hearings or pieces of evidence used on the other. To be able to speculate on any causality between certain variables and (non-)efficiency, as many variables as possible must be included in the model, including the number of parties, their representatives, etc.

To paint the whole picture, the correlation and regression analysis of the aggregate dataset should also be supported by basic descriptive statistics. In my view, there is no point in performing such calculations for the whole datasets. Instead, I propose to perform the descriptive statistics analysis separately for special types of proceedings (or tracks) datasets and regular proceedings and then compare them. If there is a proven correlation between the chosen criteria of division and efficiency, this should also be visible in a comparative overview

[36] While the purpose of the correlation analysis is to prove the relationship between different variables, the regression analysis explains how they are related. Lawless, R. M.; Robbennolt, J. K.; Ulen, T. S., *Empirical Methods in Law*, Wolters Kluwer, Austin, Boston, Chicago, New York, The Netherlands, 2010, pp. 290-291.

of descriptive statistics. For instance, cases of smaller value should result in a smaller number of hearings and shorter durations, with the use of a smaller number of (expert) witnesses, inspections and party pleadings.

### 3.3. Appropriate methods of analysis

The choice of statistical tools is a matter of personal choice. When I was doing my doctoral thesis, I was using what was already easily accessible to me: Microsoft Excel. While this is certainly a widely accessible and simple tool which can perform powerful tasks in a user-friendly way, experts usually prefer custom tools designed specifically for empirical analysis. They not only have advanced tools but are also able to handle large datasets more efficiently.[37] For the purposes of this paper, I chose R studio, an open-source tool which uses Python coding in an efficient way. Its large online community and assisting manuals make its use much easier for outsider users, although the initial transition from well-known formulas or pivot table-based analysis to coding might be difficult for some users.[38]

When it comes to the analysis, methods should be chosen with care because they influence the accuracy of potential conclusions. For instance, there are multiple ways one can perform a correlation and regression analysis. This will depend on the data linearity and normality of data distribution. For court data, one can expect non-normal distribution and most likely non-linearity. Before performing the analysis, this hypothesis should be confirmed. If data distribution is normal, normality testing should be followed by linearity testing. If data is not normally distributed, there is no need to test linearity. This is already sufficient to opt for the Spearman coefficient in the correlation and Quantile regression for the regression analysis.[39]

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[37] *Ibid*., 171.

[38] The purpose of this paper is not to favor any of the mentioned tools. Each and one of them has a strong case for their use, so this is in fact, as already stated, merely a matter of personal choice.

[39] De Winter, J. C. F.; Gosling, S. D.; Potter, J., *Comparing the Pearson and Spearman Correlation Coefficients Across Distributions and Sample Sizes: A Tutorial Using Simulations and Empirical Data*, Psychological Methods, *vol.* 21, 2016, p. 20; DeLisi, M.; Beaver, K. M.; Wright, K. A.; Wight, J. P.; Vaughn, M. G.; Trulson, C. R., *Criminal Specialization Revisited: A Simultaneous Quantile Regression Approach*, American Journal of Criminal Justice, *vol.* 36, 2011, p. 80.

The descriptive statistics should follow the usual methodology (mean, median, minimum, maximum, standard deviation and q2.5 – q97.5 as a 95% confidence interval). Different datasets should be compared by using graphs and supporting tables. For readability, a full overview of descriptive statistics should be placed in a special annex, while the graphs should contain the most important findings.

## 4. A PRACTICAL EXAMPLE: ASSESSMENT OF SIMPLIFICATION ATTEMPTS IN CROATIAN SMALL CLAIMS DISPUTES

### 4.1. Correlation analysis

#### *4.1.1. Choice of appropriate method*

Any statistical analysis starts with goodness-of-fit test, checking whether the data is normally distributed.[40] Although there is no perfect choice between a variety of methods, the (modified) Anderson-Darling normality test seems to perform well in cases of deviations in distribution tales.[41] This step is crucial for guaranteeing the relevance of the results.

After performing an Anderson-Darling test for Croatian municipal courts from 2020-2024, the results were clear: data in all datasets in each of the observed years was not normally distributed, as the p-value for all variables in all years was below 0.05 (*Table 2*).

[40] Sulewski, P., *Modification of Anderson-Darling goodness-of-fit test for normality,* Journal of Chemical Engineering Theoretical and Applied Chemistry, *vol.* 76, no. 588, 2019, p. 271.

[41] *Ibid.*, p. 276.

*Table 2: Anderson-Darling test results*

| Dataset | Variable | Test statistic ($A^2$) | p-value | Conclusion |
|---|---|---|---|---|
| 2020 | Hearings | 8456 | 3,7E-24 | Non-Normal |
| | Duration | 8456 | 3,7E-24 | Non-Normal |
| | Witnesses | 8456 | 3,7E-24 | Non-Normal |
| | Experts | 8456 | 3,7E-24 | Non-Normal |
| | Inspections | 8456 | n/a | n/a |
| | Plaintiffs | 8456 | 3,7E-24 | Non-Normal |
| | Defendants | 8456 | 3,7E-24 | Non-Normal |
| | Lawyers | 8456 | 3,7E-24 | Non-Normal |
| | Pleadings | 8456 | 3,7E-24 | Non-Normal |
| | Value | 8456 | 3,7E-24 | Non-Normal |
| | Weight | 8456 | 3,7E-24 | Non-Normal |
| 2021 | Hearings | 12925 | 3,7E-24 | Non-Normal |
| | Duration | 12925 | 3,7E-24 | Non-Normal |
| | Witnesses | 12925 | 3,7E-24 | Non-Normal |
| | Experts | 12925 | 3,7E-24 | Non-Normal |
| | Inspections | 12925 | 3,7E-24 | Non-Normal |
| | Plaintiffs | 12925 | 3,7E-24 | Non-Normal |
| | Defendants | 12925 | 3,7E-24 | Non-Normal |
| | Lawyers | 12925 | 3,7E-24 | Non-Normal |
| | Pleadings | 12925 | 3,7E-24 | Non-Normal |
| | Value | 12925 | 3,7E-24 | Non-Normal |
| | Weight | 12925 | 3,7E-24 | Non-Normal |
| 2022 | Hearings | 10378 | 3,7E-24 | Non-Normal |
| | Duration | 10378 | 3,7E-24 | Non-Normal |
| | Witnesses | 10378 | 3,7E-24 | Non-Normal |
| | Experts | 10378 | 3,7E-24 | Non-Normal |
| | Inspections | 10378 | 3,7E-24 | Non-Normal |
| | Plaintiffs | 10378 | 3,7E-24 | Non-Normal |
| | Defendants | 10378 | 3,7E-24 | Non-Normal |
| | Lawyers | 10378 | 3,7E-24 | Non-Normal |
| | Pleadings | 10378 | 3,7E-24 | Non-Normal |
| | Value | 10378 | 3,7E-24 | Non-Normal |
| | Weight | 10378 | 3,7E-24 | Non-Normal |

| Dataset | Variable | Test statistic ($A^2$) | p-value | Conclusion |
|---|---|---|---|---|
| 2023 | Hearings | 9892 | 3,7E-24 | Non-Normal |
| | Duration | 9892 | 3,7E-24 | Non-Normal |
| | Witnesses | 9892 | 3,7E-24 | Non-Normal |
| | Experts | 9892 | 3,7E-24 | Non-Normal |
| | Inspections | 9892 | 3,7E-24 | Non-Normal |
| | Plaintiffs | 9892 | 3,7E-24 | Non-Normal |
| | Defendants | 9892 | 3,7E-24 | Non-Normal |
| | Lawyers | 9892 | 3,7E-24 | Non-Normal |
| | Pleadings | 9892 | 3,7E-24 | Non-Normal |
| | Value | 9892 | 3,7E-24 | Non-Normal |
| | Weight | 9892 | 3,7E-24 | Non-Normal |
| 2024 | Hearings | 12933 | 3,7E-24 | Non-Normal |
| | Duration | 12933 | 3,7E-24 | Non-Normal |
| | Witnesses | 12933 | 3,7E-24 | Non-Normal |
| | Experts | 12933 | 3,7E-24 | Non-Normal |
| | Inspections | 12933 | 3,7E-24 | Non-Normal |
| | Plaintiffs | 12933 | 3,7E-24 | Non-Normal |
| | Defendants | 12933 | 3,7E-24 | Non-Normal |
| | Lawyers | 12933 | 3,7E-24 | Non-Normal |
| | Pleadings | 12933 | 3,7E-24 | Non-Normal |
| | Value | 12933 | 3,7E-24 | Non-Normal |
| | Weight | 12933 | 3,7E-24 | Non-Normal |

This was not surprising as the same was previously the case for datasets from 2015 to 2019, which were analyzed in my doctoral thesis.[42] Employing the same method is thus relevant not only for statistical rigor, but also for the comparability of the two analyses.

[42] Brozović, *op. cit.* (fn. 19), p. 61.

#### *4.1.2. Findings*

The calculations of the Spearman coefficients for years 2020 – 2024 were made in R-studio and prepared for interpretation. The usual ranking would presuppose that a Spearman coefficient with a ranking between 0 and 0.19 is very weak (or non-existent), between 0.20 and 0.39 weak, between 0.40 and 0.59 moderate, between 0.60 and 0,79 strong and between 0.80 and 1.00 very strong. Positive values indicate a positive correlation (e.g., the increase of one variable is followed by the increase of the other variable), while negative ones the existence of a negative correlation (e.g., the increase of one variable is followed by a decrease of the other variable).[43] By following such methodology, data can be analyzed on a yearly basis.

While the general impression of the other values is that they are rather low (*Table 3*), some noteworthy exceptions are noted. The only case of a strong correlation was evident between the number of pleadings and the number of hearings (0.62). The number of experts was in a moderate correlation with the number of pleadings and the number of hearings (0.42) and the number of hearings (0.41). This could be a sign that engaging experts is an indication of more complex cases, resulting in more complex and lengthy proceedings. This, however, could not be confirmed, as there was only a weak correlation between the number of pleadings and case duration (0.38). Almost the same value can be noticed for the relationship between the number of hearings and duration (0.39) and the number of hearings and the number of witnesses (0.36). On the other hand, the intended indicators of case complexity such as case value or weight show (very) weak values in regard to all variables. Other combinations of variables show no correlation and some variables, such as court inspections, contained no data, so they could not be used.

[43] Kumar, K. P.; Reddi, V., *Significance of Spearman's Rank Correlation Coefficient*, International Journal for Multidisciplinary Research, *vol.* 5, no. 4, 2023, p. 1. Some authors indicate that this is a matter of arbitrary choice and that, generally speaking, anything below 0.2 point is extremely low and everything above 0.4 represents a promisingly strong correlation. Lawless *et al., op. cit.* (fn. 36), p. 299.

*Table 3: Correlation coefficients in 2020*

| Variable | Duration | Hearings | Witnesses | Experts | Inspections | Plaintiffs | Defendants | Lawyers | Pleadings | Value | Weight |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Duration | 1 | 0,39 | 0,08 | 0,19 | n/a | 0,15 | -0,02 | 0,21 | 0,38 | 0,25 | 0,08 |
| Hearings | 0,39 | 1 | 0,36 | 0,41 | n/a | 0,09 | -0,01 | 0,26 | 0,62 | 0,23 | 0,05 |
| Witnesses | 0,08 | 0,36 | 1 | 0,19 | n/a | 0,05 | 0,07 | 0,23 | 0,26 | -0,01 | -0,07 |
| Experts | 0,19 | 0,41 | 0,19 | 1 | n/a | 0,02 | -0,08 | 0,18 | 0,42 | 0,13 | 0,09 |
| Inspections | n/a | n/a | n/a | n/a | 1 | n/a | n/a | n/a | n/a | n/a | n/a |
| Plaintiffs | 0,15 | 0,09 | 0,05 | 0,02 | n/a | 1 | 0,19 | 0,06 | 0,07 | 0,04 | -0,07 |
| Defendants | -0,02 | -0,01 | 0,07 | -0,08 | n/a | 0,19 | 1 | -0,01 | -0,01 | -0,16 | -0,28 |
| Lawyers | 0,21 | 0,26 | 0,23 | 0,18 | n/a | 0,06 | -0,01 | 1 | 0,32 | 0,17 | 0,04 |
| Pleadings | 0,38 | 0,62 | 0,26 | 0,42 | n/a | 0,07 | -0,01 | 0,32 | 1 | 0,30 | 0,14 |
| Value | 0,25 | 0,23 | -0,01 | 0,13 | n/a | 0,04 | -0,16 | 0,17 | 0,30 | 1 | 0,20 |
| Weight | 0,08 | 0,05 | -0,07 | 0,09 | n/a | -0,07 | -0,28 | 0,04 | 0,14 | 0,20 | 1 |

In 2021, the values are quite comparable to the previous year (*Table 4*). In contrast to 2020, the values for court inspections could be included in the analysis. The use of such evidence seems to be of no influence on the case duration, but it shows a weak correlation with the number of hearings (0.31), witnesses (0.36) and experts (0.31). This is also to be expected, as court inspection is done as a separate hearing, usually with parties and their lawyers, sometimes also accompanied by experts or witnesses. In 2021, the coefficients measuring correlation between value and weight on the one hand and other variables on the other hand seem to be consistent, but perceivably lower than in 2020.

*Table 4: Correlation coefficients in 2021*

| Variable | Duration | Hearings | Witnesses | Experts | Inspections | Plaintiffs | Defendants | Lawyers | Pleadings | Value | Weight |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Duration | 1 | 0,39 | 0,11 | 0,19 | 0,03 | 0,15 | 0,03 | 0,16 | 0,34 | 0,25 | 0,03 |
| Hearings | 0,39 | 1 | 0,40 | 0,37 | 0,31 | 0,10 | 0,03 | 0,21 | 0,58 | 0,22 | 0,04 |
| Witnesses | 0,11 | 0,40 | 1 | 0,13 | 0,36 | 0,10 | 0,15 | 0,13 | 0,21 | -0,03 | -0,11 |
| Experts | 0,19 | 0,37 | 0,13 | 1 | 0,35 | 0,02 | -0,06 | 0,18 | 0,42 | 0,14 | 0,12 |
| Inspections | 0,03 | 0,31 | 0,36 | 0,35 | 1 | 0,13 | 0,25 | 0,07 | 0,12 | -0,12 | -0,16 |
| Plaintiffs | 0,15 | 0,10 | 0,10 | 0,02 | 0,13 | 1 | 0,23 | 0,07 | 0,05 | 0,03 | -0,10 |
| Defendants | 0,03 | 0,03 | 0,15 | -0,06 | 0,25 | 0,23 | 1 | 0,01 | -0,03 | -0,19 | -0,23 |
| Lawyers | 0,16 | 0,21 | 0,13 | 0,18 | 0,07 | 0,07 | 0,01 | 1 | 0,26 | 0,15 | 0,08 |
| Pleadings | 0,34 | 0,58 | 0,21 | 0,42 | 0,12 | 0,05 | -0,03 | 0,26 | 1 | 0,30 | 0,16 |
| Value | 0,25 | 0,22 | -0,03 | 0,14 | -0,12 | 0,03 | -0,19 | 0,15 | 0,30 | 1 | 0,16 |
| Weight | 0,03 | 0,04 | -0,11 | 0,12 | -0,16 | -0,10 | -0,23 | 0,08 | 0,16 | 0,16 | 1 |

In 2022, there is a continuing, albeit not considerable, growth of the correlation factors which take into account the number of court inspections and pleadings (*Table 5*). The correlation between the number of hearings and case duration, as well as court experts, also became moderate. The case value is still only weakly correlated to case duration and the number of hearings, while correlation is still very weak or of even non-existent in the case of other variables. The CPA Amendments of 2022, which amended the rules on small claims proceedings, came into force only in September 2022, so no true changes could realistically be expected. Case value is still only weakly correlated to duration (0.25), the

number of hearings (0.22) and the number of pleadings (0,30). However, case weight was not correlated to any of the variables despite the new Quantitative Benchmarks for Judges, which in were in effect from January 2022.[44]

*Table 5: Correlation coefficients in 2022*

| Variable | Duration | Hearings | Witnesses | Experts | Inspections | Plaintiffs | Defendants | Lawyers | Pleadings | Value | Weight |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Duration | 1 | 0,41 | 0,04 | 0,22 | -0,02 | 0,12 | -0,04 | 0,18 | 0,40 | 0,26 | 0,06 |
| Hearings | 0,41 | 1 | 0,38 | 0,40 | 0,33 | 0,09 | -0,03 | 0,20 | 0,60 | 0,21 | 0,03 |
| Witnesses | 0,04 | 0,38 | 1 | 0,15 | 0,38 | 0,11 | 0,13 | 0,13 | 0,19 | -0,06 | -0,09 |
| Experts | 0,22 | 0,40 | 0,15 | 1 | 0,41 | 0,02 | -0,05 | 0,15 | 0,37 | 0,12 | 0,08 |
| Inspections | -0,02 | 0,33 | 0,38 | 0,41 | 1 | 0,10 | 0,21 | 0,06 | 0,14 | -0,12 | -0,13 |
| Plaintiffs | 0,12 | 0,09 | 0,11 | 0,02 | 0,10 | 1 | 0,21 | 0,02 | 0,06 | 0,00 | -0,05 |
| Defendants | -0,04 | -0,03 | 0,13 | -0,05 | 0,21 | 0,21 | 1 | 0,01 | -0,03 | -0,19 | -0,17 |
| Lawyers | 0,18 | 0,20 | 0,13 | 0,15 | 0,06 | 0,02 | 0,01 | 1 | 0,26 | 0,13 | 0,04 |
| Pleadings | 0,40 | 0,60 | 0,19 | 0,37 | 0,14 | 0,06 | -0,03 | 0,26 | 1 | 0,28 | 0,10 |
| Value | 0,26 | 0,21 | -0,06 | 0,12 | -0,12 | 0,00 | -0,19 | 0,13 | 0,28 | 1 | 0,11 |
| Weight | 0,06 | 0,03 | -0,09 | 0,08 | -0,13 | -0,05 | -0,17 | 0,04 | 0,10 | 0,11 | 1 |

In 2023, new simplified rules and Quantitative Benchmarks were in full effect. However, there were no considerable changes in the values of correlation factors, which stayed at the same levels as in the pre-reform years (*Table 6*). There was only a subtle rise in the correlation value of weight and duration, but it remained rather low.

*Table 6: Correlation coefficients in 2023*

| Variable | Duration | Hearings | Witnesses | Experts | Inspections | Plaintiffs | Defendants | Lawyers | Pleadings | Value | Weight |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Duration | 1 | 0,42 | 0,02 | 0,22 | 0,01 | 0,08 | -0,05 | 0,18 | 0,41 | 0,26 | 0,11 |
| Hearings | 0,42 | 1 | 0,37 | 0,36 | 0,32 | 0,08 | -0,03 | 0,21 | 0,60 | 0,19 | 0,09 |
| Witnesses | 0,02 | 0,37 | 1 | 0,14 | 0,37 | 0,08 | 0,14 | 0,15 | 0,22 | -0,06 | -0,01 |
| Experts | 0,22 | 0,36 | 0,14 | 1 | 0,39 | 0,02 | -0,01 | 0,12 | 0,36 | 0,12 | 0,07 |
| Inspections | 0,01 | 0,32 | 0,37 | 0,39 | 1 | 0,12 | 0,25 | 0,07 | 0,15 | -0,14 | -0,06 |
| Plaintiffs | 0,08 | 0,08 | 0,08 | 0,02 | 0,12 | 1 | 0,21 | 0,02 | 0,03 | -0,03 | -0,04 |
| Defendants | -0,05 | -0,03 | 0,14 | -0,01 | 0,25 | 0,21 | 1 | 0,00 | -0,03 | -0,23 | -0,11 |
| Lawyers | 0,18 | 0,21 | 0,15 | 0,12 | 0,07 | 0,02 | 0,00 | 1 | 0,23 | 0,12 | 0,05 |
| Pleadings | 0,41 | 0,60 | 0,22 | 0,36 | 0,15 | 0,03 | -0,03 | 0,23 | 1 | 0,26 | 0,13 |
| Value | 0,26 | 0,19 | -0,06 | 0,12 | -0,14 | -0,03 | -0,23 | 0,12 | 0,26 | 1 | 0,09 |
| Weight | 0,11 | 0,09 | -0,01 | 0,07 | -0,06 | -0,04 | -0,11 | 0,05 | 0,13 | 0,09 | 1 |

The data for 2024 shows consistent trends as in previous years (*Table 7*). A slight increase of weight relevance when it comes to duration is present in 2024, as well, but the correlation of case value and the number of hearings is even lower than in the pre-reform years. This is certainly contrary to expectations after introducing the possibility to render decisions without holding a hearing.

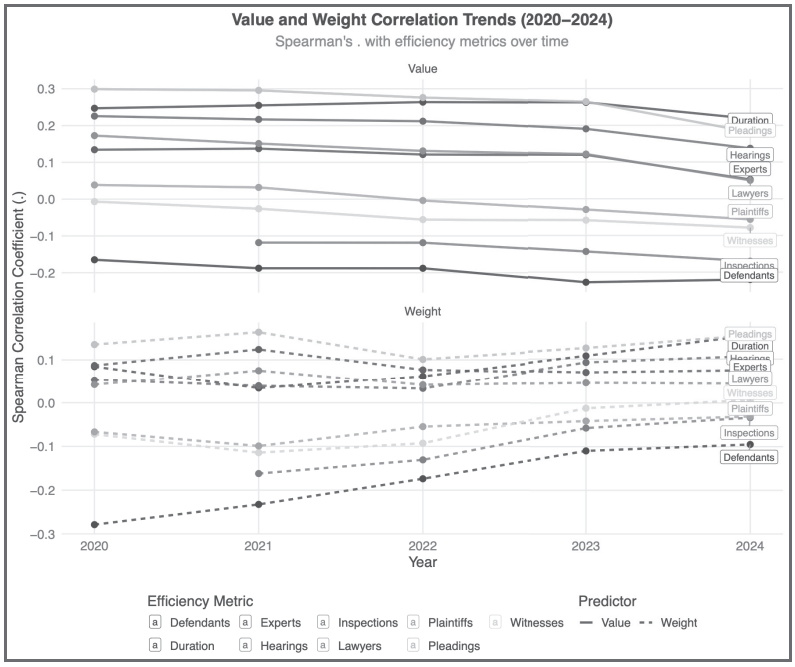
[44] Okvirna mjerila za rad sudaca [Quantitative Benchmarks for Judges], December 2021, pp. 1-2. Quantitative Benchmarks award different weight to different types of cases (family and labor being allocated more weight) and different types of court decisions (judgments being weighted more heavily than procedural decisions).

*Table 7: Correlation coefficients in 2024*

| Variable | Duration | Hearings | Witnesses | Experts | Inspections | Plaintiffs | Defendants | Lawyers | Pleadings | Value | Weight |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Duration | 1 | 0,38 | 0,03 | 0,18 | -0,02 | 0,08 | -0,06 | 0,13 | 0,36 | 0,22 | 0,15 |
| Hearings | 0,38 | 1 | 0,41 | 0,37 | 0,33 | 0,10 | 0,03 | 0,17 | 0,63 | 0,14 | 0,11 |
| Witnesses | 0,03 | 0,41 | 1 | 0,17 | 0,42 | 0,13 | 0,20 | 0,14 | 0,28 | -0,08 | 0,01 |
| Experts | 0,18 | 0,37 | 0,17 | 1 | 0,39 | 0,04 | 0,04 | 0,10 | 0,37 | 0,05 | 0,07 |
| Inspections | -0,02 | 0,33 | 0,42 | 0,39 | 1 | 0,17 | 0,30 | 0,07 | 0,18 | -0,17 | -0,03 |
| Plaintiffs | 0,08 | 0,10 | 0,13 | 0,04 | 0,17 | 1 | 0,25 | 0,03 | 0,06 | -0,06 | -0,03 |
| Defendants | -0,06 | 0,03 | 0,20 | 0,04 | 0,30 | 0,25 | 1 | 0,04 | 0,05 | -0,22 | -0,10 |
| Lawyers | 0,13 | 0,17 | 0,14 | 0,10 | 0,07 | 0,03 | 0,04 | 1 | 0,19 | 0,05 | 0,04 |
| Pleadings | 0,36 | 0,63 | 0,28 | 0,37 | 0,18 | 0,06 | 0,05 | 0,19 | 1 | 0,18 | 0,15 |
| Value | 0,22 | 0,14 | -0,08 | 0,05 | -0,17 | -0,06 | -0,22 | 0,05 | 0,18 | 1 | 0,10 |
| Weight | 0,15 | 0,11 | 0,01 | 0,07 | -0,03 | -0,03 | -0,10 | 0,04 | 0,15 | 0,10 | 1 |

Focusing only on the value and weight, a visual summary exposed the already mentioned trends from 2020 to 2024 (*Graph 1*). Basically, all correlation coefficients which take into consideration case value were approaching zero, while the ones taking into consideration weight were consistently around that value, proving that these factors do not considerably influence efficiency. This conclusion is consistent with my previous findings.

*Graph 1: Correlation trends (2020-24)*



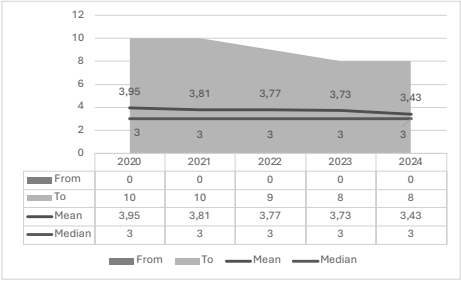

However, additional calculations, which were not made before, are required to confirm such conclusions. This is where the extensive overview of descriptive statistics comes into play.

## 4.2. Descriptive Statistics

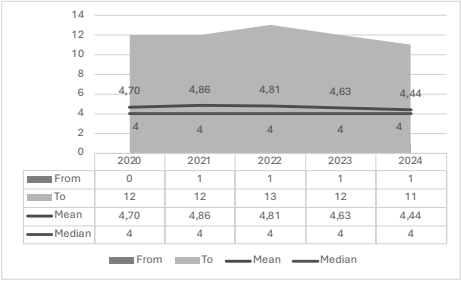
### *4.2.1. Number of Hearings and Duration*

As previously noted, a very weak or even non-existent correlation between the value and the number of hearings existed in the observed period from 2020 to 2024. Despite these findings, both average and median values show that small claims disputes are disposed of with fewer hearings the regular proceedings (cf *Graphs 2 and 3*). More importantly, the number of hearings is decreasing for both types of proceedings, but more significantly for small claims, which could be attributed to the new possibility of rendering decisions without hearings.

*Graph 2: Hearings in small claims disputes (2020-24)*




*Graph 3: Hearings in regular proceedings (2020-24)*

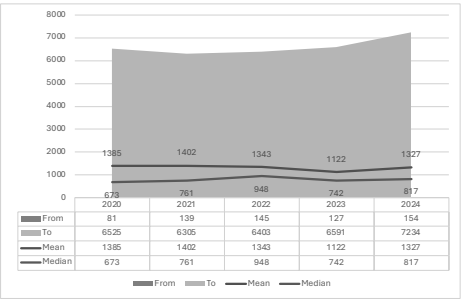



Does this mean more efficient proceedings? Not necessarily. Interestingly enough, comparing duration values in small claims disputes and regular proceedings throughout the years shows some surprising results. The average duration of small claims disputes was actually higher than the average duration of regular proceedings, but the trend was opposite for the median values (cf *Graphs 4 and 5*). While the general average values remained relatively stable, with some fluctuations over the years, the median values appear to be increasing. Some of these values can certainly be explained by outliers, also visible in the maximum values (*Annex: Table 10*), most likely due to a higher backlog resolution rate. However, the backlog resolution rate did not rise in 2024.[45] The shaded areas in the graphs below confirm that the increasing number of lengthy cases

[45] The percentage of resolved cases with a duration longer than 3 years stayed the same as in 2022 (14.39%), but was somewhat higher than in 2023 (12,52%). Report of the President of the Supreme Court on the Functioning of the Judiciary in the Republic of Croatia, 2025, p. 47. See https://sabor.hr/sites/default/files/uploads/

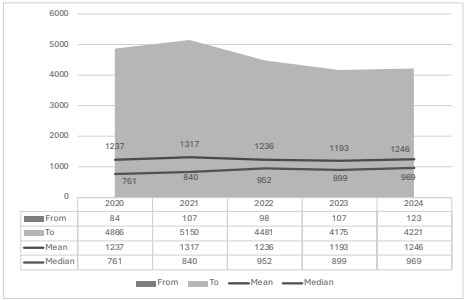
is not merely due to a few outliers but reflects a rising trend across the entire 95% confidence interval.

*Graph 4: Duration of small claims disputes (2020-24)*




| | 2020 | 2021 | 2022 | 2023 | 2024 |
|---|---|---|---|---|---|
| From | 81 | 139 | 145 | 127 | 154 |
| To | 6525 | 6305 | 6403 | 6591 | 7234 |
| Mean | 1385 | 1402 | 1343 | 1122 | 1327 |
| Median | 673 | 761 | 948 | 742 | 817 |

*Graph 5: Duration of regular proceedings (2020-24)*




| | 2020 | 2021 | 2022 | 2023 | 2024 |
|---|---|---|---|---|---|
| From | 84 | 107 | 98 | 107 | 123 |
| To | 4866 | 5150 | 4481 | 4175 | 4221 |
| Mean | 1237 | 1317 | 1236 | 1193 | 1246 |
| Median | 761 | 840 | 952 | 899 | 969 |

While a weak or moderate correlation coefficient already suggested this conclusion, it appears that a smaller number of hearings does not necessarily imply a shorter duration of proceedings. This may be a consequence of long periods of inactivity, but also of the choice of evidence.

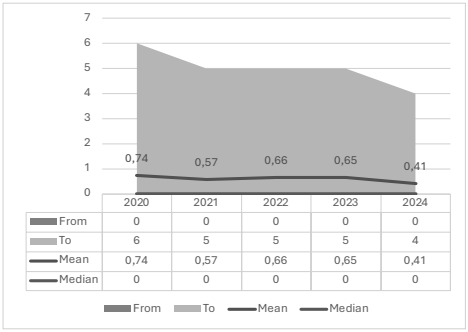
### *4.2.2. Use of evidence*

Already from the correlation tables it was clear that value was very weakly correlated to all types of evidence. Still, the data on the use of particular pieces of evidence sheds a different light on these issues.

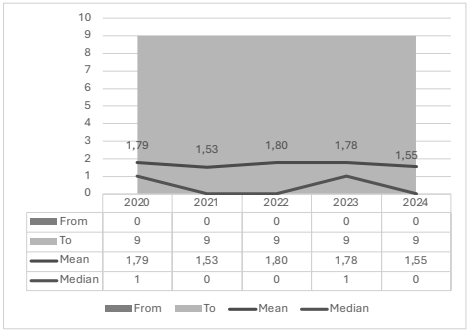
Regarding the number of witnesses, comparisons over the years suggest a clear preference for using witnesses in regular proceedings compared to small claims disputes (cf *Graphs 6 and 7*). In the latter type of cases, the 95% confidence interval indicates a noticeable decline in the use of witnesses since 2020. In contrast, the average values for regular proceedings have remained relatively stable, with only minor fluctuations.

sabor/2025-04-29/134102/IZVJESCE_VRHOVNI_SUD_2024.pdf (last accessed 13 October 2025).

*Graph 6: Number of Witnesses in Small Claims Disputes (2020-24).*

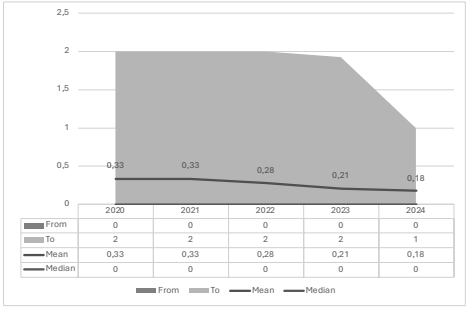



*Graph 7: Number of Witnesses in Regular Proceedings (2020-24)*

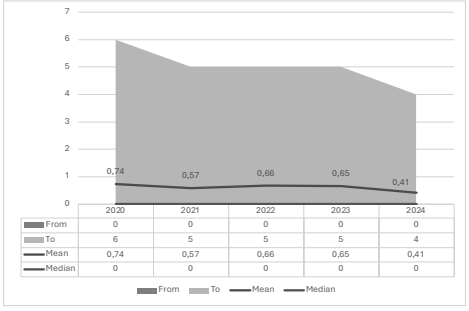



Similar trends can be observed in the use of experts. However, unlike the use of witnesses, the use of experts has shown a consistent decline in both types of proceedings (cf *Graphs 8 and 9*). Still, the 95% confidence interval indicates that in regular proceedings their involvement is still more common, albeit relatively rare. In some cases, though, up to nine experts are used, which is most likely the result of remittals. For small claims disputes, the use of experts is clearly minimal, with median values at zero and the average ones below 0.5 per case. Remitted cases also probably explain up to four experts used in some disputes within the 95% range.

*Graph 8: Number of experts in small claims disputes (2020-24)*

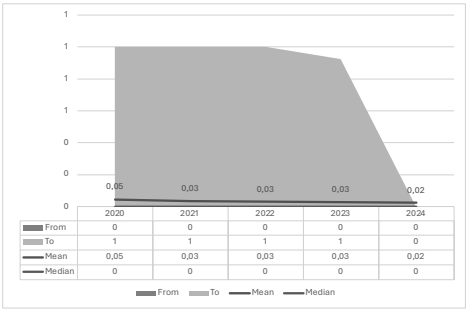



*Graph 9: Number of experts in regular proceedings (2020-24)*

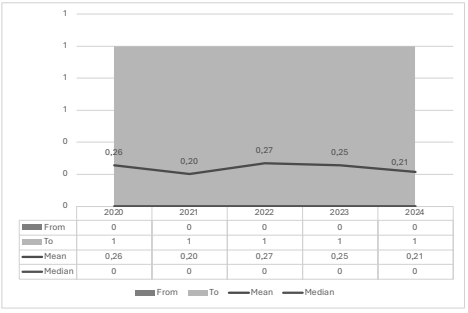



Finally, court inspections continue to confirm the findings regarding the use of evidence (cf *Graphs 10 and 11*). The median rates for both types of proceedings are at zero, while the average ones are very low and for small claims disputes almost non-existent.

*Graph 10: Number of court inspections in small claims disputes (2020-24)*




*Graph 11: Number of court inspections in regular proceedings (2020-24)*




All in all, unlike the duration of proceedings, it would seem that the use of evidence better reflects the idea of proportionality and that positive trends can indeed be observed.

### *4.2.3. Other indicators*

Proportionality implies a decreased use of resources, so the proceedings which are less important should ultimately incur lower costs. Employment of lawyers can, depending on the tradition, immensely influence total litigation costs.[46] When small claims disputes are compared to regular proceedings, an interesting trend can be noticed in the observed period. While the percentages of cases in which both the plaintiff(s) and the litigant(s) were represented by lawyers were comparable, albeit more common in regular proceedings, in 2024 there was a sudden twist. In almost 72.19% of small claims disputes, no parties were represented by lawyers (*Table 8*). While the total costs of these proceedings cannot be generated on an aggregate level, this certainly implies that the costs of these proceedings might have been lower than in preceding years.

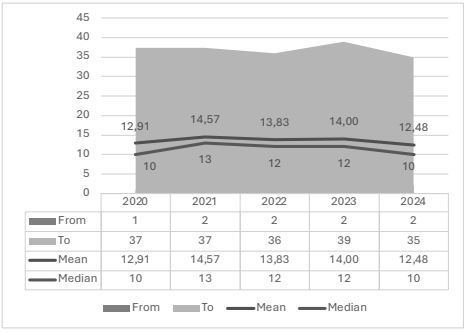
[46] Hodges, C.; Cogenauer, S.; Tulibacka, M., *Costs and Funding of Civil Litigation: A Comparative Study*, Hart Publishing, Oxford, Portland, 2010, pp. 107-108.

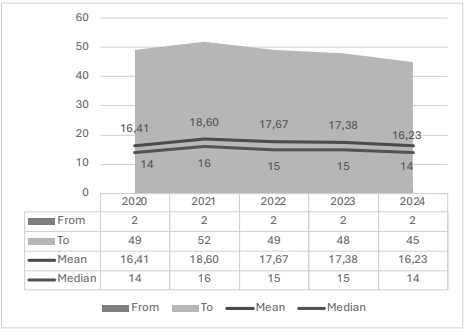
*Table 8: Percentage of parties represented by a lawyer (2020-24)*

| | Dataset | 0 | 1 | 2 |
|---|---|---|---|---|
| **2020** | **RP** | 1.50 % | 21.18 % | 77.32 % |
| | **SCP** | 8.30 % | 32.96 % | 58.74 % |
| **2021** | **RP** | 1.52 % | 16,45 % | 82.03 % |
| | **SCP** | 8.31 % | 28,49 % | 63.20 % |
| **2022** | **RP** | 1.25 % | 15.05 % | 83.70 % |
| | **SCP** | 6.70 % | 25.53 % | 67.76 % |
| **2023** | **RP** | 1.03 % | 14.66 % | 84.31 % |
| | **SCP** | 7.02 % | 26.32 % | 66.67 % |
| **2024** | **RP** | 1.58 % | 14.22 % | 84.20 % |
| | **SCP** | 72.19 % | 5.92 % | 21.89 % |

One might expect that the decrease of lawyers also brought a decreased number of written pleadings, but that was not the case (cf *Graphs 12 and 13*). For small claims disputes, the numbers fluctuated over the years, while they remained essentially constant in regular proceedings. This is consistent with the previously observed correlation values, as the weak correlation between the number of lawyers and pleadings in recent years diminished to a very weak correlation.

*Graph 12: Number of pleadings in small claims disputes (2020-24)* *Graph 13: Number of pleadings in regular proceedings (2020-24)*




## 4.3. Summary and Overall Assessment of the Reform

The correlation analysis has confirmed that value of the dispute is weakly correlated with the efficiency variables, such as case duration, number of hearings or pieces of evidence used. The CPA Amendments of 2022 have not changed

these trends. Still, descriptive statistics show that overall, there are some subtle and positive differences between the two types of proceedings.

In small claims disputes there seemed to be notably fewer hearings, although the number has not considerably dropped in recent years, as could have been expected after allowing courts to decide the case without a hearing. In terms of evidence, a smaller number of witnesses and experts is used, although the 95% confidence interval demonstrates there are cases where the difference is not that considerable. While many litigants still opt for the use of attorneys, in small claims disputes their number significantly dropped in 2024. This still has not reflected on the number of written pleadings which is similar to the average values of regular proceedings, albeit lower.

Still, there are some grounds for concern. The most worrisome one is the case duration analysis. On average, small claims disputes lasted longer than regular proceedings. While the median values were smaller, they are on the rise and the 95% confidence interval demonstrates that there is a significant number of small claims disputes which last longer than regular proceedings in the same confidence interval.

The other ground for concern is seemingly failed case weighting, as demonstrated in our analysis which showed no correlation between case weight and other variables. Even with the new Quantitative Benchmarks for Judges, there seems to be no incentive for judges to resolve smal claims disputes expeditiously. It is questionable whether any procedural simplification will yield any results before underlying incentives are properly aligned and balanced.[47]

This represents more than just a missed opportunity; it also highlights a fundamental conceptual problem. To be specific, the essential element of proportionality, the freedom of a judge to independently tailor the proceedings to the specifics of the case, seems to be lacking. The special rules for small claims disputes and the Quantitative Benchmarks, together in synergy, seem to support a prevailing belief in Croatia that the Government (sometimes empowered by the Parliament) is best positioned to assess and evaluate, in advance, what kinds of cases require more time.[48] It reflects a deep mistrust of judicial discretion and effectively renders their case management duties

[47] It is not that uncommon that incentives are clearly connected to delays in judicial systems. Rosales-Lopez, V., *Economics of court performance: an empirical analysis*, European Journal of Law and Economics, *vol.* 25, 2008, p. 235.

[48] There are other procedural rules that point in the same direction. Such is the case with statutory deadlines for scheduling or holding hearings and for disposing of cases (e.g. arts 185, 284, 293 Zakon o parničnom postupku [Civil Procedure Act], *Narodne novine*, no. 53/1991, 91/1992, 112/1999, 129/2000, 88/2001, 117/2003,

impossible to fulfill. This undermines any prospects for proportionality in Croatian civil procedure.[49]

## 5. INSTEAD OF A CONCLUSION: CHALLENGES AND THE POTENTIAL USE OF THE MODEL

While, in my view, the comprehensive statistical analysis presented in this paper serves as a strong model for evaluating reforms within individual jurisdictions, it is important to acknowledge a few caveats.

The first is the obvious elephant in the room: the potentially limited applicability in jurisdictions outside Croatia. It is true that the quality of CMSs will dictate the scope of such assessments. My experience in the region has shown that recently developed CMSs in most countries of the Western Balkans are perfectly capable of generating most of the data analyzed in this paper. If that is the case for systems currently under development, more experienced and advanced systems can surely perform at a similar level.[50]

Of course, no matter how well prepared the datasets are, it still might be difficult to analyze them and draw meaningful conclusions. In this paper the issue of data non-normality has been successfully tackled by using the Spearman coefficient. When it comes to regression analysis, non-normality has previously been tackled in social sciences by using robust methods such as Quantile Regression (QR).[51] Unfortunately, the results of the QR analysis of the five datasets in this paper had to be discarded, due to clearly visible deviations undermining the reliability of the model. As an example, below is the QQ plot for 2024 clearly showing the disparity between sample and theoretical quantiles (*Graph*

88/2005, 2/2007, 96/2008, 84/2008, 123/2008, 57/2011, 25/2013, 89/2014, 70/2019, 80/2022, 114/2022, 155/2023).

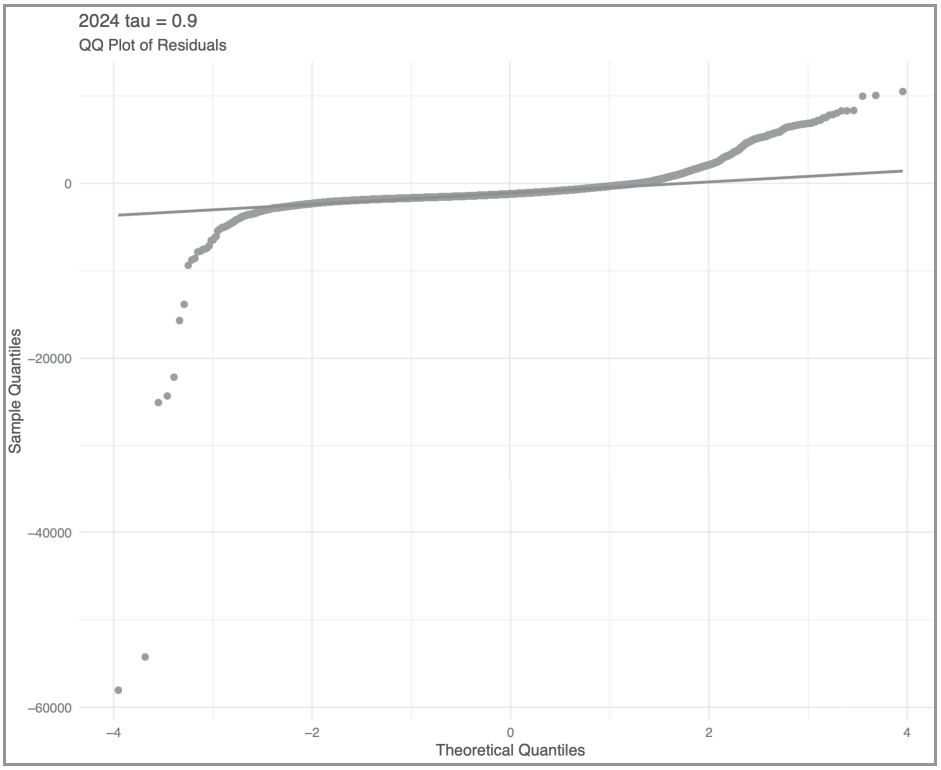
[49] Case weighting and evaluation of judges deserve a separate paper so they cannot be discussed in more detail here. It is interesting to note, though, that evaluation is only one potential purpose of case weighting, but that in Croatia it seems to be the dominant one. An analysis in the region seems to confirm the same tendencies. Kleiman, M.; Lee, C. G.; Ostrom, B. J.; Schauffler, R. J., *Case Weighting as a Common Yardstick:A Comparative Review of Current Uses and Future Directions*, Oñati Socio-legal Series, *vol.* 7, no. 4, 2017., pp. 644, 652-5.

[50] Case management systems have truly evolved in the last twenty-five years. For a comparative overview of their capabilites, see Fabri, M., *From Court Automation to e-Justice and Beyond in Europe*, International Journal for Court Administration, *vol.* 15, no. 3, 2024.

[51] DeLisi *et al., op. cit.* (fn. 39), p. 80.

*14*), which may (albeit not necessarily) be an indication that the model is not a good fit and that it should be discarded.[52]

*Graph 14: QQ Plots for QR analysis (2024)*




This is unfortunate, because the results were quite insightful and to a certain degree consistent with the correlation analysis. Just as a partial illustration of the median quantile (tau = 0.5) for 2024, if taken for granted, we could confidently say that extra hearings prolonged the median duration of proceedings by 158 days, the use of experts by 97 days and of lawyers by 62 days. Although the weight variable (with and without scaling) initially appeared to be a strong predictor, the p-value of 0.98 confirmed its statistical insignificance (*Table 9*).

[52] Loy, A.; Follett, L.; Hofmann, H., *Variations of Q–Q Plots: The Power of Our Eyes!*, The American Statistician, *vol.* 70, no. 2, 2016, pp. 4-5.

*Table 9: Quantile Regression results (2024)*

| Variable | Value | Std. Error | t value | Pr(>\|t\|) |
|---|---|---|---|---|
| **(Intercept)** | -48,3898 | 66,87836 | -0,72355 | 0,46936 |
| **Hearings** | 158,9036 | 4,02409 | 39,48812 | 0 |
| **Witnesses** | -43,7761 | 3,58656 | -12,2056 | 0 |
| **Experts** | 97,77758 | 12,72192 | 7,68576 | 0 |
| **Plaintiffs** | 20,00318 | 11,20884 | 1,78459 | 0,07435 |
| **Defendants** | -5,04026 | 0,63243 | -7,96967 | 0 |
| **Lawyers** | 62,42835 | 14,0848 | 4,43232 | 0,00001 |
| **Value** | 0 | 0,00057 | 0,00574 | 0,99542 |
| **Weight** | 146,5218 | 6355,284 | 0,02306 | 0,98161 |

The other techniques usually employed in case of non-normality of data, such as log transformations[53] unfortunately also failed the goodness-of-fit test. Further research is required to determine which regression method works for judicial datasets as used in this paper.[54]

Even at this stage, I believe that the methodology used in this paper could be used as a model of similar analyses in other countries. While direct international comparisons are not completely out of the question, this approach could be more useful for longitudinal comparisons withing the same system. It may perhaps be premature to consider including such analyses in evaluations like the ones performed by the CEPEJ, as that would require reopening old debates and re-examining the very purpose of data comparisons.[55] It may be possible to start with a few countries that are able to provide data of sufficient quality.[56] Automatization of dataset processing, although only starting, could

[53] Although generally used to deal with skewed data (Lawless, Robbennolt, Ulen, *op. cit.* (fn. 36), pp. 217-219), this is not a unique case where these transformations failed. Although in a completely different field, see the results of Feng C. *et al.*, *Log-transformation and its implications for data analysis*, Shanghai Arch Psychiatry, *vol.* 26, no. 2, 2014.

[54] It was also pointed out that regression analysis of court data, although crucial in determining delay factors, can be problematic. Economides *et al.*, *op. cit.* (fn. 32), pp. 24-25.

[55] Uzelac, *op. cit.* (fn. 27), pp. 130-133.

[56] There are other measures which could easily be implemented, such as giving independent experts a quality control role. Fabri, *op. cit.* (fn. 22), p. 636.

also facilitate the analyses.[57] However, moving away from questionnaire-based analyses to analyses based on CMS-generated datasets in foreseeable future seems imminent.

Finally, this methodology can also be used in pilot projects in courts. In fact, I recently proposed and implemented a similar methodology to assess the success of the pilot project at the Basic Court in Podgorica (Montenegro), funded by Norway Grants. By tracking the indicators mentioned in this paper and their changes over time, along with their correlations, it will be possible to assess whether judges have indeed begun applying the recommended judicial case management practices.[58]

Although numerical data can be deficient and prone to misinterpretation, they remain the most objective indicators out there. Engaging with them through rigorous statistical analysis is admittedly methodologically demanding and labor-intensive, but it nonetheless represents a worthwhile endeavor.

[57] See Golomoziy, V. *et al.*, *Processing Big Data of Court Decision*, Baltic Journal Modern Computing, *vol.* 11, no. 4, 2023.

[58] In the project "Support To Judicial Reform Western Balkans" (Rer 21/0016) led by the Norwegian Court Administration (NCA), the international Working Group on the Judicial Management has been established to draft a joint report which will hopefully be a basis for the reforms in the region. Along with Prof. Amer Demirović, I performed an empirical analysis of aggregate datasets and a more detailed analysis of the samples. The analysis will be used to support the findings in the report which is expected to be presented to judicial councils in October 2025. Simultaneously, the piloting program, designed to implement the ideas from the draft report, will begin in early 2026. A methodology like the one used in this paper will be applied to track the pilot's success.

## 6. Annex: Full Overview of Descriptive Statistics (2020-2024)

*Table 10: Overview of descriptive statistics (2020-24)*

| Year | 2020 | | 2021 | | 2022 | | 2023 | | 2024 | | 2020 - 2024 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Dataset | RP | SCP | RP | SCP | RP | SCP | RP | SCP | RP | SCP | RP | SCP |
| Sample | 7662 | 795 | 11579 | 1348 | 9677 | 701 | 9209 | 684 | 11919 | 1014 | | |
| Hearings (Mean) | 4,70 | 3,95 | 4,86 | 3,81 | 4,81 | 3,77 | 4,63 | 3,73 | 4,44 | 3,43 | -5,49% | **-13,26%** |
| Hearings (Median) | 4 | 3 | 4 | 3 | 4 | 3 | 4 | 3 | 4 | 3 | 0,00% | **0,00%** |
| Hearings (Minimum) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Hearings (Maximum) | 36 | 21 | 44 | 35 | 36 | 17 | 27 | 15 | 31 | 21 | -13,89% | 0,00% |
| Hearings (Standard Deviation) | 2,98 | 2,54 | 2,89 | 2,28 | 2,92 | 2,05 | 2,67 | 2,00 | 2,57 | 1,79 | -13,51% | -29,54% |
| Hearings (Quantile 2.5) | 0 | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 1 | 0 | | |
| Hearings (Quantile 97.5) | 12 | 10 | 12 | 10 | 13 | 9 | 12 | 8 | 11 | 8 | -8,33% | -20,00% |
| Duration (Mean) | 1237 | 1385 | 1317 | 1402 | 1236 | 1343 | 1193 | 1122 | 1246 | 1327 | 0,73% | **-4,23%** |
| Duration (Median) | 761 | 673 | 840 | 761 | 952 | 948 | 899 | 742 | 969 | 817 | 27,42% | **21,40%** |
| Duration (Minimum) | 5 | 38 | 9 | 35 | 3 | 39 | 8 | 5 | 4 | 42 | -20,00% | 10,53% |
| Duration (Maximum) | 14942 | 8600 | 14130 | 12821 | 14759 | 8998 | 13171 | 8759 | 13401 | 9564 | -10,31% | 11,21% |
| Duration (Standard Deviation) | 1340 | 1749 | 1350 | 1717 | 1197 | 1574 | 1103 | 1276 | 1128 | 1653 | -15,88% | -5,49% |
| Duration (Quantile 2.5) | 84 | 81 | 107 | 139 | 98 | 145 | 107 | 127 | 123 | 154 | 46,43% | 90,40% |
| Duration (Quantile 97.5) | 4866 | 6525 | 5150 | 6305 | 4481 | 6403 | 4175 | 6591 | 4221 | 7234 | -13,25% | 10,86% |
| Witnesses (Mean) | 1,79 | 0,74 | 1,53 | 0,57 | 1,80 | 0,66 | 1,78 | 0,65 | 1,55 | 0,41 | -13,60% | **-44,11%** |
| Witnesses (Median) | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | -100,00% | |
| Witnesses (Minimum) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Witnesses (Maximum) | 43 | 12 | 43 | 21 | 39 | 23 | 44 | 9 | 34 | 24 | -20,93% | 100,00% |
| Witnesses (Standard Deviation) | 2,64 | 1,64 | 2,61 | 1,58 | 2,76 | 1,77 | 2,65 | 1,40 | 2,51 | 1,29 | -4,95% | -21,05% |
| Witnesses (Quantile 2.5) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Witnesses (Quantile 97.5) | 9 | 6 | 9 | 5 | 9 | 5 | 9 | 5 | 9 | 4 | 0,00% | -33,33% |
| Experts (Mean) | 0,52 | 0,33 | 0,56 | 0,33 | 0,46 | 0,28 | 0,41 | 0,21 | 0,37 | 0,18 | **-28,35%** | **-46,84%** |
| Experts (Median) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Experts (Minimum) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Experts (Maximum) | 8 | 4 | 10 | 6 | 10 | 5 | 10 | 3 | 11 | 4 | 37,50% | 0,00% |
| Experts (Standard Deviation) | 0,81 | 0,61 | 0,85 | 0,61 | 0,75 | 0,60 | 0,71 | 0,51 | 0,67 | 0,46 | -17,24% | -24,42% |
| Experts (Quantile 2.5) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Experts (Quantile 97.5) | 3 | 2 | 3 | 2 | 2 | 2 | 2 | 1,925 | 2 | 1 | -33,33% | -50,00% |
| Inspections (Mean) | 0,26 | 0,05 | 0,20 | 0,03 | 0,27 | 0,03 | 0,25 | 0,03 | 0,21 | 0,02 | -16,61% | **-45,55%** |
| Inspections (Median) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Inspections (Minimum) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Inspections (Maximum) | 7 | 3 | 4 | 4 | 10 | 2 | 5 | 1 | 4 | 2 | -42,86% | -33,33% |
| Inspections (Standard Deviation) | 0,49 | 0,24 | 0,44 | 0,21 | 0,51 | 0,18 | 0,49 | 0,16 | 0,44 | 0,17 | -9,22% | -29,19% |
| Inspections (Quantile 2.5) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Inspections (Quantile 97.5) | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0,925 | 1 | 0 | 0,00% | -100,00% |
| Plaintiffs (Mean) | 1,42 | 1,76 | 1,32 | 1,18 | 1,38 | 1,12 | 1,33 | 1,31 | 1,27 | 1,67 | -10,67% | -4,70% |
| Plaintiffs (Median) | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0,00% | 0,00% |
| Plaintiffs (Minimum) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Plaintiffs (Maximum) | 90 | 211 | 62 | 88 | 48 | 19 | 93 | 73 | 56 | 158 | -37,78% | -25,12% |
| Plaintiffs (Standard Deviation) | 1,87 | 9,66 | 1,25 | 2,63 | 1,46 | 0,89 | 1,60 | 3,64 | 1,19 | 7,79 | -36,49% | -19,36% |
| Plaintiffs (Quantile 2.5) | 1 | 0,85 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0,00% | 17,65% |
| Plaintiffs (Quantile 97.5) | 4 | 4 | 4 | 2 | 4 | 2,5 | 4 | 2 | 3 | 3 | -25,00% | -25,00% |
| Defendants (Mean) | 4,74 | 1,23 | 3,62 | 1,22 | 4,58 | 1,20 | 4,05 | 1,14 | 3,75 | 1,31 | -20,88% | 6,97% |
| Defendants (Median) | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0,00% | 0,00% |
| Defendants (Minimum) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Defendants (Maximum) | 538 | 21 | 561 | 17 | 416 | 12 | 305 | 9 | 469 | 66 | -12,83% | 214,29% |
| Defendants (Standard Deviation) | 13,56 | 1,05 | 11,58 | 1,00 | 13,70 | 0,82 | 11,59 | 0,69 | 12,26 | 2,96 | -9,55% | 183,51% |
| Defendants (Quantile 2.5) | 1 | 0,85 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0,00% | 17,65% |
| Defendants (Quantile 97.5) | 32 | 3,15 | 25 | 3 | 34 | 3 | 29 | 2 | 27 | 3 | -15,63% | -4,76% |
| Lawyers (Mean) | 1,76 | 1,50 | 1,81 | 1,55 | 1,82 | 1,61 | 1,83 | 1,60 | 1,83 | 0,50 | **3,87%** | **-66,96%** |
| Lawyers (Median) | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 0 | **0,00%** | **-100,00%** |
| Lawyers (Minimum) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Lawyers (Maximum) | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 0,00% | 0,00% |
| Lawyers (Standard Deviation) | 0,46 | 0,65 | 0,43 | 0,64 | 0,41 | 0,61 | 0,40 | 0,62 | 0,42 | 0,83 | -9,41% | 28,57% |
| Lawyers (Quantile 2.5) | 1 | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 0,00% | |
| Lawyers (Quantile 97.5) | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 0,00% | 0,00% |
| Pleadings (Mean) | 16,41 | 12,91 | 18,60 | 14,57 | 17,67 | 13,83 | 17,38 | 14,00 | 16,23 | 12,48 | -1,09% | **-3,37%** |
| Pleadings (Median) | 14 | 10 | 16 | 13 | 15 | 12 | 15 | 12 | 14 | 10 | 0,00% | **0,00%** |
| Pleadings (Minimum) | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | | |
| Pleadings (Maximum) | 172 | 57 | 260 | 78 | 240 | 63 | 192 | 73 | 236 | 168 | 37,21% | 194,74% |
| Pleadings (Standard Deviation) | 12,98 | 9,55 | 13,27 | 9,80 | 13,25 | 9,08 | 12,87 | 9,46 | 11,95 | 10,90 | -7,94% | 14,19% |
| Pleadings (Quantile 2.5) | 2 | 1 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 0,00% | 100,00% |
| Pleadings (Quantile 97.5) | 49 | 37,3 | 52 | 37,325 | 49 | 36 | 48 | 38,925 | 45 | 35 | -8,16% | -6,17% |
| Value (Mean) | 49988,69 | 684,95 | 40640,07 | 681,12 | 9237,48 | 657,86 | 7742,92 | 616,08 | 27952,70 | 599,83 | -44,08% | **-12,43%** |
| Value (Median) | 1459,95 | 663,61 | 2532,58 | 684,91 | 1459,95 | 663,61 | 1459,95 | 663,61 | 1791,76 | 661,14 | 22,73% | **-0,37%** |
| Value (Minimum) | 13,27 | 1,33 | 1,33 | 0,08 | 13,27 | 9,55604221 | 13,27 | 0,13 | 0,13 | 1 | -99,02% | -24,81% |
| Value (Maximum) | 228946844,52 | 1327,23 | 93438856,42 | 1327,23 | 13273608,07 | 1327,23 | 1369077,70 | 1327,23 | 136837215,48 | 1327,23 | -40,23% | 0,00% |
| Value (Standard Deviation) | 2712172,98 | 458,00 | 1347259,22 | 427,95 | 142051,02 | 403,10 | 31216,65 | 376,89 | 1474968,16 | 376,70 | -45,62% | -17,75% |
| Value (Quantile 2.5) | 265,45 | 22,30 | 384,90 | 31,85 | 277,39 | 37,97 | 265,45 | 32,75 | 300,00 | 32,69 | 13,02% | 46,63% |
| Value (Quantile 97.5) | 69994,69 | 1327,23 | 97037,59 | 1327,23 | 43181,36 | 1327,23 | 47557,63 | 1260,45 | 50000,00 | 1271,09 | -28,57% | -4,23% |

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Sažetak

**Juraj Brozović** *

## MJERENJE RAZMJERNOSTI? PROTOTIP ZA ŠIRU METODOLOŠKU PRIMJENU

*Omogućavanje jednakog pristupa pravosuđu svim korisnicima zahtijeva prilagodbu postupka složenosti, vrijednosti i društvenoj važnosti svakog pojedinog predmeta. Mnoge države taj cilj postižu donošenjem pojednostavljenih pravila za rješavanje sporova male vrijednosti. U Hrvatskoj su prijašnji takvi pokušaji bili neuspješni, što potvrđuju prijašnji empirijski nalazi. Međutim, dvije ključne okolnosti opravdavaju ponovno preispitivanje tog zaključka. Prvo, nedavne procesne reforme iz 2022. dale su sudu diskrecijsko pravo da u sporovima male vrijednosti donosi odluke bez održavanja rasprave, uz druge pojednostavnjujuće mjere. Nadalje, nadograđen je i eSpis, što omogućuje još opsežnije agregatne analize. Cilj je ovoga rada utvrditi rješavaju li se sporovi male vrijednosti sada brže, s manjim brojem ročišta i pojednostavnjenim izvođenjem dokaza. Kombinacija analize korelacije i opće deskriptivne statistike mogla bi predstavljati model za analizu sličnih reformi u drugim državama.*

*Ključne riječi: učinkovitost sudova, procesna razmjernost, empirijska analiza, analiza korelacije, deskriptivna statistika*

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