UDK 3.077.2(497.5)(094)
Review article

NEW CROATIAN LAW ON ADMINISTRATIVE DISPUTES

Boris Ljubanović, PhD, Full Professor
Josip Juraj Strossmayer University in Osijek, Faculty of Law
Stjepana Radića 13, 31000 Osijek, Croatia
ljubanovic.boris@pravos.hr

Bosiljka Britvić Vetma, PhD, Full Professor
Faculty of Law, University of Split
Ulica Domovinskog rada 8, 21000 Split, Croatia
bbritvic@pravst.hr

Ivan Malenica, PhD, Professor of Professional Studies
Croatian Parliament
Trg Svetog Marka 6, 1000 Zagreb, Croatia
ivan.malenica@mpu.hr

ABSTRACT

After more than a decade of extensive reform of administrative litigation, which, despite clearly defined goals, did not yield the expected results, and after numerous requests and criticisms from practice and legal theory, a new Law on Administrative Disputes has been prepared. It contains numerous innovations primarily aimed at increasing the efficiency of administrative litigation. The paper presents and analyzes the basic novelties introduced by the new legislation.

Keywords: *administrative dispute, administrative litigation, hearing, appeal, lawsuit, pilot case*

1. INTRODUCTION

After twelve years of the application of the Law on Administrative Disputes[1] (hereinafter: LAD), the Croatian Parliament has adopted a new Law on Administrative

[1] Official Gazette , No. 20/10, 143/12, 152/14, 94/16 – Desicion USRH, 29/17 i 110/21

Disputes, which will come into force on July 1, 2024.[2] It is interesting to note that the old LAD was adopted in 2010 with its application beginning on January 1, 2012, making it the law with the longest vacatio legis. The new LAD has significantly expanded in scope, as it had 92 articles, which the old and still valid LAD currently has, and now it has grown to 172 articles. The reason for the increase in the number of provisions is that the administrative judicial procedure is now fully regulated, especially concerning issues such as the legal capacity of natural persons, validity of representation, evidence presentation, and maintaining order during the dispute, thus eliminating the subordinate application of rules from civil procedure. The aim of this paper is to present and analyze the basic novelties introduced by the new LAD.

2. THE PREVENTION OF UNNECESSARY SPECIAL LEGISLATIVE PROVISIONS

The issue of deviating from general law by prescribing different procedures through special laws is not new in Croatian procedural law.[3] Contemporary procedural theory emphasizes the general legal regulation of actions in every procedure, including administrative disputes. Procedural provisions must be general and equal for all, and the legal consequences certain for those involved.

The establishment of such a general normative framework for a certain procedure achieves, on the one hand, "relative independence from the social context in which it takes place," and, on the other hand, "the normative expectation of citizens that procedural subjects will behave in accordance with the prescribed model."[4] Some procedural law writers consider a violation of this normative framework as a violation of the right to a fair trial.[5] What has been problematic in the 12 years of implementing the ZUS is that some special laws prescribe the urgency of resolving administrative disputes or exceptionally short and unrealistic deadlines for resolving administrative disputes without any criteria to justify them. Therefore, the new ZUS, in Article 8, which regulates the principle of efficiency, adds paragraph 2, which stipulates: "In cases where a special law prescribes a deadline for resolving an administrative dispute, the proposer of the special law is obliged to provide detailed and reasonable explanations for such prescription of the deadline." This

---

2 Official Gazette, No. 36/24.

3 More in: Ljubanović, B., *Posebni upravni postupci u Republici Hrvatskoj*, Hrvatska javna uprava, No. 3, 2006., pp. 5-22.

4 See: Krapac, D., *Kazeno procesno pravo*, Prva knjiga: Institucije, Zagreb, 2007.

5 See Galligan, D.J., *Due Process and Fair procedure*, A Study of Administrative Procedures, Clarendon Press, Oxford, 1996.

is intended to prevent the imposition of urgency for some administrative disputes in special laws without valid justification. The legislator must have strong reasons for doing so and provide detailed explanations if such urgency or deadline is to be prescribed.

It has also been shown that the practice of prescribing the first-instance jurisdiction of the High Administrative Court without valid justification is problematic. According to one study, the number of laws deviating from the basic rule of two-instance jurisdiction in administrative disputes has now grown to as many as 14, and the reasons for such deviation from the basic rule of division of jurisdiction between administrative courts and the High Administrative Court are not clear from the explanations of the final proposals of the laws.[6] In this context, the new LAD envisages a new provision in Article 12, paragraph 4, according to which the jurisdiction of the High Administrative Court of the Republic of Croatia may be prescribed, but the proposer of the special law is obliged to provide detailed and reasoned explanations for such resolution of the administrative dispute. The new LAD also limits the recent legislative practice of prescribing exclusive territorial jurisdiction of the Administrative Court in Zagreb, contrary to the provisions on territorial jurisdiction as prescribed by the LAD. Osijek, Rijeka, or Split). Therefore, a new provision is proposed according to which prescribing territorial jurisdiction contrary to the provisions of the LAD is not allowed. If there is a need for specialization of judges in certain administrative areas, this need should be addressed through other more appropriate means, rather than burdening judges of only one court.[7] Regarding the latter mentioned issue, we particularly emphasize, but also accept, the viewpoint of distinguished authors according to which the LAD is an organic law because it elaborates on personal and political freedoms and rights (the right to a fair trial guaranteed by Article 29 of the Constitution), thus occupying a higher legal force in the hierarchy of legal sources than "ordinary" laws. Equally important, the LAD implements the constitutional guarantee of judicial review of the legality of individual acts of administrative authorities and bodies with public authority, as guaranteed by Article 19, paragraph 2 of the Constitution. Moreover, it regulates the functioning of the state judiciary, thus falling under organic laws in that respect as well, as it regulates the scope and manner of operation of state bodies, i.e., courts when resolving administrative disputes.[8]

---

6 See Đerđa, D., *Slabljenje pravne zaštite u upravnom sporu*, Zbornik radova 10. savjetovanja – Novosti u upravnom pravu i upravnosudskoj praksi, Zagreb, Organizator, 2022, pp. 35 – 68.

7 More in: Ljubanović, B., *Upravno sudovanje u Republici Hrvatskoj – QuoVadis?*, Hrvatska akademija znanosti i umjetnosti, Znanstveno vijeće za državnu upravu, pravosuđe i vladavinu prava, Zagreb, Modernizacija prava – knjiga 39, Zagreb, 2018.

8 See: Britivć Vetma, B.; Ofak L.; Staničić F., *Što donosi nacrt prijadloga Zakona o upravnim sporovima*, Informator, br. 6813.

3. EVIDENTARY PROCEDURE

One of the major innovations is the complete regulation of the evidentiary procedure by the new Administrative Disputes Act, abandoning the concept of subsidiary application of the Civil Procedure Act in administrative disputes. This is the reason why the number of articles in the Administrative Disputes Act has increased from 92 to 172 because now the administrative judicial procedure is governed by it, eliminating any doubts that arose due to the subsidiary application of the Civil Procedure Act regarding the presentation of evidence and determination of material truth.

For the acceptance and implementation of the principle of seeking material truth, the most important procedural rules are those addressing the issue of authority (rights) to collect procedural material. Specifically, whether the procedural body has the authority, independently of the parties' proposals, to gather procedural material, which is known as the investigatory or inquisitorial principle, or whether this authority lies solely with the parties themselves, acting independently and on their own initiative, in which case it involves the adversarial principle. In proceedings where the investigatory principle predominates, with an active role of the procedural body in collecting evidence and determining facts, there are conditions for accurately (correctly) establishing the factual situation, and therefore for realizing the principle of seeking material truth. Conversely, in proceedings built on the consistent application of the adversarial principle, where the procedural body is mainly a neutral arbiter of the parties' arguments, these conditions do not exist. Unlike administrative proceedings, where the investigatory principle predominates, in civil proceedings primarily concerned with protecting private, party interests, the adversarial principle prevails. In these proceedings, parties are obligated to present facts and propose evidence on which they base their claims or refute the allegations and evidence of the opponent, no later than at the preparatory hearing. The court is empowered to establish facts not presented by the parties and to produce evidence not proposed by the parties only if it suspects that the parties are attempting to assert claims they cannot substantiate, unless otherwise provided by law (Article 7, paragraphs 1 and 2, Article 219, paragraph 1, Article 299, paragraph 1 of the Civil Procedure Act)[9]. The court may, until the conclusion of the preparatory proceedings, when it deems it expedient for the proper resolution of the dispute, remind the parties of their duty to present facts and propose evidence on which they base their claims or refute the opponent's allegations and

[9] The abbreviation "CPA" stands for the Civil Procedure Act, Službeni list SFRJ, 4/1977., 36/1977., 6/1980., 36/1980., 69/1982., 43/1982., 58/1984., 74/1987., 57/1989., 20/1990., 27/1990., 35/1991. Narodne novine, 53/1991., 91/1992., 112/1999., 129/2000., 88/2001., 117/2003., 88/2005., 2/2007., 96/2008., 84/2008., 123/2008., 57/2011., 25/2013., 89/2014.

evidence, especially the need to present decisive facts and propose specific evidence, and state the reasons why it considers it necessary (Article 219, paragraph 2 of the Civil Procedure Act). The court's obligation, generally, to adhere to the will of the parties regarding the facts it is permitted to establish and the evidence it may produce restricts the principle of seeking material truth. But also other rules of civil procedural law deviate from the search for the truth:

- In civil proceedings, the court decides within the scope of the claims presented therein (Article 2, paragraph 1, of the Civil Procedure Act)[10]

- Parties are free to dispose of the claims brought in the proceedings: the plaintiff can waive their claim, the defendant can admit the claim, and they can also settle (Article 3, paragraph 1 and 2, of the Civil Procedure Act).[11],[12]

- The court will refrain from presenting evidence if the party that proposed it does not deposit the amount necessary to cover the costs of its presentation within the deadline set by the court (Article 153, paragraph 3, of the Civil Procedure Act).

- Facts that a party has admitted before the court during the lawsuit proceedings do not need to be proven[13], nor do facts whose existence the law presumes[14](Article 221, paragraph 1 and 3, of the Civil Procedure Act).

- The court will determine the amount of a certain sum or the quantity of an item according to its free assessment if they cannot be determined or could only be determined with disproportionate difficulty (Article 223, paragraph 1, of the Civil Procedure Act).

---

10 The court is not authorized to award the plaintiff beyond the scope of the claim, even if based on the proceedings it concludes that the plaintiff is entitled to more than what was requested or something different from what was requested. Exceeding the claim is an absolutely essential violation of the civil procedure, which the appellate court examines ex officio. Art. 354. par. 2. point 12.,art. 365. par. 2. CPA).

11 The court will not accept only those agreements of the parties that are contrary to mandatory regulations and rules of morality (Article 3, paragraph 3, of the Civil Procedure Act).

12 Those are elements of the principle of party disposition. According to this principle, the initiation of litigation, its further maintenance during proceedings, appellate proceedings, revision proceedings, and proceedings concerning motions to reopen the proceedings all depend on the initiative and will of the parties.

13 Exceptionally, the court may order that such facts be proven if it considers that the party's admission implies that they have a claim they cannot dispose of (Article 3, paragraph 3) (Article 221, paragraph 1 of the Civil Procedure Code).

14 It can be proven that such facts do not exist if otherwise provided by law (Article 221, paragraph 3 of the Civil Procedure Code).

- The court may, at its discretion, decide on the existence of important facts in disputes where the value of the subject matter in proceedings before municipal courts does not exceed HRK 10,000.00, and in proceedings before commercial courts does not exceed HRK 50,000.00, if it deems that establishing those facts could be associated with disproportionate difficulties and costs, taking into account the documents submitted by the parties and their statements if the court has taken evidence by hearing the parties (Article 223.a of the Civil Procedure Act).

- If, based on the circumstances, it can be assumed that certain evidence cannot be presented or that it cannot be presented within a reasonable time, or if the evidence needs to be presented abroad, the court will set a deadline by which the evidence will be awaited. If this deadline passes unsuccessfully, the hearing will proceed regardless of the fact that the evidence was not presented (Article 226 of the Civil Procedure Act)

If this condition isn't met, the court will not consider the newly presented facts and evidence. (Article 299, paragraphs 3 and 4, LCP).

- In the appeal, new facts cannot be presented or new evidence proposed, except if they relate to significant violations of provisions of civil procedure law for which the appeal can be filed (Article 352, paragraph 1 of the Civil Procedure Code).

- A judgment rendered by default and a judgment rendered due to the defendant's failure to respond cannot be appealed due to incorrectly or incompletely established facts or due to the incorrect application of substantive law. (Article 353, paragraph 3, CPA);[15]

- The appellate court cannot overturn a judgment to the detriment of the appealing party if only that party has filed an appeal. (Article 374, CPA).

- The procedure conclusively ended with a judgment based on admission, waiver, default, or absence cannot be repeated because the court's decision is based on another decision of the court or another body that has become final, overturned, or annulled, if the competent authority subsequently conclusively resolved the previous issue on which the court's decision is based, and if the party becomes aware of new facts or new evidence on the basis of which a more favorable decision could have been made for the party if those facts or evidence had been used in the previous proceedings. (Article 421, paragraph 2, CPA).

[15] However, if the judgment is challenged because the acknowledgment or waiver was given under material error, coercion, or deception, new facts may be presented in the appeal and new evidence proposed concerning these defects in consent (Article 353, paragraphs 3 and 4 of the Civil Procedure Code).

- In a motion for a retrial, new facts and new evidence can be presented and proposed only if the submitter of the motion, due to their own fault, could not have presented them before the previous proceedings were conclusively concluded. (Article 422, paragraph 2, CPA

- In small claims disputes, a judgment or decision cannot be challenged due to incorrectly or incompletely established factual circumstances (Article 467, paragraph 1, CPA).

Overall, numerous rules of civil procedural law restrict the principle of seeking material truth. They can generally be classified into three groups. The first group comprises rules whereby the court is usually bound by the will of the parties regarding the facts it may establish and the evidence it may admit (Article 7, paragraph 1 and 2, Article 219, paragraph 1, Article 299, paragraph 1 of the Civil Procedure Act - CPA). The second group includes rules under which parties do not have the right to introduce new facts and propose new evidence: a) in appeals, unless they relate to significant violations of procedural provisions that allow for an appeal, b) in revisions, except for those under Article 382, paragraph 1, and only if they relate to significant violations of procedural provisions that allow for a revision, c) in motions for retrial, unless the applicant, without their fault, could not have presented them before the previous procedure was finalized (Article 252, paragraph 1, Article 387, Article 422, paragraph 2 of the CPA). The third group consists of rules whereby judgments due to default or absence, and generally even judgments based on acknowledgment or waiver, cannot be appealed due to incorrectly or incompletely established factual circumstances (Article 353, paragraphs 2-4, Article 467, paragraph 1 of the CPA).

Civil procedural law also contains rules that uphold the principle of seeking material truth. Particularly significant among these rules are the following:

- The court is obligated to provide each party with the opportunity to comment on the claims and allegations of the opposing party (Article 5, paragraph 1 of the CPA).

- The determination of which facts are considered proven is decided by the court based on its conviction through conscientious and diligent assessment of each piece of evidence separately and all evidence together, as well as based on the results of the entire proceeding (Article 8 of the CPA).

- Parties and interveners are obliged to speak the truth before the court and conscientiously exercise the rights granted to them by this law (Article 9 of the CPA).

- A single judge or presiding judge leads the main hearing, examines the parties, and presents evidence (Article 311, paragraph 1 of the CPA).

- It is the duty of the single judge or presiding judge to ensure comprehensive discussion of the subject matter of the dispute (Article 311, paragraph 2 of the CPA).

- A judgment can be appealed due to either incorrectly or incompletely established factual circumstances (Article 353, paragraph 1 of the CPA).

From the above, it is evident that numerous rules of civil procedural law, by their content, significantly limit the principle of seeking substantive truth, especially those arising from the dominance of the adversarial principle as a consequence of the principle of party disposition, surpassing the rules of this law by which that principle is realized. Taking this into account, we can conclude that the principle of seeking substantive truth in civil proceedings, unlike administrative proceedings, is fundamentally restricted.[16]

4. FULL JURISDICTION DISPUTE AND COURT PROCEEDINGS ON THE COMPLAINS

As has been extensively discussed in numerous works and presentations, when Croatia reformed its administrative judiciary in 2010, one of the fundamental goals of that reform was to introduce full jurisdiction dispute resolution. The purpose of the new regulatory framework was for first-instance administrative courts to generally render judgments on rights, legal interests, and obligations of the parties, while exceptionally annulling decisions of public bodies and remanding the case for further proceedings. However, in practice, this did not happen as anticipated.

In full jurisdiction disputes, the court acts both in a cassatory and a substantive manner, meaning that the court can resolve administrative matters.[17] The jurisdiction of the courts in full jurisdiction disputes is regulated by an enumerative meth-

[16] Therefore, Triva rightfully stated that "in civil proceedings, the truth, even when understood in a relative sense, cannot always be established.": Triva, S.; Dika, M.; *Građansko parnično procesno pravo*, VII. izmijenjeno i dopunjeno izdanje, Narodne novine, Zagreb, 2004., pp. 164.

[17] In French law, there exists a general full jurisdiction dispute and several special full jurisdiction disputes, hence it should be referred to in the plural, namely, full jurisdiction disputes. A full jurisdiction dispute is initiated by a specific lawsuit (recours de pleine juridiction), while a dispute over the legality of an administrative act is initiated by another lawsuit (recours pour exès pouvoir). The party must choose in advance the type of dispute to be conducted. Unlike French law, in German law, a full jurisdiction dispute is quite rare. It is initiated by a constitutive lawsuit (Gestaltungsklage), which requests the court to decide on the merits. The situation is significantly different in Austrian law. A full jurisdiction dispute only exists in cases of "administrative silence." The court can resolve the administrative

od, which means that it is excluded for such disputes to be conducted in matters not provided for by law. The provisions of the current Administrative Disputes Act allow the court to resolve a dispute by deciding on the matter that was the subject of the administrative procedure, provided that the nature of the matter allows for it and that the procedural records provide a reliable basis for it. These are known as liquid issues. In practice, there were many more liquid issues than the number of disputes resolved through full jurisdiction disputes. The Administrative Court did not utilize all the opportunities offered to resolve the matter substantively and to replace the administrative act with a judgment in its entirety.

When determining the total number of full jurisdiction disputes, the political question plays a very significant role: whether it is beneficial and why it is necessary to grant such extensive powers to the courts. This is because a full jurisdiction dispute (especially when combined with substantive decision-making) ultimately means that the court begins to replace the administrative authority itself. Perhaps this circumstance, with its practical and political consequences, does not stand out so prominently in cases where the administrative body is equally bound by the principle of legality as the court. However, it becomes much more pronounced in cases where discretionary judgment is applied, which administrative courts can exercise in such disputes essentially as much as administrative bodies.[18]

In an attempt to achieve what was also the original goal of the administrative judiciary reform in 2010, namely that administrative courts resolve as many cases as possible through full jurisdiction disputes, statistical indicators have shown that this has not been achieved in a significant number of cases. Unlike the previous law, the new Administrative Dispute Act (ZUS) stipulates that the court may substantively resolve the matter even when the plaintiff has not explicitly requested it, as prescribed in Article 47(2). The previous LAD did not have this provision, and the administrative court could resolve a full jurisdiction dispute only if explicitly requested by the plaintiff in the complaint.

5. APPEAL

In terms of the appellate procedure, the previous LAD provided that an appeal could be lodged against decisions in cases prescribed by law. For example, it was stipulated that an appeal could be lodged against a decision on the determination of interim measures and suspension of proceedings, while, for instance, an appeal

matter instead of the administrative body only when the competent administrative authority remains silent in executing a court judgment.

[18] See: Ivančević, V., *Upravni spor pune jurisdikcije s naročitim obzirom na član 40./3. Zakona o upravnim sporovima*, Zbornik radova Pravnog fakulteta u Zagrebu, Zagreb, 1953., p. 81.

against a decision on the deferral of the effect of the lawsuit was not permitted, meaning that the appeal was not allowed. It should be noted that this regulatory framework regarding the right to appeal decisions in administrative disputes also appears to be questionable.

This is especially questionable because it allows a party to appeal a decision on the determination of interim measures but not a decision on the deferral of the effect of the lawsuit. Such a provision prevented the High Administrative Court of Republic of Croatia from verifying, controlling, and adopting legal interpretations in cases where first-instance administrative courts determine the deferral of the effect of the lawsuit in administrative disputes.

With the new LAD, it is provided that an appeal can also be filed against a decision on the deferral of the effect of the lawsuit. This will enable the High Administrative Court of Republic of Croatia to harmonize judicial practice through the appellate procedure regarding when and under what conditions and in which cases a decision on the deferral of the effect of the lawsuit can be made in administrative disputes.

With this new LAD, additional provisions are made in the appellate procedure to ensure better protection of the parties' rights. The new Law on Administrative Disputes distinguishes between significant violations of administrative procedure that have affected or could have affected the making of a lawful and correct decision, and significant violations of administrative procedure that, due to their severity, always influence decision-making.

In the new LAD, such violations are explicitly listed and exhaustively enumerated in paragraph 3 of Article 126. Additionally, Article 127 of the ZUS regulates that an appeal against a judgment is not allowed when an individual decision of a public authority is annulled and the case is remanded for a new procedure. However, an appeal against this judgment is allowed exceptionally if the reasoning of the judgment orders the issuance of a specific decision.

Furthermore, regarding the powers of the High Administrative Court of the Republic of Croatia in deciding on appeals, a significant novelty is also provided, namely, the possibility for the High Administrative Court of the Republic of Croatia to annul the first-instance judgment and remand the case to the first-instance administrative court for retrial if it finds that the administrative court has committed a substantial violation of the provisions of administrative dispute from the aforementioned paragraph 3 of Article 126 of the new LAD, or if the first-instance administrative court has incorrectly determined a decisive fact or has not determined it. The High Administrative Court of the Republic of Croatia can annul

the first-instance judgment and remand the case for retrial only once, which is in line with the regulatory framework of civil and criminal proceedings (the possibility of annulment and remand to the first-instance court only once = prohibition of double annulment).

We believe that this further strengthens the role of the High Administrative Court of the Republic of Croatia as an appellate court and enables it to harmonize judicial practice, thus influencing the efficiency and cost-effectiveness of administrative disputes.

6. REQUEST FOR EXTRAORDINARY REVIEW OF THE LAWFULNESS OF A FINAL DECISION

The regulatory framework of the Extraordinary Legal Remedy - Request for Extraordinary Review of the Lawfulness of a Final Decision has been subjected to numerous criticisms from the scientific and professional community, particularly regarding its under-regulation, the monopoly of the State Attorney's Office for its submission, and the lack of provisions ensuring legal equality of the parties.[19]

The new LAD that the request for extraordinary review of the lawfulness of a final decision can be submitted by the opposing party if the State Attorney's Office of the Republic of Croatia was a party to the administrative dispute or represented the defendant in the administrative dispute. Additionally, the opposing party can submit the request in cases where the State Attorney's Office of the Republic of Croatia determines that there are no grounds for submitting the request for extraordinary review of lawfulness and fails to inform the party of this determination within three months from the date of submission of the proposal.

The composition of the panel deciding on the request allows for decision-making by an expanded panel of thirteen judges of the Supreme Court of the Republic of Croatia if the panel of five judges considers that its decision would deviate from established practice or decisions of the expanded panel of the Supreme Court, or if the practice of the Supreme Court regarding the legal issue under consideration is not uniform. When it comes to deciding on the request, the Supreme Court will reject a request as untimely, submitted by an unauthorized person, or lacking all required information. This includes a request lacking detailed reasons for its submission, which should relate to a particularly serious material or procedural violation of the law that calls into question the uniform application of the law and equality of all in its application. If the Supreme Court does not reject the request,

[19] See Šikić, M., *Primjena zahtjeva za izvanredno preispitivanje zakonitosti pravomoćne presude*, Zbornik radova Pravnog fakulteta u Splitu, Vol. 54, No. 1, 2017., pp. 179 - 201.

it will forward it to the opposing party, which may submit a response within 30 days. The Supreme Court decides on the request in a non-public session, examining the contested decision only in the part contested by the request and within the limits of the reasons stated in the request. It will dismiss the request if it finds it unfounded, but if it identifies a particularly serious violation of the law calling into question the uniform application of the law and equality of all in its application, it will grant the request by judgment, annul the contested decision, and remand the case for reconsideration, or modify it.

7. CONCLUSION

The new LAD has prescribed a proactive approach in the execution of administrative court decisions and has eliminated the substandard regulation regarding the execution process. In order to better protect the rights of the parties, the precondition of the existence of an individual decision of the public authority for filing a request or initiating proceedings for the assessment of the legality of a general act has been abolished.

The aim of the LAD is to eliminate all substandard regulations that have been evident in practice and, on one hand, to better protect the rights of the parties, while on the other hand, ensuring procedural discipline. The proposed norms encourage a more proactive approach by the court in resolving cases (especially in terms of conducting full jurisdiction disputes) and address any doubts regarding the subsidiary application of the Civil Procedure Act.

REFERENCES

BOOKS AND ARTICLES

1. Britivć Vetma, B.; Ofak L.; Staničić F., *Što donosi nacrt prijadloga Zakona o upravnim sporovima*, Informator, No. 6813
2. Đerđa, D., *Slabljenje pravne zaštite u upravnom sporu*, Zbornik radova 10. savjetovanja – Novosti u upravnom pravu i upravnosudskoj praksi, Zagreb, Organizator, 2022
3. Galligan, D.J., *Due Process and Fair procedure*, A Study of Administrative Procedures, Clarendon Press, Oxford, 1996
4. Ivančević, V., *Upravni spor pune jurisdikcije s naročitim obzirom na član 40./3. Zakona o upravnim sporovima*, Zbornik radova Pravnog fakulteta u Zagrebu, Zagreb, 1953
5. Krapac, D., *Kazeno procesno pravo*, Prva knjiga: Institucije, Zagreb, 2007
6. Ljubanović, B., *Posebni upravni postupci u Republici Hrvatskoj*, Hrvatska javna uprava, No. 3, 2006

7. Ljubanović, B., *Upravno sudovanje u Republici Hrvatskoj – QuoVadis?*, Hrvatska akademija znanosti i umjetnosti, Znanstveno vijeće za državnu upravu, pravosuđe i vladavinu prava, Zagreb, Modernizacija prava – knjiga 39, Zagreb, 2018
8. Šikić, M., *Primjena zahtjeva za izvanredno preispitivanje zakonitosti pravomoćne presude*, Zbornik radova Pravnog fakulteta u Splitu, Vol. 54, No. 1, 2017
9. Triva, S.; Dika, M., *Građansko parnično procesno pravo,* VII. izmijenjeno i dopunjeno izdanje, Narodne novine, Zagreb, 2004

LAWS

1. Law on Administrative Disputes, Official Gazette, No. 20/10, 143/12, 152/14, 94/16 – Desicion USRH, 29/17 i 110/21
2. Law on Administrative Disputes, Official Gazette, No. 36/24
3. Civil Procedure Act, Official Gazette. No. 53/1991., 91/1992., 112/1999., 129/2000., 88/2001., 117/2003., 88/2005., 2/2007., 96/2008., 84/2008., 123/2008., 57/2011., 25/2013., 89/2014, 70/2019, 80/2022, 114/2022, 155/2023.