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National legislation

Хърватия

Constitution of the Republic of Croatia

Constitution of the Republic of Croatia

Main pieces of legislation in the area of criminal law

Criminal Code (NN Nos https://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_125_2498.html125/11, https://narodne-novine.nn.hr/clanci/sluzbeni/2012_12_144_3076.html144/12, 56/15, 61/15, 101/17, 118/18 and 126/19)

As of the first day of 2013, a new Penal Code came into force, which adopts newspapers such as higher penalties and longer limitation periods and introduces new criminal offences such as non-payment of wages, abusive driving in road traffic and unauthorised gambling. By amendments to the Criminal Code of December 2012 in the domain of criminal liability, the possession of drugs for personal use became a minor offence.

The Criminal Code has a general part and a specific part:

A) The general part of the Criminal Code contains provisions applicable to all criminal offences. These provisions regulate the general presumptions of punishability, fines and criminal penalties.

B) The specific section of the Criminal Code contains a description of the specific offences and the penalties that may be imposed on them, including the offences and the penalties imposed on them in other laws. The criminal offences laid down in the Croatian Criminal Code are:

- criminal offences against humanity and human dignity,
- crime against life and body
- criminal offences against human rights and fundamental freedoms,
- criminal offences against employment and social insurance,
- crime against personal freedom
- crime against privacy
- criminal offences against honour and reputation,
- crime against sexual freedom
- criminal offences of sexual abuse and sexual exploitation of children,
- criminal offences against marriage, family and children,
- criminal offences against human health,
- environmental crimes
- crimes against general safety
- crimes against traffic safety
- criminal offences against property,
- criminal offences against the economy,
- criminal offences against computer systems, software and data,
- criminal offences of forgery,
- criminal offences against intellectual property,
- criminal offences against official duty,
- crimes against the judiciary
- crimes against public order
- criminal offences against the right to vote,
- criminal offences against the Republic of Croatia,
- criminal offences against a foreign state or international organisation, and
- criminal offences against Croatian armed forces.

Criminal Procedure Act (NN Nos 152/08, 76/09, 80/11, 91/12 – Decision and Order of the USRH, 143/12, 56/13, 145/13, 152/14, 70/17 and 126/19)

This Act defines the rules to ensure that no innocent person be convicted, and that a penalty or other measure be imposed on perpetrators of criminal offences under the terms provided for by law based on lawfully conducted proceedings before a competent court.

Criminal prosecution and proceedings may be conducted and completed only according to the rules and under the terms laid down in the Act.

The Criminal Procedure Act transposes the following EU regulations into the Croatian legal system:

Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26. 10 2010),

Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims (OJ L 101, 15. 4 2011),

Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography (OJ L 335, 17. 12 2011),

Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1. 6 2012),
Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters (OJ L 350, 30. 12 2008)

Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14. 11 2012),

Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 6. 11 2013),

Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ L 127, 29. 4 2014),

Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA (OJ L 151, 21. 5 2014).

Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11. 3 2016),

Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297, 4. 11 2016).

Criminal proceedings are conducted at the request of an authorised prosecutor.

The authorised prosecutor in criminal proceedings in respect of the offences prosecuted ex officio is a public prosecutor, while in respect of those prosecuted by private charges the authorised prosecutor is a private person. In the case of certain criminal offences laid down by law, criminal proceedings are initiated by a public prosecutor only at the motion of the victim. Unless otherwise stipulated by law, the public prosecutor shall institute criminal proceedings if there is grounded suspicion of a certain person having committed a criminal offence prosecuted ex officio, provided that there are no legal impediments to prosecuting the respective person.

If the public prosecutor finds no grounds for initiating or conducting criminal prosecution, his position may be taken by the victim in the role of the injured party as plaintiff under the terms specified in this Act.

Act on the Legal Consequences of Conviction, Criminal Records and Rehabilitation (Zakon o pravnim posljedicama osude, kaznenoj evidenciji i rehabilitaciji) (NN Nos 143/12 and 105/15)

This Act regulates the legal consequences of conviction, the organisation, keeping, availability, provision and deletion of criminal record data and international exchange of criminal record data, and rehabilitation.

This Act contains provisions that are in conformity with the following European Union acts:

Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States,

Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 Framework Decision 2009/315/JHA.

Criminal records in Croatia are organised and kept by the ministry responsible for the judiciary which is, at the same time, the central authority for the exchange of such data with other states (hereinafter: The Ministry).

Criminal records are kept for natural and legal persons (hereinafter: Persons) who have been convicted of criminal offences by a final judgement in Croatia. Criminal records are also kept for Croatian nationals and for legal persons domiciled in Croatia who are convicted of criminal offences by a final judgement outside the Republic of Croatia, if such data have been submitted to the Ministry.

Criminal records also include a list of persons convicted by a final judgement of criminal offences of sexual abuse and exploitation of children and other criminal offences referred to in Article 13(4) of this Act.

The most important pieces of legislation in the field of civil, commercial and administrative law in the Republic of Croatia are:

Obligations Act (NN Nos 35/05, 41/08, 125/11, 78/15 and 29/18)

The Act regulates the basis of mandatory relationships (general part) and contractual and non-contractual obligations (specific part).

Parties to transactions are free to regulate civil obligations, but these may not be regulated in a manner contrary to the Croatian Constitution, mandatory regulations and public morality.

Ownership and Other Real Rights Act (NN Nos 91/96, 68/98, 137/99, 22/00, 73/00, 129/00, 114/01, 79/06, 141/06, 146/08, 38/09, 153/09, 143/12 and 143/12)

This Act establishes general arrangements for the possession of things by persons; The rules of this Act will also apply to the possession of things that are subject to some special legal arrangement, unless they run contrary to such arrangement.

Whatever is provided by the Act with regard to the ownership right and owners applies accordingly to all other material rights, unless otherwise specifically provided for by law or arising out of their legal nature.

Succession Act (NN Nos 48/03, 163/03, 35/05, 127/13, 33/15 and 14/19)

This Act regulates the right of succession and the rules under which courts, other authorities and authorised persons proceed in matters of succession.

Land Register Act (Narodne Novine (NN; Official Gazette of the Republic of Croatia) No 63/19)

This Act regulates the issues relating to the legal status of real estate in the territory of Croatia relevant for legal transactions, and also regulates the manner and form of keeping land registers (land title office (gruntovnica)) if no specific provisions have been made for certain plots of land.

Code of Civil Procedure (NN, Nos. 53/91, 91/92, 112/99, 88/01, 117/03, 88/05, 02/07, 96/08, 84/08, 123/08, 57/11, 148/11 – Consolidated Texts, 25/13, 25/13, i-123/08)

This Act regulates the rules of procedure under which courts hear and decide in disputes concerning the fundamental rights and duties of man and citizen, personal and family relations of citizens as well as in labour, commercial, property and other civil disputes, unless provisions have been made by law for courts to decide on some of these disputes under the rules of some other procedure.

Enforcement Act (NN Nos 112/12, 25/13, 93/14, 55/16, 73/17 and 131/20)

This Act regulates the proceedings in which courts and notaries public enforce the settlement of claims based on enforcement and authentic instruments (enforcement proceedings) and the proceedings in which courts and notaries public enforce claim security (security proceedings), unless otherwise provided for by a separate law. Substantive legal relations established on the basis of enforcement proceedings and security proceedings are also governed by this Act.

The most important pieces of legislation in the area of judicial cooperation:

Private International Law Act (NN No 101/17)

The Act governs:

law applicable to private law relationships with an international dimension

jurisdiction of the courts and other authorities of the Republic of Croatia in legal matters relating to the matter referred to in point 1 of this Article and the rules of procedure

the recognition and enforcement of foreign judgments in legal matters which have as their object the subject matter referred to in point 1 of this Article.

In more detail at:

<https://pravosudje.gov.hr/pristup-informacijama-6341/zakoni-i-ostali-propisi/zakoni-i-propisi-6354/6354>

More information

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