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"LAW AND JUSTICE"

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The Faculty of Law for Commerce and Judiciary in Novi Sad
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RULE OF LAW

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Nebojša Šarkić, PhD, Professor Emeritus
The Faculty of Law, Union University, Belgrade
e-mail: nebojsa.sarkic@pravnifakultet.rs

Milan Počuča, PhD, Full Professor
Faculty of Law for Commerce and Judiciary in Novi Sad,
University Bussines Academy in Novi Sad
e-mail: pocucamsara@gmail.com

Dalibor Krstinić, PhD, Associate Professor
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Associate professor at Law College,
Pan-European University Apeiron, Banja Luka
e-mail: krstinicdalibor@yahoo.com

FAMILY DISPUTES AND SPECIALIZED COURTS

Abstract:

The authors of this paper have been advocating for the expansion of the network of courts in the Republic of Serbia for a long time. In a large number of published professional papers, they advocate the introduction of specialized (special) courts for resolving disputes in family law matters. Disputes in this matter cannot be treated equally with disputes in other areas of law. It is impossible to compare the time frame for resolving, for example, child support with unpaid loans, construction contracts, property disputes, etc. In this paper, the authors emphasized the importance of special education for judges, the role of mediators, as well as the indispensable role and importance of social work centers. Education and motivation of judges working in these courts, as well as the introduction of juries in resolving disputes, appear to be a necessity. However, one of the most important proposed amendments would be the one that would allow such courts to resolve multiple disputes simultaneously, i.e., according to the authors, special provisions of the Family Law should regulate the obligation of judges to combine multiple legal protections in the same case, and to make multiple substantive decisions if the conditions are met.

Keywords: *Special courts, Mediation, Social Work Center, guardianship authority, education of judges.*

1. INTRODUCTORY NOTES

The authors of this paper have been advocating for the expansion of the network of courts in the Republic of Serbia for a long time. In a number of published professional papers, the authors advocate the introduction of specialized courts for labor disputes as well as special courts for resolving disputes in family law matters.

- There are a large number of arguments in favor of the formation of special courts for providing family legal protection. This argumentation can of course be divided into issues arising from procedural provisions, substantive legal protection and, of course, issues of the institutional framework for providing protection[1]. As is known, in 2005, the court adopted provisions from the Law on Civil Procedure that speak of a special system of providing protection in family disputes. These provisions were transferred to the Family Law of the Republic of Serbia, which was then adopted as a modern and comprehensive law.[2] This fact, of course, had both good and bad sides. Unfortunately, over time, the provisions on family law protection have "drowned" into the regular system of protection in civil matters, and in practice, there is almost no difference between property disputes, property disputes or disputes from the protection of the rights of members of the family household. It is also not entirely clear why the provisions of the Law on Extra-Contentious Procedure, which are very important and relate to crucial issues in family law protection (underage marriage, extension of parental rights,[3] deprivation of legal capacity, etc.), are still in extra-contentious matters and are resolved in a different legal regime.[4] Also, the enforcement of decisions in this matter has been retained in the sphere of classical enforcement proceedings[5], where very often in practice, delicate disputes in this area are not resolved adequately. We must also highlight a special argument related to the necessity of special education for judges dealing with this matter. In our opinion, this is a very delicate area that involves knowledge in the fields of: psychology, social policy, basic knowledge of medicine (psychiatry), etc. We would also mention as one of the arguments the neglect of the jury as a special institutional protection in various types of disputes. In this area, it seems to us that the voice of the people - the jury - is more than necessary. We cannot help but highlight the principles of procedure related to economy and efficiency, which are of vital interest in this area. For example, a child support lawsuit that lasts several years loses all meaning. We have left an argument for the very end that seems crucial to us. For completely unclear reasons, although it is not prohibited even now, judges very rarely (almost never) combine different procedures. For example, a criminal judge[6] who is completely clear that the defendant caused the damage, makes a stereotypical decision by which he refers the injured party to litigation, although he could easily decide on a property claim. In family law protection, the necessity of various combinations of procedures is actually imperative, and this seems to us to be the basis from which we will start in the argument for the formation of special courts for family law protection. In order to adequately address this issue, we will briefly recall the historical and comparative law presentation of the usual court networks in countries and in our country.

1 Šarkić N, Počuča M, Porodično pravo i porodično pravna zaštita, deveto izdanje, SG, Beograd, 2023;

2 Bojević Z, Porodično pravo, Kragujevac, pp. 219;

3 Cvejić, Jančić O, Porodično pravo, roditeljsko i starateljsko pravo, Novi Sad, 2000, pp. 89

4 Đorđević, K., 2019. In preparation for amendments to the Family Law. Available at: https://www.paragraf.rs/dnevne-vesti/130919/130919-vest10.html 09.06.2025

5 For more information on the legal institute of valorization in enforcement proceedings, see: Šarkić, N. (1991). Izvršenje sudskih odluka u sporovima iz porodičnih odnosa, Socijalno pravo, Vol. 6, No 15, pp. 51-60.

6 Krivični zakonik, Sl. glasnik RS, br. 85/05, 88/05 – ispr., 107/05 – ispr., 72/09, 111/09, 121/12, 104/13, 108/14, 94/16 i 35

2. TYPES OF COURTS

In legal theory and in comparative law solutions, we can find two common divisions of courts. The first division deals with state and non-state courts. The second division deals with courts of general jurisdiction (regular courts), and courts of special jurisdiction (specialized courts).

2.1. State courts

As the word itself says, these are courts organized by the state. The Constitution of the Republic of Serbia, in its Article 141, establishes that judicial power in the Republic of Serbia belongs to courts of general and special jurisdiction. The establishment and organization of jurisdiction, the structure and composition of courts are regulated by law. By courts of general jurisdiction, we mean two points: basic courts (formerly municipal); High Court (which did not previously exist), Courts of Appeal (formerly district courts); and the Supreme Court (formerly Supreme, then Supreme Cassation, and now again the Supreme Court of Serbia) as the highest judicial body in the Republic of Serbia. As specialized courts, our Constitution recognizes the Administrative Court (one for the entire territory of the Republic of Serbia), Misdemeanor Courts (which are the most numerous) and the Appellate Misdemeanor Court as the second instance and competent for the entire Republic. The Constitution also recognizes both Commercial Courts and the Commercial Court of Appeal.

2.2 Non-state courts

These are courts with a very long tradition in our country. In different periods of time, they even had a dominant role in relation to state courts. Today, when we talk about non-state courts, we primarily think of arbitrations. Arbitrations appear in the field of commercial law: Foreign Trade Arbitration at the Serbian Chamber of Commerce is an arbitration for resolving commercial disputes within the Republic of Serbia. They are also arbitrations that regulate issues of collective disputes between workers and employers in connection with strikes or the conclusion of collective agreements. Historically, various variants of non-state courts were very present in our country, such as: Peace councils, courts of good people, commercial (or trade) courts. In the period from 1974 to 1991, in the territory of the former SFRY, there was a network of so-called self-governing courts. These were courts of associated labor, arbitration, peace councils, correctional courts, other self-governing courts. In the field of family law protection, peace councils were mainly mentioned, which resolved disputes between family members, inheritance disputes, disputes within family cooperatives, disputes between two or more families regarding blood feuds, compensation for damages due to a failed marriage, dishonor of the bride, etc.

2.3. Courts of general jurisdiction

As already mentioned, this second division refers only to the substantive activity of the courts. Thus, courts of general jurisdiction, as a rule, carry out the greatest activity in the sphere of criminal law matters (juvenile delinquency, war crimes, high-tech crime...), civil matters, non-civil matters, enforcement matters...

These courts are divided into three levels, with the proviso that according to our current Law on the Organization of Courts, Basic Courts are always first instance, Appellate Courts are always second instance, and higher courts in disputes of greater value or for serious criminal offenses, decide as first instance courts (for offenses where a sentence of more than ten years in prison is threatened and for property disputes in disputes of greater value over a certain property threshold).

3/4Currently, our legal system recognizes one Administrative Court, Misdemeanor Courts, and Commercial Courts. After World War II, working as specialized courts, we also had military courts that tried various forms of illegality of persons who were in the status of officers, non-commissioned officers and civilians in the service of the JNA or persons who were serving in the military.

3. CHARACTERISTICS OF FAMILY COURTS

3.1 Introductory notes

At the very beginning of this crucial argument, we would like to emphasize that this is a proposal that is exclusively the result of the authors' deliberations and their long-term dealing with this matter. The proposed solutions are known in comparative law and mentioned in legal theory. Our desire was to summarize in this paper only the argumentation that is "FOR" the introduction of these courts. Therefore, we see family courts (hereinafter referred to as FC) as state courts established by law. This means that no special creative activity would be necessary. These courts could be formed as special courts or as specialized panels within the High Courts. Although at first glance it seems that the first variant with the formation of special courts is more expensive and complicated, it would be incomparably more effective. The argumentation why we advocate for this type of court formation will be clearly seen in the following text, but in our opinion, the full effect can only be achieved if special Family Courts are formed along with the formation of a single Republic Court of Appeal for Family Disputes. It seems that any other solution would be a compromise and therefore insufficiently effective.

3.2. Actual jurisdiction of Family Courts

This is the crucial part of our proposal. We advocate that special provisions of the Family Law[7] regulate the obligation of judges to combine multiple legal protections in the same case, and to make multiple decisions on the merits, if, of course, the conditions for this are met. At the very beginning, we already said that this possibility exists in our regulations, but that it is almost never applied. To clarify this situation, we will give a few examples:

- When a criminal judge conducts proceedings in which one of the parents has expressed brutality towards children[8] (gross domestic violence[9], sexual abuse, gross neglect of family members, etc.), he must not limit himself to imposing a criminal sanction on the

7 Porodični zakon, Službeni glasnik RS, br. 18/2005, 72/2011 – dr. zakon i 6/2015.).

8 Antović, A. R., Stojanović, J. (2017). Sudsko-medicinske karakteristike porodičnog nasilja. Srpski arhiv za celokupno lekarstvo, 145(5–6), pp. 233.

9 Krstinić D, Vasiljković J. Oblici nasilja u porodici. Pravo - teorija i praksa. 2019;36(7-9):67-81.

perpetrator[10]. It is the judge's obligation to resolve the problem as a whole, to the extent possible. For example, it can issue a judgment on divorce; a judgment on the deprivation of parental rights of such a parent; a decision on removal from the family and a ban on access; a decision on the payment of maintenance. [11] or at least a temporary measure on the obligation to pay maintenance until the situation is clarified.

- In a divorce proceeding, the judge finds that one or both parents have behaved inappropriately towards a minor child or children[12]. According to our concept, in addition to issuing a judgment on divorce, the issue of, for example, complete or partial deprivation of parental rights, appointment of guardians for children, involvement of guardianship authorities in the procedure, protection of property relations, etc.

In disputes when, for example, a decision is made on divorce or deprivation of parents of parental rights, the court will be obliged to regulate the manner of implementation of such decisions.[13] It is widely known that the biggest problem of the Serbian judicial system in civil matters is the inadequate implementation of decisions in the field of family law protection.[14] This is primarily contributed to by the Law on Enforcement and Security, and the catastrophic provisions of this Law, which must be urgently reduced.[15]

Our legal system recognizes that commercial courts ensure the enforcement of decisions of commercial courts. It is indeed unclear why disputes in commercial law matters are more significant than disputes in family law matters. It seems that it would be incomparably more logical for decisions on enforcement to be entrusted to the enforcement of the FC. Of course, when it comes to monetary claims (e.g. maintenance of spouses, children or relatives), the general rules on enforcement proceedings can be applied with ease.[16] However, when it comes to disputes about the surrender or removal of a child [17], regulating the way of seeing the child, possible disputes from the alimony fund [18][19][20] It seems that it would be much more effective if the FC itself were to implement the security of these decisions.

- The Family Court would also have jurisdiction in the field of criminal law (criminal and misdemeanor liability), in the following cases: juvenile delinquency, juvenile

10 Zakon o izmenama i dopunama Krivičnog zakona RS, Sl. glasnik RS, br. 10/02. This code introduced the criminal offense of domestic violence into our legislation for the first time.

11 More at: Draškić, M. (2014). Pravo na regres roditelja koji je sam izdržavao dete, U: Perspektive implementacije evropskih standarda u pravni sistem Srbije: zbornik radova: knj. *4* (pp. 25-35), Beograd: Pravni fakultet.

12 Krstinić, D., Počuča, M., & Sančanin, Đ. (2023). Nasilje u porodici - pozicija deteta u nasilju koje trpi roditelj žrtva. Pravo - teorija i praksa, 40(2), 1-16.

13 More at: Šarkić, N.& Nikolić, M. (2009). Komentar Zakona o izvršnom postupku, Beograd: Službeni glasnik.

14 Mandić I, Porodično pravo, SG, Beograd, 1999.

15 Đorđević, K., 2019. U pripremi izmene i dopune Porodičnog zakona. Available at: https://www.paragraf.rs/dnevne-vesti/130919/130919-vest10.html 09.06.2025

16 Šarkić, N. (2016). Građanski izvršni postupak, Beograd: Pravni fakultet Univerziteta Union

17 Јањић, Комар, Обретковић М, Права детета, Правни живот, Београд, 1996, pp. 29.

18 More at: Novaković, U. (2016). Alimentacioni fond prema Prednacrtu Građanskog zakonika Srbije, Pravni život, Vol. 65, No. 10, pp. 103-122.

19 More at: Šarkić, N., Krstinić D., Počuča M., (2023) Neophodnost uvođenja alimentacionog fonda u našem pravnom sistemu. U: Aktuelna pitanja savremenog zakonodavstva i pravosuđa : zbornik radova sa Savetovanja pravnika, Budva, 2–6. jun 2023. godine. Udruženje pravnika Srbije

20 Narodna Skupština Republike Srbije, usvojila je Zakon o alimentacionom fondu 16.06.2025.godine.

perpetrators under the age of 14 (when forms of child protection, enhanced supervision or placement in specialized institutions would be decided in cooperation with guardianship authorities and health institutions).

- This court would also have jurisdiction when children are victims of violence (by parents or relatives, neighbors or godparents, sports workers, teachers, peers, etc.)[21].

- In criminal matters, the possibility of combining decision-making methods would also be expressed. For example, a judge who found that a sports worker or educator had behaved inappropriately in a private school, sports club or organization would, in addition to deciding on criminal liability, also make a decision on, for example, suspending the operation of that school, banning the performance of activities for a certain period of time, informing the public about inadequate conditions, etc.

- In our opinion, this court would also be competent for all disputes in the field of non-contentious matters related to family law protection (marriage permit, extension of parental rights, deprivation of legal capacity, declaring a missing person deceased or establishing the fact of death) and in this type of matter, there can often be a combination of different methods of establishing facts, but also a broader authority to make a decision. For example, in our opinion, if the judge, in the procedure for granting a marriage permit, were to determine that it was: the sale of a bride, an arranged marriage, a fictitious marriage that would serve to commit various criminal offenses (prostitution, begging, theft, etc.), in addition to deciding negatively on the submitted request, he could also take certain measures against the perpetrator or organizer of the illegal actions. Aware of the fact that this solution is quite radical, we advocate for a broader discussion about the pros and cons of this and other solutions.

3.3. Local jurisdiction

We advocate the most liberal possible solutions in terms of territorial jurisdiction, which would include: the jurisdiction of the court where the crime was committed, where the family members lived, where they stayed, where they now have their residence or abode, or where the damage occurred. It is quite understandable that a court with such prerogatives must be completely open from the standpoint of territorial jurisdiction, and that it should actually serve the simplest exercise of rights. Here we refer to the principle of economy (to achieve justice with the least amount of resources invested), and the principle of efficiency (to achieve effective protection in the shortest possible time)[22].

3.4. Judges in the family court

There is no doubt that the reform of the judiciary in the area of family law protection must first be achieved through differently educated judges who are specially prepared for this. In addition to general knowledge of the law in the area they will encounter (criminal law, family law, inheritance law, property relations, etc.), judges who will work in these courts must have special education in the areas of: psychology, the basics of medicine, defectology and, of course, social protection. Everyone who has dealt with family law protection at least

21 Pejak-Prokeš, O. (2006). Nasilje u porodici. Glasnik Advokatske komore Vojvodine, 78(1–2), pp. 49

22 More at: Šarkić, N. & Počuča, M. (2020). Porodično pravo i porodično pravna zaštita

minimally knows that the legal aspect is applied only in the basis of decision-making. Various other subjects related to social structure, nationality, cultural understandings of things, religious understandings, customs and customary norms, educational and upbringing level of family members, economic circumstances, traditional understandings of family relations, etc. have an incomparably greater influence on decision-making.[23] This is the reason why a special department for family law protection should be prepared within the Judicial Academy, which would, in cooperation with some of the Law Faculties, develop special studies (specialist, master, doctoral) for this area. The fact that the judges of this court would deal with criminal law as well as complete civil, non-civil and enforcement proceedings implies a comprehensive and broad knowledge of law. However, these judges must be additionally trained and monitor other social phenomena related to a particular disputed relationship.

3.5 Jury

On several occasions, the authors of this paper have expressed their firm position on the necessity of juries in our legal system. For years, we have been criticizing the partial or complete minimization of juries in various types of disputes. The jury is the voice of the people. The jury is the participation of citizens in decision-making. The jury is the public at work. The jury is of exceptional importance in the field of family law protection. Of course, the same rules as for judges will apply to jurors who will be selected for the needs of the PS. They must be specially prepared and trained. They must come from environments in which they have encountered problems of family law protection[24] (teachers or professors, educators, psychologists, special education teachers, sports or cultural workers, etc.). Their life experience must be important for resolving these disputes.

3.6. Mandatory participation of social work centers

One of the most significant innovations in this proposal is the fact that mandatory participation in the procedure must also be provided to social work centers [25]– guardianship authority (this solution was known in the period 1975 – 1990, during the existence of the courts of associated labor. Namely, the then social ombudsman of self-government as a specific ombudsman for labor disputes, was a mandatory participant in all proceedings before the courts of associated labor, so the DPS received every proposal for conducting a court dispute, first-instance and second-instance decisions. It could independently take part in the procedure, file an appeal, or propose a peaceful resolution of disputes).

This solution is, in our opinion, more than necessary. The reason for this is the fact that a huge number of court disputes (practically all) also involves an analysis of the social circumstances and circumstances in which the members of the family household who seek legal protection lived or live. The opinion of the center for social work on the causes of the crisis, on the correct decision on future steps that are necessary is the basis for a correct court decision. This further means that the social work center would be involved in each case. After a certain analysis

23 More at: Počuča, M. (2018). Izvršenje odluka u porodičnim stvarima, U: Četrdeset godina izvršnog zakonodavstva u građanskim postupcima : zbornik radova, Beograd: Pravni fakultet Univerziteta Union: Službeni glasnik, pp. 269-279.

24 Duško M, Porodično pravo i prava deteta, Beograd, 2006, pp. 207

25 Šarkić N, Nikolić M, Procesni položaj centara za socijalni rad, ZR, Glosarijum 2009.

of the situation, it would assist the court in finding the most effective solution that would involve not only resolving a particular disputed relationship but also overcoming the causes that led to a particular crisis situation or making it easier to overcome the consequences. The guardianship authority would also participate in monitoring the elimination of the consequences that arose from the disputed relationship, monitor the implementation and execution of the decision, and ensure that a disputed relationship is truly overcome in the best possible way.

3.7. Making a preliminary decision

One of the novelties we propose is the obligation of an individual judge who, immediately upon receiving the initial act (claim or proposal), after careful analysis, would decide on the necessary measures and steps to resolve the specific disputed relationship. If it could be concluded from the initial act that violence is being suffered[26], The judge would have to react immediately with a measure to remove the abuser. If it could be determined from the initial act that the family members are existentially threatened, the judge would issue a temporary measure to determine at least the minimum amount of support[27]. If he were to determine in another way that the health condition or family relations were significantly disturbed, the judge would immediately react with one of the temporary measures or temporary decisions. We know from practice that inadequate and delayed court decisions are completely ineffective. If the maintenance arrives after two or more years, the family will be completely endangered and therefore the existence of the members of the family household[28]. Inadequate protection in marital relationships leads to a huge number of fatal cases of disturbed relationships (in the first 4 months of 2025, 8 deaths from marital violence)[29]. Since we have already indicated that our view is that in these courts a panel consisting of one judge and two lay judges would decide. In the second instance, it would be a panel of three judges. Here, an individual judge would immediately issue a preliminary decision (interim measure) and provide valid protection until the conditions for a valid decision are met.

3.8. Amendments to regulations

At the beginning, we already said that an incomplete reform in family law protection was carried out after 2005, when the new Family Law was adopted. Given that the current Family Law already contains provisions on procedural rules, it seems that it would be simplest if this law were further innovated and if provisions relating to organizational issues (the formation of special courts), procedural provisions (the unification of litigious,

26 Protection from domestic violence was achieved by initiating criminal proceedings for one of the general criminal offenses, which, as the Supreme Court itself admits, proved inadequate. More about domestic violence from the aspect of criminal law in: Matijašević-Obradović, J., Stefanović, N. (2017). Nasilje u porodici u svetlu Porodičnog zakona, Krivičnog zakonika i Zakona o sprečavanju nasilja u porodici. Pravo – teorija i praksa, 34(4–6), pp. 22–24.

27 Arsić, J. & Panić, M. (2018). Analiza problema u zaštiti najboljeg interesa deteta u izvršenju sudskih odluka u porodičnim stvarima, U: Zbornik stručnih analiza pravnih akata u oblasti ljudskih prava,. Beograd : Kuća ljudskih prava pp. 236.

28 More at: Počuča, M. (2010). Zakonsko izdržavanje bračnih i vanbračnih partnera. Pravo - teorija i praksa, Vol. 27, No. 3-4, pp. 79-93.

29 Kelly, J. B., Johnson, M. P. (2008). Differentiation among types of intimate partner violence: Research update and implications for interventions. *Family court review*, 46(3), pp. 476–499.

extra-litigious and executive norms relating to family law protection) were incorporated, and of course substantive provisions that would provide a basis for the actions of judges. There are certainly other solutions that would involve, for example, the adoption of a Law on the Family Court and Proceedings before this court. Such a solution would be even more effective because it would resolve the organizational issue of court formation (bearing in mind the constitutional concept that courts are formed on the basis of law), regulate procedural issues that would imply erasing artificial boundaries between the litigious, extra-litigious and enforcement procedures when it comes to family law protection), and of course regulate substantive legal provisions on the status of judges, their powers, mandatory education, permanent training, the role of the jury, the role and powers of social work centers - as mandatory participants in the procedure, etc. This unified Law would be a beacon of light on how to regulate an area in the right way. It could also serve as the basis for the adoption of the Law on Labor Courts.

4. FINAL CONSIDERATIONS

In our understanding, the argumentation presented regarding the necessity of establishing special courts for family relations is more than clear. Disputes in this matter cannot be treated equally with disputes in other areas of law. It is impossible to compare the time frame for resolving, for example, child support with unpaid loans, construction contracts, property disputes, etc.Education and motivation of judges working in these courts, as well as the introduction of a jury in resolving disputed relations, is more than necessary. However, the most important change seems to be the one that implies that this court would simultaneously resolve multiple disputed relations that were either the initial cause for a certain disputed relationship, or its accompanying phenomenon or consequence.

We also believe that it is extremely important to include social work centers as mandatory participants in this type of dispute. Of course, in those disputes that involve, for example, only: changing the decision on the amount of maintenance, the role of the guardianship authority would not be overly significant. However, in a large number of disputes involving divorce, disturbed relationships, domestic violence, deprivation of parental rights, extension of parental rights, underage marriage, etc. A court decision without the active role of the guardianship authority and their substantiated opinion is unthinkable.

In addition to all the arguments listed so far, for the final consideration we would especially emphasize the possibility of various forms of mediation. This court would have to have a special department of mediators in its composition, which would always operate, regardless of the final outcome of the dispute. An attempt to reconcile spouses, an attempt to reconcile a dispute between parents and children, an attempt to eliminate the causes of divorce litigation or domestic violence (alcoholism, psychiatric illnesses, addictions, etc.) must be the subject of expert analysis. The mediator must try to assess, along with the court's efforts to reach a fair decision, whether there is a possibility of resolving the dispute at least partially or entirely peacefully. All those who have dealt with family law protection know the importance of mediation and the possibilities for this socially beneficial activity to be carried out in the right way. If it is combined with the method of judicial protection, then it can have exceptional effects. Despite the fact that we are aware that such a proposal, at first reading, seems like a utopia, we believe that it would be valuable if, first of all, in the legal and wider professional community, a consensus were reached on the elementary

forms of protection from family relations. This would contribute to creating a certain climate to create the material and technical conditions for the formation of these courts, i.e. an effective mechanism of protection in family law matters. The state of our birth rate, the number of divorces, the number of forms of violence in the family, the percentage of juvenile delinquency, disturbed family values, the disruption of social values affect the general climate and life in a society. The state must create such preconditions that the highest standards of protection are ensured, especially in the area of the family. No one must suffer violence, humiliation or any form of discrimination. We must especially provide this protection to children, elderly parents, single parents, people with special needs, as well as all those whose rights are threatened. We hope that the idea of forming courts for family relations represents at least a small stone in the mosaic of the general improvement of the legal system in the Republic of Serbia.

Dr Nebojša Šarkić, profesor emeritus
Pravni fakultet Univerziteta Union u Beogradu
e-mail: nebojsa.sarkic@pravnifakultet.rs

Dr Milan Počuča, redovni profesor
Pravni fakultet za privredu i pravosuđe u Novom Sadu,
Univerziteta Privredna akademija u Novom Sadu
e-mail: pocucabmilan@gmail.com

Dr Dalibor Krstinić, vanredni profesor
Pravni fakultet za privredu i pravosuđe u Novom Sadu,
Univerziteta Privredna akademija u Novom Sadu
Vanredni profesor na Fakultetu pravnih nauka,
Panevropski Univerzitet Apeiron u Banjoj Luci
e-mail: krstinicdalibor@yahoo.com

PORODIČNI SPOROVI I SPECIJALIZOVANI (POSEBNI) SUDOVI

Abstrakt:

Autori ovoga rada, u dužem vremenskom periodu zalažu se za proširivanje mreže sudova u Republici Srbiji. U većem broju objavljenih stručnih radova, se zalažu za uvođenje specijalizovanih (posebnih) sudova za rešavanje sporova iz porodičnopšravne materije. Sporovi iz ove materije ne mogu se tretirati jednako sa sporovima iz drugih oblasti prava. Nemoguće je da se u vremenski okvir za rešavanje npr. izdržavanja deteta komparacija vrši sa neplaćenim kreditom, ugovorom o gradnji, svojinskim sporovima i sl. U ovom radu

autori su apostrofirali značaj posebne edukacije sudija, ulogu medijatora, kao i neizostavnu ulogu i značaj centara za socijalni rad. Edukacija i motivisanost sudija koji rade u ovim sudovima kao i uvođenje porote u rešavanje spornih odnosa se javlja kao neophodnost. Ipak jedna od najvažnijih predloženih izmena bi bila ona koja podrazumeva da bi ovakvi sudovi istovremeno rešavali više spornih odnosa, tj prema zalaganju auora trebalo bi posebnim odredbama Porodičnog Zakona da se uredi obaveza sudija da u jednom istom predmetu kombinuju više pravnih zaštita, te da donesu više meritornih odluka ukoliko su za to ispunjeni uslovi.

***Ključne reči**: Posebni sudovi, Medijacija, Cenar za socijalni rad, organ starateljstva, edukacija sudija.*

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