



BOOK OF ABSTRACTS

**2ND INTERNATIONAL DOCTORAL AND POSTDOCTORAL
CONFERENCE IN THE LAW AND LAW RELATED FIELDS
SPLITLAW 2025**

Split, 14 - 15 May 2025

Faculty of Law, University of Split

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Ines Medić, Ranka Jeknić

Split, 14 - 15 May 2025

Publisher:

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**PROGRAM OF THE 2nd INTERNATIONAL DOCTORAL AND POSTDOCTORAL
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Faculty of Law, University of Split

May 14-15, 2025

1. DAY – MAY 14, 2025

REGISTRATION AT CONFERENCE DESK (09:15 – 09:45)

OPENING CEREMONY

Welcome Addresses - Conference Room Vijećnica

09:45 – 10:00

Ratko Brnabić, PhD., Associate Professor - Dean of the Faculty of Law, University of Split

**Željka Primorac, PhD., Full Professor – Vice Dean for Science and Postgraduate Studies,
President of the Organising Committee**

**Ranka Jeknić, PhD., Assistant Professor - Vice Dean for Quality Assurance and Inter-
Institutional Cooperation, Co-President of the Organising Committee**

Plenary Session I. – Conference Room Vijećnica

(chair: Ratko Brnabić, PhD., Associate Professor)

10:00 – 10:15 Pawel Mazur: EQUAL TREATMENT OF SHAREHOLDERS AND GENERAL PRINCIPLES OF LAW

10:15 - 10:30 Ramiro Seijas Leguizamon: DUTY OF CARE AND CORPORATE INTEREST - SUSTAINABLE MANAGEMENT AND HUMAN RIGHTS AS EXTRA-CORPORATE PHENOMENA NORMATIVELY INTEGRATED INTO THE MANAGEMENT OF COMMERCIAL COMPANIES IN THE EUROPEAN UNION

10:30 - 10:45 Marie-Christin Manke: A TAXONOMY OF ARGUMENTS IN PRIVATE CLIMATE LITIGATION – AN ANALYSIS OF PRIVATE CLIMATE LITIGATION CASE LAW IN EUROPE

10:45 - 11:00 Avin Tiwari: CORPORATE RESTRUCTURING VIA MERGERS AND ACQUISITIONS: A NEO-MODERN PERSPECTIVE

11:00 - 11:15 Najada Kilic: INTEGRATING ESG CRITERIA IN CANDIDATE COUNTRIES: THE CASE OF CORPORATE GOVERNANCE IN ALBANIA

11:15 - 11:30 Barbara Bokor: LEGAL ANALYSIS OF EU REGULATIONS ON CIRCULAR ECONOMY AND SUSTAINABILITY PRINCIPLES IN PLASTIC GOOD PACKAGING

11:30 – 11:50 Discussion

11:50 – 12:05 Coffee Break

Plenary Session II. – Conference Room Vijećnica

(chair: Ranka Jeknić, PhD., Assistant Professor)

12:10 - 12:25 Luka Roso: EFFECTIVE PROTECTION OF THE EU'S EXTERNAL BORDERS

12:25 - 12:40 Matyas Kiss: THE QUESTION OF ATTRIBUTION IN CYBERSPACE

12:40 - 12:55 Laura Gazdagova: IMPROVEMENTS IN THE PROTECTION OF ENVIRONMENTALLY DISPLACED PERSONS IN AFRICA

12:55 – 13:15 Discussion

13:15 – 14:15 LUNCH

Plenary Session III. – Conference Room Vijećnica

(chair: Ines Medić, PhD., Full Professor)

14:30 - 14:45 Nikolina Tomaš: RESOLVING DISPUTES IN CROSS-BORDER EMPLOYMENT RELATIONSHIPS

14:45 - 15:00 Ana-Maria Bogović: CONFIDENCE IN THE JUDICIARY REGARDING UNFAIR BANKING OPERATIONS IN RELATION TO THE CURRENCY CLAUSE AND ITS IMPACT ON THE REAL RIGHTS OF CONSUMERS

15:00 - 15:15 Jozsa Ede: AN EXAMINATION OF THE NATURE OF A SMART CONTRACT AS A LEGAL TRANSACTION

15:15 - 15:30 Veronika Kissova: RESTRICTION OF PARENTAL RESPONSIBILITY IN LIGHT OF NOVELIZATION OF CZECH CIVIL LAW

15:30 - 15:45 Tea Micevska: LEAVE TO FILE A SECOND APPEAL AS A MECHANISM FOR UNIFYING JUDICIAL PRACTICE: THE NORTH MACEDONIAN PERSPECTIVE

15:45 - 16:00 Arnau Carracelas Exposito: RE-SHAPING LABOUR NARRATIVES: THE PROTECTION OF NON-PRODUCTIVE SPACETIMES TOWARDS SUSTAINABLE SOCIETIES

16:00 – 16:20 Discussion

16:20 – 16:35 Coffee Break

Plenary Session IV. – Conference Room Vijećnica

(chair: Željka Primorac, PhD., Full Professor)

16:35 - 16:50 Lutfunnessa Sagor: CROSSING BORDERS: A GENDERED ANALYSIS OF MIGRATION FROM SOUTH ASIA

16:50 - 17:05 Josip Tadić: REFORM OF THE CROATIAN ADMINISTRATIVE DISPUTE

17:05 - 17:20 Emir Sudžuka: TOWARD EUROPEANIZATION OF CONSUMER PROTECTION LAW IN BOSNIA AND HERZEGOVINA: WITHDRAWAL RIGHTS IN DISTANCE AND OFF-PREMISES CONTRACTS

17:20 - 17:35 Vlasta Budiša: PROTECT TO PRESERVE: CULTURE HERITAGE IN CHALLENGING TIME – THOUGHTS ON NEW CULTURAL HERITAGE PROTECTION AND PRESERVATION ACT (2024)

17:35 - 17:50 Omer Batuhan Dogan: LIABILITY FOR DAMAGE CAUSED BY THE DECISION-MAKING SYSTEM OF AUTONOMOUS VEHICLES ON EUROPEAN ROADS

17:50 – 18:10 Discussion

2. DAY – MAY 15, 2025

Plenary Session I. – Conference Room Vijećnica

(chair: Ivana Radić, PhD., Assistant Professor)

09:00 - 09:15 Doris Skaramuca: THE ROLE OF AI EVIDENCE IN CRIMINAL TRIALS

09:15 - 09:30 Bushrat Jahan: IS ICC LOSING MOMENTUM? RECENT INVESTIGATIONS OF ICC AND THE CHALLENGES IT FACED

09:30 - 09:45 Orsolya Horvath: PRESERVING AND RECONSTRUCTING EVIDENCE WITH 3D PRINTING TECHNOLOGY: OPPORTUNITIES AND CHALLENGES

09:45 - 10:00 Istvan Szijarto: CHALLENGES TO THE RULE OF LAW IN THE EU SYSTEM OF JUDICIAL COOPERATION WITH SPECIFIC REGARD TO PROCEDURAL GUARANTEES IN CRIMINAL LAW AND COOPERATION SYSTEMS BASED ON THE PRINCIPLE OF MUTUAL RECOGNITION

10:00 - 10:15 Nikša Vojvoda: INFLUENCE OF EU LAW ON THE GROWTH OF QUASI-CRIMINAL REPRESSION IN MEMBER STATES

10:15 – 10:35 Discussion

10:35 – 10:50 Coffee Break

Plenary Session II. – Conference Vijećnica

(chair: Marija Đuzel, PhD., Associate Professor)

10:55 - 11:10 Kadar Hunor: THE CRIME OF FRAUDULENT CROSSING OF THE STATE BORDER IN ROMANIAN CRIMINAL LAW

11:10 - 11:25 Lulezim Barjamemaj: OPTIONAL GROUNDS FOR REFUSAL IN THE EUROPEAN ARREST WARRANT INSTRUMENT: A JURISPRUDENTIAL AND COMPARATIVE ANALYSIS

11:25 - 11:40 Andrej Bozhinovski: PROTECTION OF THE RIGHTS OF WRONGFULLY CONVICTED PERSONS IN CROATIA

11:40 - 11:55 Blerta Ahmeti: JUSTICE AND EU INTEGRATION: PROSECUTING WAR CRIMES IN KOSOVO

11:55 - 12:10 Razvan Ionut Ratoi: STATUTORY LIMITATIONS AND THE RULE OF LAW: ROMANIA'S STRUGGLE FOR JUSTICE AND EU ALIGNMENT

12:10 – 12:30 Discussion

12:30 – 13:30 LUNCH

Plenary Session III. – Conference Room Vijećnica

(chair: Marija Boban, PhD., Full Professor)

13:30 - 13:45 Ema Turnšek: THE FOUNDATION OF DATA PROTECTION IN EUROPE IN THE LIGHT OF HEALTH DATA

13:45 - 14:00 Barbara Hribar: LEGAL CHALLENGES OF DIGITALIZATION IN THE LEGAL PROFESSION: BALANCING LEGALITY AND ECONOMIC EFFICIENCY

14:00 - 14:15 Bence Kis Kelemen: PAY OR CONSENT – A LAWFUL BUSINESS MODEL?

14:15 - 14:30 Ana-Marija Kraljik: EUROPEAN HEALTH DATA SPACE - A NEW APPROACH TO THE DIGITAL TRANSFORMATION OF EUROPEAN UNION

14:30 - 14:45 Dominik Tomasz Wasiluk: DOES THE DEVELOPMENT OF AI CAUSE US TO RETHINK THE REGULATION OF CERTAIN PROFESSIONS? – CONFLICT BETWEEN ECONOMIC FREEDOM AND PUBLIC INTEREST IN THE CASE OF REAL ESTATE VALUATION PROFESSION REGULATION

14:45 - 15:00 Pawel Urzenitzok: ALGORITHMIC ACCOUNTABILITY IN FACIAL RECOGNITION TECHNOLOGY: ADDRESSING BIAS AND TRANSPARENCY IN EUROPEAN LAW ENFORCEMENT APPLICATIONS

15:00 - 15:15 Sandra Idkinaite: COPYRIGHT EXCEPTIONS AND CREATIVE FREEDOM: THE CASE OF LITHUANIAN DIGITAL CONTENT CREATORS

15:15 - 15:30 Mario Diaz Royo: MICHIHITO MATSUDA AND THE SPECIFIC STATUS FOR ROBOTS

15:30 – 15:50 Discussion

15:50 – 16:05 Coffee Break

Plenary Session IV. – Conference Room Vijećnica

(chair: Marin Keršić, PhD., Assistant Professor)

16:05 - 16:15 Alexander Szivos: THE ROLE OF GREEN TAXATION IN COMBATING CLIMATE CHANGE: AN EUROPEAN PERSPECTIVE

16:15 - 16:30 Judit Böröcz: JUDICIAL INDEPENDENCE AS A GUARANTEE OF CONFIDENCE IN THE JUDICIARY: ADEQUATE REMUNERATION OF JUDGES AS A MEANS OF PREVENTION OF CORRUPTION

16:30 - 16:45 Eugen Gheorghe Crisan: POLITICAL IMMUNITY AND LEGAL LIABILITY

16:45 - 17:00 Katalin Izsák-Somogyi: THE RELATIONSHIP BETWEEN LEGAL MEMORY, COLLECTIVE GUILT AND TRANSITIONAL JUSTICE (AN OVERVIEW FROM HUNGARY FROM MIDDLE 1990'S)

17:00 – 17:20 Discussion

17:20 CLOSING CEREMONY

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EQUAL TREATMENT OF SHAREHOLDERS AND GENERAL PRINCIPLES OF LAW

ABSTRACT

This paper examines whether the principle of equal treatment of shareholders can be considered a general principle of corporate law or if it is merely an application of broader legal standards, such as the duty to act in good faith. The author challenges the view that equality of shareholders is an independent general principle, arguing that shareholders should not be treated identically but rather in accordance with other general principles, particularly fairness and good faith. The paper distinguishes between the concepts of 'equality of shareholders' and 'equal treatment of shareholders,' clarifying that the latter is a procedural rule protecting shareholders from arbitrary discrimination. It also explores the relationship between equal treatment and constitutional principles of equal protection, EU law, and company law in various jurisdictions. The paper concludes that while the equal treatment of shareholders aligns with general principles like good faith, it is better understood as an example of their application rather than a standalone principle. The concept of "fair treatment" is proposed as a more accurate description of how shareholders should be treated in practice.

Keywords: *equal treatment of shareholders, equality, good faith, corporate law, principles of law*

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**DUTY OF CARE AND CORPORATE INTEREST - SUSTAINABLE
MANAGEMENT AND HUMAN RIGHTS AS EXTRA-CORPORATE
PHENOMENA NORMATIVELY INTEGRATED INTO THE
MANAGEMENT OF COMMERCIAL COMPANIES IN THE EUROPEAN
UNION**

ABSTRACT

The new EU Directive 2024/1760 on Sustainability and Human Rights Due Diligence (CSDDD), inspired by the OECD Guidelines for Multinational Enterprises and the Guiding Principles on Business and Human Rights, is a legislative instrument that is currently in the process of being transposed and whose main purpose is to incorporate the so-called corporate interest into the corporate systems of the member countries of the European Union. In short, the novelty brought about by this regulation is the establishment of mandatory guidelines for companies regarding the way in which they must design their business strategy in continental Europe. This is channeled by the European legislator through the special consideration of the company's interest, understood as the accumulation of diverse interests that make up the Company and its value chains or activities, that is, those third parties or stakeholders who, whether voluntarily or involuntarily, are impacted by the dynamics of corporate management. In the coming years, unrestricted respect for the company's interests will become a legal imperative and will be protected not only by regulations that could be considered external to the Company, such as consumer protection, labor contracts, fair trade or competition, but also as part of those that regulate the management of the Company itself. Although the aforementioned directive is currently under review and consultation by the member countries with respect to various aspects and initially limits its scope of application to large corporations, according to their volume of business and employees, it is certain that its entry into force, once domestic legislation has been enacted, will have an impact on companies of various sizes that make up the activity chains, thus attempting to definitively establish a global -and homogeneous- ethic regarding the dynamics of business. In the form of a hard law regulation, the aforementioned directive regulates a detailed due diligence process that firstly impacts on two traditional corporate law institutes, such as the corporate purpose clause and the fiduciary duty of care of the directors. The aforementioned regulation brings again an issue of economic analysis of corporate law, in this case, given by the problem of agency that exhibits the relationship between third parties and the Company,

emphasizing this problem with the novelty of the presence of a regulation that calls for an evaluation not only from a doctrinal point of view but also from a normative reality of concrete application. In conclusion, by regulating the corporate business by the legislator, a normative integration of the interest of the Company and a legal institute such as the commercial company is configured, all of which will necessarily call for the formulation of revisions of different institutes of the corporate system, such as identifying what should be the scope to be assigned to the corporate interest clause, or how the duty of care of the administrator should be interpreted in order to understand what is the performance owed by the same when integrating the administration board or what will be his legal position in the relationship with the commercial company and how will be the structure and budgets of the civil liability in the framework of the corporate actions, all this, from what part of the doctrine has qualified as a phenomenon that, in short, implies the management of public objectives through the business activity, which also allows concluding that we are moving towards a revision of the legal nature of the commercial companies.

Keywords: *Sustainable management, corporate purpose, due diligence, economic analysis of corporate law, legal nature of stock companies*

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A TAXONOMY OF ARGUMENTS IN PRIVATE CLIMATE LITIGATION – AN ANALYSIS OF PRIVATE CLIMATE LITIGATION CASE LAW IN EUROPE

ABSTRACT

Society has long recognized the effects of climate change, and the IPCC has urged all members, including governments and private companies, to adjust their actions immediately. Historically, the role and commitment of states in combating climate change have been shaped by international agreements that countries have joined voluntarily. However, as dissatisfaction with climate legislation grows, another legal strategy is increasingly employed: climate litigation. While in the beginning, litigation was concerned with governments, it is now moving towards the role of corporations in climate change. This article will focus on private litigation, meaning cases brought before Courts against corporations. While litigation against states has historically been more successful, case numbers in private litigation are increasing steadily. So far, states' responsibility has been argued using a human rights approach. The responsibility of corporations can be claimed using different areas of the law, such as criminal law, corporate law, human rights law, or tax law. The question this paper will answer is: Which lines of argument are used in national European Courts to argue for or against the responsibility of corporations in climate change? There is no one environmental law in the traditional sense of a field of law. Instead, it is made up of many pieces of legislation. Through time, litigation has become a part of the national and international climate framework. Applying a pragmatic approach to law, this paper will use case studies and field observations to explore the developments in climate litigation. Using a multi-step methodology, relevant cases will be identified and analyzed using an extensive analysis grid. Climate change demands an international approach, meaning that case law from national courts of multiple jurisdictions will be analyzed, and a comparative methodology will be applied. The cases will be studied using an interdisciplinary approach, as the question of how to deal with climate change is not only a legal issue but rather an economic and social issue in the modern world. The aim is to develop a taxonomy of the arguments in private climate litigation. I identified recurring themes and topics in the first round of my analysis. The arguments used by the parties in private climate litigation are not only legal but also connected to the country's culture and society. The main body of arguments used by the parties can be categorized as legal, political, economic, or

scientific. The hypothesis is that the use of these arguments is not random but rooted within a broader societal context. The lines of argument are influenced by the underlying legislation and directly related to current interdisciplinary debates, as they are employed to create a narrative that goes beyond the legal goals of the case. This work will contribute to the research on climate litigation. It is necessary to understand the current litigation and arguments to develop successful legal strategies to combat climate change in the future. A pragmatic and interdisciplinary approach makes it possible to create an all-encompassing but concise taxonomy of arguments used.

Keywords: *Climate Change Litigation, Corporate Governanc, Climate Governance*

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CORPORATE RESTRUCTURING VIA MERGERS AND AQUISITIONS: A NEO-MODERN PERSPECTIVE

ABSTRACT

Mergers and acquisitions (M&As) are recurrently used as a corporate restructuring strategy, involving large financial sums. Companies choose to merge with or acquire another company for varied motivations, like a desire to enhance a company's market value relative to its competitors and to exert greater control over the company's market positioning and direction. A successful merger or acquisition can engender both economic and strategic advantages to a company, while an unsuccessful restructuring effort can have severe ramifications, such as stock devaluation and employee layoffs. The present paper is an earnest attempt to analyze the changing dimensions of M&As in the modern economic scenario. The author seeks to qualitatively analyze the historical evolution and theoretical foundations of M&As as a corporate strategy, it's impact on corporate performance while acknowledging the challenges and opportunities at hand using relevant case studies and recent judicial precedents. The primary contention of the author is that the world is changing, and so should the perception and application of M&As as more than just a corporate strategy or a tool of economic expansion. M&As have to be looked at from a more holistic approach leading to wholesome socio-economic development than mere economic growth. M&As have the potential to transform modern economies if done with the right intent and proper due diligence.

Keywords: *Mergers and Acquisitions (M&As), Corporate Restructuring, Corporate Strategy, Synergy, Due diligence, Neo-modern economies*

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INTEGRATING ESG CRITERIA IN CANDIDATE COUNTRIES: THE CASE OF CORPORATE GOVERNANCE IN ALBANIA

ABSTRACT

In 2022, Albania opened the accession negotiation with the EU. Consequently, Albania as a candidate country, needs to harmonise domestic legislation with the EU acquis. One of the most important areas is the Environmental, Social and Governance (ESG) reporting of the companies. ESG criteria relate to companies' responsibility and their impacts on people and the environment. Evaluation of the sustainability performance of the companies will ensure a sustainable economy where no person or place is left behind. In this context, Albanian authorities are required to adapt the regulatory framework, emphasising sustainability so they can align with the Environmental, Social and Governance (ESG) criteria standards and regulations. This paper analyses to what extent the corporate governance in Albania aligns with the European Union acquis and the obligation of Albania to align with the European Union acquis. The paper seeks to give insights into the improvement of the legal infrastructure for ESG in Albania and for further legal reform to ensure compliance, accountability, and the long-term sustainability of corporate governance in the country. By using a combined research method based on a qualitative literature review analysis and normative legal analysis of existing EU acquis and Albanian legislation, the paper examines Albania's legal alignment with the EU acquis on corporate governance and sustainability. The paper concludes that the integration of ESG criteria contributes to modernising the legal landscape for the companies in Albania toward a sustainable future and a better understanding of corporate responsibility.

Keywords: Corporate Governance, ESG, Albania, Transposition, Sustainability

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LEGAL ANALYSIS OF EU REGULATIONS ON CIRCULAR ECONOMY AND SUSTAINABILITY PRINCIPLES IN PLASTIC FOOD PACKAGING

ABSTRACT

The pervasive use of plastic food packaging (PFP) presents a significant environmental challenge due to its contribution to pollution, resource depletion, and potential health risks, generating persistent negative externalities. This article undertakes a legal analysis of existing European Union (EU) regulatory instruments addressing these challenges through the lens of circular economy (CE) and sustainability principles. It critically examines how these regulations intend to mitigate the environmental damage associated with PFP within the EU. The study conducts a comprehensive review of key EU policy documents and legal frameworks governing PFP, examining how these instruments establish a legal framework for a closed-loop system and incentivize sustainable practices within the industry. It evaluates the alignment (or misalignment) between stated CE principles and demonstrable progress toward sustainability goals. Findings reveal a disconnect between the aspirations of CE initiatives in the EU and the reality of persistent environmental damage from PFP. The article argues for more robust, coherent, and targeted regulatory frameworks and innovative solutions to incentivize a transition towards a sustainable and circular economy within the PFP sector.

Keywords: EU law, plastic food packaging, circular economy, sustainable circular economy, negative externalities

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EFFECTIVE PROTECTION OF THE EU'S EXTERNAL BORDERS

ABSTRACT

The issue of effective control of the external borders of the European Union (EU) is one of the most important security concerns within the EU. From the perspective of international public law, effective control of the EU's borders is reflected in matters such as state sovereignty, the protection of human rights, the right to asylum, and other issues arising from international conventions and treaties. State sovereignty is manifested, among other things, in the fact that each member state has the right to control its borders within the framework established by domestic legislation. However, each member state has also undertaken certain obligations upon joining the European Union, so protecting the border does not only mean protecting the border of an individual state but also protecting the border of the European Union. Therefore, each member state is obliged to act in accordance with European legislation as well as international conventions, such as the Geneva Convention relating to the Status of Refugees. Thus, the topic of this paper will be the identification of problems that arise when discussing effective control of the EU's border protection and the determination of the legal framework both de lege lata and de lege ferenda.

Keywords: Frontex, Schengen Area, Migration, Cross-border cooperation, Use of force

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THE QUESTIONS OF ATTRIBUTION IN CYBERSPACE

ABSTRACT

Attribution is particularly important in the context of cyber operations. States, as abstract entities can act, obtain rights and obligations through their representatives. Without attribution, there is no state responsibility in international law. In the context of state responsibility, attribution is a process in which an act is linked to a state for the purpose of establishing an international wrongful act. When a state is involved in malicious cyber activities and seeks remedies, it must identify the responsible state. However, attribution in the context of cyber operations is often particularly challenging. Part of the challenge lies in the structural design of the internet and the data transmission processes between networks, which create favorable conditions for maintaining anonymity. It is also important that in certain cases, individuals, who are conducting cyberattacks against other States may belong to a State's armed forces, as many States nowadays have cyber units carrying out cyberattacks, such as China, Russia or the United States. States have also entrusted private organizations with the task of performing cybersecurity functions on behalf of the State. Perpetrators may also include private individuals or companies hired by States to execute cyber-attacks. Activities of non-State actors are generally cannot be attributable to States. However, such conduct can be attributable to a State in particular if the actor is: "in fact acting on the instructions of, or under the direction or control of, that State in carrying out the conduct." Each of the three criteria entails a form of subordination between the non-state actor and potentially responsible state. Regarding the criterion of control, there is a debate on the degree of control required for the attribution of the conduct to the state, as different tests have been developed. It is also debated whether a state can reasonably claim to have identified the perpetrator – in other words, how much evidence must be presented. Evidentiary standards applicable to the attribution of cyber activities are context dependent. The law of state responsibility as such does not contain generally applicable burdens, standards, or methods of proof, and these matters are instead ordinarily determined by the relevant forum. It is generally understood that any allegation that a wrongful act has been committed by another State should be substantiated. Nevertheless, there is no legal obligation under international law to publicly provide the evidence on which an attribution is based. This has been reaffirmed by many states, in their national positions regarding cyberspace and international law. The standard of attribution in the event a state considers responding

to an internationally wrongful act, such as through countermeasures, is generally that of reasonableness. This depends, among other factors, on the reliability, directness, nature, and specificity of the relevant available information when considered in light of the attendant circumstances.

Keywords: *international law, cyber operations, attribution, state practice, cyberspace*

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IMPROVEMENTS IN THE PROTECTION OF ENVIRONMENTALLY DISPLACED PERSONS IN AFRICA

ABSTRACT

Natural disasters, particularly those driven by climate change, are becoming a major cause of forced displacement. However, there are still no established frameworks—conceptual, legal, or institutional—that guarantee human rights protection for those displaced by environmental factors. Africa is facing significant challenges due to climate degradation, so this article focuses on the protection of the human rights of environmentally displaced people on that specific continent. The authors argue that while most environmentally displaced individuals are expected to remain within their home countries, there is uncertainty surrounding the status and protection needs of those displaced by environmental degradation and other "slow onset" phenomena. In the author's view, the largest protection gap exists for individuals displaced (due to environmental degradation) internally. Since the norms of Geneva law, specifically the 1951 Refugee Convention, cannot be applied to these cases, as highlighted by former UN High Commissioner for Refugees Sadako Ogata, the article aims to explore potential legal and policy frameworks that could offer protection to those displaced by environmental factors.

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Keywords: *environment, human rights, environmentally displaced persons, refugee*

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RESOLVING DISPUTES IN CROSS-BORDER EMPLOYMENT RELATIONSHIPS

ABSTRACT

In a globalized world, cross-border employment relationships have evolved from marginal definitions into normative paradigms, redefining the boundaries of traditional employment and enabling fluid interaction between labor markets, capital, and human resources on a global scale. While enriching the labor market and promoting international cooperation, cross-border employment relationships also lead to an increasing number of cross-border labor disputes, reflecting the complexities of regulatory frameworks and cultural differences among countries. The freedom of movement for workers is one of the fundamental rights of the European union and is crucial for the functionality of the internal market, as it enables a balanced and dynamic distribution of labor resources. However, it also brings a series of challenges, including socioeconomic inequalities, integration issues, and the complexity of cross-border legal disputes that arise from the different legal frameworks and legislative regulations of member states. Although the European union advocates for the unification of European legislation, significant differences still exist between national laws, particularly regarding the protection of workers' rights. A key aspect of resolving cross-border labor disputes is the rules of private international law, which govern conflicts of laws and strengthen the position of workers as the weaker party in the process. For instance, Regulation Brussels I bis provides criteria for jurisdiction in favor of workers, thereby facilitating their access to justice. Regulation Rome I stipulates rules regarding the applicable law in the event of an individual employment contract. This rule provides a certain degree of legal predictability but also allows for the possibility of party choice regarding the applicable law. Furthermore, additional protection for workers is foreseen by the Directive on posted workers, which offers workers the additional option of initiating proceedings before the court of the host country. While the European regulations and international instruments develop a system that moves towards greater protection of workers as the weaker party, the inconsistency of national legislations continues to pose a significant barrier to the realization of workers' rights. A multilateral instrument would significantly reduce the number of "limping" legal relationships and provide greater legal security to citizens. The aim is to analyze court practices to determine whether the existing legislative

solutions at the European Union level are in the interest of workers and whether there are situations in which workers' rights remain unprotected.

Keywords: *individual employment contracts, international jurisdiction, applicable law, cross-border labor disputes*

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CONFIDENCE IN THE JUDICIARY REGARDING UNFAIR BANKING OPERATIONS IN RELATION TO THE CURRENCY CLAUSE AND ITS IMPACT ON THE REAL RIGHTS OF CONSUMERS

ABSTRACT

As a new opportunity arose for taking loans denominated in Swiss francs and loans denominated in kuna with a currency clause in Swiss francs, bankers and banking institutions saw the chance to present loans in Swiss francs to average citizens, who lacked expert knowledge and skills, as an opportunity that could not be turned down. What the citizens as consumers could not even dream of was the reality that ultimately awaited them: after years and years of regular repayment of annuities of loans taken in Swiss francs, they ended up with even more loan to repay. How is this possible? In this case, banks and bankers did not explain to the consumers, or warn them of the meaning, or the legal consequences of the currency clause risk and the floating interest rate risk. So, instead of the currency clause serving to protect the value of provided money, it was offered to achieve unimaginable earnings for the banks, while the interest rate was very simply and effectively changed by unilateral decisions made by the banks. This resulted in consumers accumulating debt that they were unable to repay and escape the debt spiral, which in turn led consumers to establish the association "FRANAK - ASSOCIATION FOR THE PROTECTION OF CONSUMERS USERS OF FINANCIAL SERVICES" with the headquarters in Zagreb, Avenija Marina Držića 81B to protect their rights and interests and to go into battle against banking giants. Whether they will succeed in this battle, and on what grounds collective actions for the protection of consumer rights and interests, as well as individual restitution lawsuits, have been filed, is detailed below.

Keywords: Currency Clause, Swiss francs, Loan Agreement, Nullity of Provisions, Floating Interest Rate

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AN EXAMINATION OF THE NATURE OF A SMART CONTRACTS AS A LEGAL TRANSACTION

ABSTRACT

Technological progress is not leaving the field of civil law, including private law, untouched, and its rapid development poses many challenges. Digitalisation, the driving force behind the fourth industrial revolution, is one of these current technological phenomena, which is likely to bring about major changes. The question to be answered is how, if at all, legislation can keep pace with these unprecedented situations brought about by technological change and cope with the changes brought about by technological innovation. The aim of the research is to identify the legal problems that have already arisen, to provide appropriate legal answers based on the doctrinal foundations, i.e. to formulate de lege lata, de lege ferenda proposals, and to carry out the research for the two countries (Hungary and Romania) along the lines of a legal comparison. To explore what further legal questions and challenges may arise from the progress of digitalisation, based on the institutions of civil law in the area of contract law, whether reassuring answers can be given to these questions or whether legal development is necessary. In this paper we will place the concept of smart contracts in the context of the current Romanian and Hungarian civil law. The study will examine the place of smart contracts in these legal systems, while providing an insight into the regulation of contracts in both countries. Furthermore, the study will also examine the nature of the smart contract as a legal transaction.

Keywords: smart contracts, digitalisation, civil law, contract law

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RESTRICTION OF PARENTAL RESPONSIBILITY IN LIGHT OF CZECH LAW

ABSTRACT

In regards to parental responsibility, when necessary to protect the best interest of the child – the law allows for a court intervention into a parent's parental responsibility. One of the measures a court may resolve to is restricting the parental responsibility. The novelization of the czech civil law, including family law, in the 2014, has brought about a change of the legislation, the aim of which is to intervene with the parental responsibility as little as possible. Such notion has brought about a distinction of two relatively separate measures, namely restricting parental responsibility and restricting the parent's right to exercise parental responsibility. However, the practical difference between these two measures remains questionable. Besides establishing the distinction, the law does not define any specifics, such as the conditions under which shall either of these measures be utilized. And so far, the distinction has not received much attention in the czech legal doctrine and many questions regarding this provision remain unanswered. Even when mentioned, the opinions on the reasoning behind the distinction and its purpose in czech legal doctrine differ. The paper evaluates the recent legislation in order to find out, whether the change (division) of the provision regulating restricting parental responsibility has had any practical impact when compared to the previous legislation and, if so, whether such change fulfills its objective – to keep the rights of parents and children related to parental responsibility as intact as protection of the best interest of the child allows. Along with the analysis of the current state of knowledge the paper reaches out to similar legal orders to find out whether any other legislation has also resolved to such distinction and what has the related doctrine and case-law found in regards to this topic, which may provide some guidelines applicable in the czech legal order as well.

Keywords: *parental responsibility, restricting parental responsibility, family rights, children rights, parenthood*

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LEAVE TO FILE A SECOND APPEAL AS A MECHANISM FOR UNIFYING JUDICIAL PRACTICE: THE NORTH MACEDONIAN PERSPECTIVE

ABSTRACT

The uniform application of laws and the consistency in judicial decisions are fundamental preconditions for ensuring legal certainty, regardless of the type of the legal system. Additionally, the equal application of laws is regarded as an integral aspect of the right to a fair trial and thus, of the principle of the rule of law. Uniform judicial practice is a well-established principle, guaranteed both nationally and internationally. However, it is not uncommon for the courts to render conflicting judgments. In that manner, not only is the foreseeability and fairness of the judicial decisions undermined, but the overall trust in the judicial system may be infringed. Therefore, different countries have developed various mechanisms for overcoming this challenge. Generally, a distinction is made between formal, semi-formal and informal mechanisms in ensuring consistency. However, what is common is that the highest courts play a vital role in ensuring unity of judicial practice. In North Macedonia, one of the key mechanisms for achieving this goal is the possibility of granting leave to file a second appeal before the Supreme Court. This extraordinary legal remedy can be filled only if certain conditions are met. In this way, the Supreme Court exercises its constitutionally stipulated function of unifying judicial practice. However, the questions that pertain are: What are the arguments for the legal validity of the conditions of this remedy? Do the Macedonian courts apply this legal remedy and how effective is it? What is the judicial approach taken in practice? An attempt will be made to find answers to the questions raised by establishing theoretical foundations and reviewing relevant national judicial practice.

Keywords: unified court practice, leave to file a second appeal, Supreme Court

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RE-SHAPING LABOUR NARRATIVES: THE PROTECTION OF NON-PRODUCTIVE SPACETIMES TOWARDS SUSTAINABLE SOCIETIES

ABSTRACT

By fostering the notion of full productive employment, labour law has vectorised the consumption-production patterns of capitalist societies, which have entailed a massive exploitation of natural resources to the point of altering its most basic biological processes, placing the habitability of the Earth at stake. Its impacts are not limited to the environmental effects but rather have huge eco-social implications. Within the framework of the debates around post-growth theories, just transitions and sustainable societies, this paper argues that a re-assessment of some basic institutions of labour law is imperative, disentangling the latter from the productivist paradigm, recovering its protective and redistributive function and orienting it towards social justice and equality. The paper suggests an approach from post-work theories, arguing that a first operational response can be found in the protection of non-productive spacetimes within working time regulations. Here, the nexus relational autonomy-private life is paramount for its protection and ensuring its effectiveness. Private life, interpreted as including relational positive autonomy, operates as the antithesis of the productivist mandate, since it implies an emancipatory claim from the condition of commodity and enables protection of their well-being and fundamental rights at work by giving value to workers' judgement, interests, priorities, personal projects or convictions. It allows to acknowledge and protect the central role of private-social life, self-development and self-fulfilment from the interference that work entails in it. The ECHR has already acknowledged the interconnection between work and private life (Niemitz v. Germany), in a positive aspect, i.e., to protect the relevance that work can have in individuals' development (self-realisation, income security...). But, what about its negative aspect? Currently, private life elapses within the leftovers of work and life-plans are tailored around working time and its instrumental value as a source of income. A broad a contrario interpretation of art. 8 ECHR could not only be coherent but a logical consequence of the current understanding of work and its impact on workers' private and social development. This interpretation would imply the positive obligation for states and public authorities to build a system of guarantees for its exercise, which could be materialised in the creation of a legal framework to protect non-productive spaces. This intervention should be immediate, as the legal foundation is a human right (art. 8 ECHR) not subjected to progressive realisation or to

availability of resources. In conclusion, the protection of non-productive spaces could be afforded through a broad interpretation of the right to private life 8 ECHR, as including the principle of personal autonomy, understood from a relational conception. However, a multilevel overview of the current legal framework on working time suggests that autonomy is neither used as a legal rationale nor given intrinsic value.

Keywords: *sustainable labour law, post-growth, autonomy, private life*

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CROSSING BORDERS: A GENDERED ANALYSIS OF MIGRATION FROM SOUTH ASIA

ABSTRACT

Migration is a transformative phenomenon that shapes societies and economies globally, with South Asia playing a pivotal role in these dynamics. This paper explores the intersection of gender and migration within the South Asian context, focusing on the Indian subcontinent. It examines historical and contemporary migration patterns of women, highlighting the socio-economic, cultural, and legal factors influencing their movement. Through a gendered lens, the study analyzes the unique challenges faced by women migrants, such as exploitation, discrimination, and restricted access to resources, alongside the opportunities for empowerment and economic independence. Drawing on case studies and policy analyses, this paper underscores the critical need for gender-sensitive frameworks to address the vulnerabilities of women migrants and foster inclusive migration policies. By integrating insights from historical trends and contemporary data, the paper contributes to a deeper understanding of gendered migration and its implications for development and human rights in South Asia.

Keywords: *Gendered Migration, South Asia, Women Migrants, Socioeconomic Factors, Exploitation and Empowerment, Migration Policies, Human Rights, Economic Independence, Cross-Border Migration*

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REFORM OF THE CROATIAN ADMINISTRATIVE DISPUTE

ABSTRACT

The Croatian administrative dispute has gone through a long development process. The normative regulation during the former Yugoslavia was set by the Administrative Disputes Act (1952), and then by the Administrative Disputes Act (1977). In 1991, after the creation of the independent Republic of Croatia, the aforementioned Administrative Disputes Act (1977) was received in new Croatian legislation by the special legislative Act. The reform of the Croatian administrative dispute that followed in 2010 with the adoption of the new Administrative Disputes Act (which entered into force on 1 January 2012) represents a turning point in administrative justice. The contemporary administrative justice standards, the changed perception about the role of public administration and its relationship with citizens in modern society (strong affirmation of human rights protection), as well as the influence of international standards, convention law, and European Union law were the main reasons for the reform of the Croatian administrative dispute. One of the most significant changes was related to the establishment of a two-instance administrative judiciary. Four administrative courts were established in Zagreb, Split, Rijeka, and Osijek as first-instance courts. The former Administrative Court of the Republic of Croatia became the High Administrative Court of the Republic of Croatia as a second-instance court. The second major change was related to the affirmation of the dispute of full jurisdiction. An extremely important change was related to the expansion of the subject matter of the dispute. After more than ten years of application of the Administrative Disputes Act (2010), a new reform of the Croatian administrative dispute has followed. The Administrative Disputes Act (2024) introduces several novelties and corrects the previously existing ambiguities and flaws in regulation. The subsidiary application of the Code of Civil Procedure has been completely abandoned. Also, it is prescribed that the court may resolve on the merits even if the plaintiff does not directly request it. Additionally, the possibility for a panel of judges to decide in the first instance is reintroduced.

Keywords: administrative dispute, reform, The Republic of Croatia

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TOWARD EUROPEANIZATION OF CONSUMER PROTECTION LAW IN BOSNIA AND HERZEGOVINA: WITHDRAWAL RIGHTS IN DISTANCE AND OFF-PREMISES CONTRACTS

ABSTRACT

This paper explores the alignment of Bosnia and Herzegovina's consumer protection laws with the legal framework of the European Union, focusing on withdrawal rights in distance and off-premises contracts. These rights, crucial for safeguarding consumer autonomy, allow individuals to reconsider their decision to conclude contract made without physical presence, such as online purchases or doorstep sales, within a defined period. The European Union, through directives such as the Consumer Rights Directive, has established clear rules governing withdrawal rights, ensuring transparency and uniformity in member states. Bosnia and Herzegovina, aspiring to join the EU, is progressively harmonizing its consumer protection laws to comply with these standards. However, challenges persist in the practical implementation and enforcement of withdrawal rights, particularly in ensuring consumer awareness and adapting to the unique characteristics of distance and off-premises transactions. This study examines the legal and regulatory framework in Bosnia and Herzegovina, highlighting key differences from EU standards and identifying areas requiring reform. Particular attention is given to the practical barriers faced by consumers and merchants, including the limited availability of clear information, procedural inefficiencies, and inconsistencies in the transposition of EU directives. The analysis also emphasizes the importance of balancing consumer rights with the interests of businesses, especially in the context of cross-border transactions. Drawing on comparative insights from EU member states, the paper provides recommendations for improving Bosnia and Herzegovina's legal and institutional framework. These include enhancing consumer education, simplifying withdrawal procedures, and strengthening enforcement mechanisms. The findings demonstrate that aligning withdrawal rights with EU standards not only benefits consumers but also fosters trust and competitiveness in the domestic market, supporting Bosnia and Herzegovina's broader European integration goals.

Keywords: Consumer Protection, Withdrawal Rights, Distance Contracts, Off-Premises Contracts, European Union Harmonization

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PROTECT TO PRESERVE: CULTURE HERITAGE IN CHALLENGING TIMES – THOUGHTS ON NEW CULTURAL HERITAGE PROTECTION AND PRESERVATION ACT (2024)

ABSTRACT

Protection and preservation of cultural heritage is becoming a big challenge in disaster situations, which are brought on by more frequent natural disasters caused by climate change and social crisis situations. Act for protection and preservation of cultural heritage that has been adopted in Croatian assembly at the end of 2024, gives us the legal foundation that ensures prevention, protection but also restoration of cultural heritage during crisis situations. The Act brings solutions that have not been a part of legal frameworks until now, such as management plans, cooperation between the sector of civilian protection and cultural institutions as well as using digital technologies and creating documentation for tracking of conditions of cultural heritage. In this article we will analyse the new Act in three aspects: prevention, intervention and restoration of cultural heritage. Prevention in protection of cultural heritage is started with the risk assesment and creation of protection plans as well as education of experts and operational teams. During the crisis situation, it is important to have a coordinated activities of all stakeholders. Using digital tools and having timely education and preparation, strenghtens the operational capacities in real time. Phase of rebuilding and restauration only comes after complete end of the crisis situation and it implies expert foundation that will ensure damage repair in a way that it doesnt aditionally diminish the value of the cultural property. Besides the new Act, the article will cover some of the challanges in implementation of these models, issues with resourcing, challanges with continual education of the expert teams as well as operational teams. It will emphesize the importance of international experience and cooperation, knowledge exchange as as well as giving support in form of human resources and finances in the times of crisis situations. The Act presents an important step towards systematic protection of cultural heritage predicting models of protection and preservation in extraordinadry circumstances, and full cooperation on the field with all operational capacities. The recomendation is for further educaiton of experts that work in cultural institutions and care for cultural heritage, to work in crisis situations as well as educating the operational teams so we can develop inovative tools to preserve and protect cultural heritage and put focus on education and awareness

raising of the public of the importance of cultural heritage as an irreplaceable part of cultural identity and shared history.

Keywords: *Cultural heritage, challenges situations, protection, legislation, cooperation*

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LIABILITY FOR DAMAGE CAUSED BY THE DECISION-MAKING SYSTEM OF AUTONOMOUS VEHICLES ON EUROPEAN ROADS

ABSTRACT

The development of artificial intelligence technologies impacts the transport sector, which has led to the emergence of the autonomous vehicle industry. As a consequence of the emergence of autonomous vehicles in dynamic traffic environments, the first incidents occurred. It is therefore notable that the damage caused by these accidents has led to the decision-making system of autonomous vehicles being given particular importance in the context of tort law. According to the standards established by the Society of Automotive Engineers (SAE), Level 4 and Level 5 vehicles are classified as autonomous vehicles. In the context of safety expectations for autonomous vehicles capable of decision-making on the road, equipped with Automated Driving Systems (ADS) and Dynamic Driving Task (DDT) features, whether human or machine behaviour should be determined as a standard in liability law. The new product liability directive has expanded the definition of products to include software, thereby encompassing autonomous vehicle software within the scope of the product. Regulation (EU) 2019/2144 and the Commission Implementing Regulation (EU) 2022/1426 of 2019/2144 lay out the definition and functions of autonomous vehicles. As the vehicle is being developed, the established traffic road rules will be taken into consideration, and an evaluation will be made in collaboration with the new product liability and artificial intelligence liability directive. Therefore, this paper aims to determine the conditions under which the software system is included in the defect definition. This is important to establish the limits of the manufacturer's liability and to ensure a balanced relationship between the parties. Subsequently, the new product liability directive will provide clarification upon the determination of the source of the damage in order to establish a causal link with the manufacturer in the case of damages caused by autonomous vehicles integrated with many software systems. Furthermore, in light of the principle of free movement within the European Union, it is aimed to examine the potential liabilities of the involved parties in cross-border transactions. The establishment of liability rules for autonomous vehicles is significant for ensuring the proper functioning of the internal market and maintaining a high level of safety on traffic roads.

Keywords: *Product Liability, Autonomous Vehicles, Decision making system, Traffic roads, European Union*

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EVALUATING THE ADMISSIBILITY OF AI EVIDENCE IN CRIMINAL PROCEEDINGS: LEGAL STANDARDS AND ETHICAL IMPLICATIONS

ABSTRACT

This paper explores the role of artificial intelligence (AI) in criminal courts, highlighting its impact on the judicial process as technology evolves. Key issues highlighted in this paper include the reliability of AI evidence, ethical implications, and the potential for bias. The study aims to assess the effectiveness of AI evidence, its influence on the right to a fair trial, and the standards for admissibility in court. This research integrates quantitative case law analysis with a review of existing literature. It identifies the challenges that surface when using AI evidence. The findings contribute to the ongoing discussion about the intersection of technology and law, hinting at practical recommendations for policymakers and legal professionals. Ultimately, this paper seeks to enhance our understanding of AI's role in the criminal justice system.

Keywords: *artificial intelligence, admissibility, AI-generated evidence, deep fake, authenticity*

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IS ICC LOSING MOMENTUM? RECENT INVESTIGATIONS OF ICC AND THE CHALLENGES IT FACED

ABSTRACT

The International Criminal Court (ICC) is the only permanent body of international criminal justice. Despite its noble intention to ensure justice for the victims, due to critical challenges through political diplomacy, immunity, or non-cooperation, the ICC faces hindrances in upholding accountability and justice effectively. This article will focus on raising questions about the credibility and effectiveness of ICC being biased, low conviction rates, and insufficient resources. By analyzing the key limitations of the ICC, the study focuses on the recent initiatives of ICC investigations into Afghanistan, Ukraine, and Palestine, highlighting the complex legal, political, and practical barriers hindering effective prosecutions and how it faced criticism for losing its momentum in the public phenomenon. The study evaluates the implications of such disparities on the ICC's credibility and its broader role in the international legal system. The article aims to press for reforms in lengthy mechanisms, jurisdictional scope, and outreach to victims to enhance its ability to fulfill the core mandates.

Keywords: *International Criminal Court, Challenges, Effective Justice, Credibility and Legitimacy*

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PRESERVING AND RECONSTRUCTING EVIDENCE WITH 3D PRINTING TECHNOLOGY: OPPORTUNITIES AND CHALLENGES

ABSTRACT

The application of 3D printing technology in forensic science has revolutionized evidence preservation and reconstruction. By creating accurate replicas of physical evidence, such as weapons, bones, or damaged objects, 3D printings safeguard the original items while enabling detailed visualization for courtroom presentations. This paper explores the key benefits of 3D printing in preserving evidence integrity, enhancing the understanding of complex cases, and supporting forensic education. It also addresses significant challenges, including the accuracy of 3D-printed models, legal admissibility, and ethical concerns related to evidence manipulation. The study concludes by emphasizing the need for standardized protocols and interdisciplinary collaboration to ensure the effective and reliable use of 3D printing in forensic investigations, ultimately contributing to more transparent and fair judicial processes.

Keywords: 3D printing technology, forensic sciences, evidence, courtroom

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**CHALLENGES TO THE RULE OF LAW IN THE EU SYSTEM OF
JUDICIAL COOPERATION WITH SPECIFIC REGARD TO PROCEDURAL
GUARANTEES IN CRIMINAL LAW AND COOPERATION SYSTEMS
BASED ON THE PRINCIPLE OF MUTUAL RECOGNITION**

ABSTRACT

The EU is committed to the rule of law. This concept includes effective judicial protection. For a long time, judicial cooperation between member states of the EU has not focused on providing effective judicial protection for individuals in cross-border cooperation. Instead, it was rather focused on the efficiency of cooperation indicated by various judgements of the ECJ and the ECtHR. As a necessity to counter the harmful effects of this efficiency, the EU legislature started to focus on the protection of fundamental rights in this field as well. In addition, the ECJ also took a different approach in 2016, when it decided in joined cases Aranyosi and Caldaru, that judicial cooperation in criminal matters may be suspended if it resulted in the violation of fundamental rights of the concerned person. The hypothesis of this paper is that the EU has meaningfully developed the quality of rule of law in the field of judicial cooperation. The paper focuses on how the ECJ's case law and various directives adopted by EU institutions affected the protection of fundamental rights in this field. The paper first introduces the dilemma of efficient cooperation and the protection of fundamental rights. After that, the paper describes the added value of the directives harmonising procedural guarantees in criminal law in the member states. Moreover, it emphasises the ECJ's role in making judicial cooperation more protective of fundamental rights by establishing a coherent jurisprudence regarding the refusal of judicial decisions when they may jeopardise the protection of fundamental rights.

Keywords: Rule of law, judicial cooperation in criminal matters, ECJ, procedural guarantees, EU criminal law

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INFLUENCE OF EU LAW ON THE GROWTH OF QUASI-CRIMINAL REPRESSION IN MEMBER STATES

ABSTRACT

The European Union and its predecessors have for many decades stimulated the emergence of „minor“ offences in Member States. In sum, this influence can be regarded in the periods before (a) and after (b) the entry into force of the Lisbon Treaty. This paper aims to show that despite all the changes in European law, one can distinguish a continuous half a century long influence of European law on the emergence of “minor” offences in Member States. (a) In the first periods of influence, namely from the 1970s until the entry into force of the Lisbon Treaty, there was a conceptual difficulty in ensuring the enforcement of Communities' policies in the Member States. The Communities did not have competence in criminal law and therefore could not oblige Member States to prescribe criminal sanctions for breaches of European law. This was a threat to effective implementation of European law because the existence of sanctions for breaches of law influences legal subjects to act in conformity with it. The problem was overcome by obliging the Member States to prescribe sanctions for breaches of European law without, however, defining the nature of those sanctions and by simply stating that they have to be “effective, proportionate and dissuasive”. Since they were free to choose the nature of the sanctions, Member states have often decided to prescribe them in the realm of “minor” offences. The situation has not changed even after the adoption of Treaty of Maastricht in 1993 and the structuring of the European Union into three pillars. The matter of implementation of European law remained a question of the first pillar where there was no criminal competence. Most of the post-Maastricht legislation on indirect sanctions (sanctions that need to be implemented in national law) continued to avoid defining their nature. During this period European legislation has, however, sometimes predefined the nature of sanctions as administrative, therefore directly obliging Member States to introduce them in the sphere of “minor” offences. (b) With the entry into force of the Lisbon Treaty the EU gained significant competences in the area of criminal law this time even in the area of policy-implementation. This has caused a new period of European influence on the creation of “minor” offences in Member States. The definition of the Union's competence in obliging Member States to impose criminal sanctions for breaches of EU law had important consequences since there was no more need for sanctions of an undefined nature. Sanctions with undefined

nature therefore started to appear less and less frequently and the European legislator has in many pieces of legislation started explicitly requiring the prescription of sanctions defined as administrative. The Union therefore continued to have a strong influence on the creation of new “minor” offences in the Member States during this period. One of many examples exists in the area of competition law where Directive (EU) 2019/1 stipulates that Member States should ensure the imposition of sanctions in administrative or non-criminal judicial proceedings.

Keywords: *implementation of European law, indirect sanctions, „minor“ offences, quasi-criminal repression, Europeisation*

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THE CRIME OF FRAUDULENT CROSSING OF THE STATE BORDER IN ROMANIAN CRIMINAL LAW

ABSTRACT

The criminalization of the crime of fraudulent crossing of the state border protects the inviolability of the border of a particular state. In this paper, the author analyses the object, the subjects, the objective and the subjective aspects of the crime of fraudulent crossing of the state border. Among other things, it is analysed the possibility of apprehension of the co-perpetrator of this crime, the possibility of apprehension of a concurrence of crimes in the situation when the offender commits the crime both in the form of illegal entry and illegal exit from the country, and the relationship of this crime with other crimes such as identity fraud. The aggravated variants of this crime are also presented, which is committed, inter alia, when the active subject is a foreigner who has been declared inadmissible or who has committed the act in order to evade criminal liability or the execution of a sentence. Finally, a ground for non-punishment is presented, taking into account that the crime of fraudulent crossing the state border is not punishable under Romanian criminal law if committed by the victim of trafficking in human beings or minors.

Keywords: state border, co-authorship, forgery of identity, foreigner declared inadmissible, victim of trafficking in human beings or minors

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OPTIONAL GROUNDS FOR REFUSAL IN THE EUROPEAN ARREST WARRANT INSTRUMENT: A JURISPRUDENTIAL ANALYSIS

ABSTRACT

The instrument of the European Arrest Warrant represents a ‘cornerstone’ of judicial cooperation in criminal matters within the European Union, as built upon the principle of mutual recognition of criminal judgments. Enshrined in the Council Framework Decision 2002/584/JHA on June 13, 2002, it establishes procedures for the arrest and surrender of individuals between Member States. This study examines key optional grounds for refusal under the Framework Decision of the European Arrest Warrant, including dual criminality, territoriality, the statute of limitations, and the nationality or residence of the requested person, with particular emphasis on the ne bis in idem principle, which is mandatory within the European Union but discretionary for third-country judgments. While the optional grounds largely mirror those in traditional extradition, the Framework Decision of the European Arrest Warrant grants Member States full discretion in their transposition. This study employs qualitative legal analysis, conducting a literature review of the current debates, followed by an in-depth assessment of the jurisprudence of the European Court of Justice. This paper argues that while the Framework Decision of the European Arrest Warrant aims to foster mutual trust and judicial cooperation, the discretion vested to Member States in implementing optional grounds has led to fragmentation in practice. The European Court of Justice has attempted to mitigate these inconsistencies by establishing uniform interpretations, reinforcing the principles of equality and non-discrimination, and ensuring that discretionary refusals align with broader European Union legal principles.

Keywords: *European Arrest Warrant, optional grounds, mutual trust, judicial cooperation*

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PROTECTION OF THE RIGHTS OF WRONGFULLY CONVICTED PERSONS IN CROATIA

ABSTRACT

The protection of the rights of wrongfully convicted individuals represents a critical concern within the Croatian justice system, demanding robust legal safeguards, effective remedies, and institutional accountability. Wrongful convictions not only undermine public trust in judicial institutions but also cause significant harm to the affected individuals, including psychological distress, societal stigma, and loss of freedoms. This paper explores the Croatian legal framework and practices concerning wrongful convictions, focusing on mechanisms for compensation, the reopening of procedures, and the protection of defense rights. The paper will review Croatia's approach to compensating wrongfully convicted persons, analyzing the adequacy of legal provisions under the Croatian Act on Compensation for Damage Caused by a Wrongful Conviction and assessing the procedural barriers to obtaining fair compensation. It will also examine the reopening of procedures as a remedy for wrongful convictions, with particular attention to the application of new evidence, developments in forensic methods, and compliance with European Court of Human Rights standards. Defense rights, including access to effective legal representation, equality of arms, and the presumption of innocence, will be evaluated as preventative measures against miscarriages of justice. In addition to reviewing existing practices, this paper will discuss modern methods for identifying and rectifying wrongful convictions, such as advanced forensic techniques, independent review mechanisms, and multidisciplinary cooperation between legal, forensic, and advocacy experts. The central hypothesis of the study is that while Croatia has made strides in addressing wrongful convictions, significant gaps remain in the implementation of international standards, accessibility of remedies, and systemic reforms to prevent future injustices. This paper seeks to contribute to the discourse on wrongful convictions in Croatia by proposing evidence-based recommendations for legislative and institutional improvements, ensuring a justice system that prioritizes the protection of individual rights and fosters public confidence in its integrity.

Keywords: wrongful convictions, innocence project Croatia, defense rights, compensation

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JUSTICE AND EU INTEGRATION: PROCESUTING WAR CRIMES IN KOSOVO

ABSTRACT

This paper explores the connection of justice and European Union (EU) integration through the lens of war crimes prosecution in Kosovo. Following the Kosovo conflict of 1998-1999, the prosecution of war crimes has become an important aspect of the region's efforts to align with EU accession criteria. The paper examines the prosecution of war crimes in Kosovo, conducted by international, hybrid, and local tribunals. It addresses the challenges faced and the reforms implemented to meet EU accession criteria. The study underscores that the importance of prosecution of war crimes in meeting EU accession criteria, promoting reconciliation, and fostering regional cooperation. It concludes that while important progress has been achieved, substantial challenges and tasks still lie ahead.

Keywords: Kosovo War, EU Integratio, ICTY, hybrid tribunals, local courts

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STATUTORY LIMITATIONS AND THE RULE OF LAW: ROMANIA'S STRUGGLE FOR JUSTICE AND EU ALIGNMENT

ABSTRACT

Romania's integration into the European Union (EU) has been a catalyst for significant advancements in democracy and the rule of law. However, the country continues to grapple with persistent challenges in ensuring justice and accountability. A critical issue at this moment is the statutory limitation of criminal liability, which frequently undermines efforts to prosecute corruption, abuse of power, and other serious offenses. This article explores the intersection of statutory limitations with Romania's broader struggle to strengthen the rule of law, focusing on the implications for national governance and the EU framework. The misuse of statutory limitations in Romania has created systemic barriers to justice, particularly in cases involving high-profile corruption. Judicial inefficiencies, delayed investigations, and political interference often allow perpetrators to evade accountability, eroding public trust in democratic institutions. This dynamic poses a significant threat to Romania's democratic consolidation and alignment with the EU's foundational values. The article analyzes specific case studies of corruption where statutory limitations have thwarted justice, highlighting their impact on public confidence in the rule of law. Romania's challenges are contextualized within the broader EU landscape, where the rule of law is a cornerstone principle. Mechanisms such as the European Commission's Rule of Law Report and the Cooperation and Verification Mechanism (CVM) have been instrumental in monitoring Romania's judicial reforms and anti-corruption efforts. While these tools have driven some progress on the matter, we still have serious concerns regarding the judicial independence. The article evaluates the role of the EU in addressing these deficiencies, including the potential of the Rule of Law Conditionality Regulation to incentivize member states to uphold democratic principles. The analysis emphasizes the need for comprehensive reforms in Romania to mitigate the detrimental effects of statutory limitations. Legislative measures, such as guarantees for a more independent judicial system, improving judicial efficiency and reducing political and government control over the judicial are proposed as essential steps to prevent justice from being delayed, denied or influenced. By examining Romania as a case study, this article sheds light on the broader implications of statutory limitations for the EU's efforts to safeguard democracy and the rule of law. Ensuring accountability for corruption and other serious offenses is crucial for

maintaining public trust, strengthening democratic institutions, and upholding the EU's values. The findings contribute to ongoing discussions on the role of statutory limitations in shaping the effectiveness of justice systems within the EU, offering policy recommendations to address these pressing challenges.

Keywords: *Rule of Law, Statutory Limitation, justice systems, Romania*

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THE FOUNDATION OF THE RIGHT TO DATA PROTECTION IN EUROPE IN THE LIGHT OF HEALTH DATA

ABSTRACT

The paper consists of three major parts, the development and assessment of the fundamental legal acts in relation to the right to data protection, the analysis of the right to data protection in detail and the chosen cases in this field. Firstly, the article tries to elaborate on the development of data protection in EU and in Signatory States of the ECHR through the most significant legal acts and judgments that shaped the legal framework we have today. Secondly, the article delves into the comprehensive structure of the right to private and family life pursuant to Article 8 ECHR. It addresses the lengths of the article and the right to data protection as a sub-right of the right to private and family life pursuant to the Article 8 ECHR as well as it exposes its different aspects and its position according to other sub-rights under the same Article. Thirdly, the article introduces four different cases concerning the protection of health data in particular, exposing different issues and findings of the CJEU and the ECtHR. Finally, the article shall provide the reader with a wholesome picture on how the right to the protection of personal (health) data developed, how it is understood and what meaning does it have today, particularly in Europe.

Keywords: *data protection in EU, data protection in Europe, health data, the right to data protection, the right to privacy, ECtHR's data protection case law, CJEU's data protection case law*

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LEGAL CHALLENGES OF DIGITALIZATION IN THE LEGAL PROFESSION: BALANCING LEGALITY AND ECONOMIC EFFICIENCY

ABSTRACT

The digitalization of the legal profession has evolved dramatically, as the advocates of new technology have succeeded in persuading large law firms to integrate AI algorithms, big data analysis, and blockchain technologies into their everyday legal routines. A number of companies offer legal services based on incorporated digital technology or combine new technology with business process outsourcing and other forms of standard economic efficiency practices. Furthermore, digital legal products have largely entered daily legal routines as procedures and outcomes of litigation, arbitration, legal consulting, legal risk and compliance, advisory and management, human resource management, or the resolution of agency problems have become quantifiable, predictable, and analyzable data sets. AI legal diagnosis tools, big data in litigation and arbitration, compliance applications in enterprise resource planning systems, or simple service bots that power all kinds of automatic knowledge management, NLP, or other standard office packages are part of many modern legal practices. This paper uses a qualitative research methodology, combining doctrinal legal research with case study analysis. Doctrinal research includes a critical review of academic literature, legal norms, professional codes, and regulatory frameworks from various jurisdictions. The case study analysis examines digitalization practices in legal firms and institutions, focusing on selected domains: real estate, insurance, and e-health law. This dual-method approach helps contextualize the difficulties and legal effects of technological adoption within the legal profession, particularly to understand the deficiency of controlling digital apparatuses, how these affect legalities and ethical standards. Computer-based case law and commentaries are slowly but surely replacing printed versions, irrespective of a jurisdiction's laws on the use of legal technology or available technologies for law. The use of digital platform as a support means nothing but enhancing righteousness in supporting the use of digital technology as a platform to promote digital products and services. How do legal experts deal with these demands? What improvements could digitalization bring to the lives of busy law practitioners? Among many, digital legal information sources already support finding the material needed and then making it available. New filtering mechanisms for legal knowledge could diminish the problem of having too much data while experts find themselves with too little time. Technological progress has brought support tools for contract drafting, as well as management, while guaranteeing legal

security in this regard. Additionally, new computer programs could provide 24-hour advice to them. Nevertheless, these new virtual advisors have not led to a decrease in the demand for legal advice and services from lawyers, but to an increase, especially from non-wealthy clients. Furthermore, if automation forces a change in old legal services' business models, such changes could only be positive, as not all tasks could be replaced by digital resources, particularly the special added value of the lawyer-human judgment, confidence, and insight in the field. Regarding the questions of balancing legality with economic efficiency in digitalization of legal profession, a significant emphasize must be given to questions, relating to a legality and relevance of AI translated documents, as it could happen that the true (legal) meaning of these documents can be lost with an AI translation. Through an analysis of case studies in real estate, insurance, and e-health sectors, this study gives real life examples. explores these challenges in depth. Our findings reveal that digitalization in the legal sector presents a unique problem without clear and suitable solution. Any acceptable solutions must align closely with established legal methodologies within the existing legal system. It is also essential to articulate and implement desired objectives to shape the trajectory of this evolving legal tradition. Currently, the IT applications used by legal firms lack specialized reliability functions that require extensive research and synchronization. Complex data is also seen as inadequate in delivering the full range of potential benefits. They primarily serve as costly third-party services capable of managing only a limited number of instances, similar to a notary, without accommodating the multifaceted changes that modern legal practice demands.

Keywords: Digitalization, Legal profession, Legal technology, Economic efficiency, AI integration

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PAY OR CONSENT - A LAWFUL BUSINESS MODEL?

ABSTRACT

Meta and other companies have recently introduced a "pay or consent" business model for their services, such as Facebook, which is used by millions in the European Union. Under this model, users either consent to the use of their personal data for behavioral advertising purposes, enabling them to access the service "free of charge," or they pay a fee to use the service without their personal data being used for behavioral advertising. Several non-governmental organizations, such as NOYB, have criticized this model, arguing that it constitutes an unlawful practice under the General Data Protection Regulation (GDPR) of the EU. Conversely, stakeholders in the digital economy, including the Interactive Advertising Bureau, have defended the model, asserting that businesses cannot be compelled to offer their services for free. In May 2024, the European Data Protection Board (EDPB) issued an opinion on the legality of the "pay or consent" model as applied by large online platforms, such as social media sites. The EDPB concluded that, in most cases, the implementation of such a model would violate the GDPR's requirements for valid consent. The EDPB proposed a possible solution: offering a third, equivalent alternative that would allow users to access the service free of charge without their personal data being used for behavioral advertising. However, the EDPB clarified that other forms of advertising could still be permissible, provided they rely on valid legal bases under the GDPR. The opinion argued extensively that a binary choice between payment and consent undermines the notion of freely given consent, rendering the data processing illegal. This paper critiques the EDPB's reasoning, arguing that it is weak and inconsistent. While the EDPB emphasizes the need for a case-by-case legal assessment of such models, its stringent requirements effectively render the implementation of a binary "pay or consent" model infeasible for large online platforms. The paper contends that the EDPB overemphasizes the imbalance of power between platforms and users, as well as other "detrimental" factors, and that its opinion contradicts established case law of the Court of Justice of the European Union. Furthermore, the paper asserts that businesses have a fundamental right to design and implement their own business models, including setting prices, as part of their freedom to conduct business. It argues that data protection law plays a relatively minor role in regulating these aspects compared to competition law and consumer protection law. Consequently, the "pay or

consent" model, in and of itself, does not constitute a violation of EU law.

Keywords: *pay or consent, GDPR, Meta, EDPB, imbalance of power*

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EUROPEAN HEALTH DATA SPACE - A NEW APPROACH TO THE DIGITAL TRANSFORMATION OF THE EUROPEAN UNION

ABSTRACT

Digital transformation is the most important factor in the further economic, technological, security and international strengthening of the European Union. The first common European data space of the European Union relates to health and the protection of health data. This paper examines the current state of health data protection of citizens of the Republic of Croatia in the context of other EU member states. The paper analyzes the impact of technological innovations on the security of health data processing, ie their interoperability. The risks and challenges related to the security of health data processing in the context of technological innovations are assessed. In conclusion, the potential contribution of the European health data space is determined and recommendations are made for improving the security of health data with new digital solutions.

Keywords: Regulation (EU) 2025/327, public health, European Union

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**DOES THE DEVELOPMENT OF AI CAUSE US TO RETHINK THE
REGULATION OF CERTAIN PROFESSIONS? – CONFLICT BETWEEN
ECONOMIC FREEDOM AND PUBLIC INTEREST IN THE CASE OF REAL
VALUATION PROFESSION REGULATION**

ABSTRACT

The economic freedom is the foundational value of the market economy. On the other hand every country regulates certain professions, e.g. legal, medical or construction. The primary reason for introducing such regulations, that results from the public interest approach is to respond to the failure of the free market. It follows in turn from the asymmetry of information between the client and the professional and negative externalities meaning that the provision of low-quality services by professionals has an impact on third parties and even society as a whole. However with the development of new technologies, especially AI, new forms of providing services by representatives of regulated professions appear on the market. This means that incumbents are starting to compete with technology companies or other professionals, but equipped with innovations that significantly increase the efficiency of service provision: reducing costs, speeding up their execution or improving their quality. However such competition may be legally impossible not because of the quality of the innovative solutions, but due to existing regulatory barriers. Therefore the question arises whether the justification for regulation of certain professions is still valid, as the new technological solutions may represent the remedy for market failures in some cases. The paper analyses the regulation of real estate valuation profession from this perspective. Nowadays real estate appraisers compete with automatic valuation models (AVMs), that are often based on AI and companies equipped with such technology perform valuations quicker, cheaper and more precisely than humans. However on the other hand side in many European countries regulations prohibit using AVMs for property valuation in many situations. The study employs three legal research methods: dogmatic, axiological and economical to answer the following questions: 1. What socially important values underlie current regulation of real estate valuation profession? 2. How should the “gains and losses” of regulating valuer’s profession be assessed in the event of the emergence of new ways of providing valuation services based on AI technology? 3. In what circumstances is it worth maintaining or adapting existing regulations of appraiser’s profession when their presence prevents or hinders the development of AI valuation technology? Finally, the

ambition of this paper is to generalize conclusions from the study of real estate valuation profession to other situations in which development of new technologies may outdate the reasons for maintaining the regulation of certain profession. Therefore the study will attempt to answer this universal question as well: 4. In what circumstances the grounds for maintaining the regulation of a given profession become outdated due to technological progress, primarily the development of AI? Negligence in this area, i.e. lack of or delayed regulatory changes, generates a number of negative consequences for society and the economy. Monopolization causes costs by reducing the level of social welfare and causing waste and also often leads to social conflicts. The real estate profession represents the perfect case to reflect on the imminent conflict of two values - economic freedom and public interest, redefined by the development of AI.

Keywords: *business freedom, regulated professions, artificial intelligence, public interest*

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ALGORITHMIC ACCOUNTABILITY IN FACIAL RECOGNITION TECHNOLOGY: ADDRESSING BIAS AND TRANSPARENCY IN EUROPEAN LAW ENFORCEMENT APPLICATIONS

ABSTRACT

Facial Recognition Technology (FRT) is now a key instrument for European police forces, increasing crime prevention and public security. FRT deployment presents several legal, ethical, and social concerns, especially about algorithmic bias and transparency, along with conformity to the standards of European legislation. Literature indicates that FRT technology is more likely to misidentify individuals belonging to minority groups disproportionately, thereby reinforcing structural discrimination and weakening confidence among the public. Despite efforts through regulation, such as the General Data Protection Regulation (GDPR) and the Artificial Intelligence Act (AI Act), there are loopholes in ensuring algorithmic accountability, control, and bias mitigation. The article critically analyzes the European regulatory framework governing FRT, focusing on data protection, algorithmic fairness, and human rights. The research employs doctrinal legal analysis, case studies, and empirical findings. It identifies gaps in current oversight and highlights the challenges of algorithms and fragmented national rules. The article calls for a European legal framework that would compel algorithmic transparency, independent audits, and bias monitoring in real-time in law enforcement scenarios. The study provides policy suggestions, including required impact analyses, accountability mechanisms, and encouragement of international collaboration, for creating ethical guidelines and technical norms for reconciling technological advancement with essential human rights.

Keywords: *Facial Recognition Technology, FTR, Law Enforcement Technology, Algorithmic Bias, Algorithmic Transparency*

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COPYRIGHT EXCEPTIONS AND CREATIVE FREEDOM: THE CASE OF LITHUANIAN DIGITAL CONTENT CREATORS

ABSTRACT

The expansion of digital creativity across the world has brought renewed attention to the balance between copyright protection and creative freedom. This debate has grown increasingly urgent with the proliferation of user-generated content (UGC), including remixes, parodies, and other transformative works, which often exist in tension with traditional copyright frameworks. This paper contributes to the discourse by focusing on Lithuania as a case study, exploring how national copyright regulations, modernised based on European Union directives, impact digital creators' ability to create, innovate, and express themselves. Using qualitative data gathered from focus group discussions with Lithuanian content creators, this study examines the practical challenges posed by copyright exceptions. Creators highlighted gaps in their understanding of the law, the ambiguity of exceptions, and the disproportionate copyright enforcement mechanisms that favour large rights holders over individual innovators. Additionally, participants identified inconsistencies in platform policies and regional licensing as barriers to the effective and lawful use of copyrighted material. Building on this empirical research, the paper conducts a comparative analysis with other European jurisdictions to assess how Lithuania's approach aligns with or diverges from best practices. Drawing insights from modernisations in countries such as Canada and the United Kingdom, it argues for the necessity of simplifying copyright law and adopting clearer guidelines to support transformative digital works. The study also emphasizes the importance of extra-legal measures, such as public education campaigns, to empower user-creators to navigate the complex intersection of copyright and creativity. By addressing these gaps, policymakers can ensure copyright law evolves to align with the needs of a digitally advanced society. This paper contributes to the body of scholarship on copyright modernisation in Lithuania and the European Union, situating its findings within the context of ongoing international trends and legal developments. It advocates for a recalibration of copyright laws to balance the rights of copyright holders with the cultural and social value of user-generated digital creativity.

Keywords: Copyright exceptions, user-generated content, Lithuanian copyright law

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MICHIHITO MATSUDA AND THE SPECIFIC STATUS FOR ROBOTS

ABSTRACT

Artificially intelligent (AI) systems do not possess consciousness, and it is currently impossible to program such a capability into them. They remain advanced tools operating under human-defined instructions. However, the increasing parallels between AI capabilities and certain aspects of human cognition have led to debates about granting robots a specific legal status: electronic personhood. If a humanoid robot like Michihito Matsuda could run for municipal elections in Tama (Tokyo), why not consider granting robots a form of legal personality? The European Parliament resolution of 16 February 2017 with recommendations to the Commission on Civil Law Rules on Robotics (2015/2103(INL)) proposed creating a specific legal status for sophisticated autonomous robots. This status would recognize them as electronic persons capable of assuming responsibility for damages they may cause, particularly in cases where they make autonomous decisions or interact with third parties independently. While this idea acknowledges the growing impact of AI systems, it also raises critical questions about agency, liability, and ethical boundaries. One way to approach these challenges is through historical analogies. For instance, in Roman law, the servus (slave), though lacking full legal personhood, could act on behalf of their owner, producing legal effects for the latter. Similarly, robots could be recognized as dependent agents—tools with a high degree of autonomy—without conferring upon them full independence or rights. This analogy illustrates a possible framework for assigning legal responsibility for the actions of autonomous systems while maintaining clear ethical and legal boundaries.

Keywords: Artificially intelligent, personhood, autonomous robots, responsibility, servus

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THE ROLE OF GREEN TAXATION IN COMBATING CLIMATE CHANGE: AN EUROPEAN PERSPECTIVE

ABSTRACT

The pressing challenge of climate change necessitates innovative and effective policy measures to mitigate its impacts and transition towards a sustainable future. Green taxation has emerged as a pivotal tool in this endeavor. Green taxation refers to the imposition of taxes on activities or products that harm the environment, with the dual aim of generating revenue and incentivizing environmentally friendly practices. These taxes target specific sectors, such as energy, transportation, and waste management, to encourage more sustainable practices. For instance, taxes on carbon emissions compel industries to adopt cleaner technologies, while levies on single-use plastics push consumers and manufacturers towards reusable alternatives. Tax incentives also play a complementary role to green taxes in promoting sustainable practices. These incentives include tax credits, deductions, and exemptions for investments in renewable energy, energy-efficient technologies, and sustainable infrastructure. By reducing the financial burden of green investments, tax incentives make it more attractive for businesses and individuals to contribute to the green transition. For example, tax credits for solar panel installations or deductions for energy-efficient home improvements can significantly lower the cost barrier, encouraging wider adoption of these technologies. The European Union's leadership in green taxation and its commitment to sustainability goals have positioned it as a global frontrunner in the fight against climate change. Through a combination of green taxes, carbon pricing mechanisms, ESG integration, and tax incentives, the EU is driving significant progress towards a sustainable and climate-resilient future. The EU's Emissions Trading System (ETS), for instance, is a cornerstone of its climate policy, setting a cap on total greenhouse gas emissions and allowing industries to buy and sell emission allowances. This market-based approach not only limits emissions but also incentivizes companies to innovate and reduce their carbon footprint. The research aims to present the key points and roles of these issues. It will focus on the latest developments and challenges, both practical and theoretical, to provide a comprehensive understanding of the broader context of sustainable development, with taxation as its core component. By examining recent advancements and ongoing obstacles, the research seeks to illuminate the multifaceted nature of sustainability efforts within Europe. It offers insights into the strategies and policies shaping the region's approach to achieving

long-term environmental, economic, and social goals through the use of taxation.

Keywords: *Climate change, Sustainability, Finance, Taxation, Green taxation*

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JUDICIAL INDEPENDENCE AS A GUARANTEE OF CONFIDENCE IN THE JUDICIARY: ADEQUATE REMUNERATION OF JUDGES AS A PREVENTION OF CORRUPTION

ABSTRACT

Judicial independence, which is inherent in the task of adjudication, is inseparable from judicial practice and integral to the task of judicial decision-making. Mentioning judicial independence notions like institutional, procedural and personal guarantees of it usually come to mind. Hundreds and even thousands of studies talk about the rules of the appointment and promotion of judges, their immovability, the order of distribution of cases, the right to a legal judge, political, economic and official conflicts of interest, etc. At the same time, in scientific literature, little is said about the remuneration and financial independence of judges even though these are also essential parts of judicial independence. An efficient and timely functioning justice system, which greatly helps society's sense of security, economic growth and guarantees clean and predictable legal relations, can only be achieved by having a court that is independent in all respects, literally. This study argues that it is crucial for the Member States, here I put my focus on the European Union and its' Member States, to recognize the responsibility of judges with adequate remuneration. If judges' salaries do not conform to the dignity and responsibility of the profession, then the public's confidence in the judiciary weakens, because it undermines judicial independence and as a possible side-effect economic crime, especially corruption can appear, grow and flourish. Therefore, the main question is whether a judge can be independent without appropriate remuneration or not.

Keywords: *judicial independence, confidence in the judiciary, remuneration of judges, corruption*

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POLITICAL IMMUNITY AND LEGAL LIABILITY

ABSTRACT

At present, the political scene in Romania is characterized by turmoil that has led to an increase in the level of verbal aggression or violence and some politicians have resorted to actions that violated criminal, misdemeanour or civil law. If persons other than those acting in their capacity as politicians had committed such acts, accountability in any of its variants would have followed its natural course. In the case of politicians holding public office, however, it seems that the reaction of the judiciary seems to be either restrained or non-existent because of the political immunity they enjoy. As political immunity does not mean the granting ab initio of a general amnesty for politicians, an up-to-date analysis is needed of what political immunity is and what it represents, its place and role in public and legal life, its limits, when politicians can be held liable in any of the above-mentioned forms, the effectiveness and efficiency of this liability, in order to make the necessary legal and approach corrections.

Keywords: *political immunity, criminal liability, contravention liability, civil liability*

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**THE RELATIONSHIP BETWEEN LEGAL MEMORY, COLLECTIVE
GUILT AND TRANSNATIONAL JUSTICE (AN OVERVIEW FROM
HUNGARY FROM THE MIDDLE 1990'S)**

ABSTRACT

The number of memory laws, which are central to the study of legal memory, multiplied in Hungary in the years following the regime change. The period of so-called transitional justice was marked by confronting the past, self-reflection, taking responsibility, and evoking shame. The so-called nullity laws and reparation laws are the most striking examples of this memory discourse. In this context, the inclusion of collective guilt, which might appear marginal, emerges as a highly significant question in legal philosophy. The major traumas of 20th-century Hungarian history—similar to those in other Central and Eastern European states—were significantly rooted in the dynamics of collective guilt. Moreover, these instances were also characterized by enforced silence and an imposed identity, phenomena that are intrinsic to the dynamics of memory as a factor in identity formation. In Hungarian history, the concept of collective guilt can primarily be examined in the second half of the 20th century. From Hungary, the Swabian minority was deported, while masses of Hungarians were relocated from Czechoslovakia to Hungary. The conflict between this process and fundamental rights could not be openly acknowledged until the regime change, and its examination only became possible thereafter. From that point on, however, it became a prominent issue in memory politics. My primary focus, however, is not on memory politics but specifically on legal memory; I analyze memory laws not as cultural entities but as legal ones. Thus, two highly topical questions of legal philosophy converge in the research.

Keyword: *Legal memory, transitional justice, collective guilt, memory laws*

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