DOI: 10.7251/GFP2111200M

UDC: 347.963:659.4(497.6)

Pregledni naučni rad

Datum prijema rada:
15. april 2021.

Datum prihvatanja rada:
02. jun 2021.

Relationship Between the Police and the Prosecutor's Office in Individual European Countries

(experiences that can be used in the process of investigating traffic offences in Bosnia and Herzegovina)

Abstract: One of the main characteristics of the investigation in Germany is that the public prosecutor is in charge of investigation and the role of the police mainly depends on whether and to what extent the public prosecutor will entrust them with undertaking investigative actions. France has retained the division into inquests and investigation, as well as a powerful investigative judge. When a formal investigation is optional (it is obligatory only in the event of crimes) and is not conducted, inquests are the only form of preliminary proceedings. Preliminary investigations (inquests) are conducted by the judicial police, at the request of a public prosecutor or ex officio. The Criminal Procedure Code of the Republic of Italy, which was adopted in 1988 and which came into force in 1989, with its subsequent amendments, is significant, among other things, for introducing the accusatory model of criminal procedure instead of the inquisitorial one included in the Criminal Procedure Code of 1930 that was revoked when the new Criminal Procedure Code came into force.

Ključne riječi: prosecutor, police, investigation, investigation supervision.

Miroslav Janjić
Tužilaštvo Bosne i Hercegovine

1. THE RELATIONSHIP BETWEEN THE POLICE AND THE PROSECUTOR'S OFFICE IN CRIMINAL PROCEEDINGS OF THE FEDERAL REPUBLIC OF GERMANY

Pursuant to the German Constitution, certain federal states do not have legislative competences in the areas of criminal law and procedure, that is, the overall criminal legislation in Germany is federal legislation. The main source of German procedural criminal law is the Criminal Procedure Code of 1877 (Reichgesetzblatt p. 253), which is based on the German Constitution and the European Convention on Human Rights ratified by Germany in 1952 (although not implemented at the constitutional level).

Apart from the Federal Public Prosecutor's Office and a special body attached to the Federal Court (headed by the Federal Public Prosecutor General), whose jurisdiction is limited to prosecuting certain defined crimes against the interests of the Federal Republic and certain defined serious crimes in cases of "particular importance", criminal prosecution is under the jurisdiction of the federal states. The Federal Public Prosecutor General is subordinate to the Federal Minister of Justice, and is hierarchically superior to the Federal Public Prosecutors, but has no jurisdiction over them in the federal states. Each federal state has its own Public Prosecutor's Office which is subordinate to the Federal Ministry of Justice.[1]

Pursuant to the Criminal Procedure Code, as well as pursuant to the Law on Courts, a public prosecutor is heading the procedure during the entire investigation period. Although conducted by the police and their (technical) units, all investigations are conducted under the responsibility of the public prosecutor. Although according to the law, the police are only an aid to the public prosecutor, in practice it is mostly the police that conduct investigations. The police intervene either on their own initiative taking protective measures to avoid the concealing of facts of the case, or intervening as instructed by the Public Prosecutor.

One of the main characteristics of the investigation in Germany is that a public prosecutor is in charge of investigation and that the role of the police largely depends on whether and to what extent the public prosecutor will entrust them with undertaking investigative actions. Upon the completion of the investigation, the activity of the police[2], in theory, ends. Whether an indictment will be filed or not is the exclusive right of the public prosecutor, that is, the public prosecutor has a monopolistic position in relation to the police, while the police have no discretional powers and as soon as the investigation is completed, all files must be forwarded without delay to the Public Prosecutor, who is the only one with the power to decide whether there is sufficient evidence for prosecution in court.[3]

In most cases, the public prosecutor entrusts certain investigative actions and even entire investigation to the police[4] and, therefore, the main characteristic of the investigation in Germany is that the public prosecutor is in charge of investigation and that the role of the police largely depends on whether and in what extent the public prosecutor will entrust them with undertaking investigative actions.[5]

In German preliminary proceedings, the public prosecutor is a dominant figure. He/she receives information from citizens and he/she himself must investigate a reported case or supervise police inquests carried out by the police on his instructions. In order to be able to investigate effectively, he/she has the right to use means of coercion – arrest, search, seizure of items, verification of identity, etc., and some of these measures are allowed only if there is a risk of delay. The Public Prosecutor may also apply coercive measures. In addition to ordering the defendant into preventive detention, which, as a

---

1 *Javno tužilaštvo, policija, krivični sud i suzbijanje kriminaliteta.* (2008). Beograd: Udruženje javnih tužilaca i zamenika javnih tužilaca Srbije, 298 – 307.

2 Bošković, A. *Saradnja javnog tužioca i policije u krivičnoprocesnim zakonodavstvima sa konceptom tužilačke istrage,* 577-591.

3 *Javno tužilaštvo, policija, krivični sud i suzbijanje kriminaliteta.* (2008). Beograd: Udruženje javnih tužilaca i zamenika javnih tužilaca Srbije, 298 – 307.

4 *Ibid.*

5 Bošković, 577-591.

measure of restricting personal freedom, is reserved for an out-of-court judge, they can also take the witness's assertive oath. The search and the seizure of items, or the supervision of postal and other communications ordered in the event there is a risk of delay are subject to judicial supervision. A new division of powers between the out-of-court judge and the public prosecutor was introduced into German law in 1975 with the intention of speeding up preliminary proceedings.[6]

The German Criminal Procedure Code stipulates that depending on the importance of investigation into a particular criminal offence, a significant part of the police force that isproviding assistance to a Public Prosecutor's Office as its assistants reports directly to the public prosecutor.[7]

The procedural position of the police, that is, their powers in the pre-criminal and preliminary criminal proceedings, viewed from the perspective of the Federal Republic of Germany as a whole, is resolved by several legal texts, some of which are federal and some are state ones. Viewed from the aspect of this matter, the following legal texts among them deserve attention: the Criminal Procedure Code, state laws on police duties, the Basic Law on Courts and the Law on Public Gatherings, while some issues relating to this matter have been resolved, although only in principle, by the Constitution of the Federal Republic of Germany, which shows how important the police are.[8]

The procedural position of the police is very pronounced and active in the criminal procedure legislation of Germany, and with such a procedural position they play an extremely important role in the preparation of public prosecutor's indictments.[9]

The police have a duty to carry out initial seizure, which means that they must secure that evidence is preserved when they arrive at the crime scene. The Federal Crime Bureau (BKA) at the federal level generally provides support; it may ex officio investigate only a limited number of crimes of federal significance, such as terrorism or internationally organised crimes. For some coercive measures that require a court order, a public prosecutor or even the police may order a measure or issue an order themselves in an emergency.[10]

The concept of public prosecutors' investigators in Germany is defined in German federal legislation through Article 152 of the Constitutional Court Act (Gesetzblatt I, p 253), which obliges them to carry out orders of competent public prosecutors and superior officers and sets the framework for their appointment.[11]

Most investigators come from police ranks and they do a significant part of the work for the Public Prosecutor's Office. These are mostly middle and senior level police officers.

---

6 Krstulović, A. (2004). Uloga državnog advokata u suvremenom prethodnom postupku. *Hrvatski ljetopis za kazneno pravo i praksu*, 11 (1), 95.

7 Pavliček, J. (2009). Uloga istražitelja u krivičnom postupku. *Hrvatski ljetopis za kazneno pravo i praksu,* 16 (2), 895-910.

8 *Javno tužilaštvo, policija, krivični sud i suzbijanje kriminaliteta.* (2008). Beograd: Udruženje javnih tužilaca i zamenika javnih tužilaca Srbije, 298 – 307.

9 Bejatović, S. (2005). Položaj i uloga policije u pretkrivičnom postupku i prethodnom krivičnom postupku u nemačkom krivično procesnom zakonodavstvu. *Policija i pretkrivični i prethodni krivični postupak*. VŠUP, 265.

10 *Reforma pretkrivičnog postupka u Hrvatskoj. Analiza, usporedba, preporuke i plan djelovanja* (2007-2012), 124.

11 Pavliček (2009), 895-910.

Managerial and senior police structures are not involved and their subordinates have broader powers than them to investigate crimes.

In practice, all more qualified police officers have the role of investigators and this has no real impact on the daily work of each individual police officer. In addition to police officers, as already mentioned, the role of Public Prosecutor's Office investigators is also played by officers of some other state bodies and ministries (responsible for finance, tax system, environmental protection, etc.). The prevailing view is that the actual competence of these officers should be limited to the scope of their main work in their respective bodies. Within the job and powers deriving from it, they can perform actions independently, but need an order of the public prosecutor to undertake criminal procedural acts.

Although, normatively speaking, the public prosecutor plays a central role in the preliminary investigation procedure, in practice the situation is somewhat different. The police, that is, Public Prosecutor's Office investigators coming from police ranks generally perform most actions independently, especially when it comes to evidentiary actions that do not tolerate any delays, as well as in minor criminal offences. Public prosecutors are personally more involved in investigation when more serious crimes are concerned.

The first empirical research in the German preliminary proceedings showed a pronounced dominance of the police in the investigation procedure, that the German Public Prosecutor's Office has almost completely given up on conducting the investigation procedure and this is also valid for conducting the procedure in legal terms, that is, if it is to send orders for the performance of certain investigative actions, the content of such orders would almost always be consistent with the results of the police investigation and in line with the hypotheses set by the police. The consequences of such a division of tasks are twofold – on the one hand, the activities of the German police are often focused also on the facts that are not of importance and they use them for later court proceedings and for proving the commission of a crime, while on the other hand, the police sometimes investigate "too little", that is, they focus more on resolving the issue of identifying the perpetrator and clarifying how the crime has been committed, and too little on collecting and securing legally valid evidence that would be useful later in the proceedings. The consequence of such deficient investigation is that many proceedings have been discontinued due to deficient evidence.[12]

There have been attempts by the German Minister of Justice to legitimise the de facto dominance of the police in preliminary proceedings, but the prevailing belief is that the legality is better protected through supervision by public prosecutors than exclusively by higher police bodies focused on efficiency and expediency.[13]

In the end, it can be concluded that in the German criminal procedural legislation, the preparatory procedure in the field of medium and minor crimes has passed from the hands of the public prosecutor to the police, while only in the field of serious crimes the Public Prosecutor's Office retained a leading role in the preparatory procedure.

[12] Hull, S. (2009). Der Richtervorbehalt – seine Bedeutung fur das Straffverfahe und die Volgen fur Verstosen Zeitschrift fur Internationale Strafrechtsdogmatik, 4.

[13] Novosel, D., Pajčić, M. (2009). Državni odvjetnik kao gospodar novog prethodnog krivičnog postupka. *Hrvatski ljetopis za krivično pravo i praksu*, 16 (2), 434.

2. THE RELATIONSHIP BETWEEN THE POLICE AND THE PROSECUTION IN THE CRIMINAL PROCEEDINGS OF THE REPUBLIC OF ITALY

The Criminal Procedure Code of the Republic of Italy was passed in 1988 and was implemented from 1989, with subsequent changes and amendment. Its significance is, inter alia, in the fact that it introduces adversarial model of criminal procedure rather than inquisitorial which has been represented in the Criminal Procedure Code of 1930 and ceased to be valid following the entry in force of the new Criminal Procedure Code.

Italian Criminal Procedure Code introduces, instead of judicial investigation that was conducted by investigating judges, prosecutorial investigation that is handled by the state prosecutor directly or through the judicial police to which the implementation of investigative action [14]can be entrusted, where the investigative activity and the collection of elements of evidence in criminal proceedings is entrusted to state attorney who is dominus litis of the investigation and under his/her leadership to the judicial police.[15]

The investigation is conducted by a State Attorney. This body operates within the framework of the office of Republic and General State Attorney.[16]

Actions in the investigation are mostly carried out by the judicial police. Judicial police consists from officers of the state police, the gendarmerie and officers of the financial guard. Officers of the judicial police are assigned to the office of the State Attorney. They operate under the direct supervision and on the orders of the State Attorney.[17]

The provisions of the Criminal Procedure Code provide for the preliminary investigation which is conducted by the state prosecutor on the basis of received criminal report, without making a formal decision, which means that the existence of grounds of suspicion that a criminal offence was committed is sufficient for initiation of the preliminary investigation.[18]

Investigations in the preliminary procedure are performed by the Republic State Attorney within the court pursuant to criminal reports received. He/she carries out these activities either directly or entrusts them to the judicial police. If he/she has entrusted the performance of investigative activities to the police, the Republic State Attorney shall perform general supervision and direct the investigation. In every activity that is entrusted to the judicial police, it must apply the rules that are valid for the body which entrusted the activities to the police.[19]

The preliminary investigation is managed by the state prosecutor who directly instructs the judicial police, which is authorized to, even after the criminal report is filed and under legal conditions, conduct investigations on its own initiative. The introductory activity to preliminary investigation is receipt of criminal report.[20] State attorney and judicial police submit and receive reports of criminal offenses on their own initiative and from other per-

---

[14] Huber, B. (1992). *Javno (državno) tužilaštvo: pravni položaj, djelatnost i nadzor*. Zagreb: Zakonitost, 785.

[15] Bošković, 577-591.

[16] Pavišić, B. (2008). Novi hrvatski Zakonik o krivičnom postupku. *Hrvatski ljetopis za krivično pravo i praksu*, 2, 489 – 602.

[17] *Ibid.*

[18] Bošković, 577-591.

[19] Krstulović (2004), 96.

[20] Bošković, 577-591.

sons which means that action which initiates criminal proceedings is not only the report received by the state attorney and judicial police, but also the one they themselves submitted.[21]

In the course of the preliminary investigation, the state prosecutor shall take the necessary actions that are required for deciding on criminal prosecution, naturally he/she establishes the facts and circumstances that go in favor of the suspect as well. The Judicial Police has a duty to report criminal offenses on its own initiative, prevent occurrences of further consequences, detect the perpetrators of criminal acts, carry out activities necessary to ensure sources of evidence and collect everything else which could be of use for the application of the Criminal Code, as well as to undertake investigative activities which were entrusted to it or ordered by the appropriate judicial authorities. Furthermore, the judicial police are obliged to, after receiving the criminal report, without delay, notify in writing the State Prosecutor about the basic elements of the criminal act and about all collected facts, citing sources of evidence and activities that were carried out on which it delivers notes.[22] If the report is submitted to the judicial police, it must submit it to the State Attorney " without delay ", but in the time limit of 48 hours if it undertakes activities requiring the attendance of a defense counsel i.e. immediately if it refers to the most serious criminal acts.[23]

Judicial police, after submitting the report on committed criminal offense to the state prosecutor, undertakes activities by its own initiative in order to prevent further consequences, detects the perpetrator, collects the source of evidence and other facts of importance for the further course of the proceedings, but is required to carry out activities entrusted to it by the State Attorney. In this sense, the judicial police has the obligation to implement the guidelines given by the State Prosecutor, and in addition to that, take actions by its own initiative thus directly informing the State Prosecutor of all so taken activities.[24]

It can be said that in Italy a full and sustained cooperation between the state prosecutor and the police when conducting an investigation is not fully set, i.e. in a large number of cases the police are the main subject of detection of criminal acts and securing evidence which is not in accordance with the intention of the legislator that the state prosecutor be the dominus of investigation.[25]

3. THE RELATIONSHIP BETWEEN THE POLICE AND THE PROSECUTION IN THE CRIMINAL PROCEEDINGS OF THE REPUBLIC OF FRANCE

According to the French Code de procedure penale (Criminal Procedure Code), a state attorney is a body of government that carries out public lawsuits, i.e. . criminal prosecution. Hierarchically it is under the Minister of Justice.[26]

France has maintained a division for preliminary investigation and investigation, as well as a strong investigative judge. When the formal investigation is optional (obligatory is only in the case of crimes) and is not carried out, preliminary investigation results are

[21] Krstulović (2004), 96.
[22] Bošković, 577-591.
[23] Krstulović (2004), 96.
[24] Bošković, 577-591.
[25] *Ibid.*
[26] *Ibid.*

the only form of the preliminary procedure. The preliminary investigation is carried out by the judicial police, at the request of the state attorney or ex officio. The role of state attorney is reduced to supervision and directing the investigative activities of the police. Somewhat greater powers are in the pre-trial phase where the state attorney has powers in terms of keeping the suspect in custody, when the prosecutor of the Republic can, after having examined a person detained by the police, extend his/her detention for a further 24 hours (the police can keep the citizens for only 24 hours).[27]

State Attorney must be informed without delay about the criminal offense and the actions taken by the judicial police, especially if the suspects freedom is limited.[28]

State attorney has no right to use coercive measures, unless exceptionally, in the case of flagrant procedure, in which case the police and the Prosecutor of the Republic and the investigating judge may order the search (personal and search of the apartment), seizure of items, remand in custody, and prohibit all those present to go somewhere further.[29]

For the largest number of criminal offenses investigation is carried by rule as a police investigation. It is conducted by the judicial police, which acts on its own initiative or on the orders of the state attorney. Police investigation is a set of investigative activities in connection with the investigation of criminal offenses undertaken by the police. This investigation may be conducted outside or within the judicial investigation, as ordered by the investigating judge.[30]

Traditionally, there is a difference between the police investigations of flagrant criminal offenses and preliminary (police) investigations. With the expansion of police powers in the preliminary investigation, the difference loses its significance. The judicial police are under direct supervision by the state attorney. The investigation begins depending on the gravity of the crime and the previous situation.[31]

Minister of Defense. The National Police is a far larger force operating in all other areas and for its work it is responsible to the Minister of the Interior. The judicial police have the task of detecting criminal offenses and criminal offenses perpetrators, and the administrative police have There is a traditional distinction between a police investigation of a flagrant crime and a previous (police) investigation. By the expansion of police powers in the preliminary investigation this difference is becoming less important. The judicial police are under the direct supervision of the state attorney. The investigation starts depending on the severity of the offense and the previous situation.

The most important role of the prosecutor in the preliminary procedure, after reviewing the police files, is whether a criminal prosecution will be initiated or not. Thus, the prosecutor can: file an immediate indictment (if he/she considers that there is enough evidence) or forward the case to the investigating judge with a request to open an investigation. The investigating judge will then examine the results of the police investigations, examine the defendant and decide whether the case has been clarified enough for an indictment to be filed. The investigating judge is responsible for the investigation, not the public prosecutor.[32]

---

[27] Krstulović (2004), 96.
[28] Pavišić (2008), 504.
[29] Krstulović (2004), 96.
[30] Pavišić (2008), 505.
[31] *Ibid.*
[32] Krstulović (2004), 96.

In complex cases, the state attorney interrupts the police investigation and proposes to open a court interrogation.[33]

The investigating judge performs the historical (investigative) function of a court detective only in certain complex cases. A formal judicial investigation allows the widest possible investigations. It is the task of the investigating judge to establish the facts in favor or against the defendant. In that sense, the investigating judge is a 'filter' for the possible further continuation of the proceedings. The results of the judicial investigation have probative value in criminal proceedings. It is proposed by the state attorney.

The most significant division of the French police force is into the judicial police and the administrative police. However, the division of these police forces into civilian and paramilitary wings is even more noticeable, both of which have their responsibilities when it comes to criminal justice. In essence, the gendarmerie is a military unit, located in the barracks and under the direct responsibility of the a role related to maintaining public order and peace and work on the prevention of criminal offenses.[34]

The national police are in the domain of the responsibility of the Minister of the Interior, while in 1986 the organizational form of the "junior minister" was established with special responsibility for the national police. Within the police force itself, there are two categories of officers: uniformed, which includes commanders and police officers - officers and policemen in civilian clothes, which include senior police inspectors / non-chief police officers, inspectors and detectives. These forces are managed through six divisions:

- The Department of Public Order and Peace, which operates in those large cities that are outside the jurisdiction of the gendarmerie.
- Judicial police organized in nineteen regional units coordinated at the national level by a central department representing the French connection with INTERPOL.
- The intelligence service is responsible for comparing and processing of information concerning groups or individuals considered dangerous to the state.
- State security is a special secret level with about 2,000 officers.
- The police in case of incidents, riots and disturbances of public order and peace consists of policemen in civilian clothes who are organized and trained as a paramilitary unit under the authority of the Minister of the Interior.[35]

The gendarmerie is a uniformed paramilitary force operating in rural areas and smaller towns. Unlike the national police, there is no judicial department here at all, but most people with lower ranks can conduct criminal investigations. The gendarmerie also functions as a military police force and provides central suitability such as technical support, as well as naval and air transport police, as well as a security department.[36]

The role of the judicial police is to act as an auxiliary force to the judicial authorities, and to carry out their operational orders.[37]

---

[33] Pavišić (2008), 505.

[34] *Ibid.*

[35] Vogler, R. (2007). *Krivični postupak u Francusko*j. Pravni fakultet Sveučilišta u Mostaru, 51.

[36] Simović – Nišević, M. (2010). *Otkrivanje dokaza krivičnih djela organizovanog kriminaliteta u Bosni i Hercegovini.* Sarajevo, 250.

[37] Vogler (2007), 52.

As early as 2009, the French government announced a radical reform of criminal procedure, which would include the abolition of the investigative judge and the transfer of significant investigative powers to the state attorney's office. In that case the 'investigating judge 'would be a new figure overseeing the investigation, but he/she wouldn't conduct it. In September 2009, the Report of the Criminal Justice Review Committee, or the Report for short, was made public. The report contains 12 reasoned proposals, seven of which refer to the pre-trial procedure, and the remaining five to the hearing as the central stage of the criminal procedure.[38]

A draft proposal for a new Criminal Procedure Code was published in March 2010 and was welcomed by critics as they had the opportunity to discuss in detail the key determinants of the reform presented in the Léger Report.

The draft proposal is substantially divided into nine books, preceded by an introductory book dedicated to the basic principles of criminal procedure. Considering that the legislative reform should have mostly covered some essential issues of the previous procedure, the proposal to abolish the investigating judge as an independent magistrate that is to take over his investigative powers by the state attorney's office, caused the most controversy. According to the current Code of Criminal Procedure, the investigation is conducted by 'investigative jurisdictions' that is the investigating judge and the investigative chamber, in other words judicial bodies convened by a state attorney or the injured party.

The draft proposal envisages merging police investigations into uniquely regulated 'criminal judicial investigations' conducted by the state attorney's office under the supervision of newly established judicial bodies, with the aim of investigating and establishing criminal offenses, gathering evidence and identifying perpetrators. Although the conduct of criminal judicial investigations is entrusted to the State Attorney's Office, a significant role in their implementation will certainly be played by judicial police officers who will act under the order and control of the State Attorney's Office. In addition, similar to what it does under current law in special proceedings for organized crime, the state attorney would supervise the execution of detention, which the police may order independently or on the order of the state attorney, provided that the state attorney must always be notified of the determination of these measures, and may extend it by 24 hours. However, the detainee would have to be in front of a judge within 48 hours of being taken into custody.[39]

4. THE RELATIONSHIP BETWEEN THE POLICE AND THE PROSECUTION IN THE CRIMINAL PROCEEDINGS OF ENGLAND AND WALES

England and Wales form a criminal justice adversarial system based on common law. Before professional police forces were established in England and Wales in the years after 1829, neither local nor central government accepted responsibility for day-to-day law enforcement. Anyone could file a lawsuit. The victim usually indicted the suspects, if that happened at all, and no special powers of the prosecution were given to the police or anyone else.[40]

[38] *Ibid.*

[39] Vogler (2007), 53.

[40] Ivančević Karas, E. (2010). O glavnim značajkama reformi suvremenog francuskog krivičnog postupka. *Hrvatski ljetpis za kazneno pravo i praksu*, 17 (1), 120.

In England, where a high degree of decentralization of power was maintained, criminal proceedings took place on the private initiative of the injured party, which only began to be supported by the police in the middle of the 19th century, gradually taking over the prosecution.[41]

As the police force developed and the authority of the police grew, so did the expectations of the victims so that the police would start and conduct the procedure instead of them. Additional powers of arrest have been given to the police and they have developed the practice of 'accusing' convicts without seeking permission from the judiciary. Thus, the police began to take control of the prosecution decisions, but no special authority or responsibilities of the prosecution were handed over to the police. Thus, the police had, and still have, complete discretion regarding the decision of the prosecution. This is a characteristic that announces the approach of "possibility" or "expediency" of common law. The private option remained the model on which the police lawsuits were based and the right to a private lawsuit remains. It is often considered to be the main defender of crime victims, so the police refuse to file an indictment. However, the right to a private option is limited in two ways. First, some types of crimes can only be prosecuted by the agencies given the role in the legislation establishing only the crime, e.g. The Health and Safety Act of 1984, which establishes the criminal offense against health and safety and the establishment of an external authority for health and safety, which will adjust the possibilities of equipping the law on setting up the law. Second, the Royal Prosecutor's Office, as we will see, was established 20 years ago to be a prosecutor instead of the police also has the right to 'take over' (and if it wants to reject) any private indictment.[42]

England represents a special category where the police are entirely and solely responsible for investigating criminal offenses. In the previous procedure, namely, there is no supervision of the Crown Prosecution Service. Since the enactment of the Law on Police and Evidence in Criminal Matters in 1984, the investigative powers of the police as well as the legal possibilities of taking coercive measures have been exhaustively regulated by that law and bylaws based on it - ordinances, or, as they are called, 'codes of practice'.[43]

In the absence of special laws to regulate their lawsuits, the police developed their own system. They prosecute most of their cases in magistrates' courts (lower courts) and some forces have deployed special police officers to take over the task. For cases in the Royal Court (more serious cases, which are judged in higher courts), the police advised prosecutors who then advised defense counsel. Gradually, larger police forces began hiring their own prosecutors. According to the traditional prosecutor-client relationship, prosecutors had to follow police instructions. If the police insisted on a lawsuit in case there was not enough evidence, the prosecutor could not do much or anything about it.[44]

In 1981, the Royal Commission for Criminal Procedures (Phillips Commission) proposed an independent prosecutor's office to take over those cases that the police decided to prosecute. If the prosecutor did not agree with the police, the case could be dismissed, the charges could be changed, or more evidence could be sought. This was accepted by the

[41] *Ibid.,*121.

[42] *Javno tužilaštvo, policija, krivični sud i suzbijanje kriminaliteta.* (2008). Beograd: Udruženje javnih tužilaca i zamenika javnih tužilaca Srbije, 324 -329.

[43] Krstulović (2004), 83

[44] *Javno tužilaštvo, policija, krivični sud i suzbijanje kriminaliteta.* (2008). Beograd: Udruženje javnih tužilaca i zamenika javnih tužilaca Srbije, 324 -329.

Government, which established the Royal Prosecutor's Office in 1985 by Law on the Prosecution of Misdemeanors. The head of the Royal Prosecutor's Office was supposed to be the State Prosecutor. The State Prosecutor was first established in 1879 with the function of advising the police on criminal issues and on resolving particularly important cases. At the time of the establishment of the Royal Prosecutor's Office, the State Prosecutor's Office (which included about 70 lawyers) dealt with murders, other very serious cases and the prosecution of police officers. The sudden transition to the civil service, which was initially established with over 1,500 lawyers, many of whom were prosecutors previously employed by the police to file charges, created serious problems. This meant a shortage of staff and difficult relations with the police. These relationship problems ranged from over-identification with police objectives and methods in some areas (especially when the Royal Prosecution consisted predominantly of pre-existing lawyers) to conduct that consisted of a lack of communication with other participants in criminal proceedings.

Other agencies, not just the police, deal with a large number of different laws and criminal activities. In this respect, the situation is similar to the situation with police before 1985: law enforcement agencies are responsible for lawsuits, and they have full discretion over decisions regarding a lawsuit. The main difference is that, unlike criminal offenses dealt with by the police, most non-police offenses are not permitted to raise private charges. As far as the Royal Prosecution is concerned, most of the charges pending in the lower courts are handled by lawyers employed by those agencies, while the charges pending in the higher courts are handled by defense attorneys from private practice.

As noted earlier, law enforcement agencies, including the police, are responsible for their investigations. Prosecutors are not responsible for the activities or negligent conduct of investigators. It follows that older police officers themselves must ensure that younger police officers abide by the law. Inevitably, it is a system with a weak point.

Since the police are fully responsible for their own investigations, it follows that they do not have to consult with prosecutors about any investigative measures. It also follows that prosecutors do not have the right to issue instructions to the police on investigative measures.

The following also deserves attention: First, the police have the right to seek advice from the prosecutor on any aspect of their work. Second, after the police decide whether to file an indictment or not, the case is transferred to the Royal Prosecutor's Office. The Royal Prosecution may continue the charge or dismiss the case, or reduce the number of counts in the indictment. Third, although the police do not have to seek approval from the Royal Prosecution for the use of informants, intrusive surveillance methods, to extend detention, etc., they must obtain court approval (usually from the magistrate) to use some of these investigative measures. Fourth, finally, the Royal Prosecutor's Office does not negotiate investigative priorities with the police, and the police remain legally independent. They can investigate what they want and they can choose not to investigate what they do not want (in line with human rights obligations) according to European Convention on Human Rights, which is incorporated into English law. However, other bodies to which the police are responsible play a role in setting priorities, in conversation with the police. This is usually done locally.

The Royal Prosecution was unwilling to have any relationship with the police. For example, communication was always only in writing. After the reform was carried out, the iron curtain between the two services suddenly fell and it went too far. The Royal Prosecu-

tor's Office is independent on the police and had to show that it is the case. Shortly after the establishment of the Royal Prosecutor's Office in 1986, local police accountability was reduced by reducing the elected element in local police authorities. Therefore, not only is the Royal Prosecutor's Office tied to the police more than ever, but the influence of locally elected bodies on the police has faded (and thus on the Royal Prosecutor's Office). The emphasis on efficiency, quality of decision-making and cooperation between the police and the Royal Prosecutor's Office has led to the establishment of a joint 'criminal justice unit' between the police and the Royal Prosecutor's Office in each police area or Royal Prosecutor's Office (one or more depending on the area size).

Serious cases, which will be brought before the Crown Court, are forwarded to special units managed exclusively by the Royal Prosecutor's Office. On the other hand, the government seems to have accepted criticism that the Royal Prosecution is a police-dependent body. This is not only a problem, in many respects, of too much identification with the goals and ideology of the police, but also a structural problem: that while the police made initial decisions, the Royal Prosecution was not the one who decides, but the one who changes direction. Now, the Royal Prosecutor's Office will make the decisions on the prosecution, not the police. This was set out in the 2003 Criminal Justice Law, but changes were gradually introduced during 2004 and 2005. This change should increase the independence of the Royal Prosecutor's Office, although the problem of case construction will remain. The Royal Prosecution will always assess cases prepared by the police, usually without any interference done by the prosecutor.[45]

LITERATURA

Monografije, članci

Bejatović, S. (2005). Položaj i uloga policije u pretkrivičnom postupku i prethodnom krivičnom postupku u nemačkom krivično procesnom zakonodavstvu. *Policija i pretkrivični i prethodni krivični postupak*. Zemun: VŠUP.

Bošković, A. *Saradnja javnog tužioca i policije u krivičnoprocesnim zakonodavstvima sa konceptom tužilačke istrage,* 577-591.

Ivančević Karas, E. (2010). O glavnim značajkama reformi suvremenog francuskog krivičnog postupka. *Hrvatski ljetpis za kazneno pravo i praksu*, 17 (1), 120.

Javno tužilaštvo, policija, krivični sud i suzbijanje kriminaliteta. (2008). Beograd: Udruženje javnih tužilaca i zamenika javnih tužilaca Srbije, 298 – 307.

Huber, B. (1992). *Javno (državno) tužilaštvo: pravni položaj, djelatnost i nadzor*. Zagreb: Zakonitost.

Hull, S. (2009). *Der Richtervorbehalt – seine Bedeutung fur das Straffverfahen und die Volgen fur Verstosen Zeitschrift fur Internationale Strafrechtsdogmatik*.

Krstulović, A. (2004). Uloga državnog advokata u suvremenom prethodnom postupku. *Hrvatski ljetopis za kazneno pravo i praksu*, 11 (1).

Novosel, D., Pajčić, M. (2009). Državni odvjetnik kao gospodar novog prethodnog krivičnog postupka. *Hrvatski ljetopis za krivično pravo i praksu*, 16 (2).

Pavičić, B. (2008). Novi hrvatski Zakonik o krivičnom postupku. *Hrvatski ljetopis za krivično pravo i praksu*, 2, 489 – 602.

Pavliček, J. (2009). Uloga istražitelja u krivičnom postupku. *Hrvatski ljetopis za kazneno pravo i praksu,* 16 (2), 895-910.

[45] *Ibid.*

Simović – Nišević, M. (2010). *Otkrivanje dokaza krivičnih djela organizovanog kriminaliteta u Bosni i Hercegovini*. Sarajevo.

Vogler, R. (2007). *Krivični postupak u Francuskoj*. Pravni fakultet Sveučilišta u Mostaru.

Odnos policije i tužilaštva u pojedinim evropskim državama

(iskustva koja se mogu koristiti u postupku istrage saobraćajnih prekršaja u Bosni i Hercegovini)

Rezime: Jedna od glavnih karakteristika istrage u Njemačkoj jeste da je javni tužilac glavni subjekt istrage i da uloga policije najvećim dijelom zavisi od toga da li će i u kojoj mjeri će joj javni tužilac povjeriti preuzimanje istražnih rdanji. Francuska je zadržala podjelu na izvide i istragu, kao i jakog istražnog sudiju. Kada je formalna istraga fakultativna (obligatorna je samo u slučaju zločina – crimes) pa se ne provodi, izvidi su jedini oblik prethodnog postupka. Prethodnu istragu (izvide) vodi sudska policija, na zahtjev državnog advokata ili po službenoj dužnosti. Zakonik o krivičnom postupku Republike Italije koji je donesen 1988. godine, a počeo je da se primenjuje 1989. godine, sa kasnijim izmenama i dopunama, pored ostalog, značajan je i po tome što uvodi akuzatorski model krivičnog postupka umjesto inkvizitorskog koji je bio zastupljen u Zakaonu o krivičnom postupku iz 1930. godine i koji je prestao da važi stupanjem na snagu novog Zakonika.

Ključne riječi: tužilac, policija, istraga, nadzor nad istragom.

UPUTSTVO ZA AUTORE

Ukoliko rad ne bude ispunjavao preporuke date u ovom Uputstvu, neće biti predat na recenziju i neće se objaviti.

Rad mora biti sačinjen u Microsoft Word-u, fontom Times New Roman (12), razmak Single

(1) Format stranice: veličina A4. Margine: vrh 2,5 cm, donja 2,5 cm, lijevo 2,5 cm, desno 2,5 cm.

Rad treba da ima dužinu do 30.000 znakova (16 strana). Rad mora biti redigovan.

(2) Naslov rada - VELIKIM SLOVIMA, centrirano, (Times New Roman, 16, bold). Ispod naslova treba da stoji prezime, titula i ime autora (Times New Roman, 14). Primjer: Prezime dr (mr) ime ili prezime ime, dipl pravnik. U fusnoti na prvoj stranici se navodi naučno zvanje autora, naziv i adresa ustanove u kojoj je autor zaposlen i e-mail adresa autora, (Times New Roman, 10).

(3) Rezime/Apstrakt u dužini do 100-250 riječi, treba da se nalazi na početku rada, tj. ispod naslova, dva proreda niže (TNR, 10, italic)

(4) Ključne riječi (do pet ključnih riječi) (TNR, 10, italic).

(5) Rad Times New Roman 11, Justifed, Razmak (Single), Before 6 pt, Rad čini: uvodni dio, cilj i metode istraživanja razrada teme i zaključak.

(6) Bibliografija. Koristiti APA 5 pravila za bibliografiju, koja je pomenuta u tekstu.

(7) Fusnote i skraćenice. Navođenja u fusnotama treba koristiti na isti način kao u tekstu. Skraćenice treba izbjegavati, osim izrazito uobičajenih. Skraćenice navedene u tabelama i slikama treba objasniti.

(8) Recenzije i objavljivanje. Svi radovi se anonimno recenziraju od strane dva anonimna recenzenta. Na osnovu recenzija redakcija donosi odluku o objavljivanju rada i o tome obavještava autora.

Lista referenci treba da bude sačinjena tako da drugi, treći i svaki ostali red reference budu uvučeni (paragraph-indentation-hanging). Posle tački i zareza treba staviti razmak (single space).

Sve reference treba da budu navedene latiničnim pismom bez obzira na izvorni jezik na kome je rad napisan. Imena i prezimena se pišu upotrebom dijakritičkih znakova: č, ć, dž, đ, š, ž.

Navođenje referenci u spisku literature

Monografije

Pravilo: Prezime, Inicijal imena. (godina izdanja). *Naslov*. Mesto izdanja: Naziv izdavača.

Primer: Kuzmanović, R. (2008). *Ustavno pravo*. Banja Luka: Panevropski univerzitet Apeiron.

- **Monografija sa više izdanja (ne navodi se ako ima samo jedno izdanje)**

Pravilo: Prezime autora, inicijal(i) imena (godina izdanja). *Naslov dela* (br. izdanja). Mesto izdanja: Naziv izdavača.

- **Prevod**

Pravilo: Prezime autora, inicijal(i) imena (godina izdanja). *Naslov dela*. (Inicijal(i)imena prezime, prev.). Mesto izdanja: Naziv izdavača.

- **Knjiga s urednikom ili priređivačem, zbornik radova**

Ako reč o zborniku radova gde ne navodimo pojedinačni rad, već celu knjigu, kao autora navodimo priređivača tog dela i uz njegovo prezime i inicijal imena u zagradi dodajemo “ured.” ili “prir.” ili “Ed.” ako je knjiga pisana na stranom jeziku.

Pravilo:

Prezime autora, inicijal(i) imena (ured.) (godina izdanja). *Naslov dela*. Mesto izdanja: Naziv izdavača.

Prezime autora, inicijal(i) imena (Ed.) (godina izdanja). *Naslov dela*. (Inicijal(i) imena prezime, prev.). Mesto izdanja: Naziv izdavača.

- **Doktorske disertacije**

Pravilo: Prezime autora, inicijal(i) imena (godina izdanja). *Naslov dela* (doktorska disertacija). Naziv institucije.

Primer: Stanić, M. (2017). *Pravna priroda poslaničkog mandata* (doktorska disertacija). Pravni fakultet Univerziteta u Beogradu.

- **Članci**

*Ukoliko članak koji se citira ima DOI broj, potrebno je i njega navesti na kraju

- **U časopisima**

Pravilo: Prezime, Inicijal imena. (godina izdanja).Naslov rada. *Naziv časopisa, vol* (br. u tekućoj godini): paginacija od - do. Ukoliko rad ima DOI oznaku, ona se navodi na kraju.

***Napomena:** Naslov časopisa i broj volumena su u italiku. Broj izdanja je dat kurentom.

Đurić, V., & Vranješ, N. (2020). Legal Framework for the Role of Local Self Government in the Implementation of the Public Interest: Examples of the Republic of Serbia and the Republic of Srpska. *Godišnjak Fakulteta pravnih nauka*, *10*(10), 48-63.

- **Članci u tematskim zbornicima, poglavlja u naučnim monografijama, saopštenja u zbornicima sa naučnih konferencija**

Pravilo: Prezime, Inicijal imena.(godina izdanja). Naslov rada In: Inicijal imena i prezime urednika/priređivača uz stavljenu napomenu u zagradi (ed. or eds.) *Naziv publikacije*. Mesto izdanja: Naziv izdavača. Paginacija.

Primer: Čolović, V. (2010). Osnovne karakteristike regulisanja stečaja osiguravajućih društava u Hrvatskoj, Crnoj Gori i Republici Srpskoj. In: V. Čolović (ed.) *Pravo zemalja u region*. Institut za uporedno pravo, 549-566.

- **Članak iz novina**

Pravilo: Prezime, Inicijal(i) imena. (datum). Naslov članka. *Naslov novina*, broj strane.

Primer: Mišić, M. (1. feb. 2012). Ju-Es stil smanjio gubitke. *Politika,* 11.

Ako se ne spominje autor članka, navodi se sve isto, samo se izostavlja ime autora.

Primer: Straževica gotova za dva meseca. (1. feb. 2012). *Politika,* 10.

- **Članak iz enciklopedije**

Primer: Islam. (1992). In *The new encyclopaedia Britannica* (Vol. 22, 1-43). Chicago: EncyclopaediaBritannica.

- **Internet izvori**

Pravilo: Autor, A. (datum objavljivanja). Naslov [Format]. Preuzeto datum preuzimanja sa https:// URL

Primer: Awrey, D. (5.2.2021). Unbundling banking, money, and payments. Preuzeto 10.2. 2021, sa https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3776739.

***

Više radova jednog autora iz iste godine – posle godine se stavlja latinično slovo a, b i dalje.

Primer: Đurić, 2019a; Đurić, 2019b.

Radovi dva do šest autora – navode se imena svih autora.

Radovi više od šest autora – navode se imena prvih šest autora, a za ostale se navodi *et al.* ili i dr.

Ako više autora ima isto prezime, u tekstu se navode incijali svakog od tih autora.

Primer: Kako Đ. Đorđević (2013) navodi... Sa druge strane, M. Đorđević (2019) ističe...

Ukoliko se citira podatak sa iste strane iz istog dela kao u prethodnoj fusnoti, koristi se latinična skraćenica za *ibidem* u kurzivu, s tačkom na kraju (bez navođenja prezimena i imena autora).

Primer: *Ibid.*

Ukoliko se citira podatak iz istog dela kao u prethodnoj fusnoti, ali sa različite strane, koristi se latinična skraćenica *ibid*, navodi se odgovarajuća strana i stavlja tačka na kraju.

Primer: *Ibid.*, 69.

Spisak korišćenih pravnih izvora i izvora sudske prakse

Popisuju se nazivi zakona i drugih propisa korišćenih u radu, sa brojevima službenih glasila u kojima su objavljeni ili podacima o elektronskim izvorima sa kojih su preuzeti. U slučaju potrebe, razdvajaju se domaći od stranih propisa (u podnaslovima se navodi na koju se državu propisi odnose). Propisi se navode prema hijerarhiji citiranih pravnih akata (od Ustava, preko zakona do uredbi i pojedinačnih akata). Ako se navodi više akata iste pravne snage, koristi se abecedni red. Na isti način se navode i dokumenti međunarodnih organizacija. Kada se navode akti Evropske unije, obavezno se navodi broj službenog glasnika u kome je propis objavljen i strana na kojoj se nalazi:

- Krivični zakonik RS 2005. *Službeni glasnik RS,* br. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016.
- Izmene KZ RS 2016. *Službeni glasnik RS,* br. 94/2016.
- OEG, 1985. Gesetz über die Entschädigung für von Gewalttaten, od 7. januara 1985 *(BGBl.* I S. 1), sa poslednjom izmenom od17. jula 2017 *(BGBl.* I S. 2541). Dostupno na: https://www.gesetze-im-internet.de/oeg/ (18. 1. 2019).
- CC, 1804. Code civil, poslednja verzija od 25. decembra 2018. Dostupno na: https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070721 (18. 1.
- 2019).
- CETS, 2011. Council of Europe, Convention on preventing and combating violence against women and domestic violence (CETS No.210) od 11. 5. 2011. godine. Dostupno na: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210 (18.
- 1. 2011).
- EU Decision 2010. EU, Commission Decision of 5. February 2010 on standard
- contractual clauses for the transfer of personal data to processors established in third countries under document C(2010) 593 (Text with EEA relevance). *OJ* L 39,
- 12. 2. 2010, p. 5-18.
- Rec 2011. Council of Euroep, Recommendation CM/Rec (2011)13 of the Committee of Ministers to member states on mobility, migration and access to health care. Adopted by the Committee of Ministers on 16 November 2011.

Izvori sudske prakse ili prakse drugih državnih organa se posebno navode. Praksa međunarodnih sudova ili tribunala navodi se uz korišćenje službenih skraćenica sudova, na primer: ICJ, PCIJ, ICTY, ICTR, ECHR, zatim se piše naziv predmeta, vrsta odluke, datum donošenja, publikacija u kojoj je odluka objavljena i strane na kojoj je objavljena.

Kod presuda međunarodnih krivičnih tribunala se nakon naziva predmeta navodi

sudsko veće (po potrebi i podaci koji se tiču izdvojenih sudskih mišljenja, ako se na njih pozivao autor u radu), dok se kod odluka Evropskog suda za ljudska prava navodi i broj predstavke.

Domaće i strane sudske presude, pravna shvatanja i slično, kao i presude međunarodnih sudova mogu se navoditi uz pozivanje na elektronske pravne baze iz kojih su preuzete (Paragraf Lex, Intermex, EUR-Lex, CURIA, Lexiweb.co.uk, Legifrance, HUDOC itd.).

Različite načine navođenja ilustruju sledeći primeri:

- Pravno shvatanje, 1999. Pravno shvatanje utvrđeno kroz odgovore na pitanja na sednici Odeljenja za privredne sporove Višeg privrednog suda od 6. oktobra 1999, dostupno u elektronskoj pravnoj bazi Paragraf Lex.
- Odluka US 2017. Odluka Ustavnog suda Republike Srbije, broj IUo-173/2017 o utvrđivanju nesaglasnosti sa Ustavom i Zakonom Pravilnika opštine Bečej iz 2013. Godine o kriterijumu i postupku dodele sredstava crkvama i verskim zajednicama. *Službeni glasnik RS* br. 68/2018.
- Cass. crim. 1991. Cass. crim, December 1991, RCA 1992.170. *Ius Commune Casebook for the Common Law of Europe,* 2018.
- Presuda Apelacionog suda u Beogradu, Gž.636/2011 od 28. 5. 2012. *Arhiv Apelacionog suda u Beogradu,* 2012.
- *Goobald v, Mahmood* 2005. All ER (D) 251 (Apr). Dostupno na https://Lexisweb.co.uk/cases/2005/april/godbold-v-mahmood (18. 1. 2019).
- *Intrasoft International SA v European Commission* , 2015. EGC, Judgment of the General Court (Second Chamber) of 13 October 2015. (Case 403/12, ECLI:EU:T:2015:774). Dostupno na : https://eur-lex.europa.eu/l (18. 1. 2019).

Uredništvo stoji na raspolaganju autorima i za sva druga neophodna razjašnjenja (pitanja uputiti elektronskom poštom na adresu uredništva).

INSTRUCTIONS FOR AUTHORS

Submissions that do not meet the recommendations in the Instructions will not be submitted for review and will not be published. A paper must be written in text processor Microsoft Word, using font Times New Roman size 12, in Latin alphabet, spacing Single.

(1) Format page: Size A4. Margine: Top 2,5 cm, Bottom 2,5 cm, left 2,5 cm, right 2,5 cm.

Paper needs to have the length of up to 30,000 characters (16 pages). A paper needs to be proof read.

(2) Paper title. CAPITAL LETTERS, centered, (Times New Roman, 16, bold). Author's last name, title and first name should be written below the title (Times New Roman, 14). Example: Last name Dr., (Mr.) name or last name. In the footnote on the first page, author's scientific occupation, name, author's address, author's e-mail address, and the name of the institution at which the author works is given, (Times New Roman, 11).

(3) Rezime/Apstrakt with the length of 100-250 words, should be at the beginning of the paper, under the title, two spaces below (TNR, 11, italic).

(4) Keywords (up to five) (TNR, 10, italic).

(5) Papers Times New Roman 11, Justifed, spacing (Single), Before 6 pt, Papers makes: Introduction, goal and research method, development topics and Conclusion.

(6) References. Use APA 5 rules for references, which are mentioned within the text.

(7) Footnotes and abbreviations. If necessary, references in the footnotes should be used in the same way as in the text. Abbreviations should be avoided, except from exceptionally usual ones. The abbreviations stated in tables and pictures should be explained.

(8) Reviews and publishing. All papers are anonymously reviewed by two anonymous reviewers. On the basis of reviews, editorial staff makes decision on paper publishing and informs the author about it.

List of references should be created using styling format paragraph-indentation-hanging, with a single space between references. After punctuation marks, single space should be used.

All references should be in Latin script regardless of the original language and script of the reference. Names should be written using diacritical marks (e.g. č, ć, dž, đ, š, ž).

List of References

Monographs

- One author

Rule: Surname, Initial(s). (publication year). *Title*. Place: Publisher.

Example: Kuzmanović, R. (2008). *Ustavno pravo*. Banja Luka: Panevropski univerzitet Apeiron.

- Two to six authors – all authors should be listed.
- More than six authors – only the first six should be listed and then *et al.* should be added.

- Monographs with more than one edition

Rule: Surname, Initial(s). (publication year). *Title* (number of edition). Place: Publisher.

- Translation

Rule: Surname, Initial(s). (publication year). *Title*. (Initial(s) Surname, translator). Place: Publisher.

- **Book with an editor, collection of papers**

If we cite collection of papers where the entire book is cited, editor should be references as an author and afterwards in brackets (ed.) should be placed.

Rule: Surname, Initial(s) (Ed.) (publication year). *Title*. Place: Publisher.

- **Doctoral dissertations**

Rule: Surname, Initial(s). (publication year). *Title* (doctoral dissertation). Name of the faculty.

Example: Stanić, M. (2017). *Pravna priroda poslaničkog mandata* (doctoral dissertation). Pravni fakultet Univerziteta u Beogradu.

- **Articles**

*If an article has DOI number it should be also referenced at the end of the reference.

- **In scientific journal**

Pravilo: Surname, Initial(s). (publication year). Title of the article. *Journal, vol* (Number in the current year): pages from -to. DOI number

***Note:** Journal name and volumen are in italics. Issue number is in current.

Đurić, V., & Vranješ, N. (2020). Legal Framework for the Role of Local Self Government in the Implementation of the Public Interest: Examples of the Republic of Serbia and the Republic of Srpska. *Godišnjak Fakulteta pravnih nauka*, *10*(10), 48-63.

- **Papers in thematic collections of papers, chapters in monographs, papers from conference proceedings**

Rule: Surname, Initial(s). (publication year). Title of the article. In: Inititals Surname of the editor(s) (ed. or eds.) *Title of publication*. Place: Publisher. Pagination.

Example: Čolović, V. (2010). Osnovne karakteristike regulisanja stečaja osiguravajućih društava u Hrvatskoj, Crnoj Gori i Republici Srpskoj. In: V. Čolović (ed.) *Pravo zemalja u region*. Beograd: Institut za uporedno pravo, 549-566.

- **Article from the papers**

Rule: Surname, Initial(s). (date). Article title. *Paper title*, page number.

Example: Mišić, M. (February 1, 2012). Ju-Es stil smanjio gubitke. *Politika,* 11.

If the autor is unknown, the name of the author is omitted and everything else remains the same.

Example: Straževica gotova za dva meseca. (February 1, 2012). *Politika,* 10.

- **Encyclopedia article**

Example: Islam. (1992). In *The new encyclopaedia Britannica* (Vol. 22, 1-43). Chicago: EncyclopaediaBritannica.

- **Internet sources**

Rule: Author, A. (publication date). Title [Format]. Retrieved DATE, from https://URL

Example: Awrey, D. (2021, February 05). Unbundling banking, money, and payments. Retrieved February 10, 2021, from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3776739

***

If there is more than one paper from the same author published the same year after the year letters a, b, c etc. are placed.

Example: Đurić, 2019a; Đurić, 2019b.

If quoting from the same page from the same part in the previous footnote is used, the Latin abbreviation for ibidem in italics is used, with a full stop at the end (without stating the surname and the name of the author).

Example: *Ibid.*

If the data from the same part is quoted as in the previous footnote, but from a different side, the Latin abbreviation ibid is used, the corresponding page is stated and a full stop is placed.

Example: *Ibid.*, 69.

- **Legal sources and case law**

All laws and other legislative acts should be listed with full data on official gazette where the legislative act was published or the electronic data base where they can be found. If needed, domestic acts should be separated from foreign. Legal sources are listed in hierarchical order (from the highest to the lowest order). If more than one source of the same hierarchy is cited, they should be ordered alphabetically.

Examples:

- Krivični zakonik RS 2005. *Službeni glasnik RS,* br. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016.
- Izmene KZ RS 2016. *Službeni glasnik RS,* br. 94/2016.
- OEG, 1985. Gesetz über die Entschädigung für von Gewalttaten, from 7 January 1985 *(BGBl.* I S. 1), last amended 17 July 2017 *(BGBl.* I S. 2541). Available at: https://www.gesetze-im-internet.de/oeg/ (18. 1. 2019).
- CC, 1804. Code civil, final version from 25 December 2018. Available at: https:// www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070721 (18. 1.
- 2019).
- CETS, 2011. Council of Europe, Convention on preventing and combating violence against women and domestic violence (CETS No.210) from 11 May 2011. Available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210 (18.1. 2011).
- EU Decision 2010. EU, Commission Decision of 5. February 2010 on standard contractual clauses for the transfer of personal data to processors established in third countries under document C(2010) 593 (Text with EEA relevance). *OJ* L 39, 12. 2. 2010, p. 5-18.
- Rec 2011. Council of Europe, Recommendation CM/Rec (2011)13 of the Committee of Ministers to member states on mobility, migration and access to health care. Adopted by the Committee of Ministers on 16 November 2011.

Case law should be listed separately. Case law of international tribunals and courts should be listed using official abbreviations (e.g. ICJ, PCIJ, ICTY, ICTR, ECHR), afterwards the name of the case should be stated, type of the decision, date, publication where the decision is published and pages.

By case law of international tribunals, the name of the judicial council should also be stated and ECtHR case law should also contain application number. Relevant case law data bases can be used (Paragraf Lex, Intermex, EUR-Lex, CURIA, Lexiweb.co.uk, Legifrance, HUDOC itd.).

- Pravno shvatanje, 1999. Pravno shvatanje utvrđeno kroz odgovore na pitanja na sednici Odeljenja za privredne sporove Višeg privrednog suda od 6. oktobra 1999, dostupno u elektronskoj pravnoj bazi Paragraf Lex.
- Odluka US 2017. Odluka Ustavnog suda Republike Srbije, broj IUo-173/2017 o utvrđivanju nesaglasnosti sa Ustavom i Zakonom Pravilnika opštine Bečej iz 2013. Godine o kriterijumu i postupku dodele sredstava crkvama i verskim zajednicama. *Službeni glasnik RS* br. 68/2018.
- Cass. crim. 1991. Cass. crim, December 1991, RCA 1992.170. *Ius Commune Casebook for the Common Law of Europe,* 2018.
- Presuda Apelacionog suda u Beogradu, Gž.636/2011 od 28. 5. 2012. *Arhiv Apelacionog suda u Beogradu,* 2012.
- *Goobald v, Mahmood* 2005. All ER (D) 251 (Apr). Available at https://Lexisweb. co.uk/cases/2005/april/godbold-v-mahmood (18. 1. 2019).
- *Intrasoft International SA v European Commission* , 2015. EGC, Judgment of the General Court (Second Chamber) of 13 October 2015. (Case 403/12, ECLI:EU:T:2015:774). Available at https://eur-lex.europa.eu/l (18. 1. 2019).

In case authors have any further questions, they can contact the editorial board.

ISSN 2232-9668