

USTAVNI SUD SRBIJE:
ODBACIVANJE REVIZIJE U RADNIM
SPOROVIMA VODI POVREDI PRAVA NA
PRAVIČNO SUĐENJE

SERBIAN CONSTITUTIONAL COURT:
REJECTION OF REVISION IN LABOUR
DISPUTES AMOUNTS TO
VIOLATION OF RIGHT TO FAIR TRIAL

U svojoj odluci od 21.3.2019. godine, Ustavni sud je ispitao dozvoljenost izjavljivanja revizije Vrhovnom kasacionom sudu, kao vanredni pravni lek, protiv drugostepene presude u radnom sporu.

In a decision dated 21 March 2019, the Serbian Constitutional Court examined the permissibility of filing for a revision to the Supreme Court of Cassation, an extraordinary legal remedy, concerning a second-instance decision in a labour dispute.

Ustavni sud svoju ocenu zasniva na članu 469. Zakona o parničnom postupku shodno kojem se sporovi iz radnih odnosa ne smatraju sporovima male vrednosti, kao i na činjenici da nijednom odredbom zakona mogućnost izjavljivanja revizije nije izričito isključena u ovoj vrsti sporova.

The Constitutional Court based its assessment on Article 469 of the Law on Civil Procedure, according to which disputes arising from labour relations are not considered as small claim disputes, as well as on the fact that no legal provision expressly excludes the possibility of a revision in this type of disputes.

Posledično, Ustavni sud je utvrdio da odbacivanje revizije od strane Vrhovnog kasacionog suda u ovom predmetu nije bilo zasnovano na ustavno prihvatljivom tumačenju procesnog prava.

Consequently, the Constitutional Court found that the Supreme Court of Cassation's rejection of the revision in this case was not based on a constitutionally acceptable interpretation of the procedural law.

Ustavni sud je utvrdio da je Vrhovni kasacioni sud proizvoljno primenio procesno pravo na štetu podnosioca ustavne žalbe. Shodno tome, Sud je zaključio da je ustavna žalba osnovana, budući da je osporenim odlukom povređeno pravo na pravično suđenje.

The Constitutional Court found that the Supreme Court of Cassation arbitrarily applied the procedural law, which negatively affected the complainant. Accordingly, the Court concluded that the constitutional complaint was justified, as the challenged decision violated the right to a fair trial.

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