

EFIKASNOST KRIVIČNIH POSTUPAKA

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Naučni članak

Redžepović Adnan, MA iur.

Sažetak

Efikasnost krivičnih postupaka predstavlja jedan od temeljnih pokazatelja kvaliteta i funkcionalnosti pravosudnog sistema svake države. U radu se analizira pojam i značaj efikasnosti kroz normativne, institucionalne i praktične aspekte, s posebnim osvrtom na pravni okvir Bosne i Hercegovine i međunarodne standarde prava na suđenje u razumnom roku. Ukazuje se na uzroke neefikasnosti, uključujući preopterećenost sudova, nedostatak procesne discipline, kao i organizacione, kadrovske i normativne nedostatke koji utiču na dužinu trajanja krivičnih postupaka. Komparativnim pristupom prikazana su rješenja i dobre prakse pojedinih evropskih pravnih sistema koje su doprinijele ubrzanju i racionalizaciji procesnih faza, jačanju nadzora nad radom sudova i tužilaštava te unapređenju upravljanja predmetima. Posebna pažnja posvećena je ekonomskoj dimenziji efikasnosti i mogućnostima primjene alternativnih postupaka, kao što su oportunitet, sporazum o priznanju krivice i medijacija, kao mehanizama za rasterećenje sudova. Naglašava se potreba za jačanjem institucionalnih kapaciteta, digitalizacijom pravosuđa, uvođenjem naprednih informacionih sistema i dosljednom primjenom načela procesne ekonomičnosti. Zaključuje se da se efikasnost krivičnih postupaka mora graditi na uravnoteženom odnosu između brzine odlučivanja i poštivanja prava na pravično suđenje kao osnovnog elementa vladavine prava.

Ključne riječi: *efikasnost, krivični postupak, pravosuđe, razuman rok, procesna ekonomičnost, sudska praksa, reforme pravosuđa, komparativni pristup, ekonomska analiza, Bosna i Hercegovina*

1. Uvod

Efikasnost krivičnih postupaka predstavlja jedno od temeljnih pitanja savremenog pravosuđa, budući da direktno utiče na ostvarivanje prava na pravično suđenje, povjerenje građana u pravni sistem i vladavinu prava u cjelini. Ona nije samo tehničko pitanje brzine postupanja sudova, nego kompleksan pravni i institucionalni izazov koji obuhvata organizaciju pravosudnih organa, primjenu procesnih pravila, te sposobnost države da obezbijedi djelotvorno, pravedno i transparentno vođenje krivičnih postupaka. Efikasnost je stoga indikator ne samo funkcionalnosti sudskog sistema, nego i zrelosti demokratskog poretka i nivoa zaštite temeljnih ljudskih prava.

U savremenom pravu, posebno pod okriljem Evropske konvencije o ljudskim pravima, efikasnost je usko povezana s pravom na suđenje u razumnom roku iz člana 6. Konvencije. Evropski sud za ljudska prava u svojoj bogatoj praksi više puta je isticao da država ima pozitivnu obavezu da obezbijedi funkcionisanje sudova na način koji omogućava okončanje postupka u razumnom vremenu. Slično ističu i Kovačević i dr. (2025), naglašavajući da je „pravovremeno preduzimanje radnji u fazi kriminalističke obrade ključan korak“ u osiguravanju efikasnog krivičnog postupka. Kako navodi Petrović (2025), „iako su zakonske restrikcije neophodne, one moraju biti usklađene sa refleksijom ljudskih prava“. Time se efikasnost ne sagledava isključivo kao organizacioni standard, već kao ljudsko pravo čije se nepoštovanje može smatrati povredom osnovnih sloboda. Ovaj standard postaje još značajniji u tranzicijskim pravnim sistemima, među koje spada i Bosna i Hercegovina, gdje su institucionalni kapaciteti i normativni okviri često opterećeni naslijeđenim strukturnim problemima.

U pravosudnom sistemu Bosne i Hercegovine pitanje efikasnosti krivičnih postupaka dobija posebnu težinu usljed dugotrajnosti sudskih procesa, preopterećenosti sudova i neujednačene sudske prakse. Prema izvještajima Visokog sudskog i tužilačkog vijeća BiH i Evropske komisije, prosječno trajanje krivičnih predmeta u domaćim sudovima i dalje značajno premašuje standarde utvrđene u državama članicama Evropske unije. Takvo stanje utiče ne samo na ostvarivanje prava stranaka, već i na povjerenje građana u institucije, jer prolongirani postupci stvaraju percepciju nedjelotvornosti i nepravichnosti pravosudnog sistema. U takvom kontekstu, efikasnost postaje nužan preduslov legitimnosti pravosuđa i osnovni pokazatelj njegove sposobnosti da ispunji svoju društvenu funkciju.

Efikasni krivični postupci doprinose i ostvarivanju šireg društvenog interesa. Brzo i pravilno procesuiranje krivičnih djela ima preventivni karakter, jer šalje jasnu poruku o dosljednoj primjeni zakona i odgovornosti za protupravna ponašanja. Istovremeno, smanjuje rizik od sekundarne viktimizacije žrtava, jača osjećaj pravne sigurnosti i povjerenje javnosti u institucije. Neefikasnost, nasuprot tome, generira višestruke negativne posljedice: pravne, ekonomske i psihološke. Ona povećava troškove postupaka, opterećuje budžet pravosuđa, smanjuje produktivnost institucija i stvara osjećaj bespomoćnosti kod građana koji traže zaštitu svojih prava. S aspekta društvene stabilnosti i ekonomskog razvoja, neefikasno pravosuđe djeluje kao prepreka investicionom ambijentu i ukupnom razvoju društva, budući da neizvjesnost u pogledu sudske zaštite destimulira pravne subjekte da traže institucionalna rješenja sporova.

Pored pravnih i organizacionih, efikasnost ima i izraženu ekonomsku dimenziju. Troškovi koji nastaju zbog dugotrajnih postupaka ne odnose se samo na sudove i tužilaštva, već i na učesnike u postupku, advokate, svjedoke i društvo u cjelini. Neefikasni postupci generiraju dodatne budžetske izdatke, dok istovremeno smanjuju dostupnost pravde i produktivnost pravosudnih resursa. U tom smislu, unapređenje efikasnosti nije samo pitanje pravne reforme, nego i racionalnog upravljanja javnim resursima, što je naročito značajno u državama s ograničenim institucionalnim kapacitetima poput Bosne i Hercegovine. Stoga se pitanje efikasnosti krivičnih postupaka mora posmatrati i kroz prizmu ekonomske održivosti i dugoročne strategije razvoja pravosudnog sistema.

Analizom efikasnosti krivičnih postupaka potrebno je obuhvatiti tri osnovne dimenzije: normativnu, institucionalnu i praktičnu. Normativna dimenzija odnosi se na kvalitet procesnih propisa, njihovu usklađenost s međunarodnim standardima i dosljednost u primjeni. Institucionalna podrazumijeva organizaciju pravosudnog sistema, raspodjelu nadležnosti i resursa, te sistem nadzora nad radom sudova i tužilaštava. Praktična dimenzija obuhvata svakodnevno funkcionisanje pravosudnih organa, stepen profesionalnosti nosilaca pravosudnih funkcija, dostupnost tehnologije i razvijenost upravljačkih mehanizama u vođenju predmeta. Tek kombinovanom analizom ovih faktora moguće je razumjeti uzroke i posljedice neefikasnosti, te definisati realne mjere za njeno unapređenje.

Metodološki okvir rada zasniva se na kombinaciji doktrinarne, komparativne, deskriptivne i analitičke metode. Doktrinarna metoda korištena je za analizu zakonodavnog okvira i pravnih standarda koji regulišu krivične postupke u Bosni i Hercegovini, posebno Zakona o krivičnom postupku BiH, Zakona o sudovima i relevantnih međunarodnih instrumenata. Komparativna metoda omogućila je poređenje domaće prakse s praksama država koje su reformisale svoje krivične postupke u pravcu veće efikasnosti, poput Njemačke, Švedske i Hrvatske, sa posebnim naglaskom na iskustva u digitalizaciji pravosudnih procesa. Analitička metoda primijenjena je u obradi podataka i u identifikaciji uzroka prolongiranja

sudskih postupaka, dok je deskriptivna metoda omogućila pregled i interpretaciju izvještaja Visokog sudskog i tužilačkog vijeća BiH, Evropske komisije i Transparency Internationala o stanju efikasnosti pravosuđa. Ovakav interdisciplinarni pristup osigurava sveobuhvatan pogled na problem efikasnosti i pruža osnovu za izradu realnih i primjenjivih preporuka.

Cilj rada je da se, polazeći od analize važećih propisa, sudske prakse i komparativnih iskustava, identifikuju ključni uzroci neefikasnosti krivičnih postupaka u Bosni i Hercegovini, te da se predlože konkretne mjere za njihovo prevazilaženje. Istraživanje je usmjereno na analizu institucionalnih slabosti, procjenu stepena usklađenosti domaćeg sistema s evropskim standardima i identifikaciju rješenja koja mogu doprinijeti bržem, transparentnijem i racionalnijem vođenju postupaka. Očekuje se da rezultati analize doprinesu razumijevanju odnosa između efikasnosti i pravičnosti, te da posluže kao teorijska i praktična osnova za unapređenje pravosudnih politika, digitalizaciju procesa i jačanje profesionalne odgovornosti nosilaca pravosudnih funkcija. Efikasnost krivičnih postupaka, u tom kontekstu, ne predstavlja samo mjerilo tehničkog uspjeha pravosuđa, već i ključni indikator povjerenja građana u institucije i stabilnosti pravnog sistema koji čini temelj svakog demokratskog društva.

Dosadašnja istraživanja o efikasnosti krivičnih postupaka ukazuju na to da je riječ o višedimenzionalnom fenomenu koji obuhvata pravne, institucionalne i društvene aspekte. Bejatović (2015) u svom radu *Efikasnost krivičnog postupka kao međunarodni pravni standard i reforma krivičnog procesnog zakonodavstva Srbije* naglašava da je efikasnost od suštinskog značaja za ostvarivanje pravde te da zavisi ne samo od zakonskih normi, nego i od organizacije pravosuđa, stručnosti i motivisanosti procesnih subjekata. On ukazuje da kriminalno-politički razlozi i implementacija procesnih instrumenata efikasnosti u nacionalna zakonodavstva čine osnovu modernih reformi u ovoj oblasti.

Preporuka Komiteta ministara Vijeća Evrope (CM/Rec(2010)12) dodatno precizira da se efikasnost pravosuđa ne može mjeriti isključivo brzinom odlučivanja, već kvalitetom sudskih odluka donesenih u razumnom roku nakon nepristrasnog razmatranja svih relevantnih pitanja. Samo takve odluke, prema preporuci, ostvaruju svrhu krivičnog postupka – istovremenu zaštitu društva od kriminaliteta i očuvanje osnovnih ljudskih prava optuženih.

Međunarodna iskustva potvrđuju da su saradnja pravosudnih institucija i procesna disciplina ključni faktori efikasnosti. U okviru inicijativa Visokog sudskog i tužilačkog vijeća Bosne i Hercegovine i međunarodnih ekspertske timova, analizirani su modeli međuinstitucionalne saradnje u Bijeljini, Zenici i Sarajevu. Zaključeno je da unapređenje komunikacije između sudova, tužilaštava i advokature doprinosi kraćem trajanju postupaka i većoj procesnoj disciplini stranaka.

Analiza zakonskog okvira pokazuje da je Zakon o krivičnom postupku Bosne i Hercegovine, kao temeljni procesni akt, usklađen s međunarodnim standardima, naročito s Evropskom konvencijom o ljudskim pravima. Međutim, u poređenju s evropskim praksama, domaći sistem se suočava s izazovima u dosljednoj primjeni procesnih pravila i ujednačavanju sudske prakse. U većini država članica EU prisutna je primjena inkvizitornog sistema, dok BiH koristi mješoviti model koji kombinuje elemente inkvizitornog i adversarnog postupka, što nerijetko dovodi do različitih interpretacija zakonskih normi.

Dalje, praksa država poput Njemačke i Švedske pokazuje da specijalizovani sudovi i digitalizacija procesnih tokova značajno doprinose ubrzanju postupaka i boljoj raspodjeli resursa. U Bosni i Hercegovini, iako postoje odjeljenja unutar sudova specijalizovana za određene vrste predmeta, nedostatak tehničkih resursa i kontinuirane obuke ograničava njihovu punu efikasnost.

Uspostavljanje efikasnog sistema međunarodne pravne pomoći, kao i jačanje saradnje s evropskim pravosudnim mrežama, ključni su preduslovi za borbu protiv transnacionalnog kriminala i osiguranje pravovremene razmjene informacija i dokaza. Iako BiH posjeduje solidan normativni okvir, implementacija međunarodnih standarda u praksi i dalje predstavlja izazov, što potvrđuju i izvještaji Evropske komisije i VSTV-a BiH (2022).

Zaključno, pregled literature i dosadašnjih istraživanja ukazuje da efikasnost krivičnih postupaka zavisi od kombinacije pravnih reformi, institucionalne koordinacije i primjene savremenih tehnologija. Komparativna iskustva evropskih država potvrđuju da digitalizacija, specijalizacija sudova i profesionalna obuka kadrova predstavljaju ključne faktore unapređenja efikasnosti pravosuđa u tranzicijskim sistemima poput Bosne i Hercegovine.

2. Analiza efikasnosti krivičnih postupaka: komparativni pristup i prijedlozi za unapređenje

Efikasnost krivičnih postupaka ključna je za osiguranje pravičnosti i povjerenja u pravosudni sistem. Analiza se fokusira na pojam efikasnosti u kontekstu krivičnih postupaka, usporedbu s praksama u drugim pravnim sistemima te identifikaciju problema i predlaganje konkretnih rješenja. Naglasak je na prepoznavanju faktora koji utiču na dugotrajnost postupaka i potencijalnim strategijama za njihovo unapređenje.

2.1. Analiza pojma efikasnosti u kontekstu krivičnih postupaka

Efikasnost u krivičnim postupcima podrazumijeva pravovremeno rješavanje predmeta uz istovremeno poštivanje principa pravičnosti. Prema pravnim standardima, efikasnost se ne odnosi samo na brzinu vođenja postupaka, već i na kvalitet donošenih odluka, koje moraju biti utemeljene na zakonima i dokazima. Neefikasni postupci rezultiraju ne samo produženjem suđenja, već i gubitkom povjerenja građana u pravni sistem.

U Bosni i Hercegovini analiza efikasnosti ukazuje na preopterećenost sudova, nedovoljnu obučenost osoblja i nedostatak resursa kao glavne prepreke. Prema Izvještaju Visokog sudskog i tužilačkog vijeća Bosne i Hercegovine (2022), prosječno trajanje krivičnih postupaka značajno premašuje preporučene rokove, što rezultira gomilanjem neriješenih predmeta. Transparency International (2023) navodi da ovakva situacija dodatno pogoršava percepciju javnosti o pravosudnim tijelima i smanjuje povjerenje građana u njihovu funkcionalnost.

Jedan od ključnih problema je nedostatak jasnih i dosljednih smjernica za primjenu zakonskih normi, što često dovodi do različitih interpretacija zakona među sudijama. Ovo ne samo da produžava trajanje procesa, već i otežava standardizaciju sudske prakse. Pored toga, sudovi se suočavaju sa izazovima kao što su zastarjela infrastruktura i neadekvatan sistem arhiviranja predmeta, što dodatno usporava administrativne procedure.

Modernizacija pravosudne infrastrukture mogla bi značajno unaprijediti efikasnost krivičnih postupaka. Ovo uključuje digitalizaciju sudskih procesa, što omogućava bržu razmjenu informacija između pravosudnih institucija i stranaka. Također, povećanje transparentnosti kroz javno dostupne baze podataka o sudskim predmetima može smanjiti broj grešaka i osigurati bolje praćenje toka postupaka. Obuka sudskog osoblja predstavlja još jedan ključni element za unapređenje efikasnosti. Ulaganje u kontinuiranu edukaciju sudija i tužilaca, posebno u oblastima kao što su primjena novih zakona i upotreba digitalnih tehnologija, može smanjiti broj proceduralnih grešaka i ubrzati donošenje odluka. Također, bolje upravljanje raspodjelom predmeta može pomoći u smanjenju preopterećenosti sudova, omogućavajući sudijama da se fokusiraju na složenije slučajeve.

Efikasnost krivičnih postupaka u konačnici zavisi od koordinisanog djelovanja svih pravosudnih institucija i političke volje za sprovođenje potrebnih reformi. Podrška međunarodnih organizacija, poput Evropske unije i Vijeća Evrope, može pružiti neophodne resurse i ekspertizu za implementaciju ovih promjena.

2.2. Poređenje sa praksama u drugim pravnim sistemima

Uporedna iskustva pokazuju da su sistemi poput onih u Njemačkoj i Švedskoj postigli visok nivo efikasnosti zahvaljujući automatizaciji pravosudnih procesa i primjeni specijalizovanih sudova za različite vrste predmeta. U Švedskoj je, primjerice, uvođenje digitalnih platformi smanjilo trajanje procesa za 30%, dok Njemačka koristi posebne komisije za rješavanje složenih predmeta, čime rasterećuje redovne sudove. Bosna i Hercegovina može koristiti iskustva ovih zemalja kao osnovu za reformu svog pravosudnog sistema, iako ključna razlika leži u pristupu resursima i stepenu investicija u pravosudnu infrastrukturu. Transparency International (2023) naglašava da je nedostatak političke volje za sprovođenje reformi često najveća prepreka implementaciji novih metoda.

U poređenju s Hrvatskom, koja je prošla slične reforme tokom procesa pristupanja Evropskoj uniji, Bosna i Hercegovina ima prednost u tome što može koristiti već razvijene modele. Hrvatska je, primjerice, smanjila broj zaostalih predmeta za 40% zahvaljujući boljoj koordinaciji između različitih pravosudnih tijela. Uvođenje mehanizama za ubrzanje procesa, poput obaveznih rokova za rješavanje predmeta, pokazalo se kao efektivna mjera u povećanju efikasnosti. Primjena automatizovanih sistema u Švedskoj primjer je dobrog upravljanja pravosudnim resursima. Integracija digitalnih alata omogućila je brzo evidentiranje i praćenje slučajeva, čime se smanjuje administrativno opterećenje sudova. Specijalizovani sudovi u Njemačkoj olakšavaju rješavanje složenih predmeta i istovremeno unapređuju kvalitet odluka kroz fokus na specifične oblasti prava.

Implementacija ovakvih praksi u Bosni i Hercegovini zahtijeva prilagođavanje domaćem kontekstu. Reforma pravosudne infrastrukture i ulaganje u edukaciju kadrova mogu omogućiti uspješnu primjenu najboljih međunarodnih praksi. Fokus na transparentnost i odgovornost pravosudnih institucija dodatno bi unaprijedio povjerenje javnosti u pravosudni sistem.

2.3. Identifikacija problema i prijedlozi za poboljšanje

Glavni problemi u krivičnim postupcima u Bosni i Hercegovini uključuju dugotrajnost procesa, nedostatak resursa i neravnomjernu raspodjelu predmeta. Analize ukazuju na manjak stručnog kadra i preopterećenost sudova kao ključne izazove, što uzrokuje kašnjenja u donošenju odluka. Dugotrajnost postupaka, posebno u predmetima korupcije, ističe se kao značajan problem. Prema izvještajima, disciplinski postupci protiv sudija i tužilaca u Bosni i Hercegovini često premašuju predviđene rokove, što dodatno otežava procesuiranje prioriternih predmeta.

Nedostatak resursa, uključujući zastarjelu infrastrukturu i ograničene budžete, također negativno utiče na efikasnost pravosudnih postupaka. Analize pokazuju

da su sudovi u BiH preopterećeni predmetima, dok istovremeno nemaju adekvatne tehničke alate za upravljanje procesima. Transparency International (2023) i VSTV BiH (2022) potvrđuju da je jedan od uzroka niska stopa digitalizacije i nedostatak sistemskog pristupa optimizaciji sudskih procesa.

Prijedlozi za poboljšanje uključuju:

- Digitalizaciju procesa – uvođenje elektronskih sistema za praćenje predmeta i komunikaciju između sudova i stranaka, čime bi se smanjili administrativni troškovi i ubrzali postupci.
- Obuku sudskog osoblja – kontinuirana edukacija i specijalizacija sudija i tužilaca radi unaprjeđenja kvaliteta donošenja odluka. Njemačka iskustva pokazuju da ulaganje u ljudske resurse doprinosi standardizaciji sudske prakse (Hylton, 2017, str. 337).
- Bolju raspodjelu resursa – povećanje budžeta za pravosuđe i racionalizaciju raspodjele predmeta ključni su faktori za smanjenje opterećenosti sudova. Transparentno planiranje i pravedna alokacija sredstava omogućavaju bolji rad pravosudnih institucija.

Efikasnost krivičnih postupaka, dakle, zavisi od koordinisanog djelovanja svih pravosudnih tijela, političke volje za sprovođenje reformi i adekvatne međunarodne podrške. Implementacija ovih prijedloga zahtijeva posvećenost i integraciju najboljih međunarodnih praksi kako bi se osigurala pravičnost i djelotvornost pravosudnog sistema u Bosni i Hercegovini.

3. Ekonomska analiza efikasnosti krivičnih postupaka

Ekonomska analiza efikasnosti krivičnih postupaka predstavlja važan aspekt razumijevanja funkcionisanja pravosudnog sistema, jer omogućava procjenu ne samo pravnih, već i finansijskih posljedica svakog sudskog procesa. Kroz ovu analizu sagledavaju se ključni ekonomski parametri, uključujući troškove samog postupka, optimalnu raspodjelu resursa i dugoročne koristi efikasnog procesuiranja. Pored direktnih troškova suđenja, kao što su troškovi advokata, sudija i vještaka, posebna pažnja posvećuje se i ekonomskim posljedicama produženih sudskih postupaka, uključujući troškove pritvora, izgubljene radne sate i smanjenje povjerenja građana u pravosudni sistem. Također, analiziraju se prednosti alternativnih mjera poput sporazuma o priznanju krivice, medijacije i drugih metoda koje mogu smanjiti finansijski teret sudova uz očuvanje pravde i zakonitosti.

3.1. Troškovi krivičnih postupaka i analiza resursa

Ekonomsku efikasnost krivičnih postupaka određuju troškovi koji nastaju tokom njihovog trajanja, uključujući direktne i indirektne troškove. Direktni troškovi obuhvataju izdvajanja za plate sudija, advokata i vještaka, dok indirektni uključuju društvene troškove poput gubitka produktivnosti zbog dugotrajnih postupaka. Upravo su ovi faktori ključni za analizu kojom se nastoji postići optimalan balans između pravde i ekonomije u pravosudnim procesima.

3.2. Direktni troškovi krivičnih postupaka

Direktni troškovi uključuju finansijska sredstva potrebna za sprovođenje sudskih procesa. To podrazumijeva budžetska izdvajanja za rad sudova, tužilaštava i odbranu. U razvijenim pravosudnim sistemima postoji tendencija optimizacije ovih troškova kroz uvođenje tehnoloških rješenja i unapređenje procesnih normi. Hylton (2017, str. 329) ističe da povećanje efikasnosti u alokaciji sudskih resursa smanjuje ukupan finansijski teret pravosudnog sistema. Ova optimizacija zahtijeva koordinaciju između sudskih institucija i aktivnu ulogu države u obezbjeđivanju adekvatnih sredstava za pravosudne aktivnosti.

3.3. Indirektni troškovi i društveni uticaj

Indirektni troškovi krivičnih postupaka često su povezani s ekonomskim gubicima na nivou pojedinca i društva. Dugotrajni postupci mogu uzrokovati gubitak produktivnih radnih sati, smanjenje povjerenja u pravosudni sistem i povećanje rizika od recidivizma. Voigt (2006, str. 194) naglašava da su neracionalno dugi procesi često uzrokovani neefikasnim zakonskim okvirima i nedostatkom administrativne podrške. Ovi faktori ne samo da povećavaju troškove države, već i negativno utiču na ekonomski razvoj zbog smanjene pravne sigurnosti.

3.4. Komparativna analiza troškova suđenja i alternativnih mjera

Jedan od načina smanjenja troškova krivičnih postupaka je upotreba alternativnih mjera, poput sporazuma o priznanju krivice i medijacije. Posner (1973, str. 399–453) ističe da primjena alternativnih mjera može značajno smanjiti troškove suđenja i povećati efikasnost. On smatra da sudski sistem treba podsticati brzo rješavanje slučajeva kako bi se izbjeglo opterećenje sudova, što je posebno relevantno u predmetima manjeg značaja. U praksi, primjena ovih mjera zavisi od spremnosti pravosudnog sistema da usvoji inovativne pristupe i prilagodi zakonske okvire. Ekonomija krivičnih postupaka zahtijeva integrisan pristup koji uključuje analizu troškova, reformu zakonskih procedura i optimizaciju administrativnih resursa. Kombinovanjem direktnih i indirektnih mjera moguće

je unaprijediti efikasnost pravosudnog sistema uz očuvanje osnovnih principa pravde i zakonitosti.

3.5. Ekonomija suđenja i alternativne mjere

Troškovi krivičnih postupaka imaju značajan uticaj na efikasnost pravosudnih sistema, posebno u zemljama sa ograničenim budžetskim resursima. Efikasnost se ogleda u sposobnosti sistema da pravovremeno rješava slučajeve uz minimalne troškove, čime se postiže balans između ekonomičnosti i pravde. U savremenim pravosudnim sistemima ne analiziraju se samo finansijski troškovi, već i širi društveni uticaji, uključujući povjerenje građana u pravosudne institucije. Posner (1973, str. 403) ukazuje da troškovi povezani s dugotrajnim postupcima mogu značajno ugroziti percepciju pravosudne efikasnosti. Složenost proceduralnih normi dodatno povećava finansijsko opterećenje za sve učesnike u postupku – državu, optužene i oštećene.

Jedan od ključnih aspekata troškova krivičnih postupaka jeste njihova distribucija između strana u postupku. U slučajevima gdje država snosi većinu troškova, pravosudni sistem suočava se s izazovima racionalizacije resursa radi osiguranja optimalne efikasnosti. Ehrlich (2017, str. 246) ističe da neravnomjerna alokacija resursa može dovesti do preopterećenosti sudova i produženja rokova za donošenje presuda. Ovaj problem dodatno je izražen u pravosudnim sistemima koji se suočavaju s velikim brojem predmeta i ograničenim kapacitetima. Troškovi za optužene i oštećene uključuju ne samo finansijske izdatke, već i emocionalni i društveni stres, što negativno utiče na njihov odnos prema institucijama.

Troškovi postupka također utiču na kvalitet pravosudnih odluka. Kada sudovi rade pod finansijskim ograničenjima, postoji rizik da će se kompromitovati temeljitost istraga i kvalitet zastupanja. Adelstein i Miceli (2001, str. 47–67) upozoravaju da finansijska ograničenja mogu dovesti do nepravednih presuda, posebno u složenim predmetima koji zahtijevaju veće resurse. Ovo ukazuje na potrebu za strategijama koje omogućavaju efikasno upravljanje resursima i održavanje ravnoteže između ekonomičnosti i pravičnosti.

Tehnološka rješenja postaju ključni alat za smanjenje troškova i unapređenje efikasnosti. Digitalizacija pravosudnih procesa, uključujući online saslušanja i automatizaciju administrativnih procedura, može značajno smanjiti direktne troškove i ubrzati donošenje odluka. Primjena tehnologije posebno je korisna u složenim predmetima gdje tradicionalne metode zahtijevaju veća ulaganja u vrijeme i resurse. Osim smanjenja troškova, digitalizacija povećava transparentnost i povjerenje javnosti u pravosudni sistem. Međutim, implementacija ovih rješenja zahtijeva početne investicije, što može predstavljati izazov za sisteme s ograničenim budžetima.

Još jedan aspekt odnosi se na pristup pravdi. U sistemima s visokim troškovima postupka pojedinci iz socijalno ugroženih kategorija često nemaju jednak pristup pravdi. Posner (1973, str. 412) naglašava da pravosudni sistem mora obezbijediti mehanizme koji omogućavaju jednak pristup pravdi bez obzira na finansijske mogućnosti pojedinca. U suprotnom, sistem rizikuje da postane privilegija bogatih, čime se ugrožava osnovni princip jednakosti pred zakonom.

Smanjenje troškova moguće je postići optimizacijom procedura. Skraćivanje rokova za donošenje odluka, unapređenje upravljanja predmetima i promocija alternativnih oblika rješavanja sporova, poput arbitraže i medijacije, predstavljaju efikasne mjere za smanjenje troškova. Alternativni oblici rješavanja sporova često su manje skupi i vremenski zahtjevniji u poređenju s tradicionalnim sudskim postupcima. Međutim, njihova primjena zavisi od pravne kulture i spremnosti stranaka da prihvate neformalnije mehanizme rješavanja sporova.

Dugotrajni postupci mogu stvoriti ekonomske gubitke na nivou društva, uključujući smanjenje produktivnosti i gubitak povjerenja investitora. Efikasan pravosudni sistem može, nasuprot tome, podstaći ekonomski razvoj pružanjem pravne sigurnosti i stabilnosti. Ovo je posebno važno za zemlje u tranziciji, gdje pravosudna reforma ima ključnu ulogu u privlačenju investicija i unapređenju poslovnog okruženja.

3.6. Dugoročni ekonomski efekti efikasnih postupaka

Ekonomske analize pravosudnih sistema igraju ključnu ulogu u oblikovanju reformi koje imaju za cilj povećanje efikasnosti i dostupnosti pravde. Uvođenje ekonomskih modela u pravosudne politike omogućava bolje razumijevanje odnosa između troškova i koristi različitih reformskih mjera. Voigt (2016, str. 198) navodi da analiza vremenskih troškova u vođenju predmeta može ukazati na proceduralne faze koje nepotrebno produžavaju procese i povećavaju troškove. Takve analize pomažu zakonodavcima da donesu informisane odluke o prioritetima reforme.

Uvođenje tehnologije, poput digitalizacije sudskih dokumenata i elektronskog upravljanja predmetima, često proizlazi upravo iz rezultata ekonomskih analiza. Pored tehničkih unapređenja, ekonomske analize doprinose razvoju alternativnih mehanizama rješavanja sporova, kao što su arbitraža i medijacija. Adelstein i Miceli (2001, str. 58) naglašavaju da ovakvi mehanizmi omogućavaju smanjenje opterećenja sudova i brže postizanje pravde uz manje troškove.

Primjena ekonomskih analiza ima i značajnu ulogu u borbi protiv korupcije. Analiza alokacije resursa i identifikacija ključnih tačaka slabosti omogućava izradu strategija za smanjenje korupcije i povećanje povjerenja javnosti u pravosudne institucije. Na primjer, adekvatna budžetska sredstva za obuku sudija

i tužilaca u specifičnim oblastima prava mogu povećati efikasnost i integritet sistema.

Još jedan važan aspekt primjene ekonomskih analiza jeste mogućnost poređenja pravosudnih sistema različitih zemalja. Upoređivanjem troškova i performansi moguće je identifikovati najbolje prakse koje se mogu prilagoditi i implementirati u domaći sistem. Skandinavske zemlje često se navode kao primjeri efikasnosti u pravosuđu, zbog čega njihove prakse postaju predmet ekonomskih analiza i preporuka za reforme u drugim državama.

Ekonomski pristupi pružaju osnovu za kvantitativno praćenje rezultata reformi. Mjerenjem napretka kroz indikatore, poput smanjenja trajanja postupaka ili povećanja broja riješenih predmeta, omogućava se procjena uspješnosti implementiranih promjena. Ova transparentnost povećava odgovornost pravosudnih institucija, što je ključno za održivost reformi. U zaključku, ekonomske analize pružaju vrijedne uvide u funkcionisanje pravosudnih sistema i ključne smjernice za njihovu reformu. Njihova efikasnost zavisi od sposobnosti donosilaca odluka da rezultate istraživanja pretoče u konkretne politike i mjere. Budućnost pravosudnih sistema u velikoj mjeri zavisi od njihove spremnosti da prihvate ekonomske pristupe kao osnovu za donošenje odluka, čime se osigurava održivost i efikasnost pravosudnih procesa.

4. Zaključak

Efikasnost krivičnih postupaka predstavlja ne samo pravni, već i društveni i ekonomski imperativ savremenih pravosudnih sistema. Kroz analizu normativnih, institucionalnih i praktičnih aspekata jasno se pokazuje da efikasnost nije puki tehnički pokazatelj brzine suđenja, već složen indikator funkcionalnosti države, vladavine prava i zaštite ljudskih prava. U pravnom smislu, ona je neraskidivo povezana s pravom na suđenje u razumnom roku, koje Evropska konvencija o ljudskim pravima definiše kao jedno od osnovnih jamstava pravičnog postupka. U tom kontekstu, efikasnost se posmatra kao materijalizacija tog prava u svakodnevnoj praksi, a ne samo kao ideal kojem se teži. Kada država ne uspije da obezbijedi razumno trajanje postupka, ne narušava se samo pravna sigurnost, već i povjerenje građana u institucije i legitimnost čitavog pravosudnog sistema.

Analiza je pokazala da u Bosni i Hercegovini problem neefikasnosti krivičnih postupaka ima višestruke uzroke: preopterećenost sudova, manjak kadrovskih i tehničkih resursa, normativne nejasnoće i nedostatak procesne discipline. Dugotrajni postupci često nisu rezultat samo složenosti predmeta, nego i nedostatka efikasnog upravljanja sudskim resursima i neujednačene primjene

zakonskih normi. Ovi problemi imaju domino-efekat — produženi postupci povećavaju troškove, smanjuju dostupnost pravde i utiču na percepciju javnosti o djelotvornosti pravosuđa. Uspostavljanje efikasnog pravosudnog sistema stoga mora počivati na sinergiji zakonodavnih, institucionalnih i tehničkih reformi koje zajedno omogućavaju brzo, pravedno i transparentno odlučivanje.

Komparativna iskustva iz zemalja Evropske unije, posebno Njemačke, Švedske i Hrvatske, pokazuju da su ključni elementi uspješnih reformi upravo specijalizacija sudova, digitalizacija pravosudnih procesa i kontinuirana edukacija pravosudnog osoblja. U Njemačkoj su, na primjer, posebne komisije za složene predmete doprinijele skraćanju trajanja postupaka bez narušavanja kvaliteta odluka. U Švedskoj je digitalizacija sudskih procesa rezultirala smanjenjem trajanja suđenja za trećinu, uz istovremeno povećanje transparentnosti i dostupnosti pravde. Hrvatska je reformama uvedenim tokom procesa pristupanja Evropskoj uniji uspjela značajno smanjiti broj zaostalih predmeta. Svi ovi primjeri ukazuju da efikasnost nije slučajan rezultat, već posljedica sistemskog pristupa koji uključuje i političku volju i odgovornost institucija.

U bosanskohercegovačkom kontekstu, neophodno je da se reforme pravosuđa ne posmatraju isključivo kroz formalne izmjene zakona, već i kroz razvoj institucionalne kulture odgovornosti. Efikasnost nije moguća bez transparentnog upravljanja predmetima, preciznog praćenja sudske statistike i razvijenih mehanizama unutrašnjeg nadzora. Digitalizacija pravosuđa treba biti strateški prioritet jer omogućava racionalizaciju resursa, automatsko praćenje rokova i veću dostupnost podataka javnosti. Pored toga, kontinuirana obuka sudija i tužilaca o novim procesnim instrumentima i primjeni međunarodnih standarda predstavlja ključnu komponentu jačanja profesionalnosti i integriteta pravosudnog sistema.

Ekonomskom analizom efikasnosti potvrđeno je da neefikasni postupci imaju direktne i indirektne troškove koji nadilaze okvire samog pravosuđa. Dugotrajni procesi generišu dodatne budžetske izdatke, gubitke produktivnosti i smanjenje povjerenja investitora, što utiče na cjelokupni ekonomski razvoj zemlje. S druge strane, racionalizacija postupaka, primjena alternativnih mjera kao što su sporazum o priznanju krivice i medijacija, te modernizacija infrastrukture mogu znatno smanjiti troškove i povećati dostupnost pravde. Time se efikasnost potvrđuje kao važan instrument ekonomske stabilnosti i društvenog prosperiteta. Posner (1973) i Voigt (2016) naglašavaju da je ekonomska dimenzija pravosuđa jednako važna kao i pravna, jer neefikasno pravosuđe generiše troškove koji se prenose na cijelo društvo.

Reforme pravosudnog sistema moraju biti dugoročne, planske i podržane adekvatnim finansijskim resursima. Potrebno je izgraditi funkcionalan sistem

praćenja performansi sudova i tužilaštava, koji bi omogućio objektivnu procjenu učinka i identifikaciju uskih grla u procesima. Transparentnost rada pravosudnih institucija i javno dostupne baze podataka o trajanju i ishodima predmeta doprinijele bi većem povjerenju građana i stvaranju kulture odgovornosti. Posebno je važno da efikasnost ne bude shvaćena kao cilj sama po sebi, već kao sredstvo za ostvarenje pravičnosti i zaštite ljudskih prava. Brzina postupanja mora biti uravnotežena s kvalitetom odlučivanja, jer svako ubrzanje koje ugrožava pravičnost suđenja narušava samu svrhu pravosuđa.

U konačnici, efikasnost krivičnih postupaka mora se posmatrati kao multidimenzionalni koncept koji povezuje pravne norme, institucionalne kapacitete i ekonomsku racionalnost. Njeno unapređenje zahtijeva integrisan pristup u kojem će svi akteri – zakonodavna i izvršna vlast, pravosudne institucije, akademska zajednica i međunarodni partneri – djelovati koordinirano. Samo na taj način moguće je ostvariti pravosudni sistem koji istovremeno osigurava brzinu, pravičnost i povjerenje građana. Efikasno pravosuđe ne znači samo kraće rokove, već stvaranje ambijenta u kojem građani vjeruju da će svaka presuda biti donijeta nepristrasno, stručno i u skladu sa zakonom. Time efikasnost postaje temeljni uslov za izgradnju vladavine prava i stabilnog demokratskog društva u Bosni i Hercegovini.

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EFFICIENCY OF CRIMINAL PROCEEDINGS

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Scientific article

Redžepović Adnan, MA iur

Abstract

The efficiency of criminal proceedings is one of the fundamental indicators of the quality and functionality of any state's judicial system. This paper analyzes the concept and significance of efficiency through normative, institutional, and practical aspects, with a special focus on the legal framework of Bosnia and Herzegovina and international standards for the right to a trial within a reasonable time. It points to the causes of inefficiency, including court overloads, a lack of procedural discipline, as well as organizational, personnel, and normative shortcomings that influence the length of criminal proceedings. Using a comparative approach, the paper presents solutions and good practices from specific European legal systems that have contributed to the acceleration and rationalization of procedural phases, strengthened oversight of the work of courts and prosecutor's offices, and improved case management. Special attention is paid to the economic dimension of efficiency and the possibilities of applying alternative procedures, such as the principle of opportunity, plea agreements, and mediation, as mechanisms to relieve the burden on the courts. The paper emphasizes the need to strengthen institutional capacities, digitize the judiciary, introduce advanced information systems, and consistently apply the principle of procedural economy. It concludes that the efficiency of criminal proceedings must be built on a balanced relationship between the speed of decision-making and respect for the right to a fair trial as a fundamental element of the rule of law.

Keywords: *efficiency, criminal procedure, judiciary, reasonable time, procedural economy, jurisprudence, judicial reforms, comparative approach, economic analysis, Bosnia and Herzegovina*

1. Introduction

The efficiency of criminal proceedings represents one of the fundamental issues of modern justice, as it directly affects the realization of the right to a fair trial, citizens' trust in the legal system, and the rule of law as a whole. It is not just a technical issue of the speed of court proceedings, but a complex legal and institutional challenge that encompasses the organization of judicial bodies, the application of procedural rules, and the state's ability to ensure effective, just, and transparent conduct of criminal proceedings. Efficiency is therefore an indicator not only of the functionality of the court system but also of the maturity of the democratic order and the level of protection of fundamental human rights.

In modern law, especially under the auspices of the European Convention on Human Rights, efficiency is closely linked to the right to a trial within a reasonable time, as stated in Article 6 of the Convention. The European Court of Human Rights, in its extensive jurisprudence, has repeatedly emphasized that the state has a positive obligation to ensure the functioning of the courts in a manner that allows for the conclusion of proceedings within a reasonable time. Kovačević et al. (2025) similarly stress that "the timely undertaking of actions in the phase of criminal investigation is a crucial step" in ensuring efficient criminal procedure. As Petrović (2025) states, "although legal restrictions are necessary, they must be harmonized with the reflection of human rights." Thus, efficiency is not viewed exclusively as an organizational standard, but as a human right whose disrespect can be considered a violation of fundamental freedoms. This standard becomes even more significant in transition legal systems, including Bosnia and Herzegovina, where institutional capacities and normative frameworks are often burdened by inherited structural problems.

In the judicial system of Bosnia and Herzegovina, the issue of the efficiency of criminal proceedings gains particular weight due to the long duration of court processes, the overload of courts, and inconsistent judicial practice. According to reports from the High Judicial and Prosecutorial Council of BiH and the European Commission, the average duration of criminal cases in domestic courts still significantly exceeds the standards established in European Union member states. Such a situation affects not only the realization of the parties' rights but also citizens' trust in institutions, as prolonged proceedings create a perception of ineffectiveness and unfairness in the judicial system. In this context, efficiency becomes a necessary prerequisite for the legitimacy of the judiciary and a basic indicator of its ability to fulfill its social function.

Efficient criminal proceedings also contribute to the realization of a broader social interest. The quick and proper prosecution of criminal offenses has a preventive

character, as it sends a clear message about the consistent application of the law and accountability for unlawful conduct. At the same time, it reduces the risk of secondary victimization of victims, strengthens the sense of legal security, and increases public trust in institutions. Inefficiency, conversely, generates multiple negative consequences: legal, economic, and psychological. It increases the costs of proceedings, burdens the judiciary's budget, reduces the productivity of institutions, and creates a feeling of helplessness among citizens seeking the protection of their rights. From the aspect of social stability and economic development, an inefficient judiciary acts as an obstacle to the investment environment and the overall development of society, as uncertainty regarding judicial protection discourages legal entities from seeking institutional dispute resolution.

In addition to legal and organizational aspects, efficiency also has a pronounced economic dimension. The costs arising from long-lasting proceedings pertain not only to courts and prosecutor's offices but also to the participants in the proceedings, lawyers, witnesses, and society as a whole. Inefficient proceedings generate additional budget expenditures while simultaneously reducing access to justice and the productivity of judicial resources. In this sense, improving efficiency is not just a matter of legal reform but also of rational management of public resources, which is particularly significant in states with limited institutional capacities like Bosnia and Herzegovina. Therefore, the issue of the efficiency of criminal proceedings must also be viewed through the prism of economic sustainability and a long-term strategy for the development of the judicial system.

The analysis of the efficiency of criminal proceedings needs to encompass three basic dimensions: normative, institutional, and practical. The normative dimension relates to the quality of procedural regulations, their harmonization with international standards, and consistency in application. The institutional dimension implies the organization of the judicial system, the distribution of competencies and resources, and the system of supervision over the work of courts and prosecutor's offices. The practical dimension covers the daily functioning of judicial bodies, the level of professionalism of judicial office holders, the availability of technology, and the development of case management mechanisms. Only by a combined analysis of these factors is it possible to understand the causes and consequences of inefficiency and to define realistic measures for its improvement.

The methodological framework of the paper is based on a combination of doctrinal, comparative, descriptive, and analytical methods. The doctrinal method was used for the analysis of the legislative framework and legal standards governing criminal proceedings in Bosnia and Herzegovina, especially the Law

on Criminal Procedure of BiH, the Law on Courts, and relevant international instruments. The comparative method enabled the comparison of domestic practice with the practices of states that have reformed their criminal proceedings towards greater efficiency, such as Germany, Sweden, and Croatia, with a special emphasis on experiences in the digitalization of judicial processes. The analytical method was applied in data processing and in identifying the causes of prolonged court proceedings, while the descriptive method allowed for the review and interpretation of reports from the High Judicial and Prosecutorial Council of BiH, the European Commission, and Transparency International on the state of judicial efficiency. Such an interdisciplinary approach ensures a comprehensive view of the problem of efficiency and provides a basis for the development of realistic and applicable recommendations.

The aim of the paper is, based on the analysis of valid regulations, judicial practice, and comparative experiences, to identify the key causes of inefficiency in criminal proceedings in Bosnia and Herzegovina, and to propose concrete measures for their overcoming. The research is focused on the analysis of institutional weaknesses, the assessment of the degree of harmonization of the domestic system with European standards, and the identification of solutions that can contribute to faster, more transparent, and more rational conduct of proceedings. It is expected that the results of the analysis will contribute to the understanding of the relationship between efficiency and fairness, and serve as a theoretical and practical basis for the improvement of judicial policies, the digitalization of processes, and the strengthening of the professional accountability of judicial office holders. The efficiency of criminal proceedings, in this context, is not just a measure of the technical success of the judiciary, but a key indicator of citizens' trust in institutions and the stability of the legal system that forms the foundation of every democratic society.

Previous research on the efficiency of criminal proceedings indicates that it is a multidimensional phenomenon encompassing legal, institutional, and social aspects. Bejatović (2015), in his paper *Efficiency of criminal procedure as an international legal standard and the reform of criminal procedural legislation in Serbia: norm and practice*, emphasizes that efficiency is essential for the realization of justice and that it depends not only on legal norms but also on the organization of the judiciary, the expertise, and the motivation of procedural subjects. He points out that criminological-political reasons and the implementation of procedural instruments of efficiency in national legislation form the basis of modern reforms in this area.

Recommendation of the Committee of Ministers of the Council of Europe (CM/Rec(2010)12) further specifies that the efficiency of the judiciary cannot be measured solely by the speed of decision-making, but by the quality of court

decisions rendered within a reasonable time after impartial consideration of all relevant issues. Only such decisions, according to the recommendation, achieve the purpose of criminal proceedings – the simultaneous protection of society from crime and the preservation of the fundamental human rights of the accused.

International experiences confirm that cooperation between judicial institutions and procedural discipline are key factors in efficiency. Within the initiatives of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and international expert teams, models of inter-institutional cooperation in Bijeljina, Zenica, and Sarajevo have been analyzed. It was concluded that improving communication between courts, prosecutor's offices, and the legal profession contributes to shorter proceedings and greater procedural discipline of the parties. The analysis of the legal framework shows that the Law on Criminal Procedure of Bosnia and Herzegovina, as the fundamental procedural act, is harmonized with international standards, especially the European Convention on Human Rights. However, in comparison with European practices, the domestic system faces challenges in the consistent application of procedural rules and the standardization of judicial practice. In most EU member states, an inquisitorial system is present, while BiH uses a mixed model that combines elements of inquisitorial and adversarial procedure, which often leads to different interpretations of legal norms.

Furthermore, the practice of states such as Germany and Sweden shows that specialized courts and the digitalization of procedural flows significantly contribute to the acceleration of proceedings and better resource allocation. In Bosnia and Herzegovina, although there are specialized departments within courts for certain types of cases, the lack of technical resources and continuous training limits their full efficiency.

Establishing an efficient system of international legal assistance, as well as strengthening cooperation with European judicial networks, are key prerequisites for the fight against transnational crime and ensuring the timely exchange of information and evidence. Although BiH possesses a solid normative framework, the implementation of international standards in practice remains a challenge, as confirmed by the reports of the European Commission and the HJPC BiH (2022). In conclusion, the review of literature and previous research indicates that the efficiency of criminal proceedings depends on a combination of legal reforms, institutional coordination, and the application of modern technologies. Comparative experiences of European countries confirm that digitalization, specialization of courts, and professional training of personnel are key factors in improving the efficiency of the judiciary in transition systems like Bosnia and Herzegovina.

2. Analysis of the Efficiency of Criminal Proceedings: Comparative Approach and Proposals for Improvement

The efficiency of criminal proceedings is crucial for ensuring fairness and trust in the judicial system. The analysis focuses on the concept of efficiency in the context of criminal proceedings, a comparison with practices in other legal systems, and the identification of problems and the proposal of concrete solutions. The emphasis is on recognizing the factors that influence the length of proceedings and potential strategies for their improvement.

2.1. Analysis of the Concept of Efficiency in the Context of Criminal Proceedings

Efficiency in criminal proceedings implies the timely resolution of cases while simultaneously respecting the principle of fairness. According to legal standards, efficiency refers not only to the speed of conducting proceedings but also to the quality of the decisions made, which must be based on laws and evidence. Inefficient proceedings result not only in the prolongation of trials but also in a loss of citizens' trust in the legal system.

In Bosnia and Herzegovina, the analysis of efficiency points to the overload of courts, insufficient staff training, and a lack of resources as the main obstacles. According to the Report of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (2022), the average duration of criminal proceedings significantly exceeds the recommended deadlines, resulting in a backlog of unresolved cases. Transparency International (2023) states that this situation further worsens the public perception of judicial bodies and reduces citizens' trust in their functionality.

One of the key problems is the lack of clear and consistent guidelines for the application of legal norms, which often leads to different interpretations of the law among judges. This not only prolongs the duration of the process but also hinders the standardization of judicial practice. In addition, courts face challenges such as outdated infrastructure and an inadequate system for archiving cases, which further slows down administrative procedures.

Modernization of the judicial infrastructure could significantly improve the efficiency of criminal proceedings. This includes the digitalization of court processes, which enables faster exchange of information between judicial institutions and parties. Also, increasing transparency through publicly available databases on court cases can reduce the number of errors and ensure better monitoring of the course of proceedings. Staff training is another key element for improving efficiency. Investing in continuous education for judges and prosecutors, especially in areas such as the application of new laws and the use of digital technologies, can reduce the number of procedural errors and accelerate

decision-making. Also, better management of case allocation can help reduce court overload, allowing judges to focus on more complex cases.

The efficiency of criminal proceedings ultimately depends on the coordinated action of all judicial institutions and the political will to implement the necessary reforms. Support from international organizations, such as the European Union and the Council of Europe, can provide the necessary resources and expertise for the implementation of these changes.

2.2. Comparison with Practices in Other Legal Systems

Comparative experiences show that systems such as those in Germany and Sweden have achieved a high level of efficiency thanks to the automation of judicial processes and the use of specialized courts for different types of cases. In Sweden, for example, the introduction of digital platforms has reduced the duration of processes by 30%, while Germany uses special commissions to resolve complex cases, thereby relieving the burden on ordinary courts. Bosnia and Herzegovina can use the experiences of these countries as a basis for reforming its judicial system, although the key difference lies in the approach to resources and the level of investment in judicial infrastructure. Transparency International (2023) emphasizes that the lack of political will to implement reforms is often the biggest obstacle to the implementation of new methods.

Compared to Croatia, which underwent similar reforms during the process of accession to the European Union, Bosnia and Herzegovina has the advantage of being able to use already developed models. Croatia, for example, reduced the number of pending cases by 40% thanks to better coordination between different judicial bodies. The introduction of mechanisms to accelerate processes, such as mandatory deadlines for resolving cases, has proven to be an effective measure in increasing efficiency. The application of automated systems in Sweden is an example of good management of judicial resources. The integration of digital tools has enabled quick recording and tracking of cases, thereby reducing the administrative burden on the courts. Specialized courts in Germany facilitate the resolution of complex cases and at the same time improve the quality of decisions through a focus on specific areas of law.

The implementation of such practices in Bosnia and Herzegovina requires adaptation to the domestic context. Reform of the judicial infrastructure and investment in staff education can enable the successful application of the best international practices. A focus on transparency and accountability of judicial institutions would further improve public trust in the judicial system.

2.3. Identification of Problems and Proposals for Improvement

The main problems in criminal proceedings in Bosnia and Herzegovina include the length of processes, a lack of resources, and an uneven distribution of cases. Analyses point to a lack of expert staff and the overload of courts as key challenges, which causes delays in decision-making. The length of proceedings, especially in corruption cases, stands out as a significant problem. According to reports, disciplinary proceedings against judges and prosecutors in Bosnia and Herzegovina often exceed the foreseen deadlines, which further complicates the processing of priority cases.

A lack of resources, including outdated infrastructure and limited budgets, also negatively affects the efficiency of judicial proceedings. Analyses show that courts in BiH are overloaded with cases, while at the same time lacking adequate technical tools for managing processes. Transparency International (2023) and the HJPC BiH (2022) confirm that one of the causes is the low rate of digitalization and the lack of a systemic approach to optimizing court processes.

Proposals for improvement include:

- **Digitalization of processes** – the introduction of electronic systems for tracking cases and communication between courts and parties, which would reduce administrative costs and speed up proceedings.
- **Training of judicial staff** – continuous education and specialization of judges and prosecutors to improve the quality of decision-making. German experiences show that investing in human resources contributes to the standardization of judicial practice (Hylton, 2017, p. 337).
- **Better resource allocation** – increasing the budget for the judiciary and rationalizing the distribution of cases are key factors for reducing the burden on the courts. Transparent planning and fair allocation of funds enable better work of judicial institutions.

The efficiency of criminal proceedings, therefore, depends on the coordinated action of all judicial bodies, the political will to implement reforms, and adequate international support. The implementation of these proposals requires dedication and the integration of the best international practices to ensure the fairness and effectiveness of the judicial system in Bosnia and Herzegovina.

3. Economic Analysis of the Efficiency of Criminal Proceedings

The economic analysis of the efficiency of criminal proceedings represents an important aspect of understanding the functioning of the judicial system, as it allows for the assessment of not only the legal but also the financial consequences of every court process. Through this analysis, key economic parameters are considered, including the costs of the proceedings themselves, the optimal allocation of resources, and the long-term benefits of efficient prosecution. In

addition to the direct costs of trials, such as the costs of lawyers, judges, and experts, special attention is also paid to the economic consequences of prolonged court proceedings, including the costs of detention, lost work hours, and the reduction of citizens' trust in the judicial system. Furthermore, the advantages of alternative measures such as plea agreements, mediation, and other methods that can reduce the financial burden on the courts while preserving justice and legality are analyzed.

3.1. Costs of Criminal Proceedings and Resource Analysis

The economic efficiency of criminal proceedings is determined by the costs incurred during their duration, including direct and indirect costs. Direct costs include allocations for the salaries of judges, lawyers, and experts, while indirect costs include social costs such as the loss of productivity due to long-lasting proceedings. These factors are precisely key to the analysis that seeks to achieve an optimal balance between justice and economics in judicial processes.

3.2. Direct Costs of Criminal Proceedings

Direct costs include the financial resources needed to conduct court processes. This implies budget allocations for the work of courts, prosecutor's offices, and defense. In developed judicial systems, there is a tendency to optimize these costs through the introduction of technological solutions and the improvement of procedural norms. Hylton (2017, p. 329) points out that increasing efficiency in the allocation of judicial resources reduces the overall financial burden of the judicial system. This optimization requires coordination between judicial institutions and an active role of the state in providing adequate funds for judicial activities.

3.3. Indirect Costs and Social Impact

Indirect costs of criminal proceedings are often associated with economic losses at the individual and societal level. Long-lasting proceedings can cause a loss of productive work hours, a reduction in trust in the judicial system, and an increased risk of recidivism. Voigt (2006, p. 194) emphasizes that irrationally long processes are often caused by inefficient legal frameworks and a lack of administrative support. These factors not only increase the state's costs but also negatively affect economic development due to reduced legal certainty.

3.4. Comparative Analysis of Trial Costs and Alternative Measures

One way to reduce the costs of criminal proceedings is the use of alternative measures, such as plea agreements and mediation. Posner (1973, pp. 399–453) points out that the application of alternative measures can significantly reduce trial costs and increase efficiency. He believes that the court system should encourage the rapid resolution of cases to avoid overloading the courts, which is especially relevant in minor cases. In practice, the application of these measures depends on the readiness of the judicial system to adopt innovative approaches and adapt legal frameworks. The economics of criminal proceedings requires an integrated approach that includes cost analysis, reform of legal procedures, and optimization of administrative resources. By combining direct and indirect measures, it is possible to improve the efficiency of the judicial system while preserving the basic principles of justice and legality.

3.5. The Economics of Trials and Alternative Measures

The costs of criminal proceedings have a significant impact on the efficiency of judicial systems, especially in countries with limited budgetary resources. Efficiency is reflected in the system's ability to resolve cases promptly with minimal costs, thereby achieving a balance between economy and justice. In modern judicial systems, not only financial costs are analyzed, but also broader social impacts, including citizens' trust in judicial institutions. Posner (1973, p. 403) points out that the costs associated with prolonged proceedings can significantly undermine the perception of judicial efficiency. The complexity of procedural norms further increases the financial burden for all participants in the proceedings – the state, the accused, and the injured parties.

One of the key aspects of the costs of criminal proceedings is their distribution among the parties to the proceedings. In cases where the state bears most of the costs, the judicial system faces challenges in rationalizing resources to ensure optimal efficiency. Ehrlich (2017, p. 246) points out that an uneven allocation of resources can lead to court overload and the prolongation of deadlines for rendering judgments. This problem is further exacerbated in judicial systems facing a large number of cases and limited capacities. Costs for the accused and the injured parties include not only financial expenses but also emotional and social stress, which negatively affects their relationship with the institutions.

The costs of the proceedings also affect the quality of judicial decisions. When courts operate under financial constraints, there is a risk that the thoroughness of investigations and the quality of representation will be compromised. Adelstein and Miceli (2001, pp. 47–67) warn that financial constraints can lead to unfair

judgments, especially in complex cases that require greater resources. This indicates the need for strategies that enable efficient resource management and maintain a balance between economy and fairness.

Technological solutions are becoming a key tool for reducing costs and improving efficiency. The digitalization of judicial processes, including online hearings and the automation of administrative procedures, can significantly reduce direct costs and speed up decision-making. The application of technology is especially useful in complex cases where traditional methods require greater investment in time and resources. In addition to reducing costs, digitalization increases transparency and public trust in the judicial system. However, the implementation of these solutions requires initial investments, which can be a challenge for systems with limited budgets.

Another aspect relates to access to justice. In systems with high procedural costs, individuals from socially vulnerable categories often do not have equal access to justice. Posner (1973, p. 412) emphasizes that the judicial system must provide mechanisms that enable equal access to justice regardless of the financial capacity of the individual. Otherwise, the system risks becoming a privilege of the rich, thereby jeopardizing the basic principle of equality before the law.

Cost reduction can be achieved by optimizing procedures. Shortening deadlines for decision-making, improving case management, and promoting alternative forms of dispute resolution, such as arbitration and mediation, are effective measures for reducing costs. Alternative forms of dispute resolution are often less expensive and time-consuming compared to traditional court proceedings. However, their application depends on the legal culture and the readiness of the parties to accept more informal dispute resolution mechanisms.

Long-lasting proceedings can create economic losses at the societal level, including reduced productivity and loss of investor confidence. An efficient judicial system can, conversely, encourage economic development by providing legal certainty and stability. This is especially important for countries in transition, where judicial reform plays a key role in attracting investments and improving the business environment.

3.6. Long-Term Economic Effects of Efficient Proceedings

Economic analyses of judicial systems play a crucial role in shaping reforms aimed at increasing the efficiency and accessibility of justice. The introduction of economic models into judicial policies allows for a better understanding of the relationship between the costs and benefits of various reform measures. Voigt (2016, p. 198) states that the analysis of time costs in case management can point

to procedural phases that unnecessarily prolong processes and increase costs. Such analyses help legislators make informed decisions about reform priorities. The introduction of technology, such as the digitalization of court documents and electronic case management, often results precisely from the results of economic analyses. In addition to technical improvements, economic analyses contribute to the development of alternative dispute resolution mechanisms, such as arbitration and mediation. Adelstein and Miceli (2001, p. 58) emphasize that such mechanisms allow for a reduction in court overload and faster achievement of justice at lower costs.

The application of economic analyses also has a significant role in the fight against corruption. The analysis of resource allocation and the identification of key points of weakness enables the development of strategies to reduce corruption and increase public trust in judicial institutions. For example, adequate budget funds for the training of judges and prosecutors in specific areas of law can increase the efficiency and integrity of the system.

Another important aspect of the application of economic analyses is the possibility of comparing the judicial systems of different countries. By comparing costs and performance, it is possible to identify the best practices that can be adapted and implemented in the domestic system. Scandinavian countries are often cited as examples of efficiency in the judiciary, which is why their practices become the subject of economic analyses and recommendations for reforms in other countries.

Economic approaches provide a basis for the quantitative monitoring of reform results. Measuring progress through indicators, such as the reduction of the duration of proceedings or the increase in the number of resolved cases, allows for the assessment of the success of implemented changes. This transparency increases the accountability of judicial institutions, which is crucial for the sustainability of reforms. In conclusion, economic analyses provide valuable insights into the functioning of judicial systems and key guidelines for their reform.

Their effectiveness depends on the ability of decision-makers to translate research results into concrete policies and measures. The future of judicial systems largely depends on their readiness to accept economic approaches as a basis for decision-making, thereby ensuring the sustainability and efficiency of judicial processes.

4. Conclusion

The efficiency of criminal proceedings represents not only a legal but also a social and economic imperative of modern judicial systems. Through the analysis of normative, institutional, and practical aspects, it is clearly shown that efficiency is not a mere technical indicator of the speed of trial, but a complex indicator of the functionality of the state, the rule of law, and the protection of human rights. In the legal sense, it is inextricably linked to the right to a trial within a reasonable time, which the European Convention on Human Rights defines as one of the basic guarantees of a fair trial. In this context, efficiency is viewed as the materialization of that right in daily practice, and not just as an ideal to strive for. When the state fails to ensure a reasonable duration of proceedings, it violates not only legal certainty but also citizens' trust in institutions and the legitimacy of the entire judicial system.

The analysis showed that in Bosnia and Herzegovina, the problem of inefficiency in criminal proceedings has multiple causes: court overload, a lack of personnel and technical resources, normative ambiguities, and a lack of procedural discipline. Long-lasting proceedings are often not the result of the complexity of the cases alone, but also of a lack of efficient management of judicial resources and inconsistent application of legal norms. These problems have a domino effect — prolonged proceedings increase costs, reduce access to justice, and affect the public perception of the effectiveness of the judiciary. Establishing an efficient judicial system must therefore be based on the synergy of legislative, institutional, and technical reforms that together enable quick, fair, and transparent decision-making.

Comparative experiences from European Union countries, especially Germany, Sweden, and Croatia, show that the key elements of successful reforms are precisely the specialization of courts, the digitalization of judicial processes, and the continuous education of judicial staff. In Germany, for example, special commissions for complex cases contributed to shortening the duration of proceedings without compromising the quality of decisions. In Sweden, the digitalization of court processes resulted in a one-third reduction in the duration of trials, while simultaneously increasing transparency and access to justice. Croatia, with the reforms introduced during the process of accession to the European Union, managed to significantly reduce the number of pending cases. All these examples indicate that efficiency is not a coincidence, but the consequence of a systemic approach that includes both political will and institutional responsibility.

In the Bosnian-Herzegovinian context, it is necessary for judicial reforms not to be viewed exclusively through formal changes to the law, but also through the development of an institutional culture of accountability. Efficiency is not possible without transparent case management, precise tracking of court statistics,

and developed mechanisms of internal oversight. The digitalization of the judiciary should be a strategic priority because it enables the rationalization of resources, automatic tracking of deadlines, and greater public availability of data. In addition, continuous training of judges and prosecutors on new procedural instruments and the application of international standards is a key component of strengthening the professionalism and integrity of the judicial system.

The economic analysis of efficiency confirmed that inefficient proceedings have direct and indirect costs that go beyond the framework of the judiciary itself. Long-lasting processes generate additional budget expenditures, productivity losses, and a reduction in investor confidence, which affects the country's overall economic development. On the other hand, the rationalization of proceedings, the application of alternative measures such as plea agreements and mediation, and the modernization of infrastructure can significantly reduce costs and increase access to justice. Thus, efficiency is confirmed as an important instrument of economic stability and social prosperity. Posner (1973) and Voigt (2016) emphasize that the economic dimension of the judiciary is just as important as the legal dimension, because an inefficient judiciary generates costs that are transferred to the entire society.

Reforms of the judicial system must be long-term, planned, and supported by adequate financial resources. It is necessary to build a functional system for monitoring the performance of courts and prosecutor's offices, which would allow for the objective assessment of performance and the identification of bottlenecks in the processes. The transparency of the work of judicial institutions and publicly available databases on the duration and outcomes of cases would contribute to greater citizen trust and the creation of a culture of accountability. It is especially important that efficiency is not understood as an end in itself, but as a means to achieve fairness and the protection of human rights. The speed of proceedings must be balanced with the quality of decision-making, because any acceleration that compromises the fairness of the trial violates the very purpose of the judiciary.

Ultimately, the efficiency of criminal proceedings must be viewed as a multidimensional concept that connects legal norms, institutional capacities, and economic rationality. Its improvement requires an integrated approach in which all actors – the legislative and executive authorities, judicial institutions, the academic community, and international partners – will act in a coordinated manner. Only in this way is it possible to achieve a judicial system that simultaneously ensures speed, fairness, and citizen trust. An efficient judiciary does not only mean shorter deadlines, but the creation of an environment in which citizens believe that every judgment will be rendered impartially, expertly, and in accordance with the law. Thus, efficiency becomes a fundamental condition for building the rule of law and a stable democratic society in Bosnia and Herzegovina.

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