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UDK: 347.91/.95:347.9(497.11)
Review article
DOI: 10.5937/ptp2503148C
Received on: July 2, 2025
Approved for publication on:
August 31, 2025
Pages: 148–162

PROCEDURAL SPECIFICS IN SMALL-VALUE CLAIMS LITIGATION

ABSTRACT: This paper analyzes specific provisions of the Civil Procedure Law concerning procedural rules in small-value claims litigation. Due to the normative redefinition and expansion of the concept of *small-value claims litigation*, courts of general jurisdiction most often follow the rules applicable to this special procedure. In small-value claims proceedings, the right to legal protection is not exercised through the standard (full) cognitive procedure, but through special rules designed to ensure that these cases are concluded efficiently and economically. Given the limitations in the scope of this paper, the analysis focuses on the specific features that characterize this procedure, which also determined the content of the paper.

Keywords: *civil procedure, small-value claims litigation, specific features of the special procedure.*

1. Introduction

The rules of general civil procedure are regulated in accordance with the standard model for resolving disputes in property-related legal matters, meaning that this model corresponds to the average structure of civil litigations. However, given that this method of dispute resolution cannot adequately encompass all procedural situations and the specific nature of disputes

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arising from certain legal relationships, the legislator prescribed specific civil procedures, which are regulated not only in the Civil Procedure Law,[1] but also in the provisions of certain substantive laws applicable to the case, for example in family, anti-discrimination, media-related, or whistleblower protection litigations.

The rules of specific civil procedures are applied to resolve civil disputes in which the general civil procedure rules are not applicable, due to the nature of the legal relationship, the nature of the right being protected, or certain legal-political or procedural-technical reasons (Stanković, 2024, p. 1393). Specific civil procedures hold the status of *lex specialis* in relation to the general civil procedure (*lex generalis*), and in that sense, they represent the primary procedural framework for certain types of disputes. As these are not fully regulated procedures but are instead defined through specific deviations from the general civil procedure, the rules of general procedure are applied subsidiarily in all other matters. However, the legal provision in Article 467 of the CPL (2011) departs from the usual model of subsidiary application of the general procedure, which characterizes the relationship between general and specific procedures, and prescribes instead the analogous application of general civil procedure rules in cases of legal gaps, a solution that has been criticized in procedural literature (see Stanković, 2024, p. 1454).

One of the specific procedures regulated by the Civil Procedure Law is the procedure in small-value claims litigations.[2] In both theory and practice, various terms are used for this procedure – summary, small-value claims, petty claims (Palačković, 2004, p. 318), or reduced cognition procedure (Triva, Belajec & Dika, 1986, p. 670). This procedure is classified as a specific civil proceeding intended for the efficient and economical resolution

[1] In the Civil Procedure Law – CPL (2011), the following are regulated as specific civil procedures: proceedings in labour disputes (Articles 436–441), proceedings in disputes concerning collective agreements (Articles 442–447), proceedings in possession disturbance disputes (Articles 448–454), issuance of a payment order (Articles 455–466), proceedings in small-value claims litigations (Articles 467–479), commercial dispute proceedings (Articles 480–487), consumer dispute proceedings (Articles 488–493).

[2] The provisions of the chapter of the CPL (2011), which regulate the procedure in small-value claims litigations, were not carefully drafted, as they contain certain legal-technical errors. This primarily refers to the incorrect and legally imprecise title of the small-value claims procedure itself, which stems from the fact that the editors didn't distinguish between the dispute as the cause for litigation and the litigation itself, which is conducted according to the rules of civil procedure. The legal terminology used in this legal text is inconsistent and varied, which clearly represents an example of poor legislative technique and unprofessional editorial. Thus, for example, the title of the chapter is "Procedure in small-value claims litigations", while Article 467 refers to the "Procedure on small-value claims litigations". The editors overlooked the fact that civil procedure takes place within a litigation in which a dispute is resolved (Stanković, 2024, pp. 1453–1454).

of simple disputes involving lower monetary values and which are of lesser social importance. The procedure is simplified and aims to avoid delays in its development (Poznić, 2009, p. 1069). However, as pointed out in procedural literature, the manner in which the specific procedure in small-value claims litigations is regulated in the Civil Procedure Law (2011), unlike the solutions from the Civil Procedure Law (2004), has failed to deliver the expected results in practice due to a legislative misstep, especially in terms of efficiency, cost-effectiveness, and the realization of the principle of trial within a reasonable time (Stanković, 2022, p. 1). It is also noted that this outcome was influenced by the especially high threshold for the value of the dispute, as well as by the incorrect and inconsistent application of the procedural rules for this specific litigation procedure in court practice – and, to some extent, by the parties themselves, whose procedural conduct influenced the inefficiency and cost-effectiveness of these proceedings (Stanković, 2022, p. 1).

Small-value claims litigations are those concerning monetary claims that do not exceed the dinar equivalent of 3,000 euros, calculated at the middle exchange rate of the National Bank of Serbia on the day the lawsuit is filed (or 30,000 euros for commercial disputes), while noting that changes in the euro exchange rate after the filing of the lawsuit do not affect the value of the subject matter of the litigation ("value of the subject matter of the dispute"). The relevant criterion for determining the value of the subject matter of the litigation for monetary claims is the specific amount stated in the claim.

The legislator has expanded the meaning of a small-value claims litigation by stipulating that they may concern not only monetary but also non-monetary claims, in cases of subsidiary cumulation, when the claimant includes a subsidiary claim in the lawsuit indicating a monetary amount they are willing to accept in lieu of the owed non-monetary action, provided that the monetary value does not exceed the statutory limit, and that payment of this amount would release the defendant from the obligation to fulfil the non-monetary obligation (Stanković, 2024, p. 1456). Small-value claims litigations are also those where the subject of the claim is not a monetary amount, which implies that protection which isn't condemnatory in nature may also be sought (proceedings initiated by declarative or constitutive lawsuits), so long as the value of the subject matter of the litigation indicated in the lawsuit does not exceed the statutory limit. A small-value claims litigation may also refer to a bill of exchange or cheque dispute, as such cases involve monetary claims, as well as disputes over monetary claims in which an objection was raised against a payment order in the procedure for the issuance of a payment

order, provided the value of the contested part of the payment order does not exceed the statutory limit (Stanković & Boranijašević, 2023, p. 568). The provisions applied to small-value claims litigations also apply in situations where, following an objection by the defendant to an enforcement order in enforcement proceedings, the legal matter is transferred to a civil procedure, and the proceedings continue under the rules of civil procedure. A case is also considered a small-value claims litigation if the claimant reduces the value of the claim by the end of the main hearing in a case that was originally conducted under the general civil procedure, which is then converted into a small-value claims litigation. This category of specific procedures also includes proceedings conducted under the Law on the Protection of the Right to a Trial Within a Reasonable Time (2015), which in Article 27, paragraph 1 provides that in proceedings concerning claims for monetary compensation, regardless of the type or amount of the claim, the provisions on small-value claims litigations from the law which regulates the civil procedure are applied accordingly.

Article 469 of the CPL (2011) states which litigations cannot be conducted under the rules of the procedure in small-value claims litigations. These include lawsuits concerning immovable property, labour disputes, and possession disturbance litigations.

Although the concept of a small-value claims litigation merits a more comprehensive analysis, due to limitations regarding the length of this paper, such an analysis is not possible. Therefore, the focus is placed solely on the deviations from general civil procedure and on the specific features that characterize the procedure in small-value claims litigations.

2. Specific rules of the procedure in small-value claims litigations

The procedure in small-value claims litigations (both in the first and second instance) is characterized by a number of specific rules which represent a deviation from the general civil procedure.

Firstly, this procedure is marked by its summary nature, as a consequence of the predominance of the principles of cost-efficiency and effectiveness upon which it is based (Stanković & Boranijašević, 2023, p. 569). This key feature is achieved through the establishment of a number of special procedural rules (Petrušić, 2024, p. 427). The deviations from the general civil procedure are based on the position that in disputes of low value, there is no need to apply

those provisions that make litigation more complex and prolong its duration (Poznić & Rakić Vodinelić, 2015, p. 539).

In the procedure in small-value claims litigations, pursuant to the Law on the Organization of Courts (2023), subject-matter jurisdiction lies with the basic court, or the commercial court if it is a small-value claims commercial dispute, while in the second instance, appeals are decided by the higher court or the Commercial Appellate Court. More on the analysis of legal provisions regarding the application of rules in procedures in small-value claims litigations – including the conflict between Article 468 of the CPL 2011 (threshold of €3,000 as the criterion) and Article 471 of the CPL 2011 (subject-matter jurisdiction of the court as the criterion) – can be found in Bodiroga, 2015. This author also advocates that the legislator should treat a court's error in applying one procedural regime (rules for small-value claims litigations) instead of another (rules of general civil procedure) as an absolutely relevant violation of civil procedure provisions.In these proceedings, in accordance with the dominant monocratic principle in trial, it is prescribed that at the first instance the case is always handled by a single judge, while the second-instance court always adjudicates in a panel of three judges.

In these proceedings, the lawsuit is not delivered to the defendant for a response but is served together with the summons for the main hearing. Accordingly, a written response to the lawsuit is not a mandatory but an optional procedural act, from the content of which it can be inferred whether the defendant admits or disputes the claim (although the defendant will state their position on the lawsuit at the first trial hearing for the main discussion). Besides the fact that the lawsuit is not delivered to the defendant for a response, these proceedings do not schedule or hold a preliminary hearing but instead immediately schedule the first hearing for the main discussion. Unlike the provisions of the CPL (2004), the new CPL (2011) no longer prescribes a mandatory response to the lawsuit or a mandatory preliminary hearing, which is why the essential triage of procedural materials before scheduling the main hearing, adherence to the rules for setting the timeframe for dispute resolution, application of rules on holding a single main hearing and concentration of evidence were omitted, as well as the possibility to render a judgment without discussion or a judgment by omission, thereby efficiently resolving the dispute (Stanković, 2021, p. 65).

Article 473 of the CPL (2011) prescribes the mandatory content of the summons for the main hearing. Namely, it is stipulated that the court shall include in the summons to the parties a special instruction regarding the essential characteristics of the procedure in small-value claims litigations and shall state, among other things, that the plaintiff is considered to have

withdrawn the claim if they fail to appear at the main discussion hearing, that the court will issue a judgment by omission if the defendant is absent from the main discussion hearing (Article 351), and shall also provide a warning about limitations on introducing new facts and new evidence, meaning that the party in this procedure should present all facts and evidence by the conclusion of the first main discussion hearing, that in an appeal against the judgment, new facts cannot be introduced, nor can new evidence be proposed, that the decision can only be challenged due to relevant violations of civil procedure provisions from Article 374, paragraph 2 of the CPL (2011) and due to misuse of substantive law. If an ordinary summons, rather than a summons containing this prescribed content, is sent to the parties, it shall be considered that the parties were not properly summoned.

According to Article 308 of the CPL (2011), which, pursuant to Article 467 of the same law, also applies in small-value claims litigations, at the preliminary hearing, i.e., the first hearing for the main discussion (if the preliminary hearing is not mandatory, as is the case here), the party is obligated to present all facts necessary to substantiate their proposals, to propose evidence supporting the stated facts, to respond to the allegations and evidence offered by the opposing party, and to propose a timeframe for conducting the proceedings. At this hearing, the court is obligated to establish which facts are undisputed or generally known, and which facts are disputed, and to decide which means of evidence will be presented at the main discussion, while it will reject proposals for presenting evidence it considers irrelevant to reaching a decision by a decision against which no special appeal is permitted. Thus, in small-value claims litigations, the court is obligated to decide on the parties' evidentiary proposals submitted by the conclusion of the first hearing for the main discussion.

2.1. Absence of the parties from the hearings – consequences in small-value claims litigations

Article 475, paragraph 1 of the CPL (2011) stipulates that if the plaintiff does not appear at the main discussion hearing, having been duly summoned, it shall be considered that the plaintiff has withdrawn the lawsuit. In small-value claims litigations, the plaintiff's absence from the hearing by operation of law leads to the conclusion that the lawsuit is deemed withdrawn (this requires the cumulative fulfilment of two conditions: that the plaintiff was duly summoned to the hearing and that they were absent from it), regardless of whether the reasons for absence are justified or not. The justification of the

reasons for absence may only be examined upon a motion for restoration to the previous state. The plaintiff has the right to prove the justification of the reasons for missing the hearing and the necessity to revoke the decision made due to justified absence by filing a motion for restoration to the previous state (this procedure is regulated by the CPL (2011), Articles 109–114).

Therefore, Article 475, paragraph 1 of the CPL (2011) does not distinguish between justified or unjustified reasons for such absence, and it is irrelevant whether the plaintiff justifies their absence or not, unlike Article 311, paragraph 2 of the CPL (2011), which refers to "unjustified absence". The legal fiction of withdrawal of the lawsuit, which occurs by operation of law, represents a consequence affecting the plaintiff if, after filing the lawsuit, they fail to show the necessary activity during the proceedings.

In procedural literature, such regulation is criticized primarily because the withdrawal of a lawsuit does not resolve the dispute. Furthermore, it is considered unusual that the plaintiff in litigations on disputes of potentially very low value is required to demonstrate a higher degree of procedural diligence than in million-dollar litigations. Finally, the mentioned sanction unjustifiably increases the plaintiff's procedural risk by imposing litigation costs in cases where the plaintiff does not reside or have a registered office in the court's jurisdiction: in small-value claims litigations, the plaintiff is required either to travel to the first trial hearing or to ensure representation at that hearing. As a result, litigation costs may become strikingly disproportionate to the value of the subject of the dispute (Poznić, 2009, p. 1078).

The plaintiff's absence from a scheduled hearing, for which they were duly summoned, reflects their freedom to control the proceedings (disposition) and indicates a lack of interest in pursuing the case and obtaining a decision on the dispute that was the subject of the litigation and which they initiated themselves (Stanković & Boranijašević, 2023, p. 571).

Article 475, paragraph 2 of the CPL (2011) prescribes that if the defendant does not appear at the main discussion hearing, having been duly summoned, the court shall issue a judgment by omission. In small-value claims litigations, for the issuance of a judgment by omission, which accepts the claim, it is necessary that all conditions prescribed in Article 351, paragraph 1 of the CPL (2011) be met, and these conditions are the same regardless of whether the case is a small-value claims litigation or not (that the defendant was duly summoned to the hearing, that the defendant did not appear at the hearing, meanwhile there are no generally known circumstances that prevented the defendant from attending the hearing, that the defendant has not contested the claim in a submission, that the grounds

for the claim arise from the facts stated in the lawsuit, and that these facts are not contradicted by evidence submitted by the plaintiff or by generally known facts). The provisions of all other paragraphs contained in Article 351 of the CPL (2011) also apply to the judgment by omission rendered in small-value claims litigations, including the circumstances under which the court will not render a judgment by omission, as well as when the court may render a judgment by omission rejecting the claim.

If the court concludes that the facts stated in the lawsuit do not give rise to a well-founded claim, or that there is a contradiction between the stated facts and the submitted evidence, or with facts of common knowledge, it shall not render a judgment by omission but shall dismiss the claim. It will act the same in the situation when the lawsuit is contrary to the provision of Article 3, paragraph 3 of the CPL (2011). The court shall continue the examination if all conditions for rendering a judgment by omission are not met.

To prevent the rendering of a judgment by omission, the defendant must appear at the first main discussion hearing and engage in the proceedings. The defendant's absence from later hearings will not result in the rendering of a judgment by omission because, by being present at the first hearing, the defendant participated in the proceedings by contesting the claim. Therefore, absence from any subsequent main discussion hearings cannot lead to the conclusion that the defendant admitted the facts on which the claim is based (Bodiroga, 2022, p. 515).

The rules of the specific procedure in small-value claims litigations do not regulate the situation of mutual absence of parties from the first main discussion hearing. In theory, it is argued that the fiction of withdrawal of the lawsuit should be accepted (Palačković, 2004, p. 319), since the legal condition required by law is fulfilled – the plaintiff was absent.

2.2. Minutes in small-value claims litigations

Unlike the minutes kept in general civil procedure, the minutes from the main discussion hearing in small-value claims litigations have a specific content. According to views expressed in procedural literature, these minutes should be prepared more rationally than usual, more sparingly, concisely, and briefly (Triva & Dika, 2004, p. 820).

Besides all the elements required in the minutes of the general civil procedure (the name and composition of the court, the place where the action is performed, the date and time of the action, the indication of the subject matter of the dispute, and the names of the parties or third persons present, or their legal

representatives or attorneys), the minutes in this specific procedure contain a brief and summary overview of the course of the proceedings. The legislator's intention is that the acceleration of the procedure should also be achieved by limiting the content of the minutes to what is strictly necessary, and therefore, besides the information from Article 116, paragraph 1 of the CPL (2011), which defines the mentioned parts required for the hearing minutes, they should also include: 1) statements of the parties that are of essential importance, especially those by which the claim is fully or partially admitted, the claim is waived, the lawsuit is amended or withdrawn, or the appeal is waived (as examples of other statements of significant importance, the following can be mentioned: granting power of attorney for representation, request for recusal, motion for security for costs in litigation, countersuit, and a statement on the defendant's alternative authority (Poznić, 2009, p. 1075); 2) the essential content of the evidence presented; 3) decisions against which an appeal is permitted and which are pronounced at the main discussion; 4) whether the parties were present at the pronouncement of the judgment and, if so, that they were instructed under what conditions they may file an appeal (CPL (2011), Article 474).

2.3. Judgment in small-value claims proceedings

According to Article 477, paragraph 1 of the CPL (2011), the judgment in small-value claims litigations is pronounced immediately after the conclusion of the main discussion. From this norm stems the duty of the court to pronounce its decisions, specifically by pronouncing the judgement reached in small-value claims litigations immediately after concluding the main discussion, making it impossible to postpone the rendering of the judgment. The court pronounces the judgment at a separate hearing dedicated to its pronouncement, which is done by informing the parties when the decision will be pronounced at the conclusion of the main discussion. During the pronouncement of the judgment, the court is obligated to read the original judgment and briefly state the reasons, as well as instruct the parties present about the conditions under which an appeal may be filed. The instruction regarding the conditions for filing an appeal is recorded in the minutes.

A copy of the judgment is delivered to the party who was not present at the pronouncement, while it is delivered to the party who was present only upon their request, which may be made no later than at the hearing at which the judgment is pronounced (Keča & Knežević, 2024, p. 407).

The content of the written judgment depends on whether it is a judgment by omission, or a judgment rendered based on the contradictory claims of

the parties. A written judgment rendered based on contradictory claims of the parties contains in its rationale the established factual situation, a citing of the evidence on which the facts were established, and the legal provisions on which the court based its decision (CPL (2011), Article 477, paragraph 3).[3] If the court rendered a judgment by omission, its rationale includes only procedural grounds justifying the issuance of the judgment and the reasons why the court considers the claim to be well-founded. Decisions that the court issues during the main discussion and against which an appeal is allowed are not delivered to the parties but are pronounced at the hearing and included in the written decision (Stanković & Boranijašević, 2023, p. 571).

2.4. Legal remedies in small-value claims litigations

In procedures in small-value claims litigations, the shortening of the duration of the procedure is particularly achieved with regard to legal remedies, resulting in certain deviations from the rules of general civil procedure. A decision (judgment or ruling) that concludes this type of procedure can be challenged within eight days, in accordance with the provision of Article 479, paragraph 3 of the CPL (2011). In procedures in small-value claims litigations, an eight-day deadline is prescribed for the period for the deadline for voluntary fulfilment of the obligation imposed on the defendant by the judgment, the deadline for submitting a proposal to supplement the judgment, as well as the deadline for filing a response to the appeal.

The deadline for filing an appeal is counted from the day the judgment or decision is pronounced, and if the judgment or decision is delivered to the party, the deadline is counted from the day of delivery. The defendant may respond to the appeal within the same deadline.

In these proceedings, a party has the right to a special appeal only against a ruling which concludes the procedure (for example, decisions declaring the court incompetent, decisions dismissing the lawsuit, or decisions rejecting the appeal). Other rulings, against which a special appeal is allowed under the CPL (2011), can only be challenged by an appeal against the decision that concludes the procedure. These decisions are not delivered to the parties but are announced at the hearing and entered into the written record of the decision. Procedural literature notes that this legislative stance is not fully justified, and that a special appeal should have been allowed that determines the suspension of the procedure when the court decides not to resolve

[3] See, e.g. Presudu Trgovinskog apelacionog suda [The judgment of the Commercial Appellate Court]. Pž. 1828/2013 od 13 marta, 2014. godine.

a preliminary matter itself (Poznić & Rakić Vodinelić, 2015, p. 541). It is also pointed out that the occurrence of procedure suspensions in these cases has become frequent precisely after the limitation of appeal rights only to decisions which conclude the procedure, which compromises the need for these proceedings to be resolved quickly, especially because some procedural stages and guarantees of factual accuracy that apply in general proceedings are missing (Poznić & Rakić Vodinelić, 2015, p. 541).

A party in small-value claims litigations may refute a judgment due to absolutely relevant violations of civil procedure rules and due to misuse of substantive law (CPL, Article 479, paragraph 1). It follows that judgments and rulings in this procedure cannot be refuted on appeal for relatively significant violations of civil procedure rules, nor for incorrectly or incompletely established factual situation. The exclusion of incorrectly or incompletely established factual situation as grounds for appeal means that a party cannot even dispute the accuracy of the evaluation of evidence (Poznić, 2009, p. 1085). Furthermore, new facts or new evidence cannot be introduced in the appeal, which represents a difference compared to the general civil procedure rules, where parties may present new facts and propose new evidence on appeal if they make it probable that, without their fault, they could not have presented them before the conclusion of the main discussion in the first-instance procedure. If reasons are presented in the appeal for which an appeal cannot be filed, the court will dismiss the appeal as inadmissible.

The reduction of procedural guarantees in favour of swiftness of the procedure in small-value claims litigations eliminates the possibility of factual review of the first-instance judgment by the appellate court, meaning this court is not authorized to examine the accuracy of the established factual situation, nor can it annul the first-instance judgment and return the case for retrial due to incorrectly or incompletely established factual situation. This legislative solution has been criticized as unconstitutional (Article 32, paragraph 1 in connection with Article 36, paragraph 2 of the Constitution of the Republic of Serbia (2006)) because it limits the control of the correctness and legality of the first-instance decision and limits the right to a legal remedy (Knežević, 2012, pp. 393–397).

Moreover, in this type of proceeding, no hearing is held before the court of second instance, as that court is obliged to base its decision on the factual situation established in the first-instance proceedings, even if it identifies certain deficiencies.

The decision of the appellate court in small-value claims litigations is not subject to refuting by revision. Article 479, paragraph 6 of the CPL (2011) stipulates that revision is not permitted against the decision of the court of

second instance deciding in small-value claims litigations, neither ordinarily nor exceptionally.[4]

Other extraordinary legal remedies against a final judgment of the court of second instance in small-value claims litigations have not been explicitly regulated by the legislator. Since no special limitation is prescribed, a request for review of a final judgment can be submitted by the Supreme Public Prosecutor if they consider that the law has been violated by that judgment to the detriment of the public interest. A repeated trial may be requested against the second-instance judgment in small-value claims litigations, and this extraordinary legal remedy may be invoked for any reasons provided for in the general civil procedure and according to the general rules of civil procedure which are applied subsidiarily.

3. Conclusion

Small-value claims are resolved in litigation according to specific procedural rules prescribed by the CPL (2011). In this procedure, which has the character of an abbreviated, summary procedure, deviations from the general civil procedure are prescribed. Namely, with the aim of speedy and efficient dispute resolution, this special procedure is simplified, and the simplification is reflected in the reduction of certain procedural actions or the execution of others in a shortened form. Although this procedure contains some procedural specificities, which appear significant and are further explained in this paper, it shares with other specific civil procedures the common characteristic of incompleteness, which makes the application of the general civil procedure rules still a necessary aspect for its functioning. The provisions regulating it take precedence over the rules of the general civil procedure, thereby confirming its nature as *lex specialis*.

The specificity of the procedure in small-value claims litigations reflects in the fact that the lawsuit is not served to the defendant for an answer, no preliminary hearing is held, and all facts and evidence must be presented by the parties before the conclusion of the first main discussion hearing. In case of the plaintiff's absence from the hearing, a fiction of withdrawal of the lawsuit occurs, while in the case of the defendant's absence, the court, if all conditions are met, may issue a judgment by omission accepting the plaintiff's claim. The

[4] See, for example, Odluku Vrhovnog kasacionog suda [The decision of the Supreme Court of Cassation], Rev 2311/2022 od 24 marta 2022 i Odluku Vrhovnog suda [The decision of the Supreme Court], Rev. 10206/2024 od 28 maja, 2024. godine.

procedure's specificity is also reflected in the special instruction, or warning, contained in the summons for the first hearing of the main trial, as well as in the concise trial minutes, which are drawn up only to the strictly necessary extent. Another particularity is reflected in the judgment rendered in these proceedings, as it is pronounced immediately upon the conclusion of the main discussion. Besides a judgment by omission, the court may also render a judgment based on the contradictory claims of the parties, and such a written judgment contains in its rationale the established factual situation, the citing of the evidence on which it was based, and the legal provisions on which the court based its judgement. The specificity of the procedure in small-value claims litigations regarding legal remedies is reflected in the fact that a special appeal is allowed only against rulings that conclude the procedure; the deadline for an appeal is eight days; the grounds for appeal are reduced – the decision in small-value claims litigations (judgment or ruling) may be challenged only due to absolutely relevant violations of civil procedure and misuse of substantive law; parties cannot present novelties in the second-instance procedure; the court of second-instance cannot annul the decision and return the case to the first-instance court for retrial if it doubts the accuracy of the factual situation; revision against the decision of the court of second-instance is not permitted.

Conflict of Interest

The author declares no conflict of interest.

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SPECIFIČNOSTI POSTUPKA U PARNICAMA O SPOROVIMA MALE VREDNOSTI

APSTRAKT: U radu su analizirana specifična rešenja Zakona o parničnom postupku koja se odnose na procesna pravila u postupcima koji se vode u parnicama o sporovima male vrednosti. Usled normativnog redefinisanja

i proširenja pojma "parnice o sporovima male vrednosti", sudovi opšte nadležnosti u praksi najčešće postupaju prema pravilima koja se primenjuju upravo u ovom posebnom postupku. U parnicama o sporovima male vrednosti pravo na pravnu zaštitu se ne ostvaruje kroz standardni (potpuni) kognicioni postupak, već kroz posebna pravila čiji je cilj da ovi postupci budu efikasno i ekonomično okončani. Imajući u vidu ograničenja u obimu rada, predmet analize je usmeren upravo na specifičnosti koje karakterišu ovaj postupak, što je ujedno determinisalo i sadržinu rada.

Ključne reči: *parnični postupak, postupak u parnicama o sporovima male vrednosti, specifičnost posebnog postupka.*

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