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LEGAL NATURE AND EFFECTS OF JUDGMENTS RENDERED AGAINST A NON-EXISTENT PARTY

Abstract: *Civil litigation implies the existence of a dispute between two parties; therefore, it can only be conducted if both a plaintiff and a defendant exist. Due to various objective and subjective reasons, cases occur where not only are proceedings conducted, but a judgment is also rendered in a situation where one or even both litigating parties do not exist. In such cases, questions arise regarding the legal existence of such a judgment, as well as the legal effects it may or may not produce. In this regard, the question of the admissibility and necessity of filing legal remedies against such judgments is also raised. Legal doctrine and jurisprudence have provided various answers to these questions. This issue will be examined and clarified through the legal theory and judicial practice of Croatia, Germany, Austria, and Bosnia and Herzegovina, while the author's own opinion is also presented in the paper. The purpose of this work is to highlight the importance and relevance of the problem of rendering judgments when one or both litigating parties do not exist, and to offer appropriate answers to the disputed issues. All this is aimed at improving the rights and interests of the parties, their legal successors, and individuals to whom such judgments may relate in any way, thereby generally strengthening legal certainty.*

Keywords: *judgment, non-existence of a party, existence of a judgment, effectiveness of a judgment.*