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REMOTE HEARINGS IN CIVIL LITIGATION – A NATIONAL AND COMPARATIVE LAW ANALYSIS

Summary

This paper examines the possibility of holding court hearings by means of video conferencing in civil litigation, with particular focus on the legal framework of the Republic of Serbia and comparative law solutions. The author analyzes the applicable provisions of the Serbian Civil Procedure Act and the accompanying regulations concerning the taking of evidence at a distance, pointing out that Serbian law still lacks a comprehensive and systematic regulation of remote hearings as a procedural institute. The paper presents experiences and solutions related to remote hearings in other jurisdictions, including Germany, which introduced the possibility of video hearings as early as 2002 and recently implemented further reforms in this area in 2024, as well as solutions found in the civil procedure legislation of Austria, Croatia, and Slovenia. Special attention is devoted to the analysis of important procedural and technical issues relevant to ensuring proper and lawful adjudication. Based on an assessment of existing challenges and future perspectives, the paper offers de lege ferenda proposals aimed at improving the national procedural framework and the information and communication technology (ICT) infrastructure, including the necessary amendments and supplements to the Civil Procedure Act and other related secondary legislation harmonized with it.

Key words: remote hearing, civil litigation, video conferencing, Serbian Civil Procedure Act, comparative law.

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