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REVIEW OF THE ECOCENTRIC MODEL OF ENVIRONMENTAL PROTECTION IN CROATIAN CRIMINAL LAW
Ten Years after EU Accession[**]

ABSTRACT: This paper discusses the issue of the protection of the environment through criminal law, which represents one of the problems of contemporary criminal law. With the entry into force of the new substantive criminal legislation in 2013, the Croatian legislator implemented the so-called ecocentric model of the protection of the environment through criminal law, fully adopting European and international standards. More than ten years later, case law has formed regarding certain offenses. However, for most of the offenses in this category, it has been observed that their practical applicability is virtually non-existent. The author analyzes the characteristics of those criminal offenses for which there is available case law, presents selected practical examples, points out the views of other authors, and offers personal observations on the effectiveness and experiences of applying the Croatian legislative model.

Keywords: environment, liability, culpability, attempt, punishment, intent, negligence, legal entities, criminal complaint

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INTRODUCTION

The concept of the protection of the environment through criminal law implies a complex system of ethical, criminological, criminal, penological, and other elements that are linked to global efforts to protect the environment. Croatia faced a series of necessary reforms in its legislation, including the area of environmental crimes. On the threshold of accession to the European Union ten years ago, the demands for environmental protection were focused on improving and standardizing criminal offenses in the existing legislation, as well as establishing new ones.[1] During the reform, relevant European and international standards were taken into account.[2]

Croatia implemented the so-called ecocentric model of the protection of the environment through criminal law, which is considered to represent the highest degree of environmental protection because it does not protect the environment directly rather than indirectly through the protection of other legal goods.[3] The chapter on criminal offenses against the environment, introduced on January 1, 2013, contains twenty criminal offenses[4] and very precisely regulates almost all imaginable forms of severe environmental endangerment, with a prevalence of offenses of abstract endangerment,[5] in accordance with the aforementioned ecocentric approach.[6] Besides the large number of criminal

[1] Herceg Pakšić, B.; Vuletić, I.; Kohalmi, L. (2013). *Kaznenopravna zaštita okoliša u Mađarskoj i Hrvatskoj u kontekstu usklađivanja s regulacijom Europske unije u Pravo-regije-razvoj*, Župan, M.; Vinković, M. (ed.), Pécs: Osijek: Grafika Osijek, 371–386.

[2] In this regard, the following international documents should certainly be highlighted here: Directive (2008/99/EC) on the Protection of the Environment through Criminal Law; The International Convention for the Prevention of Pollution from Ships (MARPOL); Directive (2009/123/EC) on Ship-Source Pollution; Convention on the Protection of the Environment through Criminal Law; Convention on Biological Diversity.

[3] See e.g. Donnelly, B.; Bishop, P. (2007). Natural Law and Ecocentrism. *Journal of Environmental Law*, 19 (1), 89–101.

[4] Although this number of criminal offenses may seem large, it should be noted that some countries have a significantly higher number of prescribed criminal offenses aimed at environmental protection. For example, Montenegrin legislation provides for as many as thirty such criminal offenses. See: Đurišić, J. (2022). Krivičnopravni instrumenti zaštite životne sredine. *Glasnik of the Bar Association of Vojvodina*, XCVI (4), 1099.

[5] The concept of abstract endangerment in this text is used in the sense of criminal offenses that create a so-called "pre-dangerous" state and are most often described in the legal text with the phrase "may endanger" or similar. Cf. Vukušić, I. (2016). „Odustanak" kod posebnih kaznenih djela ugrožavanja okoliša. *Collected Papers of the Faculty of Law in Split*, 53(2), 583. This understanding is also accepted by the latest Croatian case law (see, for example, VSRH, I Kž-Us-4/2021).

[6] Also Turković, K. et al. (2013). *Komentar Kaznenog zakona*. Zagreb: Narodne novine, 263.

offenses, another characteristic of the new legislation is, undoubtedly, the fact that it is significantly stricter. This leads us to conclude that the legislator has given this area of criminal law much greater attention than before. This is a justified solution, considering that it concerns a constitutional category and one of the most significant constitutional goods of the so-called third generation.[7]

Today, ten years after the implementation of the new regime, it is possible to provide feedback from case law on the effectiveness of the legislative concept. The aim of this research is to provide insight into the state and trends of environmental crime in the Republic of Croatia in the period from January 1, 2013, to January 1, 2023. The paper examines the available statistical data from the State Bureau of Statistics on reported, accused, and convicted perpetrators of environmental crimes, as well as the statistical data from the Ministry of the Interior of the Republic of Croatia on reported environmental crimes. The central part of the paper presents an analysis of the legal provisions and relevant case law to highlight the most important challenges in practice. Based on such an analysis, the author provides a review of the effectiveness of the ecocentric model of the protection of the environment through criminal law in Croatian law.

OVERVIEW OF THE TRENDS OF ENVIRONMENTAL CRIME IN CROATIA

As *Kondor-Langer* points out in her analysis of the data from the State Bureau of Statistics, a total of 2551 complaints for environmental crimes were filed over seven years. The majority of these complaints were filed through the Ministry of the Interior, suggesting that other competent services are not sufficiently active in this area. Interestingly, during certain observed years, different trends in the submission of criminal complaints through the Ministry of the Interior and direct submissions were visible.[8]

It is also significant to mention that, according to certain studies, legal entities occasionally appear as perpetrators of these crimes.[9] In this context, it is important to note that Croatia has had a legal framework for the criminal liability of legal entities since 2003, based on the model of liability of the

[7] Cf. Sabolč, M. (2022). Prostorne karakteristike krivičnih dela protiv životne sredine izvršenih u Mađarskoj. *Glasnik of the Bar Association of Vojvodina*, XCVI (4), 1099, 1255

[8] Kondor-Langer, M. (2021). Stanje i kretanje okolišnog kriminaliteta u Republici Hrvatskoj. *Policija i sigurnost*, 30 (2), 247.

[9] See e.g. Vuletić, I. (2023). Corporate Criminal Liability: An Overview of the Croatian Model after 20 Years of Practice. *MDPI Laws*, 12 (2), 7.

responsible person. Therefore, the inability to establish the culpability of the responsible natural person often leads to the non-liability of the legal entity or to the termination of criminal proceedings.[10]

OVERVIEW OF LEGISLATIVE REGULATIONS

In the following section, we will briefly present the more significant environmental crimes stipulated by the Croatian Criminal Code. The overview will consist of an analysis of legal provisions and a description of relevant case law which shows how a particular provision has been implemented in practice. It is important to emphasize that not all crimes have been equally established in case law so far. Thus, for some offenses, there is extensive available case law, while for others, there may be only a few or even a single final court decision. Therefore, the overview will focus on those crimes for which a significant body of case law is available at the time of writing this paper. Crimes for which not a single decision is available will not be covered in this text, in an effort to maintain conciseness and practical relevance of the overview.[11]

Environmental Pollution (Article 193)

This criminal offense is regulated by Article 193 of the Criminal Code. The basic form is committed by anyone who, contrary to regulations, releases, introduces, or discharges substances or ionizing radiation into the air, soil, underground, water, or sea that could permanently or significantly endanger their quality or could significantly or extensively endanger animals, plants, or fungi, or could endanger human life or health. The prescribed penalty is imprisonment from six months to five years. The qualified form, punishable by

[10] Derenčinović, D., Novosel, D. (2012). Zakon o odgovornosti pravnih osoba za kaznena djela – prolazne dječje bolesti ili (ne)rješiva kvadratura kruga. *Croatian Yearbook of Criminal Law and Practice* 19 (2), 585–613.

[11] The following criminal offenses are not included in the overview: Discharge of Polluting Substances from a Vessel (Art. 194); Endangering the Environment through Facility Operations (Art. 197); Endangering the Environment with Radioactive Substances (Art. 198); Endangering the Environment by Noise, Vibrations, or Non-ionizing Radiation (Art. 199); Destruction of Protected Natural Areas (Art. 200); Habitat Destruction (Art. 201); Trading in Wild Species (Art. 202); Illegal Introduction into the Environment of Wild Species or GMOs (Art. 203); Spreading of Infectious Animal Diseases and Harmful Organisms to Plants (Art. 206); Production and Distribution of Harmful Animal Treatment Substances (Art. 207); Veterinary Malpractice (Art. 208); Forest Devastation (Art. 209); Alteration of Water Regime (Art. 210);

one to eight years in prison, is committed by anyone who releases, introduces, or discharges substances or ionizing radiation into the air, soil, underground, water, or sea, thereby endangering human life or health. Negligence is also punishable, in which case the prescribed penalty is imprisonment for up to two, or up to three years, depending on the form committed in the specific case. In all cases, these are crimes of abstract endangerment, so it is not necessary for the described consequences to have actually occurred, but only that they "could" have occurred.

This is a so-called blanket provision, so it is necessary to consult a special law (Environmental Protection Law) when interpreting it. The basic form consists of abstract endangerment, using so-called blanket dispositions. The qualified form, on the other hand, consists of concrete endangerment and does not involve blanket dispositions. Both forms can be committed intentionally and negligently, but it is important to note that intentional forms allow for the possibility of so-called indirect intent, in which the perpetrator is aware that their actions could constitute this criminal offense and consents to this.[12] Attempt is punishable in intentional forms, and there is also a possibility of exemption from punishment (Article 213 of the Criminal Code) if the perpetrator voluntarily eliminates the danger or condition they caused. This is a type of so-called effective remorse, aimed at encouraging the perpetrator to eliminate or mitigate the harmful consequences of their actions, serving the goal of crime prevention.[13]

Insight into case law does not yield many final decisions. For the purposes of this analysis, a case can be cited where it was determined that the defendants had established several companies for the purpose of engaging in criminal activity, with the goal of acquiring unlawful material gain. They procured and fabricated false business documentation on the procurement and sale of blue diesel, i.e., processed such oil into euro diesel, and on the distribution of such processed products in retail and wholesale, and they also discharged large quantities of harmful waste substances into the environment, leading to permanent pollution of the soil and plants. They conducted an illegal process of extracting Euromarker Solvent Yellow 124, found in the colored gaseous fuel known as blue diesel. By filtering blue diesel through various additives such as activated carbon, sulfuric acid, and sandstone, they obtained eurodiesel fuel that does not contain Euromarker. In this way, their actions constituted this criminal offense and they were convicted.[14]

[12] Novoselec, P. (2016). *Opći dio kaznenog prava*. Osijek: Faculty of Law in Osijek, 225.
[13] Turković, K. et al. (2013). *Komentar Kaznenog zakona*. Zagreb: Narodne novine, 265.
[14] County Court in Osijek, Kv II-147/2016.

Further insight into case law shows, however, that there are sometimes incorrect interpretations arising from the failure to distinguish between abstract and concrete endangerment. The following example will illustrate this. A company in the city of Rijeka was engaged in the storage and transshipment of coal and iron ore. The entire transshipment took place in a port located in a populated area, close to houses and apartments. During the transshipment and transport of coal and iron ore, dust was generated, which citizens inhaled, and it settled on windows, inside citizens' homes, and on cars. This situation had continued for a long time, approximately 15 to 20 years. Only later were measures and actions taken to address these problems, with the facility currently undergoing reconstruction. Air and seabed quality analyses found particle exceedances, leading to the State Inspectorate filing three misdemeanor complaints against legal entities and responsible persons in those entities for air pollution in 2022 alone. Further investigations confirmed air and seabed pollution, with elevated levels of various metals and other compounds. Despite this, the competent state attorney's office dismissed the criminal complaint, reasoning that it was necessary to prove that the described consequences had actually occurred. This interpretation stems from the incorrect assumption that this is a crime of injury or (possibly) concrete endangerment, while it is clear from the legal description that only abstract endangerment is required. Therefore, this interpretation is too limited.

Endangering the Ozone Layer (Article 195)

The law states that this criminal offense is committed if a person, contrary to regulations, produces, imports, exports, puts on the market or uses substances that harm the ozone layer. This is also a so-called blanket offense, as in the previous case. The prescribed penalty is imprisonment from three months up to three years, and this offense can be committed by negligence, for which the prescribed penalty is imprisonment for up to one year. A fine can also be imposed as the principal punishment (Article 40, paragraph 4 of the Criminal Code). Here too, the offense can be committed with indirect intent, as with the previously described offense. However, attempt is not punishable in this case.

Endangering the ozone layer falls into the typical category of crimes of abstract endangerment, as it is sufficient for the substances to be potentially capable of damaging the ozone layer, without requiring actual damage to have occurred. In practice, an interesting question arose regarding the applicability of the principle of insignificance, given that the ozone layer is a legally protected good of great significance for everyone. In Croatian criminal law,

the principle of insignificance is a reason for acquittal (so-called reason for excluding criminal liability). Thus, the actions of the accused XY constituted the criminal offense of endangering the ozone layer under Article 195, paragraph 1 of the Criminal Code, because on the day in question at the border crossing M., he imported for use in the Republic of Croatia, 13.6 kg of the substance freon R 22 (chlorodifluoromethane) in a gas cylinder, despite being aware that these substances adversely affect the ozone layer and their use is prohibited. The first-instance court acquitted him by applying the principle of insignificance due to the lack of harmful consequences. The State Attorney's Office appealed the verdict, arguing that the principle of insignificance could not be applied because the legal text does not require the occurrence of consequences, so the absence of consequences cannot be interpreted in favor of the principle of insignificance. The appellate court rejected the appeal and confirmed the first-instance verdict, explaining that "13.6 kg of the substance freon R 22 does not in itself constitute a significant danger to the ozone layer."[15]

Environmental Endangerment by Waste (Article 196)

The law states that the basic form of environmental endangerment by waste, punishable by up to two years in prison, is committed if the perpetrator, contrary to regulations, carries out unauthorized waste traffic in a quantity greater than negligible in one or several apparently related shipments. Traffic will be considered "unauthorized" if, for example, it is carried out without the necessary consent or with forged consent (which could involve concurrent charges for the corresponding offense of forgery), etc. This is a blanket offense. The qualified form, punishable by six months to five years in prison, exists when the perpetrator, contrary to regulations, discards, disposes, collects, stores, processes, imports, exports, or transports waste or mediates in doing so or manages it in a way that can permanently or significantly endanger the quality of air, soil, underground, water or sea, or significantly or extensively endanger animals, plants, or fungi, or endanger human life or health. Both forms can also be committed by negligence, with a prescribed penalty of up to one, or up to two years in prison, respectively. Attempt is punishable only in the qualified form under paragraph 2.

From the available case law, the following example can be described. Over a period of 4 years, the accused, as the owner and director of a small dairy, organized its operation contrary to the provisions of the Water Law and the Waste Law. Specifically, he failed to obtain a water management permit

[15] County Court in Varaždin, 21 Kž-204/2018.

for the use of water, i.e., for the discharge of water with altered properties or waste substances. In addition, he did not have the required tank for collecting or purifying wastewater and, despite a decision from the water management inspectorate, which imposed a ban on discharging wastewater into the roadside ditch and further through a drainage channel crossing multiple properties, he continued to discharge wastewater. He did so knowing that, due to the harmful chemicals they contained, this caused odor and significant pollution of the surrounding properties of various owners and groundwater. Due to his actions, the cultivation of any agricultural crops on the surrounding land of at least one acre was made impossible. The court found that by his actions, the accused committed the criminal offense of environmental endangerment by waste.[16]

Illegal Hunting and Fishing (Article 204)

This criminal offense can be committed in three possible forms. The first (basic) form, punishable by up to one year in prison, is committed by anyone who hunts game during the closed season, in areas where hunting is not permitted, or without having passed the hunting exam. The qualified form, punishable by up to three years in prison, is committed by those who hunt game, fish, or other freshwater or marine organisms in a manner or with means that lead to their mass destruction, or by using prohibited auxiliary means. Lastly, the third form, punishable by up to one year, is committed by anyone who permanently takes a prime game trophy abroad. The mandatory confiscation of items intended or used for the commission of any of the described forms of this criminal offense is prescribed. A monetary fine can also be imposed as the principal penalty.

Under previous legislation, these were two separate criminal offenses that were merged into one in the 2013 reform. However, this offense does not include hunting protected animal species, which is regulated by a separate provision (Article 200 of the Criminal Code/11). It is important to note that hunting without a special permit, fishing during the closed season, fishing in prohibited areas, and the relocation of game and fish are not criminal offenses but misdemeanors.[17] The discussed criminal offense is also conceived as a blanket offense, so its interpretation needs to be supplemented by special regulations, primarily the Law on Hunting, the Law on Marine Fisheries, and the Law on Freshwater Fisheries.

[16] County Court in Bjelovar, Kž-340/02.

[17] Cf. Turković, K. et al. (2013). *Komentar Kaznenog zakona*. Zagreb: Narodne novine, 276.

Several interesting legal questions have appeared in case law. The first of these is the issue of legal continuity between the old and new legislation. The accused were charged with hunting a mouflon weighing at least 20 kg on October 11, 2011, in a hunting ground managed by a university, without written permission from the hunting rights holder, from the sea, in a boat, with a semi-automatic rifle "Crvena Zastava," caliber 7.9 mm, contrary to Article 68 of the Hunting Act. They were acquitted by a final court decision, with the reasoning that the modalities of committing the criminal offense of illegal hunting under Articles 258, paragraphs 1 and 2 of the Criminal Code/97, do not have legal continuity in the criminal offense of illegal hunting and fishing under Article 204 of the new Criminal Code. The court particularly noted that "the description of the act in the indictment does not contain any incrimination from Article 204 of the Criminal Code/11, as the accused are not charged with hunting during the closed season or in an area where hunting is not permitted, nor with hunting game without having passed the hunting exam."[18]

The same example raised the question of what constitutes "mass destruction" according to the legal description. In this regard, the court pointed out that hunting with an automatic rifle does not constitute a means by which game is massively destroyed and that for the existence of this criminal offense, it is not sufficient for it to be merely a means by which game can be massively destroyed, as in that case, even an ordinary hunting rifle could be considered a means for mass destruction, although it is "notoriously a weapon that is a permitted means for hunting game."[19]

Furthermore, what is considered hunting has been controversial in practice, leading to different decisions. In one case, the court concluded that hunting is "any activity aimed at acquiring game, and the act of commission described by the word 'hunts' includes actions before the actual wounding or shooting of game and its removal, i.e., capturing live game, such as searching, observing, waiting, luring, following, etc." Accordingly, there is liability for a perpetrator who moves with a hunting rifle through a hunting ground without the permission of the hunting rights holder, searching for game with the intention of unauthorized shooting.[20] On the other hand, courts have determined that it is not considered hunting when the accused move with a hunting rifle along a road through a national park because there was no shooting of animals.[21]

[18] County Court in Rijeka, Kž-210/2014.

[19] *Ibid*.

[20] County Court in Split, Kž-271/17.

[21] County Court in Zagreb, 15 Kž-1059/2017.

Killing or Torturing Animals (Article 205)

Killing or torturing animals is perhaps the most prevalent criminal offense in Croatian case law when it comes to environmental crimes. Besides being an expression of cruelty towards animals, this act can often be a potential indicator of a propensity for violent behavior towards humans as well, as evidenced by numerous scientific studies.[22] Therefore, criticism can be directed at the Croatian legislator for prescribing very low, almost symbolic penalties for this offense. Thus, a penalty of up to one year in prison is prescribed for anyone who kills an animal without justified reason or severely abuses it, inflicts unnecessary pain, or subjects it to unnecessary suffering. If the described behavior is committed for gain, the prescribed penalty is imprisonment for up to two years. These two forms can only be committed with direct intent, while indirect intent will result in misdemeanor liability.[23] The stricter punishment for committing this offense for gain was primarily motivated by efforts to combat the organization of illegal dog fights.[24] It should be emphasized that the motive of sadism is not considered an element of this criminal offense.[25]

Liability for negligence is also stipulated but only in situations where someone exposes an animal to a distressing condition over a long period by withholding food or water or in another manner. Such conduct must last over a long period; otherwise, it will only constitute a corresponding misdemeanor.[26] In this case, a penalty of imprisonment for up to six months is prescribed, and it is significant to note that the Criminal Code prescribes unconditional imprisonment for penalties of up to six months only exceptionally, while primarily opting for community service as an alternative. Mandatory confiscation of the animal is prescribed for all forms of this criminal offense.

The defendant, who was convicted of this crime, was in arable land not far from their house, when a golden-yellow mixed-breed dog ran into his yard and slaughtered one hen. The defendant took a wooden stake, chased the dog out of the yard, ran after him, and in the corn field repeatedly hit him in the head with a 170 cm long wooden stake and crushed his skull, after which the dog died.[27] Similarly, the accused was found guilty after a chicken owned by a neighbor came into her yard, and with the intention of killing it, she hit the chicken with

[22] See e.g. Bonella Gomes, L. et al. (2021): Diagnosis of animal abuse: A Brazilian study. *Preventive Veterinary Medicine*, p. 194.

[23] County Court in Zagreb, 8 Kž-792/2018.

[24] Cvitanović, L. in: Novoseelec, P. et al. (2007): Posebni dio kaznenog prava, Faculty of Law, University of Zagreb, Zagreb. 285.

[25] County Court in Osijek, Kž-540/2021.

[26] Municipal Court in Velika Gorica, K-297/2016.

[27] Municipal Court in Zlatar, K-356/2015.

a wooden stake, and then threw it into the riverbed, whereupon the chicken died.[28] Another example can be cited when the defendant approached a chained dog and cut it in the chest with a chainsaw, inflicting deep cuts and lacerations on the right side of the chest and breaking its ribs, which led to hemorrhaging into the subcutaneous tissue of the muscles and the chest cavity, causing the dog to die in great pain.[29] In another example, the defendant was sentenced for breaking the necks of 8 chickens and then throwing them onto the road.[30]

Illegal Exploitation of Mineral Resources (Article 211)

This offense is committed by anyone who carries out the exploitation of mineral resources contrary to regulations and thereby causes significant damage. Here, it is necessary to establish causality between the exploitation and the resulting damage, so it is essentially a crime of injury. The prescribed penalty is imprisonment for up to three years, with attempt being punishable. The qualified form, with a penalty ranging from six months to five years, will exist if the exploitation is carried out in an area that has been declared a protected area by regulation or decision of the competent authority. The law mandates the confiscation of items that were intended for, used in, or resulted from the commission of this criminal offense.

There is an interesting case where the defendants were convicted for carrying out the exploitation of technical-construction stone basalt in a quarry, contrary to specific regulations, outside the limits of approved exploitation according to the main mining project. The defendants had a concession only for a certain part of the field, and they conducted excavation beyond the approved area without a concession.[31]

Illegal Construction (Article 212)

The last criminal offense presented here is the offense of illegal construction. It is committed by anyone who, contrary to regulations, constructs a building in an area that has been declared a protected area, cultural good, or other area of special interest to the state by regulation or decision of the competent authority. The prescribed penalty is imprisonment from six months to five years, and attempt is punishable. The offense can be committed with both

[28] Municipal Court in Zlatar, K-200/2019.

[29] Municipal Court in Velika Gorica, Kž-619/2017.

[30] Municipal Court in Zadar, Kž-540/2021.

[31] County Court in Osijek, Kž-546/2014.

direct and indirect intent. It should be noted that criminal liability has been significantly narrowed compared to the old legislation, as only construction in protected areas is punishable (47 % of the terrestrial and 39 % of the maritime area of Croatia).[32] This is a blanket offense.

Case law includes both convictions and acquittals. As an example of a conviction, there is a case where the defendant, contrary to Articles 48 and 209 of the Law on Spatial Planning and Construction and Article 3 of the Law on Maritime Domain and Seaports, constructed a 650-meter-long road along the coastal strip, a few meters from the coastline, without obtaining a building permit, a decision on construction conditions, or main project certification, through a contractor at a location that constitutes maritime domain.[33] On the other hand, a defendant was acquitted for reconstructing an apartment in a building, not registered as a cultural good but located in an area declared a cultural-historical whole, in a manner that increased the number of residential units from one to three apartments, which were partitioned and formed three separate units, not in accordance with the location conditions. The new Criminal Code restricts the scope of punishable offenses so that now only illegal construction in protected areas, protected natural values, cultural goods, or other areas of special interest to the state is punishable. A cultural-historical whole, according to Article 6, paragraph 5 of the Act on the Protection and Preservation of Cultural Goods, is a settlement or part of a settlement, as well as an area that is protected as a cultural good. The court concluded that "in this specific case, an internal reconstruction of the building, which is not registered as a cultural good, was carried out, so even though the building is located in an area declared a cultural-historical whole and since the external appearance of the building has not been changed, such construction can be subject to a misdemeanor penalty but does not fall within the scope of criminal liability."[34]

CONCLUSION

The chapter on criminal offenses against the environment in Croatian criminal legislation clearly contains a very large number of criminal offenses, the majority of which (more than half) have hardly been applied in case law at all. There are multiple reasons for this. Firstly, statistical data shows that criminal complaints are mainly filed by the police, which means that other

[32] Turković, K. et al. (2013). *Komentar Kaznenog zakona*. Zagreb: *Narodne novine*, 281–282.

[33] County Court in Zagreb, Kž-631/2018.

[34] County Court in Bjelovar, KŽ 32/2015.

competent bodies are not exercising their legally established powers in this area. This is a significant problem considering that for most of these criminal offenses, there are no individual victims who would file a complaint and initiate proceedings.

Furthermore, most of the criminal offenses in this chapter are constructed as blanket norms, meaning that their interpretation requires knowledge of specific regulations. There are many such regulations, and they are often outdated and cannot easily be applied in practice. Moreover, sometimes the distinction between criminal offenses and misdemeanors in certain segments of environmental protection is not entirely clear, leading to ambiguities and uncertainties. Additionally, the penalties prescribed for most of the criminal offenses in this chapter are very mild, allowing for a wide application of prison alternatives (community service and suspended sentences), creating an impression of certain insignificance or insufficient seriousness of this part of criminal law. This is particularly evident in the case of the criminal offense of killing or torturing animals, which is very common in case law and indicates a high level of aggressiveness and social danger of the perpetrators, but despite this, the prescribed penalty is mild, raising questions about its ability to achieve the proclaimed purpose of punishment. For some of these criminal offenses, it is also possible to impose a fine as the principal penalty, which, in our opinion, further strengthens the previously described impression and weakens the purpose of punishment.

The underdeveloped case law regarding most of these criminal offenses is undoubtedly also influenced by the lack of criminal law literature in this area, which would help in interpreting individual provisions and thus provide guidelines for action. The absence of appropriate professional and scientific articles, legal commentaries, and, in general, a lack of interest from the scientific and professional community in the issue of the protection of the environment through criminal law can have a demotivating effect on the practical field as well. Therefore, it would be advisable to develop a specialized postgraduate program in the field of law in the near future, which would draw attention to these and related problems.

An effective criminal law framework for environmental protection is one of the key factors for the preservation of natural resources, protection of human health, and sustainability of the planet for present and future generations. The criminal justice system plays a crucial role in ensuring that those responsible for serious violations of environmental rules are held accountable. This contributes to the principle of the rule of law and sends a clear general preventive message that such activities are unacceptable and will be sanctioned. Therefore, it is important in the future to strive to develop these provisions in a direction that will enable their broader practical applicability.

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See e.g. Donnelly, B., Bishop, P. (2007). Natural Law and Ecocentrism. *Journal of Environmental Law*, 19 (1).

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