



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

DECISION

Application no. 18235/22
Aleksandar HINIĆ
against Croatia

The European Court of Human Rights (First Section), sitting on 10 September 2026 as a Committee composed of:

Raffaele Sabato, *President*,

Frédéric Krenc,

Davor Derenčinović, *judges*,

and Liv Tigerstedt, *Deputy Section Registrar*,

Having regard to:

the application (no. 18235/22) against the Republic of Croatia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 5 April 2022 by a Croatian national, Mr Aleksandar Hinić (“the applicant”), who was born in 1967, lives in Pula and was represented by Mr N. Radišić, a lawyer practising in Pula;

the decision to give notice of the complaints concerning the right to a fair trial and to respect for private life to the Croatian Government (“the Government”), represented by their Agent, Ms Š. Stažnik, and to declare inadmissible the remainder of the application;

the parties’ observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns the revocation of the applicant’s professional licence, and his consequent inability to work as a security guard for a period of some two years and eight months.

2. The applicant worked as a private security guard (*zaštitar*) and possessed a licence to practice, issued by the Ministry of the Interior in 2005. He was employed by the security company C. and was also its director.

3. Following an incident in a nightclub on 13 April 2018, while the applicant had been on duty, in June 2018 the police instituted two sets of minor offence proceedings against him for disturbance of public peace and order and for breaches of the Private Security Act.

4. On 25 March 2019 the police revoked the applicant's licence to work as a security guard because the minor offence proceedings against him had involved violent elements so that he no longer fulfilled the conditions to carry a weapon or, consequently, to work as a security guard. His challenge of the revocation decision was dismissed by the administrative courts, which held that since persons performing activities of a security guard were entrusted with the exercise of legally prescribed authority similar to the police, the legislator's power to prescribe stricter conditions for the exercise of such activities did not violate the individual's right to work. His subsequent constitutional complaint was dismissed by the Constitutional Court on 26 October 2021.

5. Meanwhile, on 13 September 2019 the applicant applied to be issued the permission to perform the activities of a guard (*čuvár*) and was issued with a corresponding licence on 25 October 2019.

6. Subsequently, on 7 April 2021 the applicant was found not guilty of the minor offence under the Private Security Act. In 2022 the second set of minor offence proceedings was terminated because it had become time-barred.

7. During his inability to perform security guard activities, the applicant continued to work as a guard and act as the director of the security company C.

8. On 20 May 2022 the applicant's licence to perform security guard activities was returned to him.

9. The applicant complained, under Articles 6 and 8 of the Convention, that the administrative courts had failed to assess whether the automatic taking of his professional licence had disproportionately affected his right to work, as a result of which he had been prevented from working as a security guard for some three years.

THE COURT'S ASSESSMENT

A. Alleged violation of Article 8 of the Convention

10. The general principles concerning Article 8 of the Convention in labour-related disputes have been summarised in *Budimir v. Croatia*, no. 44691/14, §§ 39-43, 56 and 57, 16 December 2021. In particular, when a private-life issue in an employment-related dispute is at stake because of the consequences for private life ("consequence-based approach"), a certain threshold of severity must be attained and it is up to the applicant to present evidence substantiating the seriousness of the consequences of the impugned measure. The Court will only accept that Article 8 is applicable where such

consequences are very serious and affect the applicant's private life to a very significant degree (see *Denisov v. Ukraine* [GC], no. 76639/11, §§ 115-16, 25 September 2018).

11. In the present case, it transpires from the facts of the case that, following the revocation of his security guard licence, the applicant did not remain unemployed or without any means of subsistence. To the contrary, it would appear that, shortly after the revocation, he requested and obtained a licence for the performance of the activities of a guard (see paragraph 5 above), the main difference between the two being that a guard was not authorised to carry a weapon. The applicant thus remained professionally active and involved in the performance of very similar duties throughout the period of his inability to work as a security guard (contrast *Budimir*, cited above, § 46).

12. What is more, during the impugned period of some two years and eight months during which his security guard licence was revoked, the applicant continued to occupy the position of the director of security company C. According to the official financial documents submitted by the Government, the said company continuously operated with a profit throughout the period in question.

13. Consequently, comparing the applicant's life before and after the measure in question, it cannot be said that the measure complained of had produced sufficiently serious negative consequences for the applicant's private life, in particular as regards his "inner circle", opportunities for him to establish and develop relationships with others, or his reputation.

14. Accordingly, this complaint is incompatible *ratione materiae* with the provisions of the Convention within the meaning of Article 35 § 3 (a) and must be rejected in accordance with Article 35 § 4.

B. Alleged violation of Article 6 of the Convention

15. Under Article 6 of the Convention, the applicant chiefly complained about the lack of reasoning of the national courts' judgments.

16. However, the Court should not act as a court of fourth instance and will not therefore question under Article 6 § 1 the judgment of the national courts, unless their findings can be regarded as arbitrary or manifestly unreasonable (see *Bochan v. Ukraine* (no. 2) [GC], no. 22251/08, § 61, ECHR 2015). A domestic judicial decision cannot be qualified as arbitrary to the point of prejudicing the fairness of proceedings unless no reasons are provided for it or if the reasons given are based on a manifest factual or legal error committed by the domestic court, resulting in a "denial of justice" (see *Moreira Ferreira v. Portugal* (no. 2) [GC], no. 19867/12, § 85, 11 July 2017), that is, an error so "evident" that no reasonable court could ever have made it (see *Bochan*, cited above, § 62).

17. The Court notes that the applicant's case was carefully examined before two instances of the Ministry of the Interior and subsequently by two court instances, followed by a review by the Constitutional Court. In the circumstances, the Court is satisfied that the Rijeka Administrative Court in its judgment of 11 March 2020 gave sufficient and convincing reasons for its decision, which the Court does not consider arbitrary or manifestly unreasonable (see paragraph 4 above).

18. It follows that this complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 1 October 2026.

Liv Tigerstedt
Deputy Registrar

Raffaele Sabato
President