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O STATUS DOS PARTIDOS POLÍTICOS NO SISTEMA CONSTITUCIONAL DO ESTADO MODERNO: PROBLEMAS TEÓRICOS E O PAPEL DA CC EM SUAS SOLUÇÕES PRÁTICAS

THE STATUS OF POLITICAL PARTIES IN THE CONSTITUTIONAL SYSTEM OF THE MODERN STATE: THEORETICAL PROBLEMS AND ROLE OF CC IN THEIR PRACTICAL SOLUTIONS

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RESUMO

Objetivo: O artigo tem como objetivo analisar o status constitucional e legal dos partidos políticos no estado moderno, com foco específico na República da Sérvia. Examina o papel dos partidos políticos dentro do sistema constitucional e o papel do Tribunal Constitucional na regulamentação e supervisão de suas atividades, particularmente no que diz respeito à sua constitucionalidade e legitimidade.

Metodologia: O estudo utiliza o método de análise sistêmica, juntamente com abordagens jurídico-formais e comparativas, para avaliar o status dos partidos políticos na Sérvia. A pesquisa também inclui um exame detalhado das disposições constitucionais, leis e decisões judiciais relacionadas à criação, operação e proibição de partidos políticos.

Originalidade: Este artigo oferece um exame aprofundado da relação entre os partidos políticos e a regulamentação constitucional, apresentando uma perspectiva única sobre os desafios enfrentados pelos partidos para aderir aos princípios democráticos, mantendo a legitimidade constitucional. O estudo destaca o papel em evolução dos partidos políticos dentro do sistema político sérvio e a influência do controle constitucional sobre suas operações.

Resultados: Os resultados revelam que o quadro jurídico da Sérvia para os partidos políticos permanece relativamente liberal, apesar do aumento das exigências para a formação e regulamentação dos partidos. O Tribunal Constitucional desempenha um papel crucial em garantir que os partidos políticos cumpram os padrões democráticos e os princípios constitucionais. Além disso, o estudo enfatiza o papel dos partidos de minorias nacionais e sua representação no sistema político mais amplo.

Conclusão: O artigo conclui que, embora a Sérvia tenha feito avanços significativos na regulamentação dos partidos políticos, são necessárias reformas contínuas para resolver lacunas na legislação e na supervisão constitucional. A autoridade do Tribunal Constitucional para proibir partidos políticos com base em suas atividades anticonstitucionais continua sendo um componente crítico para garantir um sistema político democrático.

Palavras-chave: Sistema constitucional; Criação e dissolução de um partido político; Constitucionalidade e legitimidade; Tribunal Constitucional; Controle constitucional e

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partidos políticos.

ABSTRACT

Objective: The article aims to analyze the constitutional and legal status of political parties in the modern state, with a specific focus on the Republic of Serbia. It examines the role of political parties within the constitutional system and the role of the Constitutional Court in regulating and overseeing their activities, particularly concerning their constitutionality and legitimacy.

Methodology: The study employs a systematic analysis method, along with formal-legal and comparative approaches, to evaluate the status of political parties in Serbia. The research also includes a detailed examination of constitutional provisions, laws, and court decisions related to the establishment, operation, and prohibition of political parties.

Originality: This article provides an in-depth examination of the relationship between political parties and constitutional regulation, offering a unique perspective on the challenges faced by political parties in adhering to democratic principles while maintaining constitutional legitimacy. The study highlights the evolving role of political parties within the Serbian political system and the influence of constitutional control over their operations.

Results: The findings reveal that Serbia's legal framework for political parties remains relatively liberal, despite increasing requirements for party formation and regulation. The Constitutional Court plays a crucial role in ensuring that political parties adhere to democratic standards and constitutional principles. Additionally, the study emphasizes the role of political parties of national minorities and their representation within the broader political system.

Conclusion: The article concludes that while Serbia has made significant advancements in regulating political parties, ongoing reforms are necessary to address gaps in legislation and constitutional oversight. The Constitutional Court's authority to prohibit political parties based on their anti-constitutional activities remains a critical component of ensuring a democratic political system.

Keywords: Constitutional system; Creation and dissolution of a political party; Constitutionality and legitimacy; Constitutional Court; Constitutional control and political parties.

1 INTRODUCTION

Despite the fact that the very emergence of political parties as active participants of the political process dates back to the 18th century, nowadays neither the development of national policy nor its implementation is not possible without this essential element of the socio-political environment. However, a number of current constitutions do not mention political parties at all; or refer them in the context of the political right to freedom of assembly, thus giving political parties and other political establishments the freedom of association. At the same time, laws on political parties regulate in detail the procedure for exercising the civil right to assembly and following right to be a member

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of a political party. And yet, nowadays, the tendency of political parties to occupy the more and more increasing place in constitutional regulation is becoming continuously more apparent (Polovchenko, 2009). This trend vividly reflects the process of constitutionalization of political parties in a view of their growing importance to the political system of modern society.

The history of political parties in Serbia begins its countdown from the end of the 19th century, when, according to the figurative expression of professor Popović, '... political parties acquired citizenship for the first time in Serbian political history' (Jevtić & Popović, 2003; Bojanić, 2013). This process was directly associated with the enactment of the Law on Association (1881), that was the first-of-its-kind adopted in Serbia. The existence and structure of Serbian multi-party system, as, in fact, constitutional development in general, was influenced by numerous political events of varying orientations (which are particularly full of Serbian 20th-century history) for almost over 150 years (Marković, 2007). Thus, the socialist period of development within the Yugoslav Federation had a significant impact on the political system of Serbia, when, under the conditions of a one-party system, the only legal party was, in fact, the central component of the state mechanism. And this is in spite of the fact that Part 1 of Article 167 of the Constitution of the Socialist Federal Republic of Yugoslavia of 1974 proclaimed 'freedom of association' of citizens', but, according to apt words of professor Marković (2014), this obviously referred to the organizations and associations that did not have any political goals (such as conquest and exercise of state power) (Pajvančić, 2009; Petrov, 2012a).

The 1990 Serbian Constitution was the first constitutional act adopted after World War II, which explicitly prohibited discrimination for political or other convictions (The Constitution of the Republic of Serbia, 1990). Thus, the principle of political pluralism in the constitutional system of Serbia was somewhat indirectly restored. In addition, Article 44 of the 1990 Constitution of the Republic of Serbia contained a provision proclaiming 'the freedom to organize political, trade union and other associations without permission, just by registering with the competent authorities' (Petrov, 2012b). As a result, this formal constitutional law eliminated the longstanding monopoly of the Communist Party (Polovchenko, 2015; Polovchenko, 2019a). However, the 1990 Constitution did not lay the basic foundations of the party system, the regulation of which was granted to the Law on Political Parties (1990) (which, as a matter of fact, was already adopted several months before the 1990 Constitution itself); in the fair

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opinion of professor Stojanović (2009), 'this solution was of uttermost inexpedience in a view of transition from one-party to a pluralistic political system' p. 124). Therefore, qualitative changes in the regulation of the arrangement procedure and activities of political parties in the Republic of Serbia were a matter of time, which came with the adoption of the 2006 Constitution (Polovchenko, 2021; Sadurski, 2008).

2 METHODOLOGY

The object of the presented paper was a set of constitutional legal relations arising from the arrangement procedure and further activities (as well as operational supervision) of political parties in the Republic of Serbia. The study was conducted using a number of general scientific and special methods of cognition and research. Like other post-socialist states of Europe, Serbia, with the rejection of ideological and political monism, sought to create a political system based on political pluralism and multi-party system that would meet the highest European standards of democracy. As a result, the 2006 Serbian Constitution laid the foundations of a modern political system, the most important component of which is constituted by political parties. The latter caused a decisive impact on both the formation and functioning of the constitutional-legal structure of power by penetrating its entire structural links. This is precisely why the method of system analysis, which allows comprehensively analyzing the particular characteristics of the status of political parties in the constitutional system of the Republic of Serbia, was chosen as the leading method of the conducted study. In addition, formal-law and comparative methods of the research were purposefully incorporated while analyzing particular constitutional legal institutions, such as institutions of foundation and the prohibition of political parties in the Republic of Serbia.

So, when analyzing the material on the research topic, the allowance was made to the fact that the process of constitutionalization of political parties is currently actively gaining momentum. This process is largely associated with the introduction of constitutional provisions governing the status of political parties and recognizing their democratic role in the constitutional system; political parties are thuswise becoming subjected to constitutional regulation. As noted by professor Marković, political parties are now the most important participants of all constitutional processes; this is also manifested in the electoral process since the organization and conduct of elections are

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hardly thinkable without political parties (Polovchenko, 2009; Polovchenko, 2016). The same applies to the legislative process, because the parliament is not just an abstract institution, towering above political parties; its structure and functioning are determined by political parties in the form of parliamentary fractions and committees. As a result, the constitutionalization of political parties arises not so much from the need to recognize their democratic role, as from the need to protect democracy from anti-democratic political parties (Marković, 2014).

According to a practice of numerous European post-socialist states, the constitutional court decides on the prohibition of political parties, while in some cases this function is performed by the courts of general jurisdiction, or the constitution transfers the regulation of this issue to the legislators. Moreover, when it comes to the powers of the constitutional court to control the constitutionality of the activities of political parties, there are two opposing opinions in the modern science of constitutional law. According to one of them, it is the constitutional court that should have the authority to decide on banning political parties, since no other body (especially non-political) may exercise this power without itself becoming a participant of the political process. Thus, the Guidelines on the prohibition and dissolution of political parties and analogous measures adopted by the Venice Commission in 1999 stated, in particular, that:

> The prohibition or dissolution of a political party should be decided by the Constitutional court or another appropriate judicial body in a procedure offering all guarantees of due process, openness, and a fair trial. A constitutional court or another appropriate judicial body must decide on the prohibition or dissolution of a political party in a manner that guarantees the legal, open and fair justice. (Council of Europe, 2000).

French academician professor Louis Favoreu was adherent of a fundamentally different approach, pointing out that political party prohibition cases carry the risk of excessive politicization, which even the constitutional court cannot avoid; certainly, the latter set of circumstances is of essential importance for the constitutional court. Therefore, supporters of this point of view advocate the exclusion of such authority from the competence of the constitutional courts (Favoreu, 2007). However, to date, most of the new constitutions of the post-socialist states have entrusted the constitutional court with the authority to decide on the ban on political parties (Tumanov & Polovchenko, 2016). The Constitutional Court of Serbia poses no exception to this

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rule (Polovchenko, 2021).

3 RESULTS AND DISCUSSION

3.1 Modern constitutional and legal status of political parties in the Republic of Serbia

According to Part 1 of Article 55 of the 2006 Constitution of the Republic of Serbia, 'the freedom of political, trade union and any other association and the right not to join any association are guaranteed' (The Constitution of the Republic of Serbia, 2006). Along with the freedom of political affiliation, Part 1 'Constitution Principles' contains an institutional guarantee of the status of political parties. Thus, according to Part 1 of Article 5 of the Constitution, 'the role of political parties in the democratic form of the political will of citizens is guaranteed and recognized'. At the same time, the provisions of the 2006 Constitution prevent the return to a one-party political system, establishing that political parties cannot directly exercise power, as well as subordinate it to themselves (Part 3 of the RS Constitution).

The Law on Political Parties of 2009 defines a political party as an organization of freely and voluntarily affiliated citizens, created to achieve political goals through the democratic formation of citizens' political will and participation in elections (The Law on Political Parties, 2009, Article 2). A political party is established and operated solely on a territorial principle. Professor Stojanović denoted the particular importance of this principle, according to which, the creation or various further activities of political parties based out of the industrial enterprises, institutions, governing bodies and organizations is considered illegal. Thus, the Law excludes the possibility of creating and operating political parties sourced out of the industrial production. This ban also has been continuously developed in the decisions of the Constitutional Court of Serbia. For example, the Court in its decision No. 364/96 pointed out that, in particular,

> the reference in the statute to the formation and activities of a political party based on the industrial principle indicates that the relevant provisions of the contested statute are contrary to the law, which provides that political organizations are established and operated solely on a territorial basis (Constitutional Court of the Republic of Serbia, 2002).

Part 3 of Article 5 of the 2006 Constitution stipulates that the activities of political parties aimed at perforce destruction of the constitutional order, violation of guaranteed

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human or minority rights, incitement of racial, national or religious hatred are not permitted. The activities of political parties are of transparent nature (Art. 6 of the Law on Political Parties).

As for the conditions and arrangement procedures of political parties, Part 2 of Article 5 of the 2006 Constitution guarantees the free establishment of a political party. In addition, this issue is also governed by the general provisions of the 2006 Constitution for all public associations, according to which such associations (including political parties) are established without prior permission by registering in the competent state body in accordance with the law (Part 2 of Article 55 of the RS Constitution). A political party may be initiated by at least 10,000 adult and legally capable to act citizens of the Republic of Serbia.

The establishment of the political party in and of itself comes to pass at the constituent assembly by the adoption of an appropriate constituent act, program, charter and the election of the person authorized to represent the political party. The constituent act of a political party must contain the name, location and legal address of the political party; program objectives; and also name, place of residence, address and identification number of the person authorized to file the application to the register, as well as the date of the adoption of the constituent act.

According to Article 7 of the Law on Political Parties, the activities of political parties must comply with the Constitution, law, program, charter and other general acts. The program of a political party should contain a description of the political principles, and also goals and values advocated by the named party. The law pays special attention to the content of the charter of a political party, which is reflected in Article 14 of the Law, stating that the charter is the main general act of a political party, and therefore other general acts adopted by a political party must comply with the charter. The charter provides for the mandatory regulation of the following: name and location of the political party; visual identity symbols; the structure and content of political media of a party and its organizational units; program objectives; conditions of accession and termination of membership; members rights, duties and responsibilities; internal and territorial arrangements, the party's constituent bodies and their powers; the composition, methods of election and recall, duration of the mandates and decision-making procedures; representation of a political party; the procedure for amending and supplementing the program and the charter, as well as the procedure for adopting and amending other general acts of political parties; support of outspokenness of public

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activities; the procedure for deciding on the entry into wider political unions (domestic and foreign), as well as the merger of a political party; method of financing and implementation of internal control of financial activities; the person responsible for financial activities and reports, as well as the person authorized to maintain contact with the competent authorities; the procedure for disbandment of a political party; the order of disposal of property of a political party in the event of termination of activities or disbandment, as well as other issues that are important for the activities of a political party. Noteworthy is that neither the Constitution nor the Law on Political Parties directly indicates that the internal structure of a political party and the content of its general acts should not contradict the democratic principles laid down in the 2006 Constitution and the 2009 Law. Nevertheless, this is indirectly indicated by both the provision of Part 1 of Article 5 of the 2006 Constitution, which guarantees and recognizes the role of political parties in the democratic formation of the political will of citizens, and in the special powers of the Constitutional Court provided for in paragraph 5 of Part 1 of Article 167: 'To decide on the conformity of general acts (...) of political parties, trade unions and citizen's associations (...) to the Constitution and the law'.

A political party is represented by an authorized person, elected or appointed in the manner determined by the charter. A representative of a political party shall act within the authority established by the charter and decisions of the competent bodies of the party. A political party is obliged to provide public online access to the constituent act, the personal data of the elected or appointed representative, the program, and to the charter and other general acts.

A political party has the right to establish organizational units on a territorial basis in accordance with the law, the charter or other general acts. Organizational units created on a territorial basis do not have the status of a legal entity. A political party, in accordance with its charter, decides on the termination of the activities or disbandment of organizational units on a territorial basis (Article 17 of the Law on Political Parties).

Important novelties introduced by the Law on Political Parties were represented by the special rules governing the creation of political parties of national minorities. Thus, according to Article 3 of the Law, a political party of national minority is a party whose activities, in addition to the above characteristics of a political party, are focused on representing the interests of the national minority, as well as protecting and implementing the rights of persons belonging to national minorities in accordance with the Constitution, law and international standards; the activities of such party are also

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governed by the constituent act, program, and charter (Polovchenko, 2019b). Thus, a national minority political party has common legal characteristics of a political party, while its activities are specifically aimed at representing the interests of the national minority in accordance with the Constitution, the law and international standards. At the same time, the establishment of national minority party requires only 1000 adult and legally capable to act citizens of the Republic of Serbia, such an insignificant number of founders seem quite logical when it comes to national minorities. As a result, more than half of the 119 political parties listed in the register of the Republic of Serbia constitute parties of national minorities. In addition, current Serbian legislation stipulates that in parliamentary and local elections, the 5% electoral threshold for all other political parties does not apply to the parties of national minorities (Polovchenko, 2013). Eventually, representatives of the political parties of the Hungarian, Bosniak, Albanian, and Slovak communities became a part of the National Assembly (Serbian Parliament) of the current convocation. Moreover, the very name of the political party of the national minority may be indicated in the language and script of the minority, if it is provided for by the charter of a party. In this case, the name in the language and script of the national minority is included in the register after indicating the same name in Serbian in a Cyrillic letter (Part 2 of Article 18 of the Law on Political Parties).

Membership in a political party is free and voluntary; every legally capable to act adult citizen of the Republic of Serbia may become a member of a political party on the same conditions established by the charter. At the same time, Part 5 of Article 55 of the 2006 Constitution, the provisions of which are duplicated in the Law on Political Parties, provides that judges (including the judges of the Constitutional Court), prosecutors, Protector of Citizens, police officers and military personnel cannot be members of political parties. This refers to the state powers, for the implementation of which, according to a fair opinion of professor Olivera Vučić (2010), their performers have to be excluded from politics and active political organizations in order to act solely on the basis of their professional interests, the Constitution and current legislation. As for other individuals, including officials and government employees, they should not be guided in the exercise of their official powers by their political convictions, and should not express and defend them. At the same time, the Constitutional Court in its decision No. 353/1995 recognized the prohibition against the above-mentioned individuals to be members of the bodies of political parties as non-compliant to the Constitution. Thus, the Constitutional Court, in particular, noted in this decision that: ‘Membership in

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the body of a political organization cannot be a basis for limiting the freedom of labor guaranteed by the Constitution' (Constitutional Court of the Republic of Serbia, 2005).

A political party must keep records of own members, which should contain personal data of the member, place of residence, address and identification number; and the date of entry and/or termination of membership in a political party. Such accounting should be conducted both in writing and in a single central electronic database (Article 21 of the Law on Political Parties).

The newly established political party is entered in a special register maintained by the Ministry of Public Administration and Local Self-Government. The registration entry is conducted on the basis of an application submitted by an authorized party official within 30 days of the creation of a political party. The Ministry offers the applicant to correct deficiencies within a period of not less than 15 and not more than 30 days if 1) the name of a political party is identical to the name of a political party that has already been entered in the register or has already submitted documents for inclusion in the register or has been deleted from the register, provided that less than four years have passed since the record removal or deletion, or if the name of the party leads to a public misconception or represents an outrage against public morality; 2) the application was submitted by an unauthorized person, or the application was not complemented by the prescribed documentation; 3) the application, constituent act, program and charter of a political party do not contain all the data required in accordance with this Law, or if the application is not submitted in the prescribed form, or the certification of founders' signatures is missing.

If the applicant fails to remedy the deficiencies within the aforementioned time limit, the Ministry of Public Administration and Local Self-Government rejects the application. Such ministerial decision is final and cannot be appealed in the administrative order. The Ministry is obliged to make a decision on the political party registration within 30 days from the date of the submission of a proper application. The decision on the listing in the register is published in the Official Gazette of the Republic of Serbia. The decision is provided with copies of the program and charter, certified by the ministry seal and signature of an authorized official, which confirms their compliance with the copies of the program and charter stored in the ministry (Article 26 of the Law on Political Parties). The political party is obliged to submit an application for updating the registry records after the expiration of the eight-year period (starting from the date of entry to the register); the registry data is open to public access.

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Particular attention deserves the fact that the 1990 Law on Political Organizations was super-liberal, providing, for example, that a political party can be established by only 100 citizens. This, according to the figurative expression of professor Stojanović (2009), led to the 'overflow' of Serbian political environment with all kinds of political parties. In such a way, more than 300 political parties were registered in Serbia by the mid-90s. In light of the foregoing, the 2009 Law on Political Parties was somewhat more stringent in terms of the requirements for registering a political party. Nevertheless, this law retained the liberal system of creating political parties: a system where a political party is created freely and without the permission of state authorities and officials.

Thus, after the registration, a political party acquires the status of a legal entity; the party is entitled to operate from the very date of its official listing. According to Serbian Constitutional Court conclusion No. 279/2009:

> [...] listing in the relevant register is conditio sine qua non for the implementation of the constitutional guarantee of a political party, trade union or any other association, because the constitutional legislators determined the acquisition by the union of legal personality by listing in the corresponding register; this action is of constitutive character and consists in the 'introduction' of the union or association into the constitutional legal system as a special subject. (Constitutional Court of the Republic of Serbia, 2011).

A political party may merge with another or other registered parties in order to create a new one (however, in this case, the party loses its legal personality); a political party formed as a result of a merger of two or more political parties is to be listed in the register on the basis of a corresponding application. Herewith, along with the application, the newly established political alliance have to submit the following documents to the registering authority: decisions on merging political parties; the statement of a set form by members of a party about their membership in a political party formed as a result of the merger of two or more political parties containing certified signatures in the quantity necessary to create a political party in accordance with the Law; notification of consolidated assets (balance sheet); two copies of the program and charter; an act of electing a representative of a new political party and a certified copy of the identity card of the representative.

A political party ceases to exist after being removed from the register, thereby losing the status of a legal entity. A political party is to be removed from the register in the following cases: 1) if the body established by the charter decides to cease the activity;

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2) if a political party merges with another or other political parties; 3) if the Constitutional Court prohibits its activities. In the first two cases, a representative of a political party is obliged to submit an application (and confirming evidence) for the removal of a political party from the register within 30 days from the date of occurrence of the conditions for termination of the activity of a political party. Whether a representative of a political party does not send a required statement on the removal from the registry within 30 days, and the authorized ministry establishes the occurrence of conditions that are grounds for termination, the ministry itself will initiate a removal procedure by the official channel.

Also, it is the Ministry of Public Administration and Local Self-Government that oversees the implementation of the Law on Political Parties. The ministry conducts such supervision through administrative inspections (Art. 40). Noteworthy is that the administrative penalties for violations of the provisions of the Law on Political Parties are directly established by the same law. Thus, a fine of 50,000 to 500,000 Serbian dinars is to be imposed on a political party if 1) the party does not provide online public access to the constituent act, the personal data of the representative of the political party, the program, the charter, and other general acts; 2) the name used in legal circulation differs from the registered version; 3) the party does not notify the Ministry within the prescribed period of changes in the data to be entered in the registry, and/or, respectively, fails to send an application for re-registration or removal from the registry in cases established by law (Article 41 of the Law on Political Parties).

As for the financing of political parties, it is carried out from funds generated from membership fees, contributions, income from party property, loans, donations, wills, as well as the budget of the Republic of Serbia and other sources in accordance with the Law on Financing of Political Organizations (2003); information on these revenues is open for public review. The aforementioned Law relates the volume of state aid to political parties participating in the distribution of the mandates of the deputies of the National Assembly to the outcome of the parliamentary election.

3.2 Authority of the constitutional court of Serbia for the prohibition of political parties and other public associations

The emergence of the institute of constitutional justice in Serbia is directly related to the 1963 Constitution. However, the authority of the Constitutional Court to ban political

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parties and other political organizations was established only by the Constitution of Serbia of 1990 (paragraph 6, Part 1 of Article 125), and then by the Constitution of the Federal Republic of Yugoslavia of 1992 (paragraph 8 of Part 1 of Article 124). Yet the ban on the activities of political parties and other associations on various grounds was known to Serbian political history and practice a little earlier, however, this was not the outcome of the activities of constitutional justice bodies but rather the reflection of various historical events due to sociopolitical processes in Serbia. Thus, the 1921 Law of protection of public security and state order indefinitely banned the Communist Party of Yugoslavia for its anti-constitutional activities; the underlying cause was the assassination of the Minister of Internal Affairs Milorad Drašković by a member of the communist organization Crvena Pravda ('The Red Justice'). Also, Yugoslav authoritarian movement YPN Zbor (Yugoslav National Movement, aka the United Militant Labour Organization) was banned in the interwar period by the prime minister of the Kingdom of Yugoslavia Dragiša Cvetković after a clash of nationalist and communist students at the Technical Faculty of Belgrade University on October 23, 1940.

The current 2006 Constitution (Part 3 of Article 167) provides that the Constitutional Court decides on prohibition of the activities of political parties, trade unions or citizens' associations. Also, according to Part 3 of Article 44 of the Constitution of the Republic of Serbia, the Constitutional Court may issue a ban on a religious community if its activities threaten the values enshrined in the Constitution or if a religious community excites and supports religious, national, or racial enmity. In addition, Article 31 of the Law on amendments and supplements to the Law on Organization of Courts of Serbia provides the Constitutional Court with the authority to adjudicate on matters of secret and paramilitary associations, whose activities are prohibited by the Constitution.

Such a wide scope of this authority of the Serbian Constitutional Court has been quite criticized by Serbian constitutionalists, retaining the opinion that it should be limited to the decision to ban political parties, but no other associations, as provided for. Thus, professor Vladan Petrov believes that the prohibition of other (non-political) associations should be decided by the judicial authorities, and not by the constitutional court. In this respect, the prohibition of non-political associations should not be the subject of the constitutional content whatsoever (Vučić et al., 2010). As a result, the currently dominant position of a number of Serbian constitutionalists states that 'it would be more appropriate, given the legal nature of the Constitutional Court, to

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preserve the institutional definition of the 1990 Serbian Constitution, which provided for the prohibition of activities of a 'political party or other political organization'' (paragraph 6 of Part 1 of Article 125 of the 1990 Constitution of Serbia). According to Vladan Petrov, the current scope of the Constitutional Court powers under consideration (provided for in the 2006 Constitution) only contributes to the degradation of the Constitutional Court, obliging it to make decisions to ban both political (for example, political parties) and non-political organizations (e.g. sports fans groups, etc.) (Vučić et al., 2010).

The most important issue related to the authority of the constitutional court to ban political parties and other public associations is to determine the grounds for prohibition. Thus, one of the conclusions of Venice Commission stressed that

> a prohibition or forced dissolution of political parties can be justified only in relation to those parties that advocate the use of violence or use force as a political means to eliminate the democratic constitutional order, thereby undermining the rights and freedoms guaranteed by the Constitution. The fact that the party is in favor of a peaceful amendment of the Constitution is not sufficient for its prohibition or dissolution. (Council of Europe, 2000).

Therefore, Serbian constitutional legislators tried to implement the recommendations of the Venice Commission to the fullest extent while formulating the constitutional grounds for prohibiting the activities of political parties and other public associations. In addition, the Serbian legal doctrine also paid attention to the fact that the constitutional grounds for such legal actions should not be too specific: they should be general enough to provide the constitutional court with some flexibility in each case; this condition was also taken into account by the Serbian constitutional legislators in drafting the 2006 Constitution. As a result, according to Part 3 of Article 5 of the Constitution of the Republic of Serbia, the basis for prohibiting a political party is the activity of a named party aimed at changing the constitutional system by force, violating guaranteed human or minority rights, and inciting racial, national or religious hatred. On the one hand, it ought to be rewarded that the constitutional legislators of Serbia effectively excluded the possibility to exert any influence over this issue in the framework of current legislation by listing the grounds for prohibiting political parties directly in the text of the constitution. On the other hand, with the adoption of the 2006 Constitution, the Serbian constitutional legal literature rightly called attention to the fact that among the constitutional grounds for prohibiting a political party there was clearly

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not enough provisions ‘on violation of the territorial integrity of the Republic’, which, for example, was provided as a basis for banning political party in the Republic of Montenegro (Vučić et al., 2010). Therefore, this omission of the constitutional legislators was partially eliminated with the adoption of the 2009 Law on Political Parties of the Republic of Serbia. So, the Serbian legislators in the Law on Political Parties of the Republic of Serbia of 2009 provided (along with provisions of the 2006 Constitution) another cause for prohibition: the activities of political parties aimed at violating the territorial integrity of the Republic of Serbia (Part 2 of Article 4), which seems quite practical. In addition, the Serbian legislators indicated in Part 2 of Article 37 of the Law on Political Parties that the activities of a political party that would enter into wider political alliances in the state or abroad, and, respectively, would merge with a political party whose activities are aimed at the violent destruction of the constitutional order and violation of the territorial integrity of the Republic of Serbia, violation of guaranteed human or minority rights, and incitement to racial, national or religious hatred are subjected to prohibition. In addition, as indicated above, the 2006 Constitution of the Republic of Serbia provided the Constitutional Court with the right to ‘decide on the conformity of the general acts (...) of political parties, trade unions and civil groups (...) with the Constitution and the law’ (p. 5 of Part 1 of Art. 167).

The separate issue is that there is no unequivocal opinion in the modern theory of constitutional law on whether a non-democratic internal element of a political party or other public association may become the ground for the prohibition. The main argument in favor of the fact that such non-democratic internal genesis can be a reason to ban a political party is the following: ‘the non-democratic element of the organization cannot but influence its external activities’ (Mersel, 2006). At the same time, the Serbian doctrine draws attention to the fact that with the establishment of 'non-democratic genesis within the union body’ as a basis for its prohibition, the opportunity arises to expand this interpretation. Therefore, as long as they declare themselves as democratic, the Constitutional Court should focus on the activities of political parties and other public associations, and not on the activities of their members, unless, of course, it is proved that such members activities are supported by a political party (and especially by its leadership). For example, in the case of prohibiting the activities of the 'Obraz' organization (Serbian nationalist far-right organization, banned because of its violent activities and anti-human rights ideology), after establishing a bond between the actions of 'Obraz' members and the activities and goals of the organization itself,

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the Constitutional Court came to the conclusion '... that the acts and actions of the organization essentially discriminate citizens based on their personal characteristics' (Constitutional Court of the Republic of Serbia, 2012). At the same time, it should not be overlooked that within the framework of the general compliance assessment, the Constitutional Court, in accordance with clause 5 of Part 1 of Article 167 of the 2006 Constitution, has the right to verify the compliance of charters and other general acts of political parties to the Constitution and the law.

The most important procedural issue related to the proceedings on the prohibition of a political party is the issue of the subjects of the right to initiate this type of proceedings in the constitutional court. There are two approaches to solving this issue in modern Serbian constitutional legal literature. According to the first one, the only authorized entities are political bodies - the government and the parliament (the so-called ‘German model’). According to the second, proceedings to ban the activities of political parties can be initiated (along with political bodies) by the prosecutor, as well as by the body authorized to register political parties. The prominent representative of the first approach, professor Dragan Stojanović (1996), observed, in particular, that

> political bodies - the parliament and the government, are mainly guided in their actions by the principle of political expediency. The ruling parties, given that one day they may turn out to be a parliamentary minority themselves, will not mindlessly resort to the procedure of banning political parties as a tool for 'settle a score' with political opponents. Therefore, the proceedings for the prohibition of a political party will not be often and inappropriately initiated. At the same time, the prosecutor’s office is an independent state body that must remain neutral to the political struggle, however, such authority draws this official directly into this fight. (pp. 315-316).

The advocate for the second approach is professor Slavnić (2003), who considers that the inclusion of the prosecutor's office into the scope of legal subjects of initiation of proceedings for the prohibition of political parties and other public associations is quite legitimate, taking into account the functions of the prosecutor's office.

The Serbian legislators used precisely the second approach in determining the subjects of the right to initiate proceedings to ban political parties and other public associations in the Constitutional Court. Thus, according to Part 1 of Article 80 of the Law on the Constitutional Court (2007), the subjects that have the right to make an initial proposal to ban are the Government, the republican prosecutor, and the body authorized to register political parties, i.e. Ministry of Public Administration and Local Self-Government. These designated entities, according to the letter of the law, are

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obliged to indicate the reasons grounded the proposed ban (Part 2 of Article 80 of the Law on the Constitutional Court). Noteworthy that only the republican prosecutor was conducting proposals to initiate such cases since the entry into legal force of the 2006 Serbian Constitution up to the present; however, that referred to banning the activities of registered and unregistered public associations but not to the activities of a political party (Constitutional Court of the Republic of Serbia, 2012).

The specific character of the proceedings on banning the activities of political parties and other public associations in the Constitutional Court of Serbia is manifested in holding the public hearings, which are an obligatory stage in the Constitutional Court proceedings to adjudicate the prohibition of the activities of a political party and other public associations (Part 1 Article 37 of the Law on the Constitutional Court). The proceedings in the Constitutional Court on the prohibition of political parties are regulated by the Law on the Constitutional Court (however, this law has only three articles allotted to this issue: Art. 80, 81, and 81a), as well as by the Rules of Procedure of the Constitutional Court of Serbia. This contrasts with, for example, the Constitutional Court proceedings on the compliance assessment, where this stage is not obligatory (Part 2 of Art. 37 of the Law on the Constitutional Court). Establishing the obligation to hold public hearings is of fundamental importance when conducting proceedings to ban political parties and other public associations since there is virtually no stage of preliminary review and therefore ‘a full examination of the evidence is carried out at the stage of public hearings’ (Vučić, 2010). A clear illustration of that was the case on the prohibition of the activities of ‘Obraz’ organization. As follows from the reasoning part of the Decision of the Constitutional Court of Serbia, it was hearing of public statements of the leader of this organization, along with the study of program documents, materials and rap sheets on ‘Obraz’ activities and members that provided the Constitutional Court with the opportunity to get enough evidence to make a case decision (Constitutional Court of the Republic of Serbia, 2012). Also, lest we forget that in this type of proceedings the Constitutional Court literally acts as a court of general jurisdiction, because it is more concerned with establishing the factual circumstances than, for example, during the implementation of the abstract compliance assessment (the latter mainly deals with legal issues). Actually, this is precisely why there is an opinion in constitutional theory that the Constitutional Court is not able to successfully conduct evidentiary hearings in a proceeding to ban the activities of political parties since this process par excellence deal with the establishment of facts (Petrov, 2011).

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The ban is to be issued to a political party at the close of the trial whether the Constitutional Court of Serbia established at least one of the constitutional grounds for prohibition. The decision of the Constitutional Court of Serbia on the prohibition of the activities of a political party is mandatory, final and enforceable. As a result, the party gets ejected from the register from the date of delivery of the Constitutional Court decision to the Ministry of Public Administration and Local Self-Government (Article 81 of the Law on the Constitutional Court); and thuswise it ceases to exist. In the fair opinion of professor Slavnić (2003), the prohibition of a political party's activities implies imposing a ban on the political party itself.

4 CONCLUSION

The 21st century has brought the new value to the question of the status of political parties in the constitutional system of the modern state. This is a new stage in the development of sociopolitical processes when traditional ideas about political parties and other public associations are becoming obsolete and no longer correspond to new realities. As a result, the improvement of legislation governing their arrangement procedures and activities becomes an urgent need. These trends clearly demonstrate the innovativeness of the constitutional legislation of Serbia. Thus, the super-liberal legislation on political parties of the early 1990s led to the formation of a very large number of political parties in the Republic of Serbia, which clearly did not contribute to the stabilization of the political system of this state. Modern legislation on political parties, despite the tightening of requirements for the creation and activities of political parties, nevertheless, retained the liberal system of formation of political parties, providing for their free establishment, when the party receives the status of a legal entity right after enlisting in the register. Currently, there are 119 political parties registered and operating in Serbia; of particular importance is the provision of the Law that Serbian political parties are formed and carry out their activities solely on the basis of a territorial principle, having the right to create their territorial branches in accordance with the law and the party's charter. Membership in political parties is not exempted by the Law: any adult and legally capable to act citizen of Serbia can become a member of a political party and leave it on equal terms. The main general act of political parties in Serbia is a charter containing program objectives and information on internal arrangements; this kind of documents is adopted by the parties independently. The

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state control over the activities of political parties is now universally recognized, however, its special characteristics may vary in different constitutional and legal systems. As for the Republic of Serbia, this kind of control is exercised by the Constitutional Court; the authority of the Constitutional Court to ban the activities of political parties was introduced by the 1990 Constitution of Serbia. Moreover, the 2006 Constitution significantly expanded the scope of this authority of the Constitutional Court. Thus, according to the 2006 Constitution, this authority provides for the possibility of prohibiting the activities of not only political parties but also other (non-political) associations: trade union, citizens' associations and even religious communities. Therefore, this innovation of the Serbian constitutional legislation has become an issue of objective and substantiated criticism from particular Serbian constitutionalists. The Law on Political Parties of the Republic of Serbia, which deserves special attention, provided special preferential rules for creating political parties of national minorities; their activities, in accordance with the aforementioned Law, are specifically aimed at representing the interests of a national minority and protecting and implementing the rights of persons belonging to national minorities. As a result, more than half of the 119 political parties listed in the Republic of Serbia constitute parties of national minorities. In addition, current Serbian legislation stipulates that the 5% electoral threshold mandatory for all other political parties does not apply to the parties of national minorities within the framework of parliamentary and local elections (Polovchenko, 2013). Eventually, representatives of the political parties of the Hungarian, Bosniak, Albanian, and Slovak communities became represented in the National Assembly (Serbian Parliament) of the current convocation. Thus, the above-mentioned innovations of the Serbian legislation are undoubtedly relevant as an additional and reliable guarantee for the implementation of constitutional rights and freedoms by individuals belonging to rare and indigenous ethnic communities.

REFERENCES

Bojanić, B. (2013). Položaj I nadležnost Ustavnog suda Republike Srbije [Position and jurisdiction of the Constitutional Court of the Republic of Serbia]. Nauka, bezbednost, policija, 18(3), 141-150. (In Serb.)

Constitutional Court of the Republic of Serbia. (2002). Constitutional Court Decision in case no. IU 364/96. Službeni glasnik Republike Srbije [Official Gazette of the Republic of Serbia] no. 91/02.

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Submetido em: 11/02/2024
Aprovado em: 18/05/2024
Avaliação: Double Blind Reviewe
ISSN: 2316-753X

Constitutional Court of the Republic of Serbia. (2005). Constitutional Court Decision in case no. IU 353/1995. Službeni glasnik Republike Srbije [Official Gazette of the Republic of Serbia] no. 49/05.

Constitutional Court of the Republic of Serbia. (2011). Conclusion of the Constitutional Court in case no. VII U 279/2009 of March 17, 2011. Službeni glasnik Republike Srbije [Official Gazette of the Republic of Serbia] no. 26/2011.

Constitutional Court of the Republic of Serbia. (2012). Constitutional Court Decision in case no. VIIU-249/2009 “On prohibition of the activity of the public association of citizens "Patriotic Movement Obraz". Retrieved from https://ustavni.sud.rs/sudska-praksa/baza-sudske-prakse/pregled-dokumenta?PredmetId=8221

Council of Europe. (2000). Guidelines on prohibition and dissolution of political parties and analogous measures, adopted by Venice Commission at its 41st plenary session (Venice, 10-11 December). Retrieved from https://www.venice.coe.int/webforms/documents/CDL-INF(2000)001-e.aspx

Favoreu, L. (2007). *Droit Constitutionnel*. Paris: Groupe Lefebvre Dalloz.

Jevtić, D., & Popović, D. (2003). *Narodna pravna istorija* [National legal history]. Belgrade: Savremena administracija (in Serb.)

Marković, R. (2007). Ustav Republike Srbije od 2006–kritički pogled [Marković, R. Constitution of the Republic of Serbia since 2006: Critical view]. Belgrade: University School of Law Publishing (In Serb.).

Marković, R. (2014). *Ustavno pravo* [Constitutional law]. Belgrade: Pravni fakultet Univerziteta u Beogradu. (in Serb.)

Mersel, Y. (2006). The dissolution of political parties: The problem of international Democracy. *International Journal of Constitutional Law, 4*(1), 84-113. http://dx.doi.org/10.1093/icon/moi053

Pajvančić, M. (2009). Komentar Ustava Rebublike Srbije [Commentary on the Constitution of the Republic of Serbia]. Belgrade: Fondacija Konrad Adenauer. (In Serb.)

Petrov, V. (2011). ‘National Machine’ before the Constitutional Court – Fictitious jurisdiction and fictitious decision. *Hereticus, 3-4*. (in Serb.)

Petrov, V. (2012a). Constitutional Court and prohibition of associations: jurisdiction that does not suit him. Legal life, 6(12). (In Serb.)

Petrov, V. (2012b). Novi Ustavni sud Srbije (2006–2012) – reforma ustavnog sudstva na stranputici? [Petrov, V. New Constitutional Court of Serbia (2006-2012) - reform of constitutional law on foreign policy?]. Sveske za javno parvo [Public Law Volumes], 9. (In Serb.)

Esta obra está licenciada com uma Licença Creative Commons Atribuição-NãoComercial 4.0 Internacional.

Submetido em: 11/02/2024
Aprovado em: 18/05/2024
Avaliação: Double Blind Reviewe
ISSN: 2316-753X

Polovchenko K.A. (2021). Constitutional foundations of the security system in a modern state. International Journal of Electronic Security and Digital Forensics, 13(4), 390-402. https://doi.org/10.1504/IJESDF.2021.116021

Polovchenko, K. (2021). Constitutional Court as Constitutional Complaint Institution: Evidence from Serbia. *Law and Development Review, 14*(1), 33-57. https://doi.org/10.1515/ldr-2020-0013

Polovchenko, K.A (2016). Izbiratel'nyye spory kak ob"yekt Konstitutsionnogo pravosudiya: Na primere Serbii [Electoral disputes as an object of constitutional control: The example of Serbia]. *Sotsial'no-politicheskiye nauki, 4*, 205-209.

Polovchenko, K.A. (2009). Izbiratel'naya sistema Serbii [The electoral system of Serbia]. In A.Ivanchenko, & V. Lafitsky (Eds.), *Sovremennyye izbiratel'nyye sistemy* [Modern electoral systems] (Issue 4, pp. 354-459). Moscow: Russian Election Technology Training Center under the Central Election Commission of the Russian Federation.

Polovchenko, K.A. (2013). Izbiratel'noe pravo Serbii [The electoral law of Serbia]. In A.G. Orlov, & E.A. Kremyanskaya (Eds.), *Sovremennoye zarubezhnoye izbiratel'noye pravo* [Modern foreign electoral law] (pp. 167-217). Moscow: MGIMO-University.

Polovchenko, K.A. (2015). Konstitucionnyi kontrol' v respublike Serbija [Constitutional control in the Republic of Serbia], in: Konstitucionnyi kontrolo' v zarubezhnyh stranah [Constitutional control in foreign countries]. Moscow: MGIMO-University, 2015.

Polovchenko, K.A. (2019a). Constitutional rights and freedoms of national minorities: The experience of Serbia. *Opción, Año, 35*(Especial 23), 1433-1446.

Polovchenko, K.A. (2019b). Organizational policies of local self-government in a modern democratic state. *Journal of Environmental Treatment Techniques* 7(4), 631-640.

Sadurski, W. (2008). Rights before courts: a study of constitutional courts in post-communist states of Central and Eastern Europe. Dordrecht: Springer.

Slavnić, L. (2003). Konstitucionalizacija politike – Političke stranke i Ustavni sud, predlozi za novi ustav Srbije [Constitutionalization of politics - Political parties and the Constitutional Court: Proposals for a new constitution of Serbia]. *Srpska politička misao, 1-4*. (in Serb.)

Stojanović, D. (1996). Ustavno-sudska zabrana političkih partija [Constitutional proceedings for the prohibition of political parties]. *Pravni život, 12*. (In Serb.)

Stojanović, D. (2009). *Ustavno pravo* [Constitutional law]. Niš: Center for Publications of the Faculty of Law of the University of Niš.
The Constitution of the Republic of Serbia. (1990). Službeni glasnik Republike Srbije [Official Gazette of the Republic of Serbia] no. 16/1990.

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Submetido em: 11/02/2024
Aprovado em: 18/05/2024
Avaliação: Double Blind Reviewe
ISSN: 2316-753X

The Constitution of the Republic of Serbia. (2006). Službeni glasnik Republike Srbije [Official Gazette of the Republic of Serbia] no. 98/2006.

The Law on Financing of Political Organizations. (2003). Službeni glasnik Republike Srbije [Official Gazette of the Republic of Serbia] no. 72/2003.

The Law on Political Parties. (1990). Službeni glasnik Republike Srbije [Official Gazette of the Republic of Serbia] no. 37/1990.

The Law on Political Parties. (2009). Službeni glasnik Republike Srbije [Official Gazette of the Republic of Serbia] no. 36/2009, 61/2015.

The Law on the Constitutional Court. (2007). Službeni glasnik Republike Srbije [Official Gazette of the Republic of Serbia] no. 109/2007, 99/2011, 18/2013, 103/2015, 40/2015.

Tumanov, V.A., & Polovchenko, K.A. (2016). Konstitucionnye osnovy sudebnoj vlasti [Constitutional bases of judicial power]. In M.V. Baglai, Ju.I. Lejbo, & L.M. Jentin (Eds.), *Konstitucionnoe pravo zarubezhnyh stran* [Constitutional law of foreign countries: Textbook] (pp. 309-335). Moscow: Norma, INFRA-M. (in Russ)

Vučić, O. (2010). *O zaštiti prava* [On the protection of legal rights]. Belgrade: Dosije. (in Serb.)

Vučić, O., Petrov, V., & Simović, D. (2010). *Ustavni sudovi bivših jugoslovenskih republika* [Constitutional courts in former Yugoslavian republics]. Belgrade: Dosije. (in Serb.)

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