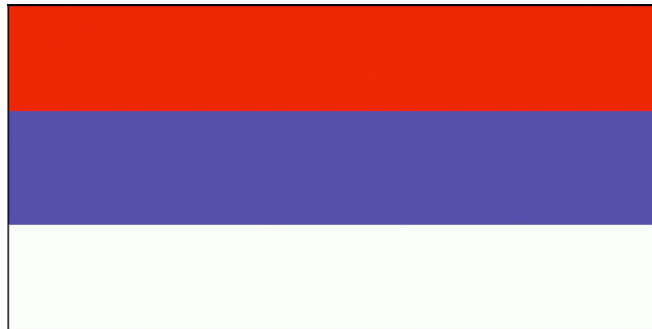


REPUBLIC OF SERBIA

THE
CONSTITUTION



Belgrade, 28 September, 1990

PREFACE

By means of the Constitution of the Republic of Serbia of 1990, after many years, the dignity is being returned in the entire Yugoslavia to the constitution as a legal act, while the constitutional matter is reduced to a rational and usual manner, otherwise accepted in the world. One is witnessing here the traditional constitutional substance of the countries of the European continental legal system, which includes human rights and freedoms, as well as the basic rules of organization and functioning of State. The entire matter is regulated by applying the proper language of a legal act and not an ideological and program-wise declaration. Therefore there is no ideology in the new Constitution of Serbia, nor "idle speed" and "happy singing" sentences with little sense, which otherwise have no place in a public enactment. By applying such conception in the sphere of constitutional legislating, the Constitution of Serbia leaves a wide space for the self-organizing of society, for an autonomous regulation activity of society and the one free from State intervention. In addition, the system of power established in that constitution is better suited by constitutional norms which take place in a spontaneous manner, and in the form of constitutional conventions, than by a priori established constitutional rules by the constitutive power and the ones which precede political experience. Therefore the Constitution of Serbia contains that many norms which, according to the feeling of its creators, is the number necessary for taking roots by the basic constitutional values such as human freedom, the rule of law, market economy, social justice, parliamentarism, territorial autonomy, and local self-government.

Essential characteristics of the new Constitution of Serbia are the principles by means of which the borders have been set up between man's freedom and State intervention. The first of these principles reads that "everything shall be permitted unless it has been prohibited by the Constitution and the law", while the second one - "freedoms and rights of man and citizen are restricted only by equal freedom and rights enjoyed by others, and when provided by the Constitution". Applying such "methodology", practically, the widest "zone" of human freedom has been taken over, and in any case wider than in any other existing Yugoslav constitution.

In such a way almost all freedoms and rights in the sphere of individual and political rights are elaborated in the Constitution, while as far as socio-economic freedoms and rights are concerned, mostly the method was applied of so-called enunciation of legality, meaning that it was left to the law to develop their substance and essence. Reason for this approach is to quite a degree related to economic possibilities of the country since the very nature of the latter freedoms and rights leaves their realisation to the above possibilities. In addition, the scope of this matter is of such a degree that it makes up a sphere of special laws.

A frontal provision of the new Constitution of Serbia is the one defining the Republic. The Republic of Serbia is a democratic State of all citizens living within it, founded on the freedoms and rights of man and citizen, rule of law, and social justice.

Contrary to constitutional definitions of multi-national states - independent or federal units - both in the world and in our country, the Constitution of Serbia does not define the State by applying the ethnic criterion ("a State of the Serbian people"), but by applying the democratic criterion of a national, namely citizen sovereignty ("a State of all citizens living within it"). In such a way the Constitution of Serbia, while breaking away from the post-war constitutional tradition, defines the statehood also independently of the socio-class criterion. In this case, too, it is unique for the time being in Yugoslavia (as compared to the federal and the republic constitution). In general, the Constitution of Serbia does not know of the principle, and accordingly, the institutionalisation, of the collective sovereignty, either on the ethnical or class foundations for establishing a collective. In its very essence, its foundation stone is the principle of the individual, namely citizen sovereignty. New constitutional definition of the Republic of Serbia is a basic constitutional assumption which gives rise to the entire organisation of State authority. All agencies of the Republic have therefore a widest democratic legitimacy, in accordance with the constitutional norm according to which "the sovereignty is vested in all the citizens of the Republic". This also means that some functions of State authority may be effected by citizens in a direct way, and not only through their freely elected representatives.

However, as distinguished from all previous elections as a means of legitimacy of agencies of the State authority, the elections according to the new Constitution of Serbia are free and multi-party ones. Citizens of the Republic of Serbia, instead of voting for candidates imposed in advance, will have the opportunity to choose among several democratically - by political parties or groups of citizens - nominated candidates.

The 1990 Constitution of Serbia is for the time being the only one among Yugoslav constitutions containing the provisions and necessary constitutional principles and instruments of market economy, which has as its material basis the pluralism of ownership. In addition, no form of ownership is particularly protected by the Constitution, not favorized in some other way. All kinds of ownership are subject to competition in the market in an equal manner. The market is in such a way, predominantly, but not solely, the regulatory instrument of economic and social activities, where from the constitutional provision according to which "the State shall by measures of developmental, economic and social policy, under equal conditions, promote the increase of economic and social welfare of citizens".

In other words, a mixed market economy (founded on pluralism of ownerships), permeated by elements of social justice to be established by the State - is the essential characteristic of the economic and social order of the Republic of Serbia.

In the new Constitution of Serbia the great democratic idea on exercising the functions of State power on the principle of division of powers is the basis of organisation of State authority. The exercising of legislative and executive State power function (according to many experts, the mastery of constitutional engineering consists in essence in finding the magic formula to establish the balance between these two powers) is organized on the principles of parliamentarism, but in a rationalized form. This rationalisation of parliamentarism is dictated also by the present-day social situation in Serbia, which is going to last for some time, but it does not at all, just as in the Constitution of the Fifth French Republic, challenge the existence of the essential core of parliamentarism.

The institution of the President of the Republic, who comes to power in general and direct elections, serves as a lever of this rationalisation, but also as the Constant's "moderatory power", which arbitrates along the line of relations between the National Assembly and the Government. In addition, the President of the Republic, who is expected to act exclusively as statesman and not as a politician, beside the function of the head of State and supreme commander of the Armed Forces, is authorized to take measures in an emergency situation, which is to be proclaimed by him at the proposal of the Government. Under the conditions laid down by the Constitution he may then take measures required by the "reason of the State. As compared to the President of the French Fifth Republic, the President of the Republic provided in the Constitution of Serbia is "a weak" head of State, but in any case "stronger" than the President of the Republic according to the Italian 1947 Constitution.

It is crucial for the principle of division of powers not to permit the concentration of power in one place, and at one State agency or body. This is why in this system of power there is no supreme body of power, instead each of the bodies of State authority being the supreme one within the framework of a particular function. This requirement has been respected in the Constitution of the Republic of Serbia.

In conformity with the democratic principle, namely the principle of national sovereignty, all functions of State power are not exercised only by way of representative bodies, but some of the "dimensions" of that power may be exercised by citizens directly, in a referendum and through people's initiative. This time these are not bare proclamations but substantive constitutional norms which produce specific legal consequences.

According to the new Constitution of Serbia, only one State does exist, as everywhere in the world, in the territory of the single State of Serbia. This, as something entirely natural, should not be emphasized at all, but the fact is that until now, due to the asymmetric state order of Serbia three States have been in existence in its territory, namely two provincial ones and, "between" - them, the third one which was a State the least.

In the constitutional order of Serbia there still are autonomous provinces, but now as units of territorial autonomy, such as the provinces in Italy, and autonomous communities in Spain, in other words - without state functions. In such a way the autonomy in Serbia is returned to its standard theoretical frameworks, where it should be and where it is the only possible form of democratic state order of a single State.

The municipality is a unit of local self-government. In this way the former constitutional assumption ceases to be valid of exercising the function of state power for its own benefit, so that the municipality lost its characteristic of "a mini-State" - which in essence was the result of the utopian theory of communal system. A municipality provided by the Constitution of the Republic of Serbia is a form of territorial people's self-government, and not the object of the State constitution. This is why the new Constitution of Serbia contains only few basic provisions concerning the municipality.

The Constitution of Serbia provides ground to regulate by law that a municipality may become a city in whose territory two or more townships may be established, while by means of a statute of the city the functions are to be determined of the city and of the townships. For the City of Belgrade it is said that, as a separate territorial entity, it exercises the functions of a municipality, as determined by the Constitution, and the ones entrusted in it by the Republic by means of law and within its jurisdiction.

According to the new Constitution of Serbia, the other element of the principle of the rule of law, after the constitutional guaranteeing of rights of man and citizen - the State of law, namely the function of protecting the constitutional and legal order, is vested in the courts of law and public prosecutor's offices, as well as in a special - Constitutional Court. Courts of law have obtained, as never before, strong guarantees of judicial independence, while the Constitutional Court was designed not only as a defender of constitutionality and legality, but as a protector of the constitutional order of the Republic of Serbia as well, and in its entirety.

Consistent with the new democratic order in the process of establishing, the new Constitution has provided also for a new constitutive procedure. In conformity with the principle of national sovereignty, the decision on amending the Constitution shall be a joint decision of the National Assembly and the citizens. In this way, each constitutive decision is both the act of the State and the people. In future, as in Switzerland, the final decision concerning the Constitution of Serbia shall be with its citizens.

Due to the present constitutional status of Serbia, the question may arise as to whether Serbia with the new Constitution has "turned its back" to the federal Yugoslavia. By the new Constitution Serbia has only made more precise the character of its link with Yugoslavia. Serbia has entirely recognized the primacy of the federal Constitution - until Yugoslavia continues to have the federal order. Some other, non-federal Yugoslavia is beyond the political and state interest of Serbia. Precisely because of that, and due to the tendency of squandering the federal Yugoslavia which is now visible, Serbia had to include in its Constitution the "defensive clause", too. A violation of the federal Constitution at the detriment of Serbia entitles Serbia to self-defense. in such cases, namely, "republic authorities shall issue acts in order to protect the interests of the Republic of Serbia".

The Constitution of the Republic of Serbia enacted in 1990 has established in its constitutional norms a new society and a new State. Such qualitative changes of society and State are done in the world in revolutions where, as a rule, the blood is shed. The new Constitution of Serbia has transformed the entire anatomy and physiognomy of the constitutional order of the Republic of Serbia without shedding a drop of blood. It marks a rescission from the utopian constitutionality of the Kardelj type, while trying to build up democratic foundations of an entirely new society and State, based on well-known and verified clear democratic principles. This Constitution opens therefore a new era of democratic constitutionality in Serbia, as the one which it had at the beginning of the present century. It is to be hoped that from now on Serbia will never leave the road of democratic constitutionality.

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THE CONSTITUTION OF THE REPUBLIC OF SERBIA

I. BASIC PROVISIONS

Article 1

The Republic of Serbia is a democratic State of all citizens living within it, founded upon the freedoms and rights of man and citizen, the rule of law, and social justice.

Article 2

Sovereignty is vested in all the citizens of the Republic of Serbia.

Citizen shall exercise their sovereignty through a referendum, people's initiative, and their freely elected representatives.

Article 3

In the Republic of Serbia everything shall be permitted unless it has been prohibited by the Constitution and law.

Guaranteed and recognized by the Constitution are the individual, political, national, economic, social, cultural, and other rights of man and citizen.

Article 4

The territory of the Republic of Serbia is a single whole, no part of which may be alienated.

Any change in the boundaries of the Republic of Serbia shall be decided upon by the citizens in a referendum.

Article 5

The Republic of Serbia has a coat of arms, a flag, and a national anthem.

The coat of arms, the flag, and the national anthem shall be determined under the procedure provided for amending the Constitution.

The capital city of the Republic of Serbia is Belgrade.

Article 6

The Republic of Serbia includes the Autonomous Province of Voivodina and the Autonomous Province of Kosovo and Metohia, these being the forms of territorial autonomy.

Article 7

The municipality is a territorial unit in which local self-government is exercised.

The City of Belgrade is a separate territorial entity.

The territorial organisation of the Republic of Serbia is regulated by law.

Article 8

In the Republic of Serbia the Serbo-Croatian language and the Cyrillic alphabet shall be officially used, while the Latinic alphabet shall be officially used in the manner established by law.

In the regions of the Republic of Serbia inhabited by national minorities, their own languages and alphabets shall be officially used as well, in the manner established by law.

Article 9

Constituent and legislative power is vested in the National Assembly.

The Republic of Serbia is represented and its State unity symbolized by the President of the Republic.

Executive power is vested in the Government.

Judicial power is vested in the courts of law.

The protection of constitutionality, as well as the protection of legality, in accordance with the Constitution, is vested in the Constitutional Court.

Article 10

The work of State agencies shall be open to the public.

The publicity of work of the State agencies may be restricted or precluded only in cases provided by law.

II. FREEDOMS, RIGHTS AND DUTIES OF MAN AND CITIZEN

Article 11

The freedoms and rights of man and citizen are restricted only by equal freedoms and rights enjoyed by others, and when so provided by the Constitution.

Article 12

Freedoms and rights shall be exercised and duties fulfilled on the ground of the Constitution, unless the Constitution provides that the conditions of exercising specific freedoms and rights shall be spelled out by law.

The manner of exercising specific freedoms and rights may be determined by law if this is necessary for their exercise.

Abuse of the freedoms and rights of man and citizen is unconstitutional and shall be punished in the manner prescribed by law.

Judicial protection of the freedoms and rights guaranteed and recognized by the Constitution is ensured.

Article 13

Citizens are equal in their rights and duties and have equal protection before the State and other authorities, irrespective of their race, sex, birth, language, nationality, religion, political or other belief, level of education, social origin, property status, or any other personal attribute.

Article 14

Human life is inviolable.

The capital punishment may be spelled out by law only exceptionally and pronounced only for the most serious criminal offences.

Article 15

Man's liberty is inviolable.

No one may be deprived of his liberty, except on such grounds and in accordance with such procedure as established by law.

Article 16

A person reasonably suspected of having committed a criminal offence may be detained and held in confinement on the ground of a decision of a competent court of law only when this is indispensable for the conduct of criminal proceedings or for reasons of public safety.

The length of detention must be kept to the shortest possible time.

The detention ordered by the first instance court may not exceed three months from the day of the arrest. The Supreme Court may extend by its decision this time limit for another three months. If upon the expiry of these time limits no charge sheet has been filed, the accused shall be released.

Article 17

Citizens are guaranteed freedom of movement and residence, and the right to leave and return to the Republic of Serbia.

Freedom of movement and residence may be restricted by law if this is necessary for the conduct of criminal proceedings, prevention of contagious diseases, or when so required by the defense of the Republic of Serbia.

Article 18

Human dignity and the right to a private life are inviolable.

Article 19

Privacy of mail and other means of communication is inviolable.

Provisions to depart from the principle of inviolability of privacy of mail and other means of communication, pursuant to an order of the court, may only be made by the law if this is indispensable for the conduct of criminal proceedings, or for the defense of the Republic of Serbia.

Article 20

Protection of secrecy of data concerning a person shall be guaranteed.

The collection, processing, and use of data concerning a person shall be regulated by law.

Article 21

The home shall be inviolable.

The law may prescribe that a person in an official capacity, on the ground of a court warrant, may enter a dwelling or other premises against the will of their tenant, and may search them. The search shall be carried out in the presence of two witnesses.

Subject to conditions spelled out by law, a person in an official capacity may enter a dwelling or other premises without a court warrant and carry out a search, if this is indispensable for the purpose of immediate apprehending the perpetrator, or in order to save human lives and property.

Article 22

Everyone is entitled to equal protection of his rights in the proceedings before a court of law, a State agency of any other agency or organisation.

Every individual is guaranteed the right to appeal or to apply other legal remedy against a decision concerning his right or interest founded on law.

Article 23

No one shall be punished for an act which prior to its commission was not provided as a punishable offence by the law or statutory instruments based on law, nor be subject to pronouncing a punishment which has not been established for such an act by the law.

Criminal offences and penalties for the offenders may be established only by law.

No one may be considered guilty of a criminal offence until so proven by a final judgment of a court of law.

A person who has been unjustifiably convicted for a criminal offence or wrongfully deprived of liberty shall be entitled to compensation of damage from public funds, as well as to other rights established by law.

Article 24

Every person is guaranteed the right to defend himself and to engage a defense attorney to represent him before the court of law or other agency competent for conducting the proceedings.

No one accessible to the court or another agency authorized to conduct proceedings may be punished without being afforded an opportunity to be interrogated and to defend himself.

Every person is entitled to have a defense attorney of his choice present at his hearing.

The law shall determine the cases when an accused must have a defense attorney.

Article 25

Every person is entitled to compensation of property and non-property damage inflicted on him through unlawful or irregular work of an official or a State agency or organisation exercising public powers, in accordance with law.

The damages shall be paid by the Republic of Serbia or the organisation exercising public powers.

Article 26

Respect for the human being and his dignity shall be guaranteed in criminal and any other proceedings, in the event of deprivation or restriction of liberty, as well as during imprisonment.

No one shall be subject to torture, humiliating punishment or treatment.

It is prohibited to use a man, without his consent, as an object in medical and other scientific experiments.

Article 27

It is a human right to decide freely on family planning.

Article 28

The mother and child shall enjoy special protection.

Special protection shall be extended to minors deprived of parental care, as well as to persons unable to take care of themselves and to protect their rights and interests.

Article 29

The family shall enjoy special protection.

Marriage and matrimonial and family relations shall be regulated by law.

Parents shall have the right and duty to care for the raising and upbringing of their children. Children shall be bound to care for their parents in need of assistance.

Children born out of wedlock shall have the same rights and duties as those born in wedlock.

Article 30

Every person is entitled to health care.

Children, pregnant women and elder people have the right to health care financed from public funds, if such right is not realized on some other ground, while other persons enjoy such care under the conditions provided by law.

Article 31

Man shall have the right to a healthy environment.

Every person is bound, in accordance with law, to protect and enhance the human environment.

Article 32

Education shall be accessible to everyone under equal conditions.

Primary education shall be obligatory.

Citizens do not pay tuition for regular education financed from public fund.

Members of other nations and national minorities have the right to education in their own language in accordance with law.

Article 33

The freedom of creativity and of publishing scientific and artistic works, scientific discoveries and technical inventions shall be guaranteed, which guaranty applies to moral and property rights of their creators, too.

The manner of exercise and the protection of rights of creators relating to their works shall be regulated by law.

Article 34

The right to own property is guaranteed in accordance with the Constitution, as well as the freedom of entrepreneurship.

The right to inheritance is guaranteed, in accordance with law.

Everyone may set up a foundation.

Article 35

Every person shall have the right to work.

The freedom of work, the free choice of profession and employment, and participation in management shall be guaranteed. Everyone shall have equal access to jobs and functions.

Employed persons may be dismissed against their will under conditions and in the manner established by the law and the collective agreement.

Forced labour shall be prohibited.

Article 36

Employed persons are entitled to fair remuneration.

The right to relief during temporary unemployment shall be guaranteed subject to conditions established by law.

Article 37

Employed persons shall have the right to strike, in accordance with law.

Article 38

Employed persons are entitled to limited working hours, to a daily and weekly rest period, and to a paid holiday and leave of absence, in accordance with the law and/or collective agreement.

Employed persons are entitled to job safety, in accordance with law.

Young people, women and disabled persons shall enjoy special on-the-job protection, in accordance with law.

Article 39

Citizens who are partially disabled shall be guaranteed the training for a suitable job, and shall be provided conditions for their employment, in accordance with law.

The State shall provide social security assistance to those citizens who are unable to work and have no means of subsistence.

Article 40

Under an obligatory insurance scheme, in accordance with the law, the employed shall secure for themselves the right to health care and other rights in the event of sickness, the rights in the event of pregnancy, childbirth, impairment or loss of work ability, unemployment and old age, and rights to other forms of social security, and for the members of their families - the right to health protection, the right to a family pension, and other social security rights.

Social security right for those citizens who are not covered by the obligatory social insurance scheme shall be regulated by law.

Article 41

Freedom of religion, which includes the freedom of belief, confession of faith and performance of religious rites, shall be guaranteed.

Religious communities shall be separated from the State and shall be free in the conduct of religious affairs and performance of religious rites.

A religious community may establish religious schools and charitable organisations.

The State may grant financial assistance to religious communities.

Article 42

A citizen who has reached the age of eighteen shall have the right to vote and to be elected to the National Assembly and to other agencies and bodies.

Election shall be direct, by universal and equal suffrage, and shall be held by secret ballot.

A candidate for representative of the National Assembly and of other agencies and bodies may be nominated by a political party, other political organisation, or a group of citizens.

Article 43

Citizens are guaranteed the freedom of assembly and other kinds of gathering without seeking permission, subject to a previous notification of the competent agency.

The freedom of assembly and other gathering of citizens may be restricted by a decision of the competent agency, for the purpose of preventing the obstruction of traffic, threat to public health, public morals or safety of persons and property.

Article 44

The freedom of political, trade-union and other forms of organisation and action without seeking permission, subject to registration with the competent agency, shall be guaranteed.

Any activity aiming at a forcible changing of the order established by the Constitution, violation of the territorial integrity and independence of the Republic of Serbia, violation of freedoms and rights of man and citizen guaranteed by the Constitution, and the provocation and fomenting of national, racial, and religious intolerance and hatred, shall be prohibited.

Article 45

The freedom of conscience, thought and public expression of opinion shall be guaranteed.

Article 46

The freedom of press and other public information media shall be guaranteed.

Citizens shall have the right to express and make public their opinions in the public information media.

Publication of newspapers and dissemination of information by other means shall be accessible to everyone without seeking permission, subject to registration with the competent agency.

Radio and television broadcasting organisations shall be established in accordance with law.

The right to correction of published incorrect information which violates someone's right or interest, as well as the right to compensation for any moral and property damage arising therefrom, shall be guaranteed.

The censorship of press and other public information media shall be prohibited. No one may obstruct the distribution of the press and dissemination of other information, except when the competent court of law finds by its decision that they call for the forcible overthrow of the order established by the Constitution, violation of the territorial integrity and independence of the Republic of Serbia, violation of guaranteed freedoms and rights of man and citizen, or incite and foment national, racial or religious intolerance and hatred.

The public information media which are financed from public funds shall be bound to provide the general public with timely and impartial information.

Article 47

A citizen of the Republic of Serbia shall have the citizenship of the Republic of Serbia.

A citizen of the Republic of Serbia may not be deprived of his citizenship, exiled or extradited.

The citizenship shall be acquired and terminated in the manner established by law.

A citizen of the Republic of Serbia who has another citizenship may have the citizenship of the Republic of Serbia revoked only if he refuses to perform the constitutional duties of the citizen.

Article 48

A citizen has the right to publicly criticize the work of State and other agencies and organisations, as well as of the high-ranking officials, to submit requests, petitions and proposals, and to receive an answer to these should he so desire.

A citizen may not be indicted nor suffer any other ill effects for his opinions presented in public criticism or in a submitted request, petition or proposal, except when thereby committing a criminal offence.

Article 49

A citizen shall be guaranteed the freedom to express his national affiliation and culture, and freedom to use his language and alphabet.

A citizen is no bound to declare his national affiliation.

Article 50

An alien in the Republic of Serbia shall have the freedoms and rights specified by the Constitution, and other rights and duties as established by law.

The right to asylum shall be guaranteed to a foreign citizen and stateless person who is being persecuted for supporting democratic views and participating in movements for social and national emancipation, for human rights and freedoms, or for the freedom of scientific or artistic creativeness.

Article 51

The defense of the Republic of Serbia is the right and a duty of every citizen.

No one has the right to acknowledge or sign an act of capitulation, or accept or recognize the occupation of the Republic of Serbia, or any part thereof.

Treason against the Republic of Serbia is a crime against the people and shall be punished as a serious criminal offence.

Article 52

Everyone shall be bound to pay taxes and other levies established by law.

Article 53

Everyone shall be bound to abide by the Constitution and the law.

Everyone shall be bound to perform his public function conscientiously and responsibly.

Article 54

Everyone has the duty to render aid to another person in need, and to participate in eliminating a general danger.

III. ECONOMIC AND SOCIAL ORDER

Article 55

The economic and social order is based on a free market economy with all forms of ownership within a single market of goods, labour and capital; on the independence of enterprises and all other forms of organisation; on management and appropriation on the ground of ownership and work; as well as on the right of the employed and of other citizens to social security.

The State, through measures of development, economic and social policy, under equal conditions, shall promote the increase of economic prosperity and social welfare of citizens.

Article 56

Social, state, private and cooperative property and other forms of ownership shall be guaranteed.

All forms of ownership enjoy equal protection of law.

Aliens may acquire title to ownership under the conditions established by law.

Article 57

Economic and other activities shall be conducted freely and under equal conditions, in accordance with the Constitution and law.

Aliens shall be guaranteed the right to engage in economic and other activity, and the rights deriving out of investment and business activity, under the conditions specified for domestic persons.

Article 58

Ownership and labour shall be the ground for management and participation in the decision-making.

The employed persons shall manage a socially-owned enterprise and participate in management in other types of enterprises and other organisations where they work, or where they invest their resources, in accordance with the law and the collective agreement.

Article 59

Property rights and duties relating to resources owned by society and the State, and the conditions of possible transforming of such resources into other forms of ownership shall be regulated by law.

Resources in the sphere of social and State ownership shall be sold at market prices in accordance with law.

Article 60

Natural resources and property in the public domain, being the property of general interest, including the urban construction sites, shall be owned by the State or be social property.

Individual property units in the public domain may also be privately owned, under conditions established by law.

Under conditions established by law, the right of use may be instituted on property in the public domain and the urban construction sites.

If so required by the interest of general public, the ownership of the property of special cultural, scientific, artistic or historical significance, or significant for the protection of natural environment, may be restricted on the ground of law and subject to compensation.

The protection, use, promotion and management of the property of public interest shall be carried out under conditions and in the manner established by law.

The payment of rental for making use of property in the public domain and of urban construction sites shall be regulated by law.

Article 61

A citizen shall be guaranteed the ownership of his farming land and of other real property and movables, while the law shall specify the frameworks of ownership of forests and forest land.

Article 62

Individuals and legal entities shall exercise their rights to real property according to its nature and purpose, and in accordance with law.

Article 63

Real property may be expropriated against a fair price which may not be below the market price, and ownership of such property may be restricted, if so required by the public interest, which shall be established on the ground of law.

Article 64

The trade of goods and services, and movement of capital and labour shall be free.

Enterprises and other organisations shall be set up freely, shall be independent in conducting their business, in pooling and associating, shall have the same status in terms of conditions for conducting business and legal protection, and shall be liable for their obligations in the sphere of legal transactions with the resources they have at their disposal.

Any act or action by which one creates or instigates a monopolistic position and/or restricts the market in some other way, shall be unconstitutional.

Article 65

The terms and manner of performing activities for which public services are established shall be provided by law.

Article 66

Enterprises and other organisations may conduct business and invest resources abroad under conditions established by law.

Article 67

In times of an immediate threat of war, the state of war or major natural disaster, it shall be possible to restrict by law the disposal, or establish a special way of use, of the part of resources belonging to legal entities and individuals, for the duration of the emergency.

Article 68

Resources to be applied for the exercise of the constitutionally guaranteed rights of citizens and the legally established public interest in the spheres of health care, social protection, war veterans' and disability protection, social care for children and other forms of social security, education, science, culture, physical culture, as well as in other spheres laid down by the law, shall be allocated from the budget of the Republic of Serbia.

Resources to cover for the exercise of rights on the ground of obligatory social insurance scheme, and temporary unemployment insurance, shall be paid in jointly by the employees, other insured persons and employers, through an organisation which is managed by the insured persons and beneficiaries in accordance with law.

Article 69

The Republic of Serbia, the autonomous province, the City of Belgrade and the municipality shall have budgets showing all their revenues and expenditures.

Budget resources shall be raised from taxes and other levies established by law.

The duty of payment of taxes and other levies shall be established in accordance with the taxpayer's income bracket.

A law, other regulation or general enactment which requires allocations from the budget may not be adopted unless the agency passing the legislation at issue has ascertained that resources are available for the execution of these obligations.

IV. THE RIGHTS AND DUTIES OF THE REPUBLIC OF SERBIA

Article 70

The rights and duties of the Republic of Serbia shall be carried out by the republic agencies established by the Constitution.

The freedoms and rights of man and citizen, equality before the law, the autonomous and equal position of the enterprises and other organisations are the basis and a yardstick for the powers and responsibilities of the republic agencies.

Article 71

Within the rights and duties of the Republic of Serbia established by the Constitution, the republic agencies shall lay down the policy, enact and enforce laws, other regulations and general enactments, and provide constitutional-judicial and judicial protection of constitutionality and legality.

Other agencies and organisations in the Republic of Serbia may be entrusted the enforcement of laws and other regulations and general enactments within the framework of rights and duties of the Republic of Serbia, the republic agencies remaining responsible for their enforcement.

Article 72

The following shall be regulated and provided by the Republic of Serbia:

- 1)** sovereignty, independence and territorial integrity of the Republic of Serbia and its international position and relations with other states and international organisations;
- 2)** realisation and protection of freedoms and rights of man and citizen; constitutionality and legality;
- 3)** defense and security of the Republic of Serbia and of its citizens; measures to cope with emergencies;
- 4)** property and obligation relations and the protection of all forms of ownership; legal status of enterprises and other organisations, their associations and chambers of economy; the financial system; the system in the spheres of economic relations with foreign partners, market, planning, labour relations, protection at work, employment, social security and other forms of social security as well as other economic and social relations of public interest;
- 5)** the system of protection and advancement of human environment; protection and promotion of plants and animals;
- 6)** the system in the spheres of health care, social protection, war veterans' and disabled persons' care, social care for children and young people, education, culture and protection of cultural monuments, physical culture, social and public information;
- 7)** the system of public services;

- 8)** control of the legality of disposal of resources of legal entities, auditing of public expenditures and the way of uniform organisation of such affairs; collection of statistical and other data of public interest;
- 9)** basic goals and directions of the economic, scientific, technological, demographic, regional and social development, the development of agriculture and rural areas; organisation and the use of space; policy and measures to guide and promote development, including the development of under-developed areas, commodity reserves;
- 10)** financing the realisation of the rights and duties of the Republic of Serbia as established by the Constitution and law;
- 11)** organisation, jurisdiction and work of republic agencies;
- 12)** other relations of interest for the Republic of Serbia in accordance with the Constitution.

The Republic of Serbia shall maintain relations with the Serbs living outside the Republic of Serbia in order to preserve their national and cultural-historical identity.

V. THE REPUBLIC AGENCIES

The National Assembly

Article 73

The National Assembly shall:

- 1)** decide on amending the Constitution;
- 2)** enact laws, other regulations and general enactments;
- 3)** enact development plan, town and country planning document, budget and annual balance sheet;
- 4)** make draft of decision relating to the change of boundaries of the Republic of Serbia;
- 5)** determine the territorial organisation in the Republic of Serbia;
- 6)** decide on war and peace;
- 7)** ratify international treaties;
- 8)** announce a republic referendum;
- 9)** announce republic public loan, and decide on contracting debts by the Republic of Serbia;
- 10)** elect and dismiss: the president and vice-presidents of the National Assembly; the prime minister, deputy prime ministers and ministers in the Government; the president and justices of the Constitutional Court, the Supreme Court and other courts; the republic public prosecutor and public prosecutors; the governor of the National Bank and other high-ranking officials as specified by law;
- 11)** effect control over the work of the Government and other agencies, and high-ranking officials responsible to the National Assembly, in accordance with the Constitution and law;
- 12)** grant amnesty for criminal offences;
- 13)** perform other activities in accordance with the Constitution.

Article 74

The National Assembly shall consist of 250 representatives. The representatives shall be elected in direct election by secret ballot.

The election and termination of term of the representatives and establishing of constituencies shall be regulated by law.

Article 75

Representatives shall be elected for a term of four years.

Elections for representatives must be held not later than 30 days before the expiry of the tenure of the representatives whose term is expiring.

The function of the representatives whose tenure expires ceases with the day of verification of the credentials of new representatives.

In case of imminent danger of war or state of war, the National Assembly may decide to extend the tenure of the representatives for the period this situation lasts, and/or until the conditions are created for the election of the representatives to take place.

Article 76

A representative represents the citizens of the constituency he has been elected in.

Article 77

A representative shall enjoy immunity.

A representative shall not be called to account in criminal proceedings, or detained or punished for an opinion expressed or a vote cast in the National Assembly.

A representative shall not be detained without the approval of the National Assembly, unless he has been caught in the act of committing a criminal offence which carries a penalty of more than five years of imprisonment.

No representative may be subject, without the approval of the National Assembly, to instituting criminal proceedings against him after he has invoked parliamentary immunity, which applies to any other proceedings where penalty of imprisonment may be pronounced.

The National Assembly may decide to apply immunity to a representative even if he himself has not invoked it when deemed necessary for the performance of his function.

Article 78

The National Assembly elects the president and vice-presidents from among the representatives, for a four year term.

The president represent the National Assembly and performs other affairs as provided by the Constitution, the law and the standing orders.

The president of the National Assembly calls for the election for the representatives and for the President of the Republic.

Article 79

The National Assembly shall convene two times a year regularly.

The first regular session shall begin on the first working day in March and the second regular session shall begin on the first working day in October. A regular session may not exceed 90 days.

The National Assembly shall convene in extraordinary session upon the demand of not less than one third of the total number of representatives, or on the demand of the Government, with an agenda prepared in advance.

The National Assembly shall convene without being called in case of declaring a state of emergency in any part of the territory of the Republic of Serbia.

Article 80

The National Assembly shall reach decisions by majority vote in a session attended by the majority of the total number of representatives, unless a special majority is required by the Constitution.

The right to introduce bills, other regulations or general enactments shall be vested in the Government, every representative, the assembly of the autonomous province or no fewer than 15,000 voters.

Article 81

The National Assembly may decide that some issues within its competence shall be decided upon by citizens in a republic referendum.

The National Assembly shall be bound to rule on the demand for calling out a republic referendum that is submitted by not less than 100,000 voters.

Article 82

The National Assembly shall regulate its work and organisation, as well as the way of putting into effect the rights and duties of the representatives.

The President of the Republic

Article 83

The President of the Republic shall:

- 1)** propose to the National Assembly a candidate for the post of prime minister after hearing the opinion of the representative of the majority in the National Assembly;
- 2)** propose to the National Assembly the candidates for the president and the justices of the Constitutional Court;
- 3)** promulgate the laws by ordinance;
- 4)** conduct affairs in the sphere of relations between the Republic of Serbia and other states and international organisations in accordance with law;

5) command the Armed Forces in peacetime and in war, and the popular resistance in war; order the general and partial mobilization; organize the preparations for defense in accordance with law;

6) if the National Assembly is not in a position to meet and after obtaining an opinion from the prime minister, establish the fact of existence of an immediate danger of war or proclaim the state of war;

7) at his own initiative or at the proposal of the Government during a state of war or immediate danger of war, pass the enactments relating to questions falling within the competence of the National Assembly, provided his being bound to submit them to the National Assembly for approval as soon as it is in a position to meet. By way of the enactments promulgated during the state of war it shall be possible to restrict some freedoms and rights of man and citizen, and to alter the organisation, composition and powers of the Government and of the ministries, courts of law, and public prosecutor's offices;

8) at the proposal of the Government, if the security of the Republic of Serbia, the freedoms and rights of man and citizen or the work of State bodies and agencies are threatened in a part of the territory of the Republic of Serbia, proclaim the state of emergency, and issue acts for taking measures required by such circumstances, in accordance with the Constitution and law;

9) grant pardons;

10) confer decorations and awards as provided for by law;

11) establish professional and other kinds of services to conduct affairs falling within his jurisdiction;

12) conduct other affairs in accordance with the Constitution.

Article 84

The President of the Republic shall promulgate a law by ordinance within seven days of its adoption in the National Assembly, Within this time the President of the Republic may demand from the National Assembly to vote again on the law.

The President of the Republic shall be bound to promulgate a law passed for the second time in the National Assembly.

Article 85

The President of the Republic may request from the Government to state its viewpoints concerning some questions falling within its jurisdiction.

Article 86

The President of the Republic shall be elected in direct election and by secret ballot.

The term of office of the President of the Republic shall be five years.

The same person may be elected for President of the Republic two times only.

The election for the President of the Republic must be held not later than 30 days before the expiry of the term of office of the President of the Republic whose term is expiring.

Upon assuming his office, the President of the Republic shall take the following oath before the National Assembly:

"I swear that I shall devote all my forces to the preservation of sovereignty and integrity of the territory of the Republic of Serbia, to the realisation of human and civil freedoms and rights, to the observance and defense of the Constitution and laws; to the preserving of peace and welfare of all the citizens of the Republic of Serbia, and that. I shall conscientiously and responsibly meet all my duties."

In the event of an immediate danger of war or state of war, the term of office of the President of the Republic shall be extended for the period this state lasts, and/or until the conditions are created which make possible the election of the President of the Republic.

The President of the Republic may not engage himself in any other function or professional activity.

The President of the Republic shall enjoy immunity as a representative (in the National Assembly). The immunity of the President of the Republic shall be decided upon by the National Assembly.

Article 87

The term of office of the President of the Republic shall cease before the expiry of his election period in the event of recall or his resignation.

If the president of the Republic submits his resignation, he shall inform accordingly the general public and the president of the National Assembly.

The term of office of the President of the Republic shall cease on the day of his resignation.

If the term of office of the President of the Republic ceases prior to the expiry of his election period, the duty of the President of the Republic until the election of a new President of the Republic shall be performed by the president of the National Assembly.

If the term of office of the President of the Republic ceases prior to the expiry of his election period, the election for a new President of the Republic must be held within 60 days from the termination of the term of office of the President of the Republic.

If the President of the Republic is temporarily prevented from whatever cause to perform his function, his duties shall be assumed by the president of the National Assembly.

The procedure of election and recall of the President of the Republic shall be regulated by law.

Article 88

The President of the Republic shall be responsible to the citizens of the Republic of Serbia.

If the National Assembly finds that the President of the Republic has violated the Constitution, it shall initiate the proceedings for his recall, if two thirds of the total number of representatives take the stand accordingly.

The recall of the President of the Republic shall be decided upon by direct and secret ballot by the voters. The President of the Republic shall be recalled if the majority of the total number of voters vote in favour of the recall.

If the voters do not recall the President of the Republic, the National Assembly shall be dissolved.

Article 89

At the proposal of the Government containing justified grounds, the President of the Republic may decide that the National Assembly be dissolved.

With the dissolution of the National Assembly the Government's mandate shall also be terminated.

In the event of the dissolution of the National Assembly, the election for a new National Assembly must be held within 60 days of its dissolution.

The National Assembly may not be dissolved during a state of war, an immediate threat of war or a state of emergency.

The Government

Article 90

The Government shall:

- 1)** conduct the policy of the Republic of Serbia and execute laws, other regulations and general enactments of the National Assembly in accordance with the Constitution;
- 2)** enact decrees, decisions and other acts necessary for the enforcement of laws;
- 3)** propose the development plan, urban and country planning document, budget and the annual balance sheet;
- 4)** propose laws, other regulations and general enactments;
- 5)** determine principles for the internal organisation of ministries and other administrative agencies and special organisations; appoint and dismiss high-ranking officials in the ministries and special organisations;
- 6)** guide and coordinate the work of ministries and special organisations;
- 7)** effect supervision over the work of ministries and special organisations; annual or abolish their regulations which are at variance with the laws and regulations enacted by the Government;
- 8)** express opinions relating to drafts of laws and other regulations or general enactments submitted to the National Assembly by another sponsor;
- 9)** establish professional and other kinds of services to discharge its duties;
- 10)** attend to other business in accordance with the Constitution and law.

Article 91

The Government is composed of the prime minister, deputy prime ministers and ministers.

The prime minister and deputy prime ministers of the Government or ministers who are elected from among the representatives, shall keep their mandate of representative.

The organisation and method of work and decision - making of the Government shall be regulated by law and the standing orders.

The prime minister, deputy prime ministers, and ministers shall enjoy the immunity as representatives. The immunity of the prime minister, deputy prime ministers and ministers shall be decided upon by the Government.

Article 92

The candidate for the post of prime minister shall present his program and propose the list of ministers of his Government to the National Assembly.

The Government shall be deemed elected if its election has been approved by vote of the majority of the total number of representatives.

After each constitution of a newly elected National Assembly, a new Government shall be elected.

Article 93

The Government and each of its members shall be responsible for their work to the National Assembly.

The National Assembly may vote no confidence in the Government or in one of its members.

The proposal for a no confidence vote in the Government or in one of its members may be submitted by no fewer than 20 representatives.

A vote of no confidence in the Government may be held only three days after submitting the proposal to vote no confidence.

The Government may itself ask for a vote of confidence in the National Assembly.

The prime minister may propose to the National Assembly the dismissal of individual members of the Government.

The decision on dismissal of the Government or of any of its members shall be deemed adopted if it has been voted by the majority of the total number of representatives.

The Government and each of its members may submit their resignation to the National Assembly. The resignation or dismissal of the prime minister shall entail the resignation of the entire Government.

A Government which has been voted no confidence, which has resigned, or whose mandate has been revoked because of the dissolution of the National Assembly, shall remain in office until the election of a new Government.

Article 94

The affairs of the State administration shall be conducted by ministries.

The ministries shall implement the laws and other regulations and general enactments of the National Assembly and the Government, as well as the general enactments of the President of the Republic, shall decide in administrative matters, carry out supervision and attend to other administrative business as provided for by law.

Ministries are independent in exercising their competence as specified by the Constitution and law.

For the carrying out of specific administrative affairs, departments shall be established within the ministries, and special organisation shall be set up to attend to particular professional matters.

Organisation and competence of the ministries, their departments and special organisations shall be established by law.

Specific administrative powers may be entrusted by law to enterprises and other organisations.

Courts of Law and Public Prosecutor's Offices

Article 95

The courts of law protects the freedoms and rights of citizens, rights and interests of individuals and legal entities established by law, and provide for the observance of constitutionality and legality.

Article 96

The courts of law are autonomous and independent in their work and shall adjudicate on the ground of the Constitution, law, and other general enactments.

No one participating in adjudication shall be held responsible for an opinion expressed in the passing of a judgment, nor can anyone be detained in proceedings instituted due to a criminal offence committed in performing judicial function without the approval of the National Assembly.

Article 97

Trial at the court shall be public.

For the purpose of preserving a secret, protecting morals and the interests of minors, or protecting other public interests, the law shall specify the cases in which the public may be excluded from a trial at the court.

Article 98

Court shall adjudicate in a chamber.

In matters specified by law, specific cases may be decided upon by a single judge.

Article 99

Trial at the court shall be attended by judges and jurors, in a manner established by law.

It may be prescribed by law that in specific courts and in particular matters judges shall adjudicate alone.

Article 100

A judge may not engage in a service or a job which are deemed by law to be incompatible with the judicial function.

Article 101

Judge shall have a life tenure.

A judge's tenure of office shall terminate at his own request or when he meets conditions for retirement as specified by law.

A judge may not be dismissed against his will, except when he has been convicted of a criminal offence to an unconditional penalty of imprisonment for no less than six months, or of a criminal offence which makes him unsuitable to perform judicial

function, or when he performs his judicial function unprofessionally and unconscientiously, or when he has permanently lost the working capacity for performing judicial function.

The Supreme Court shall establish in accordance with law whether grounds exist for the termination of judge's tenure of office or for dismissal of a judge, and shall inform the National Assembly accordingly.

A judge may not be transferred to another post against his will.

Article 102

The organisation, establishment, jurisdiction, and composition of courts, and the procedure at the courts, shall be specified by law.

The Supreme Court of Serbia shall be the highest court in the Republic of Serbia.

Article 103

A public prosecutor's office shall be an independent State agency which prosecutes the perpetrators of criminal offences and other punishable acts specified by law, and applies legal remedies in order to protect constitutionality and legality.

The public prosecutor's office shall perform its function on the ground of the Constitution and law.

A public prosecutor shall not be held responsible for an opinion expressed while performing his function as public prosecutor, and he shall not be detained without the approval of the national Assembly in the proceedings instituted due to a criminal offence committed while performing the prosecutor's function.

Article 104

Establishment, organisation and competences of a public prosecutor's office shall be determined by law.

The republic public prosecutor shall perform the function of the public prosecutor's office within the jurisdiction of the Republic of Serbia.

Article 105

A public prosecutor may not engage in a service or take a job which are specified by law as incompatible with his function.

Article 106

Public prosecutor shall have a life tenure.

A public prosecutor's tenure of office shall not terminate nor may he be dismissed against his will, except in cases provided for a judge, and in the manner specified by law.

The National Bank

Article 107

The Republic of Serbia shall have a National Bank.

The status, organisation management and conducting business of the National Bank shall be determined by law.

VI. TERRITORIAL ORGANISATION

The Autonomous Province of Voivodina and the Autonomous Province of Kosovo and Metohia

Article 108

The autonomous provinces have been formed in accordance with the particular national, historical, cultural, and other characteristics of their areas.

Citizens within the autonomous province shall autonomously realize the rights and fulfil the duties established by the Constitution and law.

The territory of an autonomous province shall be determined by law.

Article 109

The autonomous province shall, through its own agencies:

- 1)** enact the program of economic, scientific, technological, demographic, regional and social development, development of agriculture and rural areas, in accordance with the development plan of the Republic of Serbia, and shall lay down measures for their implementation;
- 2)** adopt a budget and annual balance sheet;
- 3)** enact decisions and general enactments in accordance with the Constitution and law, to regulate matters affecting the citizens in the autonomous province in the areas of: culture; education; official use of the language and alphabet of the national minority; public information, health and social welfare; child welfare, protection and advancement of environment; urban and country planning; and in other areas established by law;
- 4)** enforce laws, other regulations and general enactments of the Republic of Serbia, whose enforcement has been entrusted to the agencies of the autonomous province, and pass regulations necessary for their enforcement if so provided by the law; see to the execution of provincial decisions and general enactments;
- 5)** establish agencies, organisations and services of the autonomous province, and regulate their organisation and work;
- 6)** attend to other business laid down under the Constitution and law, as well as by the statute of the autonomous province.

The Republic of Serbia may entrust by a law an autonomous province with the performance of specific affairs within its own competences and transfer to it the necessary funds for this purpose.

The autonomous province shall collect revenues as laid down by law.

Article 110

The statute is the highest legal act of the autonomous province which, on the ground of the Constitution, shall lay down the competences of the autonomous province, election, organisation and work of its agencies, and other questions pertaining to the autonomous province.

The statute of the autonomous province shall be enacted by its assembly, subject to prior approval of the National Assembly.

Deputies in the assembly of an autonomous province shall not be held responsible for an opinion expressed or for casting a vote in the assembly of the autonomous province. The same immunity shall be enjoyed by the members of the executive council.

Article 111

The agencies of the autonomous province shall be its assembly, executive council, and agencies of administration.

The assembly of an autonomous province shall be composed of deputies elected in direct election by secret ballot.

Article 112

If an agency of an autonomous province, despite a warning of the corresponding republic agency, fails to execute a decision or a general enactment of the autonomous province, the republic agency may provide for its direct execution.

The Municipality

Article 113

The municipality shall, through its agencies, and in accordance with law:

- 1) enact development program, town and county plan, budget, and annual balance sheet;
- 2) regulate and provide for performing and development of the municipal activities;
- 3) regulate and provide for the use of urban construction sites and business premises;
- 4) take care of construction, maintenance and use of local network of roads and streets, and other public facilities of public interest;
- 5) take care of meeting specific needs of citizens in the areas of: culture; education; health and social welfare; child welfare, physical culture; public information; handicrafts; tourist trade and catering services; protection and advancement of environment, and in other areas of direct interest for the citizens;

- 6) execute laws, other regulations and general enactments of the Republic of Serbia whose execution is entrusted to the municipality; provides for the execution of regulations and general enactment of the municipality;
- 7) establish agencies, organisations, and services to meet the need of the municipality and regulate their organisation and work;
- 8) attend to other business as established by the Constitution and law, as well as by the statute of the municipality.

The system of local self-government shall be regulated by law.

The Republic of Serbia may entrust by a law the performance of some affairs to a specific municipality, and transfer to it resources necessary thereof.

Article 114

The municipality shall be entitled to revenues, as established by law, for administering the affairs spelled out by the Constitution and the law.

To meet the needs of citizens in the municipality, funds may be collected on the ground of direct taking stand of citizens, and in accordance with law.

Article 115

The municipality shall have its statute by which, on the ground of the Constitution, affairs in the municipality shall be regulated as well as the organisation and work of the municipality, including other questions of interest to the municipality.

The statute shall be enacted by the municipal assembly.

Article 116

The affairs of the municipality shall be decided upon by citizens in a referendum, and through their representatives in the municipal assembly.

The municipal assembly shall be composed of councillors elected in direct election by secret ballot.

Article 117

It may be established by law that a municipality becomes a city, comprising in its territory two or more town municipalities.

A statute of a city may determine which affairs shall be administered by the city and which by a town municipality.

The City of Belgrade

Article 118

The City of Belgrade shall administer the affairs of the municipality as established by the Constitution, and the affairs entrusted to it by the Republic within the framework of the republic rights and duties.

The territory of the City of Belgrade shall be established by law.

The City of Belgrade shall collect revenues as established by the law, as well as resources set apart for administering entrusted affairs within the framework of rights and duties of the Republic of Serbia.

The City of Belgrade shall have its statute by which it is determined what affairs have to be performed by the City of Belgrade, and what by town municipality within its framework, the organisation and work of the agencies of the City, as well as other questions of interest to the City of Belgrade.

The statute of the City of Belgrade shall be enacted by the Assembly of the City of Belgrade.

The Assembly of the City of Belgrade shall be composed of councillors elected in direct election by secret ballot.

VII. GUARANTEES OF CONSTITUTIONALITY

Constitutionality and Legality

Article 119

A law, other regulation or general enactment shall be in conformity with the constitution.

A regulation and other general enactment of the republic agency must be in conformity with the law.

Any other regulation and general enactment must be in conformity with the law and other republic legislation.

Article 120

A law, other regulation or general enactment shall enter into force no earlier than on the eighth day from the day of publication, unless, for particularly justified grounds, it is provided that it enters into force earlier.

Article 121

A law, other regulation or general enactment shall have no retroactive effect.

If so required by public interest as established in the procedure of enactment of the law, it may be provided solely by law that some of its provisions shall have a retroactive effect.

Punishable offences shall be prescribed and punishments for their commission pronounced according to law and/or other regulation which was in force at the time of the commission of the offence, unless the new law and/or regulation is more favourable for the perpetrator.

Article 122

State agencies and organisations exercising public powers may decide in individual cases on rights and duties of citizens or, on the ground of law, apply coercive measures and restrictions, only in a procedure prescribed by law, in which everyone is provided the opportunity to defend his rights and interests and to appeal against the issued act and/or apply any other legal remedy determined by law.

Article 123

Unfamiliarity with the language of proceedings in course shall not be an impediment for the exercise of the rights and interests of citizens.

In the proceedings before a court or other State agency or organisation which, while exercising public powers, rules on his rights and duties, each person shall be guaranteed the right to use his own language and to familiarize himself with the facts of the proceedings in his own language.

Article 124

An appeal may be lodged with a competent agency against the rulings and other individual acts of judicial, administrative and other State agencies, as well as such acts issued by agencies and organisations exercising public powers in the first instance.

By way of exception, in particular cases, an appeal may be disallowed by law if the right to legal remedy and protection of legality have been secured in some other way.

The legality of finally-binding individual acts by which State agencies and organisations exercising public powers decide on rights and duties, shall be decided upon by a court of law in the administrative dispute proceedings, unless other kind of judicial protection has been provided for the specific matter.

By way of exception, the administrative dispute proceedings may be excluded by law in specific kinds of administrative matters.

The Constitutional Court

Article 125

The constitutional Court shall decide on:

- 1) conformity of laws, statutes of autonomous provinces, other regulations and general enactments with the Constitution;
- 2) conformity of regulations and general enactments of the republic agencies with law;
- 3) conformity of all other regulations, collective agreements as general enactments, and other general enactments with the law and other republic regulations;
- 4) conflict of jurisdictions between courts of law and other agencies;
- 5) conformity of a statute or other general enactment of a political party or other political organisation with the Constitution and law;
- 6) the banning of a political party or other political organisation;
- 7) electoral disputes which are not within the competence of courts of law other State agencies.

The Constitutional Court shall assess constitutionality of laws and the constitutionality and legality of regulations and other general enactments which are no longer in force, if no more than one year has elapsed after the termination of their validity and the initiating of the proceedings.

Article 126

The Constitutional Court shall have nine justices.

The tenure of office of a justice of the Constitutional Court shall be for life.

The president of the Constitutional Court shall be elected from among the justices for a five-year term and may not be re-elected to the same office.

A justice of the Constitutional Court may not engage in another public function or professional activity.

A justice of the Constitutional Court shall enjoy the same immunity as a representative (of the National Assembly).

The immunity of a Constitutional Court justice shall be decided upon by the Constitutional Court.

Article 127

A justice of the Constitutional Court shall terminate his office at his own request or after meeting the requirements for obtaining the old age pension. A justice of the Constitutional Court shall be dismissed from duty if he is convicted of a criminal offence to an unconditional penalty of imprisonment, or if he has permanently lost the ability to discharge the function of a justice of the Constitutional Court.

The Constitutional Court shall notify the National Assembly on the existence of grounds for the termination of the office and/or dismissal of a justice of the Constitutional Court.

The Constitutional Court may decide that a justice of the Constitutional Court who has been indicted in the criminal proceedings should not discharge his duty while the proceedings are in progress.

Article 128

Everyone may initiate the proceedings of assessing the constitutionality and legality.

Proceedings before the Constitutional Court shall be initiated by State agencies, while other agencies and organisations may initiate such proceedings after finding that their rights and interests have been directly violated by the act whose constitutionality and legality are being challenged.

The Constitutional Court may itself initiate the proceedings for assessing the constitutionality and legality.

Article 129

The Constitutional Court shall adjudicate by the majority vote cast by the justices.

A decision of the Constitutional Court shall be binding and executable.

In case of need, the enforcement of a Constitutional Court decision shall be assured by the Government.

Article 130

When the Constitutional Court has established that a law, the statute of an autonomous province, other regulation or general enactment are not in conformity with the Constitution, such law, statute of the autonomous province, other regulation or general enactment shall cease to be valid as of the day of publication of the decision of the Constitutional Court.

When the Constitutional Court has established that a regulation or other general enactment of a republic agency, or other regulation or general enactment are not in conformity with the law, such regulation or general enactment shall cease to be valid as of the day of publication of the decision of the Constitutional Court.

Article 131

Procedure before the Constitutional Court and the legal effect of its decisions shall be regulated by law.

The Constitutional Court shall regulate its own organisation.

Amending the Constitution

Article 132

A proposal to amend the Constitution may be submitted by at least 100,000 voters, or at least 50 representative, by the President of the Republic, or by the Government.

A proposal to amend the Constitution shall be decided upon by the National Assembly by a two-third majority of the total number of representatives.

Article 133

The National Assembly shall adopt the act on amending the Constitution by a two-third majority of the total number of representatives and shall have it endorsed at a republic referendum.

The act on amending the Constitution shall be considered as finally adopted if more than one half of the total number of voters have voted in favour at the republic referendum.

The act on amending the Constitution shall be promulgated by the National Assembly.

Article 134

A constitutional law shall be enacted for the enforcement of the amendments to the Constitution.

The constitutional law shall be adopted by the National Assembly by a two-third majority of the total number of representatives.

The constitutional law for the enforcement of the amendments to the Constitution shall be promulgated by the National Assembly.

The constitutional law shall come into force simultaneously with the amendments to the Constitution.

VIII. RELATIONSHIP TO THE CONSTITUTION OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

Article 135

The rights and duties vested under the present Constitution in the Republic of Serbia, which is part of the Socialist Federal Republic Yugoslavia, violate the equal terms of the federal constitution are to be exercised in the Federation, shall be enforced in accordance with the federal constitution.

If acts of the agencies of the Federation or acts of the agencies of another republic, in contravention of the rights and duties it has under the Constitution of the Socialist Federal Republic of Yugoslavia, violate the equality of the Republic of Serbia or in any other way threaten its interests, without providing for compensation, the republic agencies shall issue acts to protect the interests of the Republic of Serbia.

IX. CONCLUDING PROVISION

Article 136

The present Constitution shall come into force on the day of its promulgation.