

# ESTATUTO DE AUTONOMÍA EN EL ESTADO DEMOCRÁTICO MODERNO: EL CASO DE SERBIA

## AUTONOMY STATUS IN THE MODERN DEMOCRATIC STATE: THE CASE OF SERBIA

DOI: <https://doi.org/10.17981/juridcuc.21.1.2025.15>

Fecha de Recepción: 2025/07/15 Fecha de Aceptación: 2025/10/17

**Konstantin Polovchenko**   
MGIMO University, Moscow, Russia  
[kplovchenko@mymail.academy](mailto:kplovchenko@mymail.academy)

Para citar este artículo:

Polovchenko, K. (2025). Estatuto de autonomía en el estado democrático moderno: el caso de Serbia. *Jurídicas CUC*, 21(1), pp. 289-307 DOI: <http://doi.org/10.17981/juridcuc.21.1.2025.15>

### Resumen

Este artículo analiza el marco constitucional y legal de la autonomía en la República de Serbia, con especial atención a la Provincia Autónoma de Voivodina. Mediante una metodología cualitativa de comparación jurídica, el estudio examina las disposiciones constitucionales, los desarrollos estatutarios y las decisiones jurisprudenciales entre 2006 y 2014. El análisis se centra en la evolución y las limitaciones de la autonomía provincial, la distinción entre competencias originarias y delegadas, y el papel del Tribunal Constitucional serbio en la interpretación del alcance del autogobierno. Se presta especial atención a los Estatutos de Voivodina de 2009 y 2014 y a los desafíos constitucionales que enfrentaron. Los hallazgos muestran que, si bien la Constitución serbia habilita formalmente la autonomía, el marco legal e institucional impone restricciones significativas, en particular a través de la supervisión centralizada y el control judicial. El estudio concluye que el caso de Voivodina refleja tensiones más amplias entre la descentralización y la unidad nacional en los estados unitarios, lo que ofrece perspectivas para los debates constitucionales comparativos sobre la gobernanza regional y la protección de las minorías.

**Palabras clave:** Constituciones, descentralización, gobierno local, derechos humanos, derecho comparado.

### Abstract

This article analyzes the constitutional and legal framework of autonomy in the Republic of Serbia, with a particular focus on the Autonomous Province of Vojvodina. Using a qualitative legal-comparative methodology, the study examines constitutional provisions, statutory developments, and jurisprudential decisions from 2006 to 2014. The analysis centers on the evolution and limitations of provincial autonomy, the distinction between original and delegated competences, and the role of the Serbian Constitutional Court in interpreting the scope of self-governance. Special attention is paid to the 2009 and 2014 Statutes of Vojvodina and the constitutional challenges they faced. The findings show that while the Serbian Constitution formally enables autonomy, the legal and institutional framework imposes significant constraints, particularly through centralized oversight and judicial review. The study concludes that the case of Vojvodina reflects broader tensions between decentralization and national unity in unitary states, offering insight for comparative constitutional debates on regional governance and minority protection.

**Keywords:** Constitutions, decentralization, local government, human rights, comparative law.



## INTRODUCTION

The Serbian Constitution of 2006 took another step towards the creation of a modern-type constitutional system in the Republic of Serbia, based on the values of humanism, democracy, and protection of human and minority rights. For example, paragraph 1 Article 12 of the Serbian Constitution furnishes the elemental tenet of the administrative composition of the state, and this principle constrains state power in Serbia via the entitlement of citizens to provincial independence and local self-governance.

This provision of the Serbian Constitution was developed in Part VII Territorial Organization of the Constitution. People will possess the entitlement to provincial autonomy as well as local self-government conforming to Article 176 of the Serbian Constitution. They shall wield this entitlement personally or via their autonomously designated delegates. With that, unlike the times of socialist Yugoslavia, the modern status of the autonomous provinces established by the Constitution of 2006, is based on the principles embodied in the European concept of regional democracy ([Polovchenko, 2019b](#)).

This is primarily manifested in the fact that autonomous entities within the territory of modern Serbia are not state-like entities with their scope of state sovereign powers. So, their status is markedly different from that of autonomous entities under the Constitution of 1974. Then, according to Professor Stojanović, they constituted a kind of borderland between the federal subjects and autonomous entities ([Stojanović, 2009](#)).

According to paragraph 1 Article 182 inside the Serbian Constitution of 2006, the Constitution establishes autonomous provinces as autonomous territorial communities, in which citizens exercise the right to the provincial autonomy. With that, a distinctive feature of the autonomization of the Serbian territories is that the autonomous provinces were established not throughout the territory of Serbia, but only on its parts ([Jarkovački & Radivojević, 2025](#)). For example, according to paragraph 2 Article 182 of the Serbian Constitution, the Autonomous Province of Vojvodina together with the Autonomous Province of Kosovo and Metohija exist within the Republic of Serbia.

However, according to paragraph 3 Article 182 of the Serbian Constitution, the number of autonomous provinces shall not be limited. Moreover, the Constitution provides for the possibility of abolishing or combining existing autonomous provinces, and the formation of new autonomous entities. The territorial structure within the Republic of Serbia is subject to modification ([Drobnjaković & Steinfürer, 2024](#)). Altering the Constitution furnishes the means for achievement of that. In compliance with the Law (part 3 of article 182 of the Serbian Constitution), inhabitants in a plebiscite shall institute the motion to originate novel self-governing provinces or abolish or consolidate remaining ones.

In the reasonable opinion of Professor Ratko Marković, the possibility of creating new autonomous provinces is a logical consequence of the principle established in Article 12 and detailed in the provisions of Article 176 of the Constitution of 2006. This principle provides that all citizens of the Republic of Serbia (and not only citizens of Vojvodina, Kosovo and Metohija) have the constitutional right to the provincial autonomy. This

means that in Serbia, new autonomous provinces may be formed, in addition to the two directly provided for in the Constitution (Marković, 2014).

As for AP Vojvodina and AP Kosovo and Metohija, mentioned in the Constitution of 2006, their status is not identical according to the Constitution (Proroković, 2022). Thus, the Constitution of 2006 provided for substantial autonomy in Kosovo and Metohija, taking into account the particular ethnic composition of this region of Serbia. As a result, vis-à-vis the condition of the AP Vojvodina, the special law which shall be adopted in accordance with the proceedings envisaged for amending the Constitution shall govern the status of the AP Kosovo as well as Metohija (paragraph 2 Article 182 of the Serbian Constitution). Furthermore, within the Serbian Constitution of 2006 there exists a provision mandating citizen approval established in a referendum prior to territorial alteration of autonomous provinces. The Law also corresponds to this stipulation per paragraph 4 Article 182 of the Serbian Constitution.

However, on February 17, 2008, the provisional Assembly of Kosovo declared the so-called Republic of Kosovo to be independent from Serbia. This happened unilaterally, in violation of UNSC Resolution 1244, despite the entry into force of the new democratic Serbian Constitution of 2006, which provided for the unprecedented broad autonomy of Kosovo, as well as other measures aimed at maintaining territorial integrity, in accordance with the UN basic principles and European standards related to human rights (Guskova, 2013). In April 2008, the Kosovo Constitution was adopted by the Kosovo Assembly in the absence of Serbian deputies. June 15, it came into force.

According to Article 1, the Republic of Kosovo is an independent, sovereign, democratic, united and indivisible state. It is noteworthy that Constitution of 2008 was prepared with the participation of the European Union. According to a report prepared by the press office of the Kosovo Constitutional Commission, the draft document was examined in the European Union and approved by Peter Feith, EU Special Representative in Kosovo. The adoption of the Kosovo Constitution was followed by the recognition of the so-called Republic of Kosovo by a significant number of states.

By the beginning of 2018, the so-called Republic of Kosovo was recognized by more than 100 UN member states. With that, Russia, China, Israel, Iran, Spain, Greece, Serbia and some other states (about 1/3 of the UN member states) refused its recognition (Stojanović, 2009, p. 438). However, in the past two years, the situation has begun to change. For example, fifteen states withdrew their recognition, and some of them suspended the recognition process. At present, only half of the UN member states (97 states) recognize the Republic of Kosovo as an independent state, and 96 states refuse its recognition. On the one hand, this noticeable tendency is associated with the negative processes that are taking place on the territory of Kosovo (Iskenderov, 2017).

On the other hand, the Republic of Serbia has demonstrated its peaceful foreign policy (Polovchenko, 2019a) and ability to provide the highest level of protection - even by European standards - of human and minority rights, in relation to all ethnic and religious groups residing in Serbia (Mitrovic, 2021; Džuverović et al., 2025). This is most clearly manifested in the framework of legal regulation of the AP Vojvodina status, the analysis of which is presented in this article.

This article adopts a qualitative legal-reflective methodology since it employs doctrinal interpretation, legal reasoning, and comparative constitutional analysis. Article analyzes primary legal sources such as the [Autonomous Province of Vojvodina. \(2009\)](#). The analysis includes the Law on Establishing the Competences of the [Autonomous Province of Vojvodina. \(2009\)](#) along with the Constitution of the [Republic of Serbia \(2006\)](#). Decision IUo-360/2009 and also Decision IUz-353/2009, that greatly shaped within it the legal position for Vojvodina, are considered in the study by Serbia's Constitutional Court.

Through a legal-analytical lens the researcher can assess how autonomy is limited and structured within Serbia's unitary constitutional framework. Leading Serbian legal scholars [Marković \(2014\)](#) together with [Simović \(2013\)](#) offer relevant academic commentary, with [Jarkovački & Radivojević \(2025\)](#) providing comparative perceptions. Thus, the case of Vojvodina provides for a valuable perspective. It allows to see just how decentralization, the protection of minority rights, and constitutional integrity all intersect in post-socialist democracies.

## DISCUSSION

### *Genesis of the modern status of the AP Vojvodina*

Per paragraph 1 Article 177 of the Serbian Constitution, autonomous provinces are capable within those affairs that may be realized effectively inside an autonomous province, affairs that the Republic of Serbia is not skilled inside. According to paragraph 1 Article 185 of the Constitution, the Statute is the supreme legal act of the AP Vojvodina. The Statute of the autonomous province must be adopted by its Assembly (representative body of the autonomous province), subject to prior approval of the National Assembly. With that, the consent of the Serbian Parliament should be given in the form of a special legal act, approving the text of the Statute submitted by the Provincial Assembly. Section 1 Article 183 of the Serbian Constitution of 2006 articulates something. Based on it, "Autonomous provinces, consistent with the Constitution alongside their Statutes, administer the jurisdictions, election, organization plus operation of entities alongside services they institute" ([Simović, 2013](#), p. 54).

As a result, the foundations of the legal status of the AP Vojvodina, underlying the Serbian Constitution of 2006, are detailed in the AP Vojvodina Statute. This Statute, among other things, determines the nature of relations with local self-government units, the specifics of protecting the rights of national minorities, the budget and financial foundations of activities, competence, the formation procedure, organization and activities of the bodies and services of the autonomous province.

In this way, on the basis of and pursuant to the Serbian Constitution of 2006, the Vojvodina Statute of 2009 was adopted. At the same time, the Vojvodina Statute of 2009 had a number of shortcomings, including those related to the violation of both the law and the intent of the Serbian Constitution of 2006. Contrary to the provisions of Article 183 of the Serbian Constitution, the Vojvodina Statute of 2009 expanded the range of issues classified by the Constitution as competence of the autonomous province.



In addition, as Professor Marković reasonably points out, “the Vojvodina Statute of 2009 was similar to Constitution in its structure and terms. Moreover, most of the provisions of the Vojvodina Statute of 2009 regarding the organization and activities of Vojvodina bodies were identical to those of the Serbian Constitution of 2006” (Marković, 2014, p. 456). In fact, the developers of the Vojvodina Statute of 2009 transferred the Serbian power organizational structure established by the Serbian Constitution of 2006, to the provincial level, and, therefore, to the procedure of organization and relations of the authorities of the AP Vojvodina.

The names of provincial authorities were also identified with the names of state Serbian authorities. For example, as a result of such free rule-making, one more body named Government appeared in Serbia - in addition to the supreme executive body of the Republic - however, in this case, at the level of the AP Vojvodina.

Other constitutional shortcomings of the Vojvodina Statute of 2009 include the fact that the distinction between the state-forming Serbian people and national minorities established by the Serbian Constitution of 2006 was there ignored. The Vojvodina Statute of 2009 used the term national communities for both of these concepts, which constitute the majority or minority in the total population of the AP Vojvodina, respectively (Orlović, 2024).

In addition, the Vojvodina Statute of 2009 introduced a new completely unjustified nomenclature of provincial acts. For example, the decisions of the Provincial Assembly and other decisions of the autonomous province’s bodies were differentiated (Lošonc, 2021). It is also noteworthy that, during the development and adoption of the Law on Establishing the Competence of the AP Vojvodina of 2009, mentioned in the article above, the text of this Law was amended. These amendments served as a cover for the relevant provisions of the draft of the Vojvodina Statute, despite the fact that the constitutionality of these amendments was questioned by Serbian constitutionalists at the stage of development and adoption of this Law (Marković, 2014, p. 456). Eventually, as indicated above, most of these provisions of the Law were found by the Serbian Constitutional Court to be contrary to the Constitution.

As a result, the Vojvodina Statute of 2009 was amended, as it previously happened with a number of provisions of the Law on Establishing the Competence of the AP Vojvodina of 2009. Thus, a significant amount of the provisions of the Statute became the subject matter of the constitutionality and legality of the Vojvodina Statute of 2009 in the Constitutional Court of Serbia. On December 14, 2009, immediately after the adoption of the Vojvodina Statute, proceedings were instituted on its constitutionality and legality. In May 2013, a public hearing was held on the issue of (un)constitutionality of the Vojvodina Statute. December 5, 2013, the Constitutional Court of Serbia made a final decision in this case (Odluka Ustavnog suda, 2014).

During the consideration of the case, the Constitutional Court concluded that  
*“... it is not possible to proceed checking the contested provisions of the Vojvodina Statute for compliance with the Serbian Constitution, without first answering fundamental questions that are related, in particular, to the legal nature and character of the Statute of the autonomous province, and therefore, to its scope”* (Odluka Ustavnog suda, 2014).

In view of this, the Constitutional Court set out to develop theoretical provisions of the Decision as of July 10, 2012. The purpose of this was to find suitable solutions for the basic issues regarding the legal nature and structure of autonomy in Serbia.

First of all, the Constitutional Court identified two basic constitutional issues essential for making a decision on the compliance of the Vojvodina Statute of 2009 - both its text in general and some its provisions challenged - with the Serbian Constitution. As already mentioned, one of the issues was related to the establishment of the legal nature of the Statute as the supreme legal act of the autonomous province. The scope of regulations of this act directly depended on its nature. Another issue was related to the power system of the autonomous province and its compliance with the principles established by the Constitution of 2006. With that, the decision on the second issue depended entirely on the concept of the legal nature of the Statute of the autonomous province which had been previously adopted.

In the Serbian doctrine, there are two approaches to the legal nature of the Statute as the supreme legal act of the autonomous province. The first approach is presented by Tamás Korhecz and Darko Simović. According to Tamás Korhecz, “the Vojvodina Statute is a specific legal act *sui generis*. It has a partially constituent character, limited by the Constitution and, partially, by the Serbian Law” (Korhecz, 2009, p. 11).

By virtue of the foregoing, the Statute does not constitute a typical statutory instrument, but rather an atypical one, because of its special place in the hierarchy of legal acts. However, its statutory nature is not always expressed in the same way, which directly depends on its regulatory scope. This approach to the legal nature of the Statute takes into account the special procedure for its adoption, which is carried out by two representative bodies.

The first of these bodies is the supreme legislative body of the Republic of Serbia, and the second is the representative body of Vojvodina citizens. This gives the Statute its specific legal force, which makes it different from other statutory instruments (Korhecz, 2009). Moreover, National Assembly of the Republic of Serbia, when giving its consent to the Statute of the autonomous province, makes its decisions with the absolute majority of its members. The provisions of Articles 179, 180, 183 of the Serbian Constitution provide that, in accordance with the Constitution, the autonomous province shall independently establish the structure, procedure for the election and competence of its bodies and subordinated public services.

This, according to Professor Korhecz, constitutes another argument in favor of the fact that the Statute forms a constituent document. The Serbian constitutional legislator thus has reserved the relevant competence for the autonomous province, within which this province carries out its independent governing. Autonomy, as a form of territorial decentralization, thereby obtained recognition of its Statute as its supreme legal act, in the text of which Serbian constitutional legislator recognized some constituent elements.

According to Professor Simović, the power of territorial autonomy is derivative in its nature. Therefore, with regard to the legal nature of the Statute as the supreme legal act of the autonomous province, it can be concluded that “the Statute is not constituent in its nature, since territorial autonomy was established and determined by the Constitution, and not by the Statute” (Simović, 2013, p. 67). With that, this conclusion admits to some

extent that certain constituent elements are inherent in the Statute of the autonomous province, although it is not constituent in its nature.

These constituent elements are related to the right of the AP Vojvodina to independently regulate the competence, formation, organization and activities of bodies and services of the autonomous province. In view of this, despite the fact that the autonomous province does not have the right to self-determination, the constituent elements of its Statute are related to the right to self-organization of the autonomous province, established by the Constitution. In this regard, the Statute of the autonomous province constitutes an unusual statutory instrument, since, in accordance with the Constitution of 2006, the competence of the National Assembly as a legislative body of the Republic of Serbia is here restricted.

Therefore, with regard to the right to self-organization guaranteed by the Constitution, the autonomous province, when adopting its Statute, shall be bound not by Serbian Law, but only by the Serbian Constitution. As a result, Professor Simović concludes the following: since the Statute contains primary rules, i.e. rules that govern general issues, the Statute of the autonomous province does thereby contain some constituent elements (Simović, 2013, p. 68).

However, the method, predicated upon the fact that the Statute of the autonomous province constitutes an ordinary statutory instrument, is more popular among Serbian constitutionalists. The foundation for this tactic involves constitutional stipulations mainly. In accordance with these stipulations,

- 1) “statutes, decisions and other general acts of autonomous provinces (...) must comply with the Law” (paragraph 2 Article 195 of the Serbian Constitution), also
- 2) the Constitutional Court determines whether “the Statute and general acts of autonomous provinces (...) comply with the Constitution and the Law” (item 4 paragraph 1 Article 167 of the Serbian Constitution).

The supporters of the opposite view argue that the Statute, as the supreme legal act of the autonomous province, is to be adopted in a special complicated manner. As an objection, we can introduce here a number of counterarguments. For example, Vladan Petrov believes that, on the one hand, the complicated procedure for adopting the Statute does not imply a greater legal force of this document, which constitutes an ordinary statutory instrument.

On the other hand, “... the role of the National Assembly in the procedure for adopting the Statute is due to the need for legal control of the central republican government over decentralized government” (Petrov & Simović, 2013, p. 170). According to Professor Kutlešić, the role of the National Assembly in the procedure for adopting the Statute is provided not for the purpose of ensuring greater legal force of this legal act. It may be rather considered an instrument of control over autonomous entities, which is often found in comparative law, and which is contrary to the principles of equality and partnership (Kutlešić, 2009). Indeed, if the Constitution expressly stipulates that the Statute should not contradict the Law, then there is no reason to dispute the fact that the Statute constitutes a statutory instrument.

However, Professor Ratko Marković points out the following:



*“Based on the text of the Constitution, we can produce both the formal and the material concepts of the Provincial Statute. In a formal sense, Provincial Statute is a statutory general regulatory act limited both by the Constitution and the Law (...). In a material sense, Provincial Statute is an organic legislation act containing legal norms for the organization and activities of provincial authorities and public services, within the competence of an autonomous province, established by the Constitution”* (Marković, 2009, p. 69).

Therefore, the position of Professor Marković constitutes a kind of compromise between two approaches above. Marković thereby admits the conclusion that certain constituent elements are inherent in the Statute of the autonomous province, although it is not constituent in its nature.

During the proceedings in the Constitutional Court of the Republic of Serbia on the case on the constitutionality and legality of the Vojvodina Statute of 2009, public hearings had been held, with the distinguished Serbian constitutionalists attended, including the authors of the studies cited above. The text of the final Decision in this case, as of December 5, 2013, demonstrates the fact that a number of arguments expressed at public hearings had been taken into account by the Constitutional Court (Odluka Ustavnog suda, 2014).

For instance, the Constitutional Court proceeded on the basis that

*“... autonomous entities, as a legal form of autonomy, constitute a form of territorial organization of a unitary state and, therefore, a part of the internal state system. So, the basic rule of legal theory, confirmed by comparative legal practice, indicates that the central government determines the degree of autonomy for such entities by its Constitution and Law. First of all, this applies to the type and extent of competence of autonomous entities, and their relationships with central authorities. An important role is also played by the organization of autonomous entities, or at least the main key elements of such organization. This is confirmed by the fact that autonomous entities do not have their own constituent power, which would contain characteristic features of state formation”* (Odluka Ustavnog suda, 2014).

Based on the point of view above, in the Decision as of December 5, 2013, the Constitutional Court of Serbia took the following principled positions.

Firstly, an autonomous province is an entity produced by the Constitution, and is, therefore, a derivative, not an original entity. In view of this, the Statute of an autonomous province cannot have the character of a constituent act. Secondly, in the hierarchy of national general legal acts, the legal force of the Statute of the autonomous province is lower than that of the Constitution and the Law. Thirdly, autonomous units do not have their own constituent power, which would contain characteristic features of state formation. Fourthly, the autonomous province is not authorized to establish its authority by its own legal acts. Fifthly, the subject of the Statute of the autonomous province primarily includes issues relating to the organization and competence of regional bodies and services created by an autonomous province, as well as issues of the power distribution between bodies.

Finally, the Constitutional Court stated in the Decision that the process of verifying the constitutionality and legality of the Statute falls within the competence of the



Constitutional Court. However, this does not mean that the National Assembly, as a carrier of constituent and legislative powers, by giving prior consent to the Statute of the autonomous province, does not exercise a kind of supervision over the constitutionality and legality of this instrument ([Odluka Ustavnog suda, 2014](#)).

Based on the positions above, the Constitutional Court established that several provisions of the Vojvodina Statute are contrary to the Constitution, including the provisions on the equality of national communities in the AP Vojvodina. Furthermore, in its Decision, the Constitutional Court points out that the term “national community” cannot be applied to the Serbian people, because they constitute the state-forming segment of population in Serbia, also this flows from the provisions of Article 1 of the Serbian Constitution: “The Republic of Serbia is a state of the Serbian people and all citizens living in it ...”.

In addition, someone found these provisions at odds with the Constitution of 2006: the provisions on Novi Sad, being the capital of the AP Vojvodina, the provisions on the Academy of Sciences and Arts of Vojvodina; provisions on the establishment of the Council of National Communities as a special body of the Assembly of the AP Vojvodina.

The Statute’s stipulations on the AP Vojvodina’s territory were incongruent with Serbia’s Constitution. The Territorial Organization Law systematically establishes Serbia’s territorial organization. Consequent to that, the Constitutional Court proclaimed that several stipulations concerning the underlying delineation of the AP Vojvodina were unconstitutional. For instance, as stated in the Decision as of December 5, 2013, the AP Vojvodina is an autonomous province of the Republic of Serbia, and, therefore, a territory of all Serbia citizens, and not only of citizens who live in it.

As for the concept and structure of power in the AP Vojvodina, the Constitutional Court of Serbia declared the provisions on the Vojvodina Assembly – as the holder of legitimate power in the AP Vojvodina – to be non-compliant with the Constitution. In addition, a number of provisions on the Vojvodina Government, as a holder of executive power, were also recognized as unconstitutional, since, according to the Constitutional Court of Serbia, only state bodies can be state power holders in a unitary state. Moreover, the Constitutional Court declared the concept of the executive system of the AP Vojvodina to be disputed in the constitutional and legal sense.

As a result of the Decision of the Constitutional Court of Serbia as of December 5, 2013, more than two-thirds of the provisions of the Statute of the AP Vojvodina were found to be non-compliant with the Constitution of the Republic of Serbia, in whole or in part. This fact called into question the legitimacy of the entire regulatory and functional system of the AP Vojvodina. That is why, in order to ensure the administrative functioning of the AP Vojvodina, the Constitutional Court postponed the publication of its decision on unconstitutionality of the provisions of the Statute of 2009, for a period of six months, which was the maximum term allowable under the Law on the Constitutional Court. As a justification, it referred to the intention that during this period, the Vojvodina Assembly, as the body authorized to adopt the Statute, and the National Assembly, as the body that gives preliminary consent to the adoption of the Statute, should bring the Statute in compliance with the Constitution ([Odluka Ustavnog suda, 2014](#)).

The National Assembly of Serbia and the Vojvodina Assembly thus got into an extremely difficult situation, since at the end of a six-month period, the publication of the Decision of the Constitutional Court entailed termination of the main provisions of the Vojvodina Statute of 2009. However, its remaining norms also reflected the concept of this legal act, recognized by the Constitutional Court as non-compliant with the Serbian Constitution. As a result, at a meeting held on May 22, 2014, the Vojvodina Assembly adopted its new Statute, in accordance with the Decision of the Constitutional Court, based on paragraph 2 Article 185 of the Serbian Constitution and the Decision on the prior consent of the National Assembly of the Republic of Serbia.

*Legal principles of the organization of power in the AP Vojvodina*

According to Article 1 of the Vojvodina Statute of 2014, the AP Vojvodina shall be an autonomous territorial community of the Republic of Serbia, also citizens exercise their right to provincial autonomy, according to their conformity with the Constitution and Law. AP Vojvodina will exist as an intrinsic segment of the Republic of Serbia. In Paragraph 2 of Article 1 within the Vojvodina Statute, it is specified that European principles plus values must be cultivated there.

As provided within the Constitution and Law, the Vojvodina Statute of 2014 specifies that citizens of the Republic of Serbia possess the entitlement to provincial autonomy through their elected representatives or directly, that is, via people's initiative or referendum. Consequently, AP Vojvodina lacks dual nationality, and the Serbian Republic must regard all its inhabitants as citizens.

The AP Vojvodina shall also ascertain its symbols as well as utilize them in accordance with the Constitution ([Becker, 2025](#); [Cancela-Outeda, 2024](#)). Its ensign and heraldic achievement will exist as the symbols of the AP Vojvodina. AP Vojvodina shall have its seat for provincial authorities within the administrative centre, The City of Novi Sad. A Provincial Assembly may resolve to institute that specific AP Vojvodina officials reside beyond the City of Novi Sad.

Per Article 2 of the Statute, the AP Vojvodina possesses juridical standing. It constitutes a lawful identity. A determination of the Vojvodina Assembly shall establish an AP Vojvodina agency representing it as a juridical person, thereby executing its entitlements and obligations as originator of civic ventures and establishments, pursuant to the Law. By mandate of the Law, territorial boundaries of the AP Vojvodina shall constitute local self-government units. AP Vojvodina's territory can adhere to the Constitution. Furthermore, the Statute can modify it.

The Statute of 2014 provides that the AP Vojvodina shall have its own budget which represents all expenditures and revenues used to finance the competencies of the AP Vojvodina. The budget for the AP Vojvodina shall constitute at a minimum 7% of the Republic of Serbia budget. Three-sevenths within the AP Vojvodina budget will underwrite disbursements. These disbursements shall be for principal. The AP Vojvodina shall possess direct revenues to finance its competencies, pursuant to the Constitution as well as Law. The Law will delineate the nature and extent of immediate proceeds of the AP Vojvodina, and will delineate the apportionment of the AP Vojvodina in the segment of proceeds of the Republic of Serbia, consistent with the Constitution.

It is especially worthwhile to probe the matter of AP Vojvodina's global operations. As per Article 16 of the Statute, the AP Vojvodina engages with territorial communities and other forms of autonomies of other countries because the Republic of Serbia possesses a foreign policy, and it must uphold its territorial integrity and legal system. Pursuant to this activity's purview, the AP Vojvodina shall agree alongside kindred territorial communities of other countries, per the Law, or may accede to European and international regional associations. A distinct unit could be established within the diplomatic as well as consular representation office of the Republic of Serbia, subsequent to request of the AP Vojvodina. The unit must comply with the Law and exist to represent, promote and improve economic, educational and tourist capacities within the AP Vojvodina.

According to Article 6 of the Statute, all citizens of the AP Vojvodina shall be equal in exercising their rights, irrespective of their race, gender, nationality, social background, birth, religion, political or other belief, financial standing, culture, language, age, mental or physical state, in conformity with the Constitution and Law ([Smith, 2023](#); [Beretka, 2020](#)).

Within the scope of its rights and responsibilities, the AP Vojvodina shall contribute to the exercise of a full equality, guaranteed under the Constitution, of Hungarians, Slovaks, Croats, Montenegrins, Romanians, Roma, Bunjevac, Ruthenians, Macedonians and persons belonging to other numerically smaller national minorities - national communities living in its territory, and the Serbian people. Thus, all citizens of the Republic of Serbia on the territory of the AP Vojvodina shall have equal rights and bear equal responsibilities in accordance with the Serbian Constitution, Law and the Vojvodina Statute.

Multilingualism, multiculturalism and freedom of confession should especially fascinate the AP Vojvodina. AP Vojvodina will foster and assist to conserve and cultivate multilingualism plus cultural legacy of national minorities plus ethnic groups residing in its region inside its range of capabilities. It shall additionally enact specific policies as well as operations for strengthening reciprocal erudition regarding together with deference toward languages, cultures and confessions throughout the AP Vojvodina.

With that, the Vojvodina Statute provided for a certain specificity of the legal status of national communities in the AP Vojvodina. According to Article 21 of the Vojvodina Statute, in conformity with the Constitution and pursuant to the Law, additional rights of national minorities (communities) may be established in provincial regulations. For example, when employing people at the provincial authorities and services established by the AP Vojvodina, the ethnic composition of the population, as well as the proper representation of persons belonging to national minorities (communities) shall be considered, in conformity with the Constitution and Law.

Important disproportionate representation of persons belonging to national minorities (communities) happen should at the provincial authorities as well as the AP Vojvodina's services. The Provincial Government shall be obliged to undertake special measures along with the execution of activities like special scholarship coupled with training programs intended for interns, plus the execution of further measures together with activities.

In the current Statute of Vojvodina, special attention is paid to institutional form by means of which persons belonging to national minorities (communities) exercise their right to self-government in specific areas of social life significant for the preservation of their identity. According to Article 23 of the Vojvodina Statute, people belonging to national minorities (communities) shall exercise their right to self-government in the culture, education, information and official use of their languages and scripts through elected national councils, in conformity with the Law. In conformity with the Law, the AP Vojvodina may partially or entirely transfer its founding rights over the educational and cultural institutions it has established to the national councils of national minorities. In addition, pursuant to the law and a Provincial Assembly decision, the AP Vojvodina shall provide financial resources in its budget for the activities of national councils of national minorities seated in its territory.

As for the official languages authorities employ on the territory of the AP Vojvodina, beyond Serbian language and Cyrillic script, authorities will officially utilize Hungarian, Slovak, Croatian, Romanian and Ruthenian languages and their scripts consistent with the Law. Officials throughout the AP Vojvodina shall pursue actions for ensuring the official usage of minority languages as well as scripts, inside their purview. The Law does mandate a regular employment of these policies aimed at national minority communities.

#### *Competence and institutional structure of the AP Vojvodina*

The most important issue essential for determining the role of autonomy in a particular state is the scope of competence of autonomous entities. According to paragraph 1 Article 177 of the Serbian Constitution, autonomous provinces are competent in those matters which may be realized, in an effective way, within an autonomous province, which are not the competence of the Republic of Serbia ([Pajvančić, 2009](#), p. 227).

With that, the specificity of the competence of the autonomous provinces formed in the territory of Serbia consists in the fact that the scope of their duties constitutes its original or delegated competence. The province's original competence forms provincial administration which shall be independent. The delegated competence of the autonomous province are state powers, the implementation of which is delegated by the Republic of Serbia to the corresponding autonomous province.

According to paragraph 2 Article 183 of the Serbian Constitution, the autonomous provinces original competence shall include powers of a normative, executive, program, budget, organizational and safeguarding nature. Based on the constitutional wording contained in paragraph 2 Article 183 of the Constitution, Serbian constitutionalists make a logical conclusion that the scope of their original competence in the autonomous province is not finally established and may be amended after a special Law on the autonomous provinces is adopted, but within the boundaries established the Constitution ([Marković, 2014](#), p. 454).

Therefore, in 2009, in pursuance of the provisions of Article 183 of the Constitution, the Law on Establishing the Competence of the AP Vojvodina was adopted. This Law of 2009 included issues within the competence of the Republic of Serbia, along those falling within the competence of the AP Vojvodina. However, in accordance with Article



178 of the Constitution, Serbia may delegate particular matters within its competence to autonomous provinces through a special law on the transfer of powers with simultaneous provision of resources to execute such delegated competencies. Therefore, in the Law on Establishing the Competence of the AP Vojvodina, republican and provincial competencies had been combined in a single extremely wide list of provincial competencies.

In addition, in the aforementioned Law of 2009, along with issues establishing the competence of the AP Vojvodina, inter alia, other issues affecting the status of the autonomous province had been settled. The above-described shortcomings of the Law on Establishing the Competence of the AP Vojvodina constituted clear violations of the constitutional norms that establish the basis for the status of autonomous entities in the Republic of Serbia. In addition, leading Serbian constitutionalists had noted that the spirit and letter of the Law on Establishing the Competence of the AP Vojvodina in 2009 created obvious grounds for a wave of separatism in the AP Vojvodina. According to Professor Marković, the first edition of the Law of 2009, with the Vojvodina Statute of 2009, in fact, formed a Constitution in a material sense ([Marković, 2014](#), p. 454).

Therefore, for obvious reasons, the Law on Establishing the Competence of the AP Vojvodina of 2009 has become a subject to constitutionality test in the Constitutional Court of Serbia. The result of such test was the Decision of the Constitutional Court as of July 10, 2012 ([Odluka Ustavnog suda, 2012](#)). By this Decision, the provisions that combined the original powers of the AP Vojvodina and the delegated powers to the competence of the AP Vojvodina were recognized as non-compliant with the Serbian Constitution. The provisions governing the specific original powers of the AP Vojvodina, were also recognized non-compliant, although, such powers were absent in the list of competence mentioned in paragraph Article 183 of the Serbian Constitution, and which shall define the autonomous province's original powers.

As a result, the Law on Establishing the Competence of the AP Vojvodina of 2009 had been significantly amended, taking into account the imperatives of the Constitutional Court Decision as of July 10, 2012. These amendments, along with the Decision of the Constitutional Court as of December 5, 2013, had affected regulation of the competence of the AP Vojvodina in its Statute of 2014.

Articles 25-29 of the Vojvodina Statute of 2014 present the original competence of the AP Vojvodina. So, currently, the AP Vojvodina exercises its competence in the following fields and areas of activity: territorial development and regional planning; agriculture, water use, forestry, hunting and fishing; tourism, health resort care; environmental protection; industry and trade; automobile, railway, water transport and road construction and maintenance; organization of fairs and other economic events; education, culture, sport; healthcare and social protection; public awareness raising activities at the provincial level; infrastructure development and capital investments, etc.

For example, in the field of territorial development and regional planning, the AP Vojvodina shall adopt a regional territorial plan, special territorial plans and regulate other provincial issues of territorial planning. It also shall tactically adopt as it documents items that relate to regional development as Serbia economically policies and evolves

regionally. AP Vojvodina will also originate finances with banks including entities that secure equitable territorial progress. It will also augment the bureaucratic skill of the regional government for efficient utilization of EU structural funds.

The AP Vojvodina competence is exercised by its government authorities. Article 179 of the Constitution of Serbia established that the AP Vojvodina shall autonomously regulate the organization and competencies of its bodies and public services. Therefore, the Serbian Constitution of 2006 provided for a wide scope for self-organization of the AP Vojvodina government authorities. With that, according to paragraph 1 Article 180 of the Serbian Constitution, the Assembly is the supreme body of the autonomous province.

The Vojvodina Statute of 2014 thus created an updated institutional structure of the AP Vojvodina, taking into account a number of Decisions of the Constitutional Court of Serbia. A special place in this structure is given to the Provincial Assembly which is the supreme body of the AP Vojvodina. It is formed by direct elections, has broad powers in law-making, budgetary, organizational, control and supervision activities. The Provincial Assembly also appoints a provincial referendum, establishing liability for violation of provincial acts.

At the same time, the Provincial Assembly is not entitled to carry out legislative activity. Legal acts adopted by the Provincial Assembly must be compliant with the Vojvodina Statute, the Serbian Constitution and Law. In accordance with the requirements of Part 1 Article 180 of the Serbian Constitution, the Assembly is constituted of deputies that are elected for the period of four years, in direct elections by secret ballot, in accordance with the Decision of the Assembly of the autonomous province. The population of the autonomous province consists of mixed nationalities. For this reason, in paragraph 4 Article 180 of the Serbian Constitution, it is stipulated that a proportional representation of national minorities in assemblies has to be provided for, in accordance with the Law.

In this case, the institutional structure of the AP Vojvodina shall be formed by the Provincial Assembly. One of them is the Provincial Government, which is responsible for the Provincial Assembly. The Provincial Government is the executive body of the AP Vojvodina. According to the general rule established by the Statute of 2014, term of office of the Provincial Government shall commence upon the day when it takes an oath before the Assembly together with shall end before the expiry of the period for which it has been elected. Consequently, the Constitution of Serbia does require the institution of the Skupschina governance system. AP Vojvodina adheres to this stipulation.

However, in order to ensure its legal capacity, the Skupschina governance system has been noticeably streamlined. For example, it excludes the possibility of forming a deputy or a mixed composition of the Provincial Government and also introduces the institution of a constructive vote of no confidence in the Provincial Government. As part of its executive and administrative function, the Provincial Government adopts provincial decrees and other framework acts that must be compliant with the Statute and special decisions of the Provincial Assembly and its other framework acts.

The Ombudsman constitutes one of the distinct entities of AP Vojvodina, otherwise recognized as the Provincial Protector of Citizens. This self-governing and sovereign entity within the AP Vojvodina is accountable to the Provincial Assembly. The

Ombudsman shall protect human and minority rights within the AP Vojvodina, in particular against violations caused by illegal, inexpedient and inefficient actions of the provincial administrative authorities, public companies and institutions exercising administrative and public powers which were founded by the AP Vojvodina.

In addition, another body of AP Vojvodina, whose activities are directly related to the protection of human and minority rights in the Autonomous Province, is the President of the Provincial Assembly, a special working body responsible for national equality in the AP Vojvodina, the powers of which were described above in the article.

For the effective implementation of the goals of creating autonomies within the territory of the state, it is necessary to observe the regime of constitutional legality in the activities of both state government and autonomy authorities. Articles 186 and 187 of the Serbian Constitution of 2006 laid the foundation for restricting both centrifugal and centripetal trajectories of relations between the Republic of Serbia and the autonomous provinces. Article 186 of the Serbian Constitution, providing for supervision of the activities of the autonomous provinces, is a development of the constitutional principle provided for in paragraph 2 of Article 12 of the Serbian Constitution.

According to this principle, the right of citizens to provincial autonomy and local self-government is subject only to the supervision of constitutionality and legality. The authority entitled to such supervision is the Serbian government.

However, the supervisory functions of the Serbian government in relation to the AP Vojvodina shall be limited by the opportunity to instigate proceedings in the Constitutional Court of Serbia, in order to verify the constitutionality or legality of the decision of an autonomous province before its entry into force. In this case, the Constitutional Court may postpone the entry into force of the contested Decision of the AP Vojvodina, until a judgment in this case is pronounced. In fact, the constitutionality and legality of decisions of the autonomous province is subject to preliminary control.

As for the protection of the rights of the autonomous province, its foundations had been laid down in Article 187 of the Serbian Constitution. The Serbian Constitutional Court also plays a key role in this protection. One of the functions of the Court is to protect province's rights against unconstitutional actions or decisions of both state public and local authorities operating within the province territory. Pursuant to Article 187 of the Serbian Constitution, paragraph 1 Article 18 of the Vojvodina Statute, the Provincial Assembly or the Provincial Government, within the framework of its authority, may file a complaint with the Constitutional Court of Serbia.

This is possible if any action of either natural person or state body or a local government unit impedes the exercise of the AP Vojvodina competence. According to paragraph 18 Article 18 of the Vojvodina Statute, the Vojvodina Assembly or Provincial Government may commence the proceedings should they evaluate the constitutionality as well as legality of a law or additional general act of the Republic of Serbia or some general act of a local self-government unit given it transgressed the right to provincial autonomy. Thus, in the Serbian Constitutional Court there are two different types of proceedings. Within their framework, the AP Vojvodina is protected from unconstitutional (illegal) legally significant actions, and from unconstitutional - normative and non-normative -

legal acts issued by bodies of both state power and local self-government in the Republic of Serbia.

## CONCLUSIONS

The Serbian Constitution, adopted in 2006, established the basic principles of the political and territorial structure of Serbia, corresponding to the principles of the European concept of regional democracy and ensuring the existence of viable autonomous entities. In addition to the possibility of creating other autonomous entities, the Serbian Constitution of 2006 stipulated that the Republic of Serbia includes the AP Vojvodina and the AP Kosovo and Metohija.

However, according to the Constitution, the statuses of these autonomies on the territory of Serbia have not been established as identical. For example, the Constitution of 2006 provided for administrative autonomy in the AP Vojvodina, and substantial autonomy in the AP Kosovo and Metohija, taking into account the particular ethnic composition and the current events involving this region of Serbia. The Substantial Autonomy Law had to be adopted in the manner provided for the adoption of amendments to the Constitution.

In this regard, it can be assumed that the provisions of the Constitution that establish general requirements for autonomous entities could be amended by this Law, which, in fact, allowed the possibility of transforming Kosovo and Metohija into a hypofederal structure of the Republic of Serbia. However, in February 2008, the provisional Assembly of Kosovo, unilaterally, in violation of UN Security Council Resolution No. 1244, declared the so-called Republic of Kosovo an independent from Serbia.

The practice of organizing and operating another autonomy - the AP Vojvodina - stipulated by the Serbian Constitution of 2006, contradicts to these allegations. The AP Vojvodina has created a provincial governance system focused on the maximum protection of interests for all communities residing within its territory. This system includes special mechanisms for protecting the rights and freedoms of national minorities. Such experience of the AP Vojvodina, perhaps, positively influenced opinions of other states. As a result, at present, more than 15 UN member states that previously recognized the independence of Kosovo, have withdrawn their recognition, and some other states have suspended their decisions on recognition.

## REFERENCES

- [Autonomous Province of Vojvodina. \(2009, July 14\). Statute of the Autonomous Province of Vojvodina \(Official Gazette of AP Vojvodina, No. 17/2009\). Retrieved from https://www.puma.vojvodina.gov.rs/dokumenti/Engleski/pravni\\_akti/Statut\\_APV\\_en.pdf](https://www.puma.vojvodina.gov.rs/dokumenti/Engleski/pravni_akti/Statut_APV_en.pdf)
- [Becker, M. \(2025\). Transposing EU-legislation on critical infrastructure protection legal implementation performance in the Baltic Sea region. \*International Journal\*](#)



- of Critical Infrastructure Protection*, 50, 100781. <https://doi.org/10.1016/j.ijcip.2025.100781>
- Beretka, K. (2020). Fluid borders of national-cultural autonomy: The legal status of national minority councils in Serbia. *Nationalities Papers*, 48(2), 273–288. <https://doi.org/10.1017/nps.2018.64>
- Cancela-Outeda, C. (2024). The EU's AI act: A framework for collaborative governance. *Internet of Things*, 27, 101291. <https://doi.org/10.1016/j.iot.2024.101291>
- Drobnjaković, M., & Steinfürer, A. (2024). Re-thinking rurality: Towards a new research approach and rural-urban spatial gradient establishment in Serbia. *Applied Geography*, 163, 103195. <https://doi.org/10.1016/j.apgeog.2023.103195>
- Džuverović, N., Radovanović, S., Tepšić, G., & Krivokapić, Đ. (2025). Balkan Peace Index decision EXpert model and data. *Data in Brief*, 58, 111181. <https://doi.org/10.1016/j.dib.2024.111181>
- Guskova, E. Yu. (2013, January 15). Račak Operation. The Century Online Newspaper. Retrieved from [https://www.stoletie.ru/territoriya\\_istorii/operacija\\_rachak\\_815.htm](https://www.stoletie.ru/territoriya_istorii/operacija_rachak_815.htm)
- Iskenderov, P. M. (2017, March 3). Expert: The situation in Kosovo may turn into an armed conflict. RIA Novosti.
- Jarkovački, R., & Radivojević, M. (2025). Comparative analysis of territorial autonomy: Examples of Serbia and Italy (Vojvodina, South Tyrol). *Arhiv za pravne i društvene nauke*, 120(1), 93–116. <https://doi.org/10.5937/adpn2501093J>
- Korhec, T. (2009). Predlog novog statuta AP Vojvodine – ispunjavanje ustavnog okvira ili pokušaj protivustavnog i protivzakonitog stvaranja države u državi. In *Predlog statuta AP Vojvodine – Naučna rasprava*. Belgrade.
- Kutlešić, V. (2009). Proposal of the new Statute of AP Vojvodina – Constitutional framework or illegal state creation? [Predlog statuta AP Vojvodine i Ustav Srbije]. In *Predlog statuta AP Vojvodine – Naučna rasprava*. Belgrade.
- Lošonc, A. (2021). Teritorijalnost i neteritorijalnost autonomije: dileme s one strane kulturalizma. In T. Várady et al. (Eds.), *Kulturna autonomija nacionalnih manjina u svetlu činjenica* (pp. 48–73). Institut društvenih nauka.
- Marković, R. (2009). Draft Statute of AP Vojvodina – Scientific debate [Predlog statuta AP Vojvodine – Naučna rasprava]. Belgrade: Službeni glasnik.
- Marković, R. (2014). *Ustavno pravo* [Constitutional law]. Belgrade: Službeni glasnik.
- Mitrovic, M. (2021). Assessments and foreign policy implications of the national security of the Republic of Serbia. *Security and Defence Quarterly*, 34(2). <https://doi.org/10.35467/sdq/135592>
- Odluka Ustavnog suda, IUo-360/2009. (2014, June 18). Službeni glasnik RS, 61/2014. Retrieved from <http://www.ustavni.sud.rs/page/jurisprudence/35/>

- Odluka Ustavnog suda, IUz-353/2009. (2012, July 5). Službeni glasnik RS, 67/2012. Retrieved from <http://www.ustavni.sud.rs/page/jurisprudence/35/>
- Orlović, S. P. (2024). The parallelism of Serbian constitutional norms on the concept and competences of autonomies. NBP. *Nauka, bezbednost, policija*, 29(3), 170–190. <https://doi.org/10.5937/nabepo29-50926>
- Pajvančić, M. (2009). Komentar Ustava Republike Srbije. Belgrade: Fondacija Konrad Adenauer.
- Petrov, V., & Simović, D. (2013). The Statute as a by-law without constituent elements [Statut kao podzakonski akt bez elemenata konstitutivnosti]. *Pravna riječ*, 35. Banja Luka.
- Polovchenko, K. A. (2019a). Sources of international law in the legal system of a modern state. *Opción*, 35(Especial 22), 1507–1520.
- Polovchenko, K. A. (2019b). Organizational policies of local self-government in a modern democratic state. *Journal of Environmental Treatment Techniques*, 7(4), 631–640.
- Proroković, D. (2022). The partition of Kosovo and Metohija: Reality or delusion? *Vojno Delo*, 74(2), 55–74. <https://doi.org/10.5937/vojdelo2202055p>
- Republic of Serbia. (2006, November 8). Constitution of the Republic of Serbia (Official Gazette RS, No. 98/2006). Retrieved from <https://faolex.fao.org/docs/pdf/srb129685.pdf>
- Simović, D. (2013). Ustavno uobličavanje teritorijalne autonomije Vojvodine [Constitutional shaping of Vojvodina's territorial autonomy]. In *Journal of Criminalistics and Law*. Belgrade.
- Smith, D. J. (2023). 'Living the same full life'? A critical assessment of non-territorial autonomy practice in the Vojvodina and Sápmi contexts. In D. J. Smith, I. Dodovski, & F. Ghencea (Eds.), *Realising linguistic, cultural and educational rights through non-territorial autonomy* (pp. 47–70). Palgrave Macmillan. [https://doi.org/10.1007/978-3-031-19856-4\\_3](https://doi.org/10.1007/978-3-031-19856-4_3)
- Stojanović, D. (2009). Constitutional law [Ustavno pravo]. Niš.

## FINANCING

Research hasn't received any financing.

## CONFLICT OF INTEREST

The author declare that there is no conflict of interest.

## BIODATA

**Konstantin Polovchenko** is a PhD in Law, Associate Professor at the Department of Constitutional Law chair in MGIMO University. His research interests include the constitutional systems of Central and Southeast European countries, contemporary models of constitutional justice, and current issues in legal philosophy.