

Received: 21 May 2026

Accepted: 01 October 2026

Published: 13 October 2026

The Constitutional Status of the President in Serbia's Parliamentary System

Konstantin Polovchenko

MGIMO (University) of the Ministry of Foreign Affairs of Russia; kpolovchenko@gmail.com

Cite this article:

Polovchenko, K. (2026). The Constitutional Status of the President in Serbia's Parliamentary System. *Revista Cultura Científica*, (24), pp. 1833–1841. <https://doi.org/10.70517/revcc2624153>

Abstract

The purpose of the study is to identify the specific features of the President's legal position and to assess his role in the system of separation of powers in a post-socialist state. The methodology is based on a combination of formal-legal, comparative-legal, historical, and systemic analysis, allowing for a comprehensive evaluation of constitutional provisions and their practical implications. The study demonstrates that, despite the formal classification of Serbia as a parliamentary republic, the President occupies a special constitutional position that goes beyond the traditional functions of a head of state in classical parliamentary systems. It is established that the direct election of the President, the absence of a countersignature requirement, and the presence of significant powers in the leg-

islative, executive, and defense spheres contribute to strengthening his institutional role. At the same time, the implementation of these powers is substantially influenced by political factors, including the alignment of political forces and the relationship between the President and the parliamentary majority. The article concludes that the President of the Republic of Serbia functions as a key element of the system of checks and balances, combining representative and substantive powers, which reflects the hybrid nature of post-socialist constitutional models.

Keywords: President of the Republic of Serbia; separation of powers; parliamentary system; presidential powers; constitutional accountability

1. INTRODUCTION

By the middle of the twentieth century, constitutional-law scholarship had identified two principal forms of republican government: parliamentary and presidential republics. A parliamentary republic is generally characterized by the following features. First, parliament exercises legislative and budgetary functions, as well as constituent and oversight functions. The government is formed on a parliamentary basis, and a parliamentary vote of no confidence may result in the government's resignation and the formation of a new government or, under constitutionally prescribed conditions, the dissolution of parliament and early elections. Second, the head of state's functions are primarily representative, both domestically and in international relations. In the classical model, the president is normally elected by parliament or with its participation. Even where substantial formal powers are assigned to the president, their exercise may depend upon the countersignature of the prime minister or a responsible minister, thereby placing effective authority in the hands of the government. Third, the government exercises executive authority and remains politically responsible to parliament. Fourth, through its parliamentary majority, the government may exercise considerable influence over legislative business, particularly the passage of legislation.¹

A presidential republic is characterized by a different institutional arrangement. First, the president serves as head of state and typically head of the executive, and is selected independently of parliament, either by direct popular election or through an electoral college. The president usually possesses broad executive powers and functions as commander-in-chief. Second, the executive is formed outside the parliamentary confidence relationship: as a rule, ministers are appointed and dismissed by the president. Third, the presidential model emphasizes a comparatively strict separation of legislative, executive, and judicial powers. Each branch has substantial institutional independence, accompanied by a system of checks and balances. Consequently, parliament generally cannot remove the executive through an ordinary vote of no confidence, while the president generally lacks an unrestricted power to dissolve parliament.²

Nevertheless, European constitutional practice had moved beyond these ideal types by the first quarter of the twentieth century. Relevant examples include the Weimar Constitution of Germany (1919), the Austrian Constitution (1920), the Constitution of Czechoslovakia (1920), and the Polish Constitution (1921). During the second half of the century, and particularly in light of the experience of France's Fifth Republic, the constitutional scholar Maurice Duverger developed a theoretical account of the semi-presidential system as a distinct model of government. The model is generally associated with the direct election of a president endowed with substantial powers and the coexistence of that president with a government that is politically responsible to parliament. The precise distribution of executive authority varies across constitutional systems. In some variants, the president plays a predominant executive role; in others, the government exercises greater autonomy. A vote of no confidence may cause the government's resignation and, where the constitution permits, may also give rise to parliamentary dissolution.

Following the collapse of socialist regimes in Central and Eastern Europe, many states undergoing democratic transition adopted constitutional arrangements combining features of the parliamentary, presidential, and semi-presidential models. Such arrangements were intended, among other aims, to address the institutional difficulties of political transition. Although the respective combinations differed, one recurrent feature in countries such as Russia, Poland, Slovenia, Croatia, North Macedonia, Bulgaria, Georgia, Ukraine, and Serbia was the distinctive position accorded to the president within the system of public authorities. The subject of the present study is the constitutional and legal status of the President of the Republic of Serbia, examined in relation to the distribution and exercise of state powers.

2. METHODOLOGY

The study applies doctrinal legal methods, including formal legal interpretation, comparative constitutional analysis, historical analysis, and a systemic approach. The principal method is systemic analysis, which makes it possible to examine the presidency within the wider institutional structure of the Republic of Serbia. Article 4 of the Constitution establishes the separation of legislative, executive, and judicial powers and the principle of mutual checks and balances [3]. Under Article 98, the National Assembly exercises legislative authority, while Article 122 identifies the Government as the holder of executive authority [3]. As amended in 2022, Article 142 establishes that judicial power belongs to independent courts, and Article 143 regulates the organization of the court system [3]. The President is not expressly designated as the holder of any one of these three branches. Instead, under Article 111, the President expresses the state unity of the Republic of Serbia [3]. Ratko Marković interprets this unity as comprising territorial integrity and national and political cohesion, which gives the office a supra-regional and formally nonpartisan constitutional character.³ Nevertheless, the constitutional description of the office does not by itself resolve all questions regarding political-party affiliation after election. It is therefore important to examine the procedures governing presidential election, the termination of the presidential mandate,

¹See [1], pp. 154–158.

²For the comparative classification of government systems, see [2].

³[4] Marković, *Ustavno pravo*, 2014, p. 325 (in Serbian).

and the scope and limits of presidential powers.

3. RESULTS AND DISCUSSION

3.1. ELECTION OF THE PRESIDENT

A central element of the President's constitutional status is the method of election. Article 114(1) of the Constitution provides that the President of the Republic of Serbia is elected by direct election and secret ballot [3]. The current Law on the Election of the President of the Republic, adopted in 2022 and amended in 2026, provides for universal and equal suffrage, with free and direct elections and secret, personal voting; these principles are set out in Article 2 [5].⁴ Article 3 governs eligibility and voting rights, including the position of adults who have been deprived of legal capacity. Its rules must therefore be read with the specific qualifications laid down in the current statute rather than treated as an absolute exclusion of all persons with limited legal capacity. The protection of electoral rights and the constitutional review of electoral disputes form part of the wider legal framework governing presidential elections.⁵

Article 116 of the Constitution establishes a five-year presidential term, which differs from the four-year term of the National Assembly [3]. The different terms may reduce the likelihood of simultaneous electoral turnover and contribute to the continuity of state institutions. The current presidential election law also provides for a five-year term [5]. Pajvančić considers this constitutional arrangement reasonable because, during parliamentary elections and the formation of a new government, the President remains an institutional actor capable of performing constitutionally assigned functions and supporting continuity.⁶ This institutional continuity does not confer on the President a general authority to exercise the Government's powers.

The Constitution specifies when a newly elected President assumes office: under Article 116(1), the term begins on the day the President takes the oath before the National Assembly [3]. The oath requires the President to protect the sovereignty and territorial integrity of Serbia, including Kosovo and Metohija as its constituent part under the Constitution, to safeguard human and minority rights, to respect the Constitution and laws, and to fulfill presidential duties conscientiously and responsibly. Taking the oath therefore constitutes a legally significant act that marks the commencement of the presidential mandate. The Law on the President of the Republic also provides for the convening of the National Assembly to administer the oath where necessary [9]. Under Article 116(3), no person may be elected President more than twice [3].

3.2. TERMINATION OF THE PRESIDENT'S TERM OF OFFICE

The Constitution provides three principal grounds for termination of the President's term of office: expiry of the elected term (Article 116), resignation (Articles 116 and 117), and removal for violation of the Constitution (Articles 116 and 118) [3]. Other circumstances, such as the President's death or legal inability to discharge the office, may also prevent continued service, even though they are not listed in the same formula. Under Article 13 of the Law on the President of the Republic, the ordinary ground for termination is the expiry of the period for which the President was elected [9]. The statutory provisions address the continuity of office during the transition to a successor. Where the presidential term would expire during a state of war or emergency, Article 116 of the Constitution extends it until three months after the emergency ends [3]. The President continues to exercise the powers of office during this extension but remains subject to the applicable rules on resignation and removal [9].

Resignation is an expressly recognized ground for the early termination of presidential office. Article 116 of the Constitution requires the President to submit the resignation to the Speaker of the National Assembly, while Article 117 requires notification of the public and states that the mandate ends on the day of resignation [3]. The interaction between these provisions has generated discussion about the precise moment at which resignation takes legal effect.⁷ Article 14 of the Law on the President of the Republic provides that resignation must be submitted in writing and that the mandate terminates when the written resignation is received by the National Assembly [9]. Parliamentary acceptance or approval is not required. The President must inform the public of the resignation and may also explain the reasons for the decision. This statutory clarification is important because it establishes an ascertainable legal moment at which presidential authority passes into the arrangements for temporary substitution.

Removal for a constitutional violation is another ground for early termination. Marković interprets the concept of violating the Constitution as encompassing both its text and its underlying constitutional principles.⁸ Earlier Serbian constitutional scholarship debated whether such presidential responsibility should be classified as criminal, administrative,

⁴[5] Republic of Serbia, *Law on the Election of the President of the Republic*, Official Gazette nos. 14/2022 and 47/2026, Arts. 1–3. The former 2007 election law was repealed in 2022.

⁵[6] Polovchenko, "Electoral Disputes as an Object of Constitutional Justice: The Example of Serbia," 2016, pp. 205–209. See also [7] Chursina et al., *Modern Electoral Systems*, 2009.

⁶[8] Pajvančić, *Commentary on the Constitution of the Republic of Serbia*, 2009, p. 150 (in Serbian).

⁷[8] Pajvančić, *Commentary on the Constitution of the Republic of Serbia*, 2009, p. 152.

⁸[4] Marković, *Ustavno pravo*, 2014, p. 330.

political, or a distinct form of constitutional accountability. Jovičić, for example, addressed the special nature of liability arising from the exercise of public office.⁹ In the contemporary constitutional framework, presidential removal is not equivalent to an ordinary parliamentary vote of no confidence: the President is chosen in direct elections and does not require the Assembly's continuing political confidence. Rather, removal follows a specific constitutional procedure grounded in an alleged violation of the Constitution. Marković therefore distinguishes this special form of constitutional responsibility from the ordinary political responsibility of the Government. A former President may, however, remain subject to criminal proceedings under the applicable law; constitutional removal does not itself constitute a criminal conviction.¹⁰

Under Article 118 of the Constitution, the National Assembly may initiate the procedure for removing the President on a proposal from at least one-third of its members. Once the procedure is initiated, the Constitutional Court must determine within 45 days whether the President has violated the Constitution [3]. This arrangement differs significantly from the framework established by Article 88 of Serbia's 1990 Constitution, under which the National Assembly assessed alleged constitutional violations without a corresponding determination by the Constitutional Court [11]. Under that earlier system, constitutional responsibility could resemble political responsibility because the Assembly itself possessed broad discretion in characterizing presidential acts. By requiring a judicial finding of constitutional violation, the 2006 Constitution created a distinct constitutional-law basis for the procedure, even though the final decision on removal remains with the National Assembly. This development supports the doctrinal distinction between responsibility for breaching the Constitution and ordinary political disagreement with the President.

Once the Constitutional Court considers an allegation that the President has violated the Constitution, it submits its decision to the National Assembly. If the Court does not find a constitutional violation, the removal procedure cannot proceed on that basis under the prescribed legal framework [9]. If a violation is found, the National Assembly retains the separate constitutional competence to decide whether to remove the President. Under Article 118, removal requires the votes of at least two-thirds of the total number of members of the Assembly [3]. The Court's finding of a violation does not itself remove the President from office; nor should the Assembly's decision be conflated with judicial review of the underlying conduct. This division of functions raises a constitutional interpretive question about the relationship between the binding effect of Constitutional Court decisions, expressed in Article 166, and the Assembly's distinct constitutional power to determine the consequence of removal [3]. It is more accurate to identify this institutional tension than to assume that an unsuccessful removal vote automatically invalidates or disobeys the Court's judgment.¹¹

Where the President is unable to perform the duties of office, or where the presidential mandate terminates before its normal expiry, the Speaker of the National Assembly acts in the President's place under Article 120 of the Constitution [3]. The period of substitution may not exceed three months. This express constitutional limit distinguishes the 2006 constitutional arrangement from that of 1990, which lacked a comparable maximum period. The restriction is intended to prevent a prolonged substitution from changing the ordinary distribution of constitutional responsibilities between the legislature and the presidency.

The Law on the President of the Republic regulates the functions that may be exercised by the Speaker of the National Assembly while acting as President [9]. The acting officeholder may represent Serbia domestically and abroad, receive the credentials and letters of recall of foreign diplomatic representatives, call parliamentary elections, propose a candidate for Prime Minister, and perform specified defense functions. Nevertheless, the acting President does not necessarily possess every discretionary power ordinarily available to an elected President. The law restricts certain nominations and appointments, the granting of pardons and decorations, and discretionary dissolution of the Assembly upon a Government proposal. At the same time, the acting President must fulfill constitutionally mandatory duties that cannot be deferred, including promulgation of laws and dissolution of the Assembly where the Constitution expressly requires it. Marković argues that these restrictions, alongside the three-month maximum period of substitution, help preserve constitutional stability and respond to difficulties experienced during earlier periods in which the Speaker exercised presidential duties.¹²

The Speaker of the National Assembly, when acting as President, must also call presidential elections so that voting takes place no later than three months after the occurrence of the circumstances preventing the President from exercising office or after early termination of the presidential mandate. This requirement follows from Article 120(3) of the Constitution [3]. The arrangements are designed to secure a prompt return to the ordinary constitutional method of selecting the head of state.

⁹[10] Jovičić, *Responsibility of Holders of Public Office*, 1968, p. 113.

¹⁰[4] Marković, *Ustavno pravo*, 2014, p. 330.

¹¹For discussion of Serbian constitutional adjudication, see [12].

¹²[4] Marković, *Ustavno pravo*, 2014, p. 324.

3.3. POWERS OF THE PRESIDENT

The President's basic competences are defined primarily by Article 112 of the Constitution [3]. In contrast to the National Assembly, whose competences are enumerated in Article 99, and the Government, whose powers are specified in Article 123, the presidency is subject to a particular constitutional rule restricting the legislative expansion of presidential authority. Article 3 of the Law on the President of the Republic provides that presidential competences established by the Constitution may be elaborated by legislation or other general acts only where the Constitution expressly permits this or where elaboration follows from the nature of the competence [9]. The distinction is significant: ordinary legislation may regulate the manner of exercising a constitutional presidential power but cannot freely create a new, independent area of presidential authority.

For analytical purposes, the President's competences may be divided into two broad groups. The first comprises powers conventionally associated with a head of state, notably representative and ceremonial functions. The second comprises powers more commonly found in semi-presidential or presidential models, including functions that affect executive administration and relations among constitutional institutions. This classification does not alter the formal designation of the Government as the holder of executive authority. As Pajvančić observes, however, that designation is not inconsistent with the President's exercise of particular constitutionally specified functions having an executive character.¹³

Among the President's traditional powers as head of state are the following: (a) representing the Republic domestically and internationally; (b) promulgating legislation; (c) proposing a candidate for Prime Minister; (d) proposing candidates for specified senior public offices; (e) appointing and recalling ambassadors; (f) receiving the credentials and letters of recall of foreign diplomatic representatives; (g) granting pardons; and (h) conferring state decorations and honors. These functions are listed, subject to the constitutional distribution of responsibility, in Article 112 [3].

Most of the President's traditional powers are exercised in cooperation with other state institutions, or on the basis of proposals originating outside the presidency. When proposing a candidate for Prime Minister, for example, the President must first hear the views of the representatives of electoral lists that obtained seats in the National Assembly, as required by Article 112 and Article 127 [3]. This consultation is intended to facilitate the nomination of a candidate capable of forming a government that can obtain parliamentary support. Article 18 of the Law on the President of the Republic elaborates the procedure [9]. Similarly, when appointing or recalling Serbian ambassadors, the President acts upon a Government proposal under Article 112. These examples show how the Constitution combines presidential participation in major state appointments with procedural constraints protecting the roles of parliament and the Government.

In addition to the traditional functions of head of state, the President exercises significant powers relating to national defense and exceptional constitutional circumstances. Under Article 112, the President commands the Serbian Armed Forces and, in accordance with the law, appoints, promotes, and relieves military officers [3]. If the National Assembly cannot convene, Articles 200 and 201 regulate joint decisions involving the President, the Prime Minister, and the Speaker of the National Assembly concerning the declaration of a state of emergency or war, as well as certain measures affecting constitutional rights and freedoms [3]. The exercise of these powers must be understood in the context of the particular constitutional safeguards and procedural requirements applicable to exceptional situations. The President may also participate in adopting or signing legally prescribed measures affecting human and minority rights in such circumstances.¹⁴ These functions illustrate the extent to which the constitutional office has substantive responsibilities beyond ceremonial representation.

The President's substantive powers under the 2006 Constitution differ in several respects from those contemplated by the Constitution of 1990. During the earlier period, Serbia's position within the Federal Republic of Yugoslavia, and subsequently within the State Union of Serbia and Montenegro, placed practical limits on the exercise of republican competences. Article 135 of the 1990 Constitution addressed the relationship between federal powers and those of the Republic [11]. In addition, many presidential powers could be exercised only upon proposals from other state bodies or required decisions by those bodies. Other formal powers had limited practical effect because the implementing legislation necessary for their exercise had not been enacted. These constitutional and institutional circumstances help explain why powers that appeared substantial in the text of the 1990 Constitution could be more restricted in practice than their formal wording suggested.

The following analysis examines the President's contemporary constitutional powers across the principal spheres of state governance, with particular attention to relations with the Government, the National Assembly, and other constitutional institutions.

Presidential participation in foreign relations forms part of a constitutional allocation of responsibilities among the National Assembly, the Government, and the President. Article 97 places foreign affairs within the competences of the Republic, while Article 112 authorizes the President to represent Serbia domestically and abroad, receive foreign

¹³[8] Pajvančić, *Commentary on the Constitution of the Republic of Serbia*, 2009, p. 155.

¹⁴[13] For an account of minority-rights protections, see Polovchenko, "Constitutional Rights and Freedoms of National Minorities: The Experience of Serbia," 2019, pp. 1433–1446.

diplomatic credentials, and appoint or recall ambassadors on a Government proposal [3]. The Constitution does not comprehensively specify how disagreements between the President and Government should be resolved when a proposed ambassadorial appointment is contested. Because Serbia's constitutional system does not generally require ministerial countersignature for presidential acts, the President may possess an effective capacity to refuse a proposed appointment. However, the constitutional requirement of a Government proposal also limits the President's independent initiative. The resulting interaction is more substantive than a purely ceremonial function and illustrates how the absence of detailed statutory mechanisms may create uncertainty over the practical division of responsibilities in foreign policy.

The President's participation in constitutional amendment and the legislative process is of particular importance. These competences include the right to propose constitutional amendments (Article 203, the Constitution of the Republic of Serbia [3]). The President does not have an ordinary right of legislative initiative. Within the legislative process the President promulgates laws adopted by the National Assembly. This is done through a presidential decree promulgating the law. According to Article 113 of the Constitution of Serbia [3] the President must promulgate a law or return it for reconsideration within 15 days of its adoption by the National Assembly, or within seven days if the law was adopted under an urgent procedure. But before the promulgation of a law the President can exercise a right of suspensive veto. In this case the head of state returns the law to the National Assembly for its reconsideration and repeated passing. When exercising the suspensive veto the President is obliged to state the reasons for returning of the law to the National Assembly in writing. The Law on the President of the Republic addresses reconsideration where the President considers that a law conflicts with the Constitution, an applicable international treaty, or a generally recognized principle of international law,¹⁵ where the legislative procedure was not observed, or where the law inadequately regulates its subject matter. Thus, the grounds for reconsideration may concern procedural or substantive constitutional defects as well as the perceived inadequacy of the legislation.¹⁶ Marković argues that, from a practical perspective, "the President can use the suspensive veto logically only if it is unreasonable to pass the law, since the issue of constitutionality applies to a direct competence of the Constitutional Court".¹⁷ If the President believes that a law is unconstitutional, even if he puts a veto upon the law, if the law is passed repeatedly in the same version by the National Assembly, the President will be obliged to sign the law. A subsequent finding of unconstitutionality by the Constitutional Court, however, raises a separate issue concerning the validity of the law.¹⁸

The effectiveness of the President's suspensive veto depends partly on the composition of the National Assembly. Where a governing coalition lacks sufficient votes to override the veto, a request for reconsideration may create substantial political leverage. Article 113, however, requires only a majority of the total number of Assembly members for readoption of the returned law [3]. If the governing coalition already controls that majority, the veto may delay enactment without ultimately preventing it. Once the Assembly readopts the law by the required majority, the President must promulgate it. If the President fails to issue the promulgation decree within the constitutional deadline, the Speaker of the National Assembly must issue it instead. The veto is therefore a constitutionally limited mechanism of legislative reconsideration rather than an unrestricted presidential power to block legislation.¹⁹

The President may initiate proceedings for subsequent review of the constitutionality and legality of a law or another general legal act under Article 168 of the Constitution [3]. By contrast, the President is not listed among those entitled to request the special procedure of prior constitutional review of a law before its promulgation. Pajvančić has argued that such a power would be desirable.²⁰ A President who considers an adopted law unconstitutional may return it to the Assembly through the suspensive veto under Article 113, but the Assembly can readopt it by the constitutionally specified majority. The President can then challenge the law through subsequent constitutional review after its entry into force. This temporal distinction matters because judicial review may follow a period during which the contested law has already produced legal effects.²¹

Another important constitutional competence concerns dissolution of the National Assembly. Under Article 109, the President may dissolve the Assembly upon a reasoned proposal from the Government and is required to do so in other constitutionally specified circumstances [3]. The distinction between discretionary and mandatory dissolution is central to evaluating the President's role in maintaining the operation of the parliamentary system.

In the first category of cases, the President may dissolve the National Assembly only upon a reasoned proposal from the

¹⁵[14] See POLOVCHENKO, K.A. "Sources of international law in the legal system of a modern state", *Opción*, vol. 35, no. Especial 22, 2019, pp. 1507-1520.

¹⁶The Serbian Constitution does not oblige the National Assembly to repeatedly vote for the law, which the President sent for reconsideration. The Constitution explicitly states this fact, while establishing that if the National Assembly votes on the law repeatedly, in order to pass the law, it is necessary for the absolute majority out of the general number of the members of parliament to vote for it.

¹⁷[4] MARKOVIĆ, op. cit., p. 327.

¹⁸[15] POLOVCHENKO, K.A. "Konstitutsionnyy sud Serbii" ["Constitutional court of Serbia"], in Pavlov, E.Ya., Kremyanskaya, E.A. (Eds.), *Konstitutsionnyi kontrol v zarubezhnykh stranakh* [Constitutional control in foreign countries]: Collective monograph, MGIMO-University, Moscow, 2015, p. 187.

¹⁹[16] For additional discussion, see Polovchenko, "Features of the Legislative Process in the Republic of Serbia," 2017, pp. 37-41.

²⁰[8] Pajvančić, *Commentary on the Constitution of the Republic of Serbia*, 2009, p. 150.

²¹[15] See the author's cited discussion of the Constitutional Court of Serbia (2015), p. 234; the complete publication details require verification.

Government [9]. The Constitution does not exhaustively enumerate the policy reasons that may support such a proposal, but it does constrain when dissolution may be considered. Article 109 prevents the Government from proposing dissolution when a vote of no confidence has been proposed or the Government's own confidence has been placed in issue [3]. The President must respond to the Government's reasoned proposal within the period prescribed by the Law on the President of the Republic, either by issuing a dissolution decree or by explaining the decision not to accept the proposal [9]. This competence is therefore conditional and procedurally limited: the President cannot invoke it independently whenever a political disagreement with the Assembly arises. The constitutional limits are intended to prevent the dissolution mechanism from being used to evade parliamentary accountability.

In the second category of cases, dissolution is constitutionally mandatory. Under Article 109, the National Assembly must be dissolved if it fails to elect a Government within 90 days of its constitution [3]. Following the termination of an existing Government's mandate, other constitutional provisions may require the election of a successor within a specified period; failure to do so can likewise trigger a duty to dissolve the Assembly. The Law on the President of the Republic elaborates these obligations in Article 22 [9]. In mandatory-dissolution cases, the President's decree records the occurrence of the constitutionally specified condition rather than expressing an unrestricted political choice. Elections for a new Assembly must also be called in accordance with the Constitution. The power is subject to an additional express restriction: the National Assembly may not be dissolved during a state of war or emergency.²²

Another important aspect of presidential authority concerns the composition of the Constitutional Court. Under Article 172, the Court consists of fifteen judges, five of whom are appointed by the President from a list of ten candidates proposed by the National Assembly. Conversely, the National Assembly elects five judges from a list of ten candidates proposed by the President [3]. These reciprocal nomination and appointment powers establish a significant institutional interaction between the presidency and parliament. They should be read together with the judicial amendments proclaimed in 2022, which also modified the constitutional terminology and composition of other judicial bodies.²³

4. CONCLUSION

The analysis of the constitutional and statutory framework governing the President of the Republic of Serbia confirms that the office occupies a distinctive position within the country's separation-of-powers arrangement. The President expresses the unity of the state under Article 111, is elected directly by the people, may initiate constitutional amendments, and may request subsequent constitutional review of legislative and other general acts. Although the Constitution designates the Government as the holder of executive authority, the President exercises several functions that have an executive character, particularly in defense, diplomatic representation, and appointments. At the same time, these powers are subject to significant legal limits, including the requirement of governmental proposals for certain appointments, the conditional character of parliamentary dissolution, and the duty to promulgate legislation that has been readopted after a suspensive veto. The absence of a general countersignature requirement, the power to request legislative reconsideration, and the President's constitutional responsibilities concerning the armed forces demonstrate that the office is more than ceremonial. Accordingly, the President constitutes an important participant in Serbia's system of checks and balances, with powers that extend beyond those ordinarily associated with the head of state in a classical parliamentary model. The practical influence of the office nevertheless depends on constitutional procedures, the configuration of parliamentary political forces, the relationship between the President and the Government, and the conduct of the individual officeholder. The analysis also highlights the importance of distinguishing formal legal competence from political influence when evaluating Serbia's constitutional system.

Conflict of interests

The author declares no conflicts of interest related to this research.

Data availability

No new empirical datasets were generated or collected for this doctrinal legal study.

Funding information

This research received no external funding.

²²[17] On the parliamentary mandate and dissolution restrictions, see Polovchenko, "On the Status of a Deputy of the National Assembly of the Republic of Serbia," 2017, p. 127.

²³[18] Polovchenko, "Theory and Practice of Forming a Constitutional-Control Body: The Experience of Serbia," 2017, pp. 96–100.

REFERENCES

- [1] Baglai, M. V., Yu. I. Leibo, and L. M. Entin, editors. *Konstitutsionnoe pravo zarubezhnykh stran [Constitutional Law of Foreign Countries]*. 4th rev. and enl. ed., Norma / INFRA-M, 2016.
- [2] Simović, Darko. *Polupredsednički sistem [Semi-Presidential System]*. Faculty of Law, University of Belgrade / Službeni glasnik, 2008.
- [3] Republic of Serbia. *Ustav Republike Srbije [Constitution of the Republic of Serbia]*. Službeni glasnik Republike Srbije [Official Gazette of the Republic of Serbia], no. 98/2006; constitutional amendments in nos. 115/2021 and 16/2022.
- [4] Marković, Ratko. *Ustavno pravo [Constitutional Law]*. 19th rev. and corrected ed., Faculty of Law, University of Belgrade, 2014.
- [5] Republic of Serbia. *Zakon o izboru predsednika Republike [Law on the Election of the President of the Republic]*. Službeni glasnik Republike Srbije [Official Gazette of the Republic of Serbia], no. 14/2022, as amended by no. 47/2026.
- [6] Polovchenko, Konstantin A. "Izbiratel'nye spory kak ob"ekt konstitutsionnogo pravosudiya: na primere Serbii [Electoral Disputes as an Object of Constitutional Justice: The Example of Serbia]." *Sotsial'no-politicheskie nauki [Social and Political Sciences]*, no. 4, 2016, pp. 205–209.
- [7] Chursina, T. I., A. G. Orlov, I. A. Rakitskaya, and K. A. Polovchenko. *Sovremennye izbiratel'nye sistemy. Vyp. 4: Avstraliya, Venesuela, Daniya, Serbiya [Modern Electoral Systems. Issue 4: Australia, Venezuela, Denmark, Serbia]*. Edited by A. V. Ivanchenko and V. I. Lafitsky, Russian Center for Training in Electoral Technologies / In-Octavo, 2009.
- [8] Pajvančić, Marijana. *Komentar Ustava Republike Srbije [Commentary on the Constitution of the Republic of Serbia]*. Konrad Adenauer Foundation, 2009.
- [9] Republic of Serbia. *Zakon o predsedniku Republike [Law on the President of the Republic]*. Službeni glasnik Republike Srbije [Official Gazette of the Republic of Serbia], no. 111/2007.
- [10] Jovičić, Miodrag. *Odgovornost nosilaca javnih funkcija: uporednopravna studija [Responsibility of Holders of Public Office: A Comparative-Law Study]*. Institut za uporedno pravo, 1968.
- [11] Republic of Serbia. *Ustav Republike Srbije [Constitution of the Republic of Serbia]*. Službeni glasnik Republike Srbije [Official Gazette of the Republic of Serbia], no. 1/1990, 1990.
- [12] Polovchenko, Konstantin A. "Konstitutsionnyi kontrol' v Respublike Serbiya [Constitutional Control in the Republic of Serbia]." *Konstitutsionnyi kontrol' v zarubezhnykh stranakh [Constitutional Control in Foreign Countries]*, edited by E. Ya. Pavlov and E. A. Kremyanskaya, MGIMO University, 2015, pp. 216–242.
- [13] Polovchenko, Konstantin A. "Constitutional Rights and Freedoms of National Minorities: The Experience of Serbia." *Opción*, vol. 35, special issue 23, 2019, pp. 1433–1446.
- [14] Polovchenko, Konstantin A. "Sources of International Law in the Legal System of a Modern State." *Opción*, vol. 35, special issue 22, 2019, pp. 1507–1520.
- [15] Polovchenko, Konstantin A. "Konstitutsionnyi sud Serbii [Constitutional Court of Serbia]." In *Konstitutsionnyi kontrol' v zarubezhnykh stranakh [Constitutional Control in Foreign Countries]*, edited by E. Ya. Pavlov and E. A. Kremyanskaya, MGIMO University, 2015.
- [16] Polovchenko, Konstantin A. "Osobennosti zakonodatel'nogo protsessa v Respublike Serbiya [Features of the Legislative Process in the Republic of Serbia]." *Probely v rossiiskom zakonodatel'stve [Gaps in Russian Legislation]*, no. 7, 2017, pp. 37–41.
- [17] Polovchenko, Konstantin A. "K voprosu o statuse deputata Narodnoi skupshchiny Respubliki Serbiya [On the Status of a Deputy of the National Assembly of the Republic of Serbia]." *Problemy ekonomiki i yuridicheskoi praktiki [Problems of Economics and Legal Practice]*, no. 3, 2017, pp. 126–130.
- [18] Polovchenko, Konstantin A. "Teoriya i praktika formirovaniya organa konstitutsionnogo kontrolya: opyt Serbii [Theory and Practice of Forming a Constitutional-Control Body: The Experience of Serbia]." *Sotsial'no-politicheskie nauki [Social and Political Sciences]*, no. 1, 2017, pp. 96–100.