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The Constitutional Court of the Republic of Serbia – Guardian of the Constitution and Protector of Human Rights?

Ivana Mirevska

PhD, Assistant Professor, Faculty of Business Studies and Law, University Union Nikola Tesla, Belgrade, Serbia, <https://orcid.org/0009-0000-3617-238X>

Corresponding Author: mirevska.ivana@gmail.com.

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Abstract: This study explored the opinions of citizens in the Republic of Serbia regarding the role of the Constitutional Court as a guardian of the Constitution and the rule of law in their country. It also examined whether citizens feel that their fundamental rights and freedoms are being upheld. The research was conducted on 300 respondents, in the city of Belgrade in Serbia by sampling method - survey. The results of the structured survey showed that citizens of Serbia were satisfied with the work of the Constitutional Court and believe that it is a good protector of the Constitution and the rule of law in the Republic of Serbia. The research results showed that most respondents were familiar with the Constitutional norms, while the situation was not the same with the work of the Constitutional Court, so even 235 respondents were not familiar with it. The majority of respondents learnt about the Constitutional Court and the Constitution of the Republic of Serbia through television, radio, or magazines, totalling 185 individuals. The majority of respondents believed that the norms of the Constitution of the Republic of Serbia were adequately prescribed (234 respondents), while 66 respondents believed that they were not. When it came to respondents' opinion on whether the Constitutional Court was a protector of the rule of law and the Constitution of the Republic of Serbia, the majority of respondents thought that it was (272 respondents). In comparison, 28 respondents stated that it was not a good protector. However, the disputed situation was related to the respect of basic

human rights and freedoms, because half of the respondents believed that their rights were not sufficiently respected.

Keywords: Constitution, Constitutional Court, rule of law, Republic of Serbia, rights and freedoms, questionnaire

Introduction

Before establishing the meaning of constitutional rights, it is necessary to understand the meaning of the term Constitution. The constitution outlines the fundamental principles governing a state, serving as the foundation for its legal framework. Citizens of a country are expected to be aware of and adhere to the rules established by the Constitution. People know that basic human rights and freedoms are guaranteed by the Constitution (Prihandono et al., 2018). The basic values of a state, which are reflected in its Constitution, form the legal and ideological foundation of the organization and development of any nation (Pujayanti et al., 2024). The constitution is, first of all, the basic law that determines the sovereignty of each country, affects the development of national statehood, the life of citizens, their place in society, and the legal basis of their way of life (Tolibjonovich & G'Ulomjonov, 2021; Wantu et al., 2021). By enacting its constitution, the people do not regulate the state as an abstract model, but rather a specific, very concrete (own) state, and for that reason, with it and through it (the constitution), they express a clear will as to what it should be. Furthermore, the Constitution itself and its regulation of the organisation of the state (state authorities, human freedoms, and rights, the constitution and the law by the constitution, restrictions on the holders of state and public powers, the protection of rights and freedoms and the rule of the constitution and rights and other social issues and relations), which was adopted by the people (directly and/or indirectly) cannot be characterised in any other way than that it is a democratic constitution that governs a democratic state and social community, and therefore we designate such a state as a constitutional, democratic state of the rule of law and human rights and freedoms, the division and constitutionally limited power in which everyone is subordinate to the law, and their rights and duties arise from objective law, and not from a relationship of supremacy and superiority based on force and arbitrariness (Arlović, 2024; Boyle & Sherif, 1996). Despite the important role that the Constitution is meant to play in all countries, data indicates that citizens worldwide are dissatisfied with its implementation and adherence. The state of human rights is not satisfactory and worsens every year in the International Human Rights Index (Giri, 2023). When it comes to the Constitutional Court of the Republic of Serbia, it is an independent and independent state body, whose role is to protect constitutionality and legality, as well as human and minority rights and freedoms. This basic framework in which the Constitutional Court of the Republic of Serbia operates is contained in Article 166 of the Serbian Constitution. This article outlines the fundamental values we celebrate today. Firstly, it emphasizes the importance of the rule of law, constitutionality, and legality. Secondly, it champions the support of human rights and the rights and freedoms of minorities.

Research Problem

The need for research on the topic of the Constitutional Court as the protector of the Constitution and the rule of law in the Republic of Serbia arose at this moment due to the growing efforts of the Republic of Serbia to join the European Union, and one of the prerequisites for admission to membership was reflected in the legal norms that should be identical with the norms of the European legal system. This means above all the rule of law and respect for the freedoms and rights of all people regardless of gender, age, sexual orientation, religious orientation, etc. By administering an anonymous questionnaire, it can be assessed that the residents of the Republic of Serbia's views on the respect for basic human rights and freedoms, their sense of protection within the country, and their perceptions of the Constitution and the Constitutional Court. The obtained results can be used by society to devise measures to respect constitutionally guaranteed rights if they are not fully respected, as well as to eliminate shortcomings (if any) in the work of the Constitutional Court. This research could significantly

enhance the scientific field, as many researchers in the Republic of Serbia have yet to address this issue. No one in the Republic of Serbia has done research on this topic in this way so far, so there is a need to do research. The studies were carried out mainly from a theoretical aspect; however, there was a need to determine the opinion of the citizens on whether the Constitutional Court is the protector of the Constitution of the Republic of Serbia and the rule of law. In almost every country, including the Republic of Serbia, the situation regarding legal regulations is one-sided, while the situation in practice is a completely different matter. In line with that, there is also a definite research question, namely whether the Constitutional Court in the Republic of Serbia protects the Constitution of the Republic of Serbia and the rule of law.

Research Focus

The primary objective of this study was to conduct an empirical investigation into the role of the Constitutional Court as a guardian of the Constitution and the rule of law within the Republic of Serbia. This research aims to identify and analyse potential deficiencies in the operational effectiveness of the Constitutional Court, as perceived by the citizenry of the Republic of Serbia. Through a systematic examination of public perceptions and institutional performance, the study seeks to contribute to the discourse on the efficacy of constitutional adjudication in safeguarding democratic principles and upholding legal standards. The highest guarantor of the protection of human and minority rights and freedoms in the Serbian legal system is the Constitutional Court and a constitutional appeal is a legal instrument that initiates the procedure for direct constitutional protection of human rights (Article 166 paragraph 1 and Article 170 of the Constitution of the Republic of Serbia). Comparing the legal systems of other countries, there is a difference regarding the constitutional appeal. In the case of certain countries, a constitutional appeal can only be filed if basic human rights or rights and freedoms that are expressly stated in the constitution have been violated, while all human and minority rights and freedoms can be protected before the Constitutional Court of the Republic of Serbia through a constitutional appeal, regardless of their place in the Constitution, as well as whether they are expressly provided for by the Constitution or whether they were "introduced" into the constitutional legal system of the Republic of Serbia by international documents ratified by the Republic of Serbia (Ilić & Marković, 2015). Based on the aforementioned considerations, the objective of the study was to investigate the discrepancies between legal regulations and their practical application in the context of the Republic of Serbia. Specifically, it aimed to assess how constitutional norms are perceived and enacted, challenging the notion that these norms exist merely as "dead letters" on paper. To achieve this, a survey was administered to citizens of the Republic of Serbia, with the intent of gathering empirical data concerning public awareness and perceptions regarding the functioning of the Constitutional Court and the implementation of the Constitution of the Republic of Serbia. This approach sought to elucidate the actual operational dynamics of constitutional law within the country's legal framework.

Research Aim and Research Questions

The goal of the research was to determine whether the Constitutional Court was the protector of the Constitution and the rule of law in the opinion of the citizens of the Republic of Serbia. By the aim of the research, three hypotheses were set:

H1: Citizens of the Republic of Serbia who are familiar with the norms of the Constitution of the Republic of Serbia are mostly informed about the work of the Constitutional Court through television and other media and consider that the court works by the Constitution of the Republic of Serbia.

H2: Citizens of the Republic of Serbia who consider that Constitutional norms are respected in Serbia are satisfied with the work of the Constitutional Court.

H3: Citizens of Serbia consider that their rights and freedoms are respected in the Republic of Serbia.

Literature Review

This literature review aimed to systematically analyse the various perspectives adopted by authors regarding the role of Constitutional Courts and constitutional frameworks across different countries. The study sought to assess whether the Constitutional Court functions as a guardian of the Constitution and the rule of law within a specific jurisdiction. Prior to commencing this research, it was essential to examine the experiences of other nations, not merely to draw parallels or highlight discrepancies, but to contextualise the operational dynamics and effectiveness of Constitutional Courts in upholding constitutionalism and legal principles. This comparative analysis provided a foundational understanding for evaluating the protectorate role of the Constitutional Court in the selected country. Doctrinal positions on the constitutional court as guardian of the court and protector of human rights are based on the one hand on the understanding of international relations between the state and the constitution, while on the other hand, they are based on the understanding of what tasks the constitution has entrusted to the constitutional court itself (Arlović, 2024; Barroso, 2019; Gardbaum, 2018). The German theoretician of constitutional law Isensee (2004) thinks that: "The state and the constitution should be conceptually distinguished, even though they are existentially closely related." However, the legitimation of one conditions the legitimation of the other and vice versa. Where there is no state, there is no state constitution". However, the constitution maker "does not decide with the constitution whether the state should be that or not. On the contrary, he presupposes the state and reshapes it ... The state is the given matter, while the constitution is the form (Castillo-Ortiz, 2019; Isensee, 2004; Jaelani et al, 2019)". From all of the above, the conclusion is that the constitution does not create, but rather assumes the state as a subject that regulates, however, on the other hand, it has a so-called feedback effect on the state, especially when it comes to the system of government in it, i.e. the legal regulation of the rights and obligations of those who govern (Steuer, 2023). And over which they are managed. In other words, the constitution prescribes the legal form and content of relations in the state as they should be and as they are preferred and permitted by it (Arlović, 2024; Dube, 2022). According to Tolibjonovich and G'Ulmjonov (2021), the constitution is, first of all, the basic law that determines the sovereignty of any country, the development of national statehood, the life of citizens, their place in society, and the legal basis of their way of life. The author focuses on the analysis of the Constitution of Uzbekistan. In his research, Tolibjonovich and G'Ulmjonov (2021) highlights that the Constitution reflects the people's dedication to human rights, state sovereignty, and establishes a clear path towards creating a humane rule of law grounded in the principles of national statehood, democracy, social justice, and universally recognised international law. It has laid strong foundations for the establishment of a democratic state where the rule of law and equality before the law are upheld, in addition to all other principles.

Another country that can serve as an example of how the Constitution has changed throughout history is Indonesia. It is characteristic of Indonesia that for years there was a bad situation regarding the Constitution, however, in the last few years the situation has improved a lot, and the role of the Constitutional Court has finally come to the fore (Simon, 2019).

Pech (2022) analysed the rule of law as a well-established and well-defined principle of European Union law. That study aimed to confirm the claims of two member states of the European Union, which, despite the European Commission's position that the rule of law is an extremely well-established and well-defined principle whose essential meaning is a common value among all member states, were that the rule of law is not adequately the way defined in the law of the European Union. The focus of the research was to determine whether there are differences between Eastern and Western countries in the European Union in terms of the rule of law, and it was found that there is no significant division between East and West, but an authoritarian liberal division at the elite level (Drinóczi, 2020; Mancini, 2018; Pech, 2022; Piccirilli, 2018) and that the rule of law and the constitution are respected in all member states of the European Union. In his book, Harding (1996) dealt with the analysis of the constitution and the rule of law of Malaysia throughout history, which faced frequent crises. In his view, the constitutionality of a

state is primarily a modern phenomenon that emerges during pivotal moments, such as the attainment of independence (Harding, 1996; Lee et al., 2020; Muslim et al, 2020; Neo, 2020; Salleh et al., 2019). However, the fact that history is an indispensable factor in the development of a phenomenon, in this case, the constitution and the rule of law, cannot be ignored. Accordingly, it can be said that the constitution of a country is much more of an organic phenomenon that is largely rooted in history, and over time the rule of law was formed and implemented by the characteristics of society. Modern democratic relations are based, among other things, on the right of people to, as an equal community of citizens, adopt their constitution directly or through their elected representatives and constitutionalize a modern, democratic constitutional state with it. When it comes to the United States of America as one of the most orderly countries in the world in a democratic sense, Jacobs (2022) points out that throughout history the rule of law and the constitution of this country changed and were subject to the great influence of Thomas Cooley, Christopher Tiedeman, and John Dillon. Conservatism was especially characteristic of the development of the Constitution and the rule of law in the United States of America. Today, it can be said without a doubt that the United States of America is a place where human rights and freedoms are guaranteed by the Constitution and are respected in full. This is supported by the fact that an increasing number of young people around the world want to realize their “American dream.” Also, Loveland (2018) studied the constitution of the United States of America. In his book, he points to the influence of Majoritarianism, as a political ideology with an agenda that claims that the majority, regardless of whether it is based on religion, language, social class, or other category of the population, is entitled to a certain degree of primacy in society and to have the right to make decisions that affect society (Dube, 2022; Grabenwarter et al., 2021; Loveland, 2018; Sethi, 2023). In the context of the Republic of Serbia, the nearly sixty years since the establishment of the Constitutional Court in 1963 marks a significant milestone in the history of the Serbian judiciary. The Constitutional Court was established as an independent body with the mission to protect constitutionality and legality, as well as human and minority rights and freedoms by the supreme legal act – the Constitution. The basic principles of the rule of law and separation of powers, as well as balance and mutual control of all three branches of government, are clearly defined in the Constitution. It is clearly stated that the judiciary is independent (Cucic, 2023; Simović, 2023; Vlaški & Marko, 2023). Therefore, the judiciary, including the constitutional judiciary, is the one that must ensure that the laws that have been passed are implemented. An independent, fair, and efficient judicial process guarantees that laws will not be misused or retroactively changed. Through its work and its decisions, the Constitutional Court has a special and important controlling role in all areas of life (Vučković, 2023). In their work, they made many important decisions (Kartrag Odri et al., 2015). The prerequisite for Serbia's integration into the European Union was a good and expedient Constitution and full respect for all human rights and freedoms, which reflects the importance of the rule of law of the Republic of Serbia.

When it comes to Russia, Kryazhkov (2020) researched the reform of the Constitution and the Constitutional Court in the Russian Federation. So, the Constitutional Court of the Russian Federation Reveals the innovations that define its legal nature as the Supreme judicial body of constitutional control, modifying Court authority to review constitutional complaints of citizens, cases of the possibility of execution by the Russian Federation of decisions of the interstate and other such bodies, making them mandatory outcomes in identifying the constitutional and legal meaning of the contested norm Kryazhkov (2020).

Based on the review of the literature, it is found that it is necessary to investigate the attitude of the citizens on whether the Constitutional Court is really the protector of the rule of law and the Constitution. In their research, none of the authors discussed the views of the citizens on this topic, and for this reason, the aim of this research is to determine the views of the citizens of the Republic of Serbia on this matter.

Materials and Methods

The research conducted employed both qualitative and quantitative approaches, utilising a cross-sectional design. Following a review of the literature to assess how researchers globally have addressed this issue, a survey was administered with closed-ended questions. Several methods were incorporated in this study, including:

- Method of definition and description, which will clearly determine the content of terms that will be used in the paper and explain the essence of the research subject.
- The analysis method will be used when investigating the complex problems that exist in this area of research.
- The comparative method is used to compare two or more sets of data.
- The method of content analysis will be used in the analysis of relevant domestic and foreign literature in this field.
- The questionnaire method will be used in the work to show the attitude of the citizens of the Republic of Serbia on the Constitution and the Constitutional Court of the Republic of Serbia, as well as whether their freedoms and rights guaranteed by the Constitution of the Republic of Serbia are respected.

Sample

The study was conducted in the form of an anonymous structured survey. The research sample consisted of the general population of the Republic of Serbia, which was chosen randomly. A total of 300 respondents from the territory of the city of Belgrade in the Republic of Serbia participated in the research. It was emphasised to the respondents that the questionnaire is anonymous and that the results will be used exclusively for scientific purposes, in order to ensure the reliability of the results. The subjects were male and female and were randomly selected.

Instruments and Procedures

The instrument chosen for this research was an anonymous structured questionnaire. The questions were designed in such a way as to find out in an adequate way the attitude of the citizens regarding the role of the Constitutional Court as the guardian of the Constitution and the rule of law in the Republic of Serbia. The questions were formulated unambiguously, clearly and concisely so that the respondents would not be mistaken about them. The research was conducted on the territory of the city of Belgrade in June 2024.

Data Analysis

After the survey conducted in the form of an anonymous questionnaire, the research results were processed in the SPSS package (Statistical Package for the Social Sciences). The method used for data processing was the descriptive statistics. Descriptive statistical analysis is a set of methods used to calculate, display and describe the basic characteristics of statistical series. Descriptive statistical analysis has the following tasks: grouping and arranging statistical data, displaying statistical data and determining the basic indicators of statistical series.

Results

The questionnaire filled out by the respondents consisted of 11 questions, of which the first three questions were general and referred to general information about the respondents (gender, age, and level of education). The fourth question from the questionnaire referred to whether the respondents are familiar with the Constitution of the Republic of Serbia, and the fifth question is whether they are familiar with the work of the Constitutional Court of the Republic of Serbia. The sixth question from the survey referred to how the respondents were informed about the mentioned topics, that is, whether it is television, radio, daily press, social networks, official websites of ministries, etc. The seventh question

in the survey utilized a five-point Likert scale to assess citizens' satisfaction regarding their evaluation of the Constitutional Court's performance. The eighth question from the survey referred to whether, in the opinion of the respondents, the Constitutional norms were prescribed adequately. The ninth question from the survey referred to respect for the Constitution of the Republic of Serbia, i.e. whether in the respondents' opinion, it is respected or not. The tenth question from the survey refers to the opinion of the respondents on whether the Constitutional Court is a good guardian of the Constitution in the Republic of Serbia. The last question from the survey was about whether the rights and freedoms of citizens were respected in the Republic of Serbia.

The research was conducted on a total of 300 respondents, of which 150 were male and 150 female so that the results of the research were reliable. Out of the total number of respondents, 28 of them were under the age of 18, 121 were between the ages of 18 and 35, 134 were between the ages of 35 and 50, and 20 were over the age of 50. When it came to the level of education of the respondents, 78 respondents had completed secondary school, while 222 respondents had completed university. The first question from the survey referred to the respondent's familiarity with the norms of the Constitution of the Republic of Serbia. Out of the total number of respondents, 114 respondents were not familiar with the norms of the Constitution of the Republic of Serbia, while the rest of the 186 respondents were familiar with the norms of the Constitution of the Republic of Serbia. When it came to the work of the Constitutional Court, most of the respondents (235 respondents) were not familiar with its work, while a minority are familiar with it (65 respondents). The next question from the survey referred to the means through which respondents are informed about the work of the Constitutional Court and the Constitution of the Republic of Serbia. The largest number of respondents were informed about the Constitutional Court and the Constitution of the Republic of Serbia via television, radio, or magazines (185 of them), 78 respondents were informed via social networks, 21 respondents from legal regulations, only 6 respondents from the official websites of ministries, and 46 respondents through friends. The next question from the survey was about the assessment of the work of the Constitutional Court by the citizens of the Republic of Serbia, and the mean score of all answers is 4.2, based on which it can be concluded that the majority of respondents are satisfied with the work of the Constitutional Court of the Republic of Serbia. The next question from the survey referred to the norms of the Constitution of the Republic of Serbia, i.e. whether they were prescribed in an adequate and comprehensible manner in the opinion of the respondents. The majority of respondents considered that the norms of the Constitution of the Republic of Serbia were adequately prescribed (234 respondents), while 66 respondents believe that they are not. The next question from the survey was about respect for the Constitution of the Republic of Serbia, and the majority of respondents believe that the Constitution is respected to a large extent (263 respondents), while 37 respondents believe that it is not respected. The next question from the survey referred to the opinion of respondents on the key issue, i.e. whether the Constitutional Court is a protector of the rule of law and the Constitution of the Republic of Serbia, and the majority of respondents believed that it was, as many as 272 respondents, while 28 respondents thought that it was not a good protector.

The last question from the survey referred to respect for the basic rights and freedoms of the citizens of Serbia, which were guaranteed to them by the Constitution. On this question, the results of the survey were more or less uniform, so 172 respondents considered that their rights and freedoms were respected in the Republic of Serbia, while 128 respondents believed that they were not respected.

Discussion

Jurlina Alibegović and Slijepčević (2021) explored the theme of citizen participation in local decision-making processes in Serbia. Their analysis draws on survey results gathered from local city councillors. This research showed that voting is the most preferred mechanism for public participation in all groups of countries, while citizens' juries are the least preferred mechanism for citizen participation (Jurlina Alibegović & Slijepčević, 2021). Maniglio and Casado (2024) researched the topic of constitutional changes in Latin America. In the last few decades, most countries in Latin America have

had substantial constitutional changes, and several countries have introduced new constitutions. Ecuador's new constitution came into force in 2008 and since then society has changed its traditional attitudes towards social rights, which were previously underestimated and dismissed as only subjective issues (Maniglio & Casado, 2024). Maniglio and Casado (2024) came to the knowledge that the basic human right to housing and the promotion of social housing are guaranteed by the constitution and to this end, Laque (2021) studied the rights of migrants and analysed the immigration laws and policies in America immigration law and policy should be more open when external threats increase and more closed when geographic concentrations and chain migrations appear, and that the basic human rights of these people will be respected only with adequate regulations of the rule of law and the Constitutional Court, in this connection the importance of this research is emphasized. Based on the research findings, the following conclusions can be drawn regarding the hypotheses:

H1: Citizens of the Republic of Serbia who are familiar with the norms of the Constitution of the Republic of Serbia are mostly informed about the work of the Constitutional Court through television and other media and believe that the court works by the Constitution of the Republic of Serbia – **confirmed**.

H2: Citizens of the Republic of Serbia who believe that Constitutional norms are respected in Serbia are satisfied with the work of the Constitutional Court - **confirmed**.

H3: Citizens of Serbia believe that their rights and freedoms are respected in the Republic of Serbia - **partially confirmed**.

It seems that there is not enough data in previous research on this topic, and that is why this research was conducted. Based on previous research, it can be concluded that the Constitution was respected in other countries in different ways depending on the observation period. For example, in America, as one of the countries known for its good Constitution and respect for human rights at the highest level, there have been many problems in history. Additionally, regarding the Republic of Serbia, which is also a focus of this research; the historical context has shifted over time. Currently, however, half of the respondents believe that, despite the existence of a strong Constitution and the diligent work of the Constitutional Court, fundamental human rights and freedoms are not fully upheld. This observation highlights the need for further investigation. The limitations of this research were reflected in the spatial dimension, so the next research on this topic should be conducted at the level of the entire country.

Based on the conducted research, the conclusion is reached that the Constitutional Court in the Republic of Serbia is a good protector of the Constitution of the Republic of Serbia and the rule of law. While the other half believes that their basic human rights and freedoms are not respected. This section is dedicated to further research on this topic, aimed at identifying which fundamental human rights and freedoms are not upheld in the Republic of Serbia. Only after acquiring this knowledge can appropriate measures be implemented.

The limitations of the research were reflected in the fact that the research sample was small and that not all cities in the Republic of Serbia were covered. It is possible that the results of the research would be somewhat different considering other cities in Serbia, which leaves room for future research.

Conclusions and Implications

Regardless of the value that the Constitution should have in all countries, the data show that citizens around the world are not satisfied with the observance of the Constitution. The state of human rights is not satisfactory and worsens every year in the International Human Rights Index (Giri, 2023).

When it comes to the Constitutional Court of the Republic of Serbia, it is an independent and independent state body, whose role is to protect constitutionality and legality, as well as human and minority rights and freedoms. All countries around the world were facing changes in terms of the Constitution and the work of the Constitutional Court. This statement is characteristic even for the

United States of America, as one of the countries that is characterised by an extremely high degree of respect for basic human rights and freedoms. It seems that today most countries around the world are trying to ensure the protection of the rights and freedoms of all their citizens, but there is certainly still a lot of room for improvement. This basic framework in which the Constitutional Court of the Republic of Serbia operates is contained in Article 166 of the Serbian Constitution. In that article, the basic values that we celebrate today are listed. These are, firstly, the rule of law, constitutionality, and legality, and secondly, supporting human and minority rights and freedoms. To realise that constitutional norms are not just a "dead letter" on paper, a survey was conducted among the citizens of the Republic of Serbia to determine the real situation regarding the work of the Constitutional Court and the Constitution of the Republic of Serbia. Based on the conducted research, the conclusion is reached that, in the opinion of the citizens of the Republic of Serbia, basic human rights and freedoms are not respected to a sufficient extent by the Constitution of the Republic of Serbia. The limitations of this research are reflected in the small number of people surveyed and the focus of the questions on the area of human rights and freedoms that are respected or not respected in Serbia. Also, the limitation of this research can be a narrow territorial area where the research was conducted. The highest guarantor of the protection of human and minority rights and freedoms in the Serbian legal system is the Constitutional Court. When it comes to the institute of the rule of law, unlike other legal institutes, where the probability of conflicts of interests of the states is high, in terms of human rights and freedoms of the state, as a rule, they act harmoniously and harmoniously on the international level. In this sphere, in the states, as a rule, there is a coincidence of their interests with those of the general humanity. One of the assumptions of such a course of action is, undoubtedly, the rule of law, which has fundamental importance for guaranteeing human rights and which has been recognised by all states.

Suggestions for Future Research

Future directions of research should be aimed at questioning the citizens of the Republic of Serbia about which human rights and freedoms are respected or not respected in the territory of the Republic of Serbia. In addition, research should be focused on a more detailed analysis of the work of the Constitutional Court in the Republic of Serbia and how its work can be improved. Additionally, the research should concentrate on citizens' attitudes across all cities in the Republic of Serbia regarding the Constitution itself and the functioning of the Constitutional Court. It should also examine whether citizens feel that their rights and freedoms are being respected, as there may be differences in experiences from one city to another. The north and the south of Serbia differ greatly in terms of people's mentality and way of life, and for this reason, it would be desirable to research the territory of the entire country. Also, the research should be focused on the rights of the gay population, which have always been a critical issue in the Republic of Serbia. It seems that this area has a lot of room for further research and improvement of the work of the Constitutional Court regarding these human rights and freedoms that are fully respected in the countries of the European Union and the United States of America.

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