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**LOCAL COMMUNITY ASSEMBLIES IN
SERBIA AS A FORM OF DIRECT CITIZEN
PARTICIPATION IN LOCAL GOVERNMENT
– BETWEEN TRADITION, REPRESENTATIVE
AND DIRECT DEMOCRACY –*****

Abstract

The subject of this research is local community assemblies as forms of direct democracy in Serbia. The paper seeks to identify a correlation between the traditional forms of these assemblies and the development of local self-government and democracy. By using the doctrinal concepts of direct democracy and local self-government, as well as theoretical methods, such as the dogmatic and normative legal method, historical and comparative methods, and, based on empirical findings, the authors provide a diachronic overview of local assemblies of all citizens. These assemblies have a long tradition in Serbia. From former custom-based institutions, they were transformed into local government bodies during the nineteenth century. This transformation meant a gradual phasing-out of their direct representative character and their importance as

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central bodies of local government. The underlying cause of these changes results from the conflict between political conceptions of local democracy (decentralists) and proponents of a strong state and local administration (centralists), as well as broader political circumstances. The model of classical representative body in local self-government persisted until the beginning of World War II. In the post-war period, consistent with the ideological postulates of Marxism and self-management socialism, two new forms of these bodies emerged in the communist Yugoslavia – assemblies in local communities (citizens' assemblies) and assemblies in business enterprises and organizations (working people's assemblies). During the final decade of the twentieth century, following the dismantling of self-management socialism and a return to the classical model of local self-government, these forms of direct democracy at the local level were abolished. The authors conclude that the era of socialist self-management left a contradictory legacy in terms of attitudes toward direct democracy and direct citizen participation in local government. A residual element of such a legacy is the concept of assemblies in local communities, which, in practice, has no substantial role in the functioning of local self-government in Serbia. The authors point to the shortcomings in the legal framework and propose normative and technical solutions that could improve the way of citizens' direct participation in the exercise of local power.

Keywords: direct democracy, local administration, local self-government, centralization, citizens' assembly, local assemblies, local communities

LOCAL-LEVEL ASSEMBLY OF ALL CITIZENS AS A HISTORICAL AND NORMATIVE CURIOSITY

The “renaissance” of direct democracy in recent decades has been associated with the process of the collapse of communism and authoritarian systems, but also with criticism of parliamentarism in Western democracies.¹ Citizens' direct say on public affairs is expected to strengthen the development of democracy and address the weaknesses of

¹ Such a thesis is supported by statistical data on the increasing frequency of instruments of direct democracy (referendums and citizens' initiatives) during this period at the global level.

representative systems of government. In comparative law and political practice, the debate over the use of referendums for key decision-making at the national level has been at the center of controversy not only in the so-called 'new democracies' but also in established constitutional and political systems. In this paper, we use historical institutionalism in order to identify patterns and forms in the development of the citizens' assembly concept in Serbia during its modern history. In the introductory part, a comparative paradigm is also employed to point to the existence of related forms of citizens' assemblies in different political systems. We also highlight the specific context in which the institutionalization of citizens' assemblies unfolded, while tracing the genesis and trajectory of their development in Serbia.

The spreading of direct democracy in a number of political systems has also contributed to the development of other mechanisms; for example, to the establishment of a supranational citizens' initiative (*European Citizens' Initiative*) under the Treaty of Lisbon (Radojević 2024, 146) within the European Union. Another significant novelty is the emergence of various institutions of citizen consultation and public deliberation (deliberative democracy), which complement the concept of direct democracy. Furthermore, relevant recommendations and standards concerning institutions of direct democracy have been adopted (European Commission of Democracy through Law [Venice Commission], CDL-AD(2022)015; Venice Commission, CDL-AD(2020)031). The renewed interest in direct democracy, however, has often been exposed to criticism based on empirical grounds. The fear of its use has been prompted by abuse, particularly in populist regimes (Gerber 1999).

On the other hand, the proliferation of direct democracy in local self-government units has been less pronounced. Most states recognize the local referendum and the popular (citizens') initiative, while far fewer legal systems feature local parliaments with elements of direct democracy (assemblies, local all citizens' assemblies, communal assemblies, etc.). Like other direct democracy mechanisms, these assemblies appear in different variations in comparative law. Generally speaking, they may be mixed in nature, by being both a body of local authority and a form of direct democracy. In some countries, they are the principal body of the basic or lowest level of local self-government. In other cases, they exist within narrower territories of administrative and self-governing units and may be optional, meaning that their opinions are not binding

upon local authorities, but may influence decision-making under certain conditions.

Unlike the classical local parliament, they are not representative. Local community assemblies are composed of inhabitants with voting rights, or residents holding domicile or temporary residence status. These assemblies may launch initiatives and/or make key decisions for governance in their local communities and elect members of other governing bodies. Such examples are foremost historical curiosities or relics – a reflection of tradition. Population growth and urbanization gradually led to the disappearance of such assemblies. In most countries, such as Sweden and Switzerland, the model of the communal assembly has been replaced by a local parliament whose councilors are elected by citizens in elections, along with a local council.

All citizens' assemblies, as a legal mechanism, are generally typical in smaller geographic areas (settlements and smaller rural municipalities) or parts of larger local self-government units (cities, municipalities) consisting of a limited number of inhabitants. Some well-known examples include the *concejo abierto* ("open council") in Spain and the assembly of registered voters (*Freguesia*) in Portugal, both of which are constitutionally guaranteed categories. Furthermore, all citizens' local assemblies also exist in some municipalities in Switzerland and Liechtenstein. In Switzerland, local and cantonal assemblies (*Landsgemeinden*), traditional forms of direct decision-making, have been preserved primarily in cantons with smaller populations. This is the case in the cantons of Glarus and Appenzell Innerrhoden, where citizens meet once a year, in the last week of April and the first week of May, to deliberate on all matters of importance for the functioning of their communities. The specific context and geographic fragmentation of settlements have led to the interdependence of their inhabitants, thus allowing these traditional institutions of direct democracy to survive to the present day. In the United Kingdom, parish meetings represent the lowest form of local self-government, managing community affairs in areas with a certain number of inhabitants.² In the United States,

² One of the specific features of the system of local self-government in the United Kingdom of Great Britain is the existence of parishes, which are present in certain parts of the country, primarily in England. In administrative units with fewer than 150 voters, decision-making on local competences is generally in the hands of parish meetings. This body was retained even after the major legislative changes of the 1970s as the basic level of local democracy. Through reforms in 2007 and

similar institutions are town meetings. In some German Länder, there is a legal obligation to convene assemblies of all voters upon request of a certain number of citizens and the mayor (“public assemblies”) in local self-governments for the adoption of certain decisions or legal acts (Radojević i Matić 2025, 226–229). A similar legal mechanism exists in Slovenia (Zakon o lokalni samoupravi 2026, čl. 44; 46). Local assemblies of all citizens also exist in Poland, while in Croatia (Zakon o lokalnoj i područnoj (regionalnoj) samoupravi 2020, čl. 24; 24b) and Montenegro (Zakon o lokalnoj samoupravi 2020, čl. 16; 158), as a form of so-called sub-municipal self-government, and they are regulated under the identical name as in Serbia – assembly (*zbor*).³

According to the importance, role, and binding force of the decisions they adopt, we can distinguish between two types of these assemblies. Unlike traditional local assemblies, consultative assemblies adopt proposals that do not bind local authorities. Local authorities consider these proposals, but without any obligation to adopt them *eo ipso*. Common to both these types is that they may serve as an important forum for deliberation and local democracy. Therefore, it is possible to observe a reversible process – the first type of local assemblies is gradually disappearing, while the advisory local assemblies’ mechanism is emerging in their place. Support for the establishment of these bodies in Europe is provided by the Council of Europe in accordance with the European Charter of Local Self-Government, with the aim of increasing direct citizen participation in the exercise of local government and improving the quality of the functioning of local administration and democracy.

Serbia is one of the examples where the possibility of holding all citizens’ assemblies in local self-government also exists. The assembly (*zbor*), as a form of direct citizen participation in the exercise of local self-government, is defined both as a form of local self-government and as a form of direct democracy, alongside the local referendum and citizens’ initiative. The *assembly* in smaller parts of settlements, in municipalities or city municipalities, is an assembly of all citizens of

2011, the legislator provided that a parish with a larger number of voters is obliged to elect parish councils, whose competences have been expanded (legislation.gov.uk, n.d.).

³ In the Federation of Bosnia and Herzegovina, the term “local citizens’ assembly” (*mjesni zbor građana*) is used (Zakon o principima lokalne samouprave u Federaciji Bosne i Hercegovine 2009, čl. 43).

the local community. It is conceived as a form of citizen participation in the exercise of local government, with modest consultative competences.

In the contemporary legal system of Serbia, local community assemblies have been formally established since 2002. Empirical data, however, do not provide sufficient evidence about their functioning, nor do they suggest that they play a greater role in practice. However, representative local assemblies of all citizens have a far longer tradition in Serbia. Over the previous two centuries, their character has changed – from a form of direct democracy and local authority, through a body of local self-government and administration, to advisory bodies in smaller communities. During the nineteenth century, they were mainly of a mixed nature, as both local authority bodies and administrative bodies. For example, the 1866 Law on the Organization of Municipalities and Municipal Authorities, adopted three years before the Regency Constitution (1869), introduced the legal mechanism of the municipal assembly in which all adult citizens could participate, provided that they paid taxes (Matić 2011, 155). The difficulty in precisely defining the fluid status of local assemblies is a consequence of shortcomings in the legislation of the then Principality and Kingdom of Serbia, where regulations were frequently amended and often contained insufficiently clear and imprecise provisions.

The transformation of the role and importance of local assemblies of all citizens (*zborovi*) in Serbia shows a correlation between the traditional forms of these assemblies and the development of local self-government and direct democracy. The development of these institutions was influenced by various factors, but their position was particularly shaped by the conflict between the proponents of centralization, with a focus on strong national state policy and administrative apparatus, on the one hand, and the proponents of decentralism, with claims for establishing parliamentarism and respecting rights to local self-government, on the other.

CITIZENS' ASSEMBLY OR ASSEMBLY OF ALL CITIZENS – A FORM OF DIRECT DEMOCRACY AND A LOCAL (SELF-) GOVERNMENT BODY

Tradition of Citizens' Assemblies in Serbia and the First Yugoslavia

All citizens' assemblies in Serbia have a long tradition, whose origins can be traced to institutions based on custom and rural self-government (Radojević 2023a, 96; Radojević 2023b, 132). During the Middle Ages, the original term encompassed “various meetings and gatherings,” among which state councils (*sabor*) were particularly significant (Čirković i Blagojević 1999). In rural and other settlements, the assembly was the most important body of local administration during the Nemanjić dynasty. Matters decided at these assemblies included important issues, such as demarcation of boundaries between estates, granting special rights and privileges, and it also functioned as a court for resolving disputes where even severe punishments, such as for theft and murder, could be pronounced (Novaković 1891, 110–113). Emperor Dušan's Code, the most famous Serbian medieval legal act from the mid-fourteenth century, prohibited “commoners' assemblies” (*sebarski zborovi*) – local gatherings or meetings of all villagers (Dušanov zakonik n.d., Art. 69). According to the interpretation of the legal historian Soloviev, the reason for the prohibition was that the legislator assumed that they could be organized with the intention of inciting rebellion, and thus unauthorized gatherings were not allowed unless previously approved and attended by representatives of state authorities or feudal lords (Solovjev 1928, 175). By regulating the organization of popular assemblies, the authority of the central government was reinforced, as was also the case in the neighboring feudal countries such as Byzantium and Hungary.

With the collapse and loss of independence of the Serbian medieval state, local assemblies acquired a different political and legal importance. Under Ottoman rule from the fifteenth to the early nineteenth century, assemblies were a form of self-governing authority, as the basis of village and district (*knežina*) self-government in accordance with Serbia's autonomous status (Guzina 1966, 96). Local assemblies elected popular leaders, a right that was recognized in self-governing

privileges – decrees (*firman*s) of 1793 and 1794 (Nikić 1927, 23–25). District assemblies did not include all inhabitants, but rather so-called village household heads and persons of standing (merchants and clergy). This form of functioning of the political community was also described as the “patriarchal democracy of the Serbian village” (Čubrilović 1958, 72), and this type of assembly was also known as the assembly of village notables.⁴ The principle of representativeness, however, was not consistently applied. In some communities, appointment of leaders was hereditary, passing from father to son, while in others, local leaders were imposed by force.

Aside from tradition, the position of local assemblies was also influenced by political and social circumstances. The majority of the Serbian population lived outside the few towns (*varoši*) and gathered in assemblies whenever a need arose. Besides electing local leaders, these assemblies decided on matters of importance for the local community, particularly tax collection (Svirčević 2011, 42; Guzina 1966, 96). Petitions and complaints addressed to Ottoman authorities, and later to the Serbian prince after the Second Serbian Uprising, were formulated at these gatherings. However, the key role was played by higher-ranking leaders (district princes in *nahije* and *knežine*), who acted as intermediaries between the Ottoman authorities and the people and were, for a brief period, considered holders of self-governing authority. Village assemblies, in accordance with customary forms of direct democracy, exercised judicial functions in minor criminal matters and the execution of penalties, and served as places for debate and consultation not only on issues of local importance but also on matters of general concern during the first decades of the nineteenth century. Decisions of central administrative authorities were communicated at these assemblies, and

⁴ Čubrilović and other researchers believe that these assemblies contained the seeds of the future development of democratic institutions (Čubrilović 1958, 74) and civil society. However, there is still a lack of sufficiently thorough research and evidence on this topic. Some researchers also argue that the term “patriarchal” does not have a negative connotation, but in this context denotes a level of political culture and freedom based on the equality of community members and mutual respect. In that sense, this type of local democracy represents a counterpart to a bureaucratized and centralized administrative structure (Novaković 2021) and constitutes a strategy of the democratic constitution of the *demos*, as opposed to the alienation of constitutive and political power that underlies non-democratic forms of governance.

occasionally, their opinion was sought. Along with the dramatic changes that occurred in Serbian society, the role and significance of assemblies also changed.

At the beginning of the nineteenth century, meetings of popular leaders and the population adopted decisions to raise uprisings against the Ottomans. In line with the traditional role of these popular assemblies, their consent was considered confirmation of the legitimacy and legality of important decisions. After the Second Serbian Uprising, village assemblies were also known as village meetings, gatherings of elders, assemblies of elders, or assemblies of elders or notables. An important change in their functioning was the legalization of the right of these assemblies to appoint or approve the election of village leaders (*kmetovi*) by higher authorities. However, since the village leaders (*kmetovi*) convened these assemblies, higher authorities largely controlled the electoral process in this way (Guzina 1966, 157). The uprisings changed the organization of local government, as self-government was suppressed through the establishment of military organization with competencies of managing civil affairs in districts and villages, and later through the organization of state administration. This process, however, did not proceed without resistance to centralization, already during the First Serbian Uprising (Prodanović 1936, 10; Prodanović 1947, 21–22).

Soon after the end of the Second Serbian Uprising (1815), Serbian Prince Miloš Obrenović restricted self-governing rights and effectively abolished local self-government, under the pretext that Serbia was emulating modern European countries of the time (Pavlović 2008, 18–19), with the aim of establishing a strong state administration. Centralism was carried out by suppressing traditional assemblies and customary self-governing bodies of local authority. Districts (*knežine*) were transformed into administrative units (*nahije*) governed by district princes appointed directly by Prince Miloš. In villages, the custom and right of assemblies to elect village leaders independently was abolished. The chief (village) leader was generally appointed by the district prince. The people, who until then had directly participated in decision-making, lacked both the political strength and determination to resist administrative centralization (Guzina 1966, 102). In part, one of the reasons was also the belief that, through the central authority, they could more easily resist local powerholders who often abused customary institutions to impose their will. Consequently, local self-government with attributes of municipal autonomy, except for brief periods, was not established

during the nineteenth century. The mixed nature of administrative and territorial units meant that they occasionally possessed elements of limited autonomy. Local authorities had neither independent jurisdiction nor financial and organizational autonomy. They primarily exercised administrative powers alongside self-governing tasks. For example, the leader in villages was both the village head and an organ of central administration. The scope of autonomous affairs of administrative units and villages was largely narrowed and exercised under strict supervision of the central authority.

Following the adoption of regulations on organizing administrative authority, assembly became a generic term for various bodies, not only village assemblies (assemblies of village notables), but also assemblies in larger settlements (municipal assemblies), and it also became synonymous with the electorate. The most important power of assemblies was electoral – the right to nominate and appoint their representatives and municipal officials, as well as deputies to the national assembly. Authorities restricted and even entirely denied this right during a period of time. Superior authorities convened, confirmed, or annulled assembly decisions and could make discretionary decisions on their dissolution, and municipalities also lacked financial autonomy.

At the same time, Serbia used its position as an autonomous province within the Ottoman Empire to regulate its internal affairs independently. It did so by attempting to establish its own administration at the expense of suppressing traditional institutions of direct democracy and local self-government. This process, however, was not linear, but subject to dynastic upheavals, changes of rulers, political struggles between government and opposition, and other obstacles. In broad terms, two conceptions emerged more clearly – a centralist and a decentralist one. The first one believed that national independence and the creation of a strong bureaucracy, a modern administration modeled after the French or Prussian systems, were the top priorities for the Serbian society. The second one held that due regard must also be given to the development of political institutions such as parliamentarism, limiting the ruler's arbitrariness, and protecting political freedoms and rights. Proponents of the decentralist model stood for municipal self-government. After the First Uprising, this concept gradually weakened until the 1880s, with the emergence of the first political party – the Serbian Radical Party. In the meantime, resistance to centralism appeared, mainly in the form of conflicts between the prince and his opponents.

The conflicts between the different concepts of Serbia's development also affected the state of local self-government. Supporters of the centralist conception pointed to the population's alleged tendency toward violence, lawlessness, and even anarchy. A particular problem was brigandage, which also had a political background, and served as a pretext for repressive measures and police control in administrative units. Advances in weakening state supervision over municipalities were short-lived, often leading to unrest and rebellion. Periodic political compromise allowed rudimentary institutions of direct democracy to resume functioning. Under pressure, authorities permitted a degree of freedom and self-government in municipalities and villages. An expression of this situation was the mechanism of "conciliation courts," local courts composed of three judges directly elected by residents (Constitution of the Principality of Serbia 1838, Art. 30–31 cited in: Petrov, Simović i Radojević 2021, 135–136). These conciliation courts were courts of first instance and resolved disputes of a certain monetary value.

In Serbia of that time, aside from village assemblies (gatherings of peasants), there were also citizens' assemblies in larger settlements (*varoši*). They were headed by an individual, traditionally called a village leader, or '*kmet*', later municipality president (1884), who was appointed by the prince and later by the central executive authority. The first Municipalities Act (MA) sought to regulate administrative government at a time when the prince's personal rule was challenged by another constitutional actor – the State Council (Ustrojenije obština 1839 cited in: Milosavljević 2015, 50–54).⁵ Under this law, the assembly was regulated as a body of local authority in all municipalities ("assembly of all municipal inhabitants") deciding on "important affairs," although the scope of these powers was not further specified. Assemblies gathered adult citizens, under certain conditions, in the first two categories of municipalities (Ustrojenije obština 1839. čl. 14; 19 cited in: Milosavljević 2015, 50–54). In municipalities of the so-called

⁵ Later, this second constitutional factor would transform into the political movement of the so-called Constitutionalists (*ustavobranitelji*), opponents of the prince's personal rule, who modernized the system of administrative governance but, as advocates of oligarchic rule, opposed broader political freedoms and rights for citizens. They believed that authority should first be organized at the municipal level and, therefore, unlike Prince Miloš, who was not a supporter of written laws, advocated the adoption of regulations to organize state administration.

third category (rural municipalities), in line with patriarchal culture and traditions of extended family households, the village assembly was composed mainly of household heads (Ustrojenije občina 1839. čl. 24 cited in: Milosavljević 2015, 50–54).

The Municipalities Act (1866) partially changed the scope of the competence of assemblies and limited their representative character. Municipalities were no longer autonomous, but assemblies survived in municipalities and villages. Their main competence was electoral. Assemblies elected the *kmet* (municipal president), the highest administrative authority in municipalities,⁶ but also deputies and delegates to the National Assembly,⁷ municipal councilors and their deputies. Furthermore, assemblies served as bodies for opinions on certain issues. The assembly could discuss only matters referred to it by administrative authorities or the municipal court (Guzina 1976, 125; Milosavljević 2015, 36). Attendance at assembly meeting was mandatory (Zakon o ustrojstvu občina i občinske vlasti 1866, čl. 17 cited in: Milosavljević 2015, 65–86)⁸, though they did not include all adult citizens. The law prescribed conditions for participation. For example, members of municipal assemblies in towns were citizens paying a certain amount in annual tax and who were not deprived of voting rights (such as, e.g., officers, soldiers, convicted persons, persons under investigation or bankruptcy, persons owing taxes, etc.), while additional requirements also existed (Zakon o ustrojstvu občina i občinske vlasti 1866, čl. 14–15 cited in: Milosavljević 2015, 65–86). The assembly was convened by the municipal court; at least one-third of voters was required as a decision-

⁶ The assemblies (*zborovi*) did not have the right to recall him. Dismissal was decided by a higher administrative authority, which also gave consent at the time of his appointment. A major shortcoming was that the election of municipal bodies was conducted in the presence of the police, whose confirmation determined the validity of these elections.

⁷ Local assemblies directly elected deputies, while in rural areas they elected commissioners–delegates who gathered in district assemblies and elected deputies to the National Assembly (Zakon o ustrojstvu občina i občinske vlasti 1866, čl. 13 cited in: Milosavljević 2015, 65–86).

⁸ The municipal court performed tasks within the municipal scope of authority, as well as delegated administrative tasks (Zakon o ustrojstvu občina i občinske vlasti 1866, čl. 34–35 cited in: Milosavljević 2015, 65–86). In addition, it had other competences, and to a limited extent exercised judicial authority in cases of minor property damage (Zakon o ustrojstvu občina i občinske vlasti 1866, čl. 41 cited in: Milosavljević 2015, 65–86).

making quorum (Zakon o ustrojstvu obština i obštinske vlasti 1866, čl. 18 cited in: Milosavljević 2015, 65–86), and its work was chaired by the municipal leader (*kmet*).

An attempt to significantly expand the competence of local assemblies in order to obtain self-government status came with the amendments to the Law on the Organization of Municipalities in 1875 (Guzina 1976, 217). The assembly could adopt decisions of a substantive and binding character, elect the municipal court and municipal board, decide on the amounts of municipal taxes, gave its consent for the disposal of the municipally owned immovable properties, decided on the merger of several municipalities into a single one or on separation of villages into separate municipalities, and decide on the responsibility (recall) of the municipal leader (*kmet*) and municipal administration. These amendments were the result of the influence of a growing liberal movement, which sought to organize administration after the model of moderate Western European monarchies. Parliamentary government primarily implied granting legislative power to the National Assembly and then establishing local self-government. The strengthening of the liberal movement in Serbia sparked the struggle for local self-government. According to the socialist Svetozar Marković, the creation of a free society required full decentralization, a system in which the highest authority in municipalities would belong to citizens gathered in their own assemblies (Nikić 1927, 104–105; Guzina 1976, 170–171). The amendments, however, never entered into force because the declaration of martial law the following year (1876) suspended their application, and supervision of local authorities by administrative authorities was restored (Svirčević 2011, 198). Yet after the 1884 amendments and territorial-political reorganization, the municipal assembly retained its status as a local authority body and form of direct democracy. More rigorous conditions were also introduced for membership in the assembly; among other things, a citizen had to be literate.

In the Kingdom of Serbia, assemblies were a constitutional category (under the Constitutions of 1888 and 1903), a local authority body through which municipal self-government was exercised. In accordance with these constitutions, assemblies decided on municipal property and finances. A new Municipalities Act was passed a year later (1889) and, regarding municipal organization, relied on constitutional provisions and the 1875 MA amendments. However, it did not go any further in terms of the development of local self-government. Under

the 1889 Municipalities Act, municipal and self-governing competences were not clearly separated, and municipal bodies remained under strict supervision. The mixed nature of municipalities, simultaneously as “basic administrative units” (in reference to the laws of 1889 and 1902) and self-governing authorities, reflected a political compromise between centralist and decentralist concepts (Đorđević 2017, 253). Municipalities were not free in exercising their self-governing competences and, “as parts of the state as a whole,” remained under full supervision of higher authorities. Under the regulations of that time, most decisions adopted at assemblies (municipal and local assemblies) required approval of competent authorities, and representatives of higher authorities attended their meetings. However, literature also describes them as “the most important body of municipal authority” (Svirčević 2011, 37) during this period.

The next change was a step back toward centralization. Within only a few years, citizens lost any influence over the exercise of local government. For the first time, the people’s right to elect the municipal president at their assemblies (1898)⁹ was abolished, while district and county assemblies lost their electoral character. The 1902 Municipalities Act restored assemblies’ right to elect municipal bodies and decide on taxes up to a certain amount (Guzina 1976, 338), although it was restricted by approval of other authorities (1909). In addition to the municipal assembly, “village meetings” were regulated in municipalities comprising several municipalities and villages. These village meetings also became institutions for electing representatives or delegates to county assemblies, where deputies to the National Assembly were elected.

After the First World War, Serbia became part of the Kingdom of Serbs, Croats and Slovenes and afterward, the Kingdom of Yugoslavia. In a state composed of several nations, political life was turbulent and influenced its constitutional development and consequently also its internal organization. Alignment of legislation proceeded slowly, and a uniform Municipalities Act was adopted only in 1933. Until then, the Law on Regional and County Self-Government (1922) remained in force in Serbia until 1927, along with earlier municipal regulations. In the meantime, local self-government was completely abolished during King Alexander’s dictatorship (1929–1931).

⁹ The mayor was appointed by the Minister of the Interior in rural municipalities.

The Municipalities Act replaced assemblies with the municipal board, an assembly composed of councilors elected in elections (Zakon o opštinama 1933). However, in some parts of municipalities “local community assemblies” were introduced, consisting of all voters in that part of the municipality (Zakon o opštinama 1933, čl. 110). The legislator found the *rationale* for introducing local assemblies in protecting the specific rights and interests of parts of municipalities. The local community assembly decided on the election of the local leader, local property, the needs and interests of the local community, and special taxes. Depending on its decisions, the local community assembly met at least once a year and was convened at the request of the municipal president or one-fifth of voters (Zakon o opštinama 1933, čl. 112). Decisions were adopted by majority vote, provided at least one-third of registered voters participated. These solutions are similar to those existing in contemporary legal systems concerning local assemblies (Germany, Slovenia, etc.). This model would also influence lawmakers in the Second Yugoslavia and survive, with certain interruptions, almost until the present day. In the Kingdom of Yugoslavia, the term assembly (*zbor*) was also used for a form of public gathering of citizens. Approval for public gatherings required notification to competent authorities, and there were various other requirements depending on who convened the gathering and its agenda.

The Position of Local Assemblies (*Zborovi*) and Direct Democracy in the Second Yugoslavia

After the Second World War, in Yugoslavia (the so-called ‘Second Yugoslavia,’ 1945–1990), the concepts of direct democracy and local assembly acquired different meanings. The Yugoslav doctrine of that time believed that the model of direct democracy was “socialist democracy,” which represented, in a certain sense, an incarnation of the original meaning of Athenian democracy as a community or association. However, direct democracy did not imply traditional mechanisms of direct democracy, such as the referendum and popular initiative,¹⁰ but rather, in accordance with the so-called new type of democracy, it included new institutions or different content of these concepts. Socialist

¹⁰ There was no unified position in Yugoslav theory regarding the legal nature of local communities (Tomac 1977, 97–99).

democracy was simultaneously self-managing and direct democracy (Đorđević 1978, 36; 447), in which the classical parliamentary and representative system was “superseded.” The representative system was replaced by the delegate system from 1974 onward, and within such a system, the assembly of all voters in local communities, or the assembly of employees in business enterprises, had a particular function. The voters’ assembly was defined as a form of direct citizens’ decision-making on rights and duties of municipalities, through sub-municipal units (*mesne zajednice*) established by the 1963 Constitution of the Socialist Federal Republic of Yugoslavia (Ustav Socijalističke Federativne Republike Jugoslavije [Ustav SFRJ] 1963, čl. 96 (3)).¹¹

According to theorists of Yugoslav self-management, the voters’ assembly was also a basic form of deliberative democracy (“discursive democracy,” Đorđević 1978, 469), with a special function in the delegate system, but also with power to make decisions, formulate proposals, and initiatives concerning matters of local significance in settlements and municipalities. For Yugoslav theorists, it was also the oldest form of direct democracy, whose origins lay in the wartime revolution and bodies of communist authority. Within the local community, the basic form of organizing citizens at the local level was not a formal body, but it exercised a role in electing the assembly.

Consistent with the Marxist ideology of direct democracy, community system, and its Yugoslav version – self-management – which required direct involvement of as many citizens as possible in the exercise of power, local voters’ assemblies were a constitutional category under the 1946 Constitution of the Federal People’s Republic of Yugoslavia (Ustav Federativne Narodne Republike Jugoslavije 1946, čl. 112). This form of direct democracy was regulated in greater detail by a special federal law (*Opšti zakon o narodnim odborima* 1953) and in the federal units. Voters’ assemblies were envisaged in both municipalities and cities (čl. 72), and held broad powers, including that their conclusions were necessary for the adoption of certain legally valid decisions in local communities (Stefanović 1956, 561). Under national regulations,

¹¹ The authors suggest extending such a possibility to the citizens’ initiative, which in the legal system of Serbia is the statutory term for a form of direct democracy at the local level. Serbia should, in particular, make use of the experiences of other countries that already employ digital platforms (e.g., Estonia) or maintain databases with archives and electronic access to held referendums and citizens’ initiatives (e.g., Switzerland).

voters' assemblies could be held in parts of municipalities, settlements, and villages, and consisted of all citizens with voting rights. One of their powers was initiative, in accordance with the imperative mandate mechanism, to review the responsibility of elected representatives (deputies) and initiate their recall (Opšti zakon o narodnim odborima 1953, čl. 118–119). In the basic units of local self-government, voter consent expressed in assemblies was necessary for changes in the status and territory of municipalities and local communities (voters' assemblies and assemblies of citizens and working people). Hence, assemblies were not merely advisory and supervisory bodies of local authorities, but also had the character of local authorities (cf. Guzina 1961, 448–449).

Assemblies retained their constitutional category status in the 1963 Constitutions of the Socialist Federal Republic of Yugoslavia and 1974 (Ustav SFRJ 1963, čl. 67–69; Ustav SFRJ 1974, čl. 1; 14). They were mainly held in local communities, and could submit their initiatives and motions to the local community and municipality, but also other bodies operating within the territory of the local community. The assembly of all voters also determined candidate (delegate) lists for representative bodies (assemblies) in local communities and municipalities. Key decisions concerning the development of local self-government in the so-called 'local communities' (*mesne zajednice*), as well as smaller geographic areas, were adopted in citizens' assemblies. The significance and role of assemblies in local communities also stemmed from the broad competences granted to local communities under the 1982 Law on Local Communities.

A distinctive feature of Yugoslav practice during the period of self-management socialism was that, besides the assembly of all voters in local communities (citizens' assemblies), as a territorial political institution of direct democracy, there were also workers' assemblies (assemblies of all employees) as a "form of direct self-management" (Đorđević 1988, 324). Working people's assemblies were a form of workers' participation ("workers' self-management") in managing the economy (enterprises) and public institutions, and included all employees. At these assemblies, decisions were made on convening the highest governing bodies (workers' councils) and proposing candidates for representative bodies; proposals and opinions were formulated and submitted to management bodies. Decisions adopted at these assemblies were binding on management bodies. Common to both types of assemblies was that they were, in a certain sense, not only forms of direct

democracy but also electoral bases and units in which delegates were elected for local authorities and other political institutions, in accordance with the principle of the delegate system and the complex structure of the assembly system.

The actual significance and role of assemblies of all voters and assemblies of employees in the economy and public institutions in the Second Yugoslavia – as forms of direct democracy – is reflected in the fact that in the Federal Assembly, nominally the highest body of state power, more than 90 percent of deputies belonged to the ruling party (Marković 2025, 342). Real political power lay in the hands of the communist party, which controlled not only the electoral process but also all levels of authority and political decision-making. The totalitarian character of the political system was concealed by the façade of the so-called self-management socialist democracy, making the democratic capacity of local communities and voters' assemblies questionable. This experience served as an alibi for the Serbian legislators and their contradictory approach to regulating institutions of direct democracy in the last decade of the twentieth century.

Return to the Classical Concept of Direct Democracy, Citizens' Assemblies, and Local Self-Government in Serbia Since 1990

Following political changes in the late 1980s, the constitutional and political system in Serbia was reformed. With the return to the framework of liberal-democratic constitutionalism, the Yugoslav self-management socialism and the so-called socialist constitutionalism model were abandoned. Consequences of this transition were different approaches to direct democracy and local self-government. Since the model of socialist democracy had been compromised, the prevailing belief was that constructing related institutions should be tackled with caution, which resulted in the absence of constitutional recognition of the right to local self-government and of other provisions related to direct local democracy. Another factor that shaped constitutional solutions was the dissolution of Yugoslavia and secessionist movements, which had (mis)used direct democracy institutions for their political ends. For this reason, Serbia's constitutional and legal system absorbed certain elements of centralism, reflected in narrowing the competences and original functions of local self-governments or deregulating mechanisms

of direct democracy. In a sense, the danger of such modeling of democratic mechanisms was that it could turn them into simulacra.

The 1990 Constitution of the Republic of Serbia redefined the concept of direct democracy through the referendum and popular initiative at the national level, as a supplement to representative government and as a form of exercising citizen sovereignty (Ustav Republike Srbije 1990, čl. 2). The impacts of the legacy from previous period was nevertheless recognizable in the constitutionalization of the local referendum in the 1990 Constitution of the Republic of Serbia (čl. 116), a rarity in comparative law. The constitution-maker, however, failed to regulate the status of local communities and citizens' assemblies. The local community was established by legal norms (Zakon o teritorijalnoj organizaciji Republike Srbije i lokalnoj samoupravi 1991, čl. 20; 26–27), but not according to the earlier model; rather, as an optional form of direct citizen participation in municipal decision-making and “a form of satisfying common needs.” Its scope of work was also more modest than in socialist Yugoslavia. Another fault of the legal framework was delegating more detailed regulation of local communities to municipal statutes (Kovačević 2025, 480–481), which contributed to variations in their organization and functioning.

Although the lawmaker indicated that citizens could exercise their rights in municipalities and local communities directly through other means not prescribed by law, citizens' assemblies were not legally regulated until 2002 (Zakon o lokalnoj samoupravi 2002, čl. 65). That Law contained only a general provision according to which the citizens' assembly was a form of direct participation in the exercise of local self-government, alongside citizens' initiative and referendum. These mechanisms were not adequately regulated in systemic legislation, notably because an outdated Law on Referendum and Popular Initiative remained in force until 2021 (Zakon o referendumu i narodnoj inicijativi 2021). The 2007 Law on Local Self-Government partially remedied this deficiency by prescribing the role and competences of citizens' assemblies, though not other elements defining their legal status more precisely, such as who has the right to participate, how assemblies are convened, or how positions on certain matters are established (Zakon o lokalnoj samoupravi 2007, čl. 69).

Under the 2007 Law on Local Self-Government, the assembly is convened for a part of the territory of a local self-government unit in accordance with its statute (Zakon o lokalnoj samoupravi 2007, čl.

69 (1)). This may include territories of local communities, parts of settlements, streets, or individual villages (Milosavljević i Jerinić 2020, 307; Vujadinović 2010, 20). Such territory should not include areas with a large population (ideally no more than several hundred citizens), especially in urban areas, as otherwise it may lead to problems in terms of technical organization of such gatherings. In Switzerland, similar assemblies are held in open spaces where several thousand people may gather in one place, which would be more difficult to achieve in cities.

Citizens' assemblies do not make decisions, but instead, they deliberate and formulate proposals, since they are neither local nor sub-municipal self-government authorities (Zakon o lokalnoj samoupravi 2007, čl. 69 (2)). An assembly may debate issues based on proposals within the competence of local self-government authorities, such as urban plans or the introduction of a local self-contribution, but it is not authorized to adopt binding decisions. This is the demarcation line distinguishing its legal nature as a form of direct citizen participation in the exercise of local authority from the role of a local authority.

A municipality or city may request that a citizens' assembly take a position on an issue related to the competence of the local self-government unit, making this mechanism similar to public consultations (see: Zakon o lokalnoj samoupravi 2007, čl. 69 (5)). The right of initiative to convene a citizens' assembly should be vested in the citizens. Local self-government assembly statutes and decisions have generally accepted this solution, though under different conditions. The right to convene a citizens' assembly may be vested in the mayor (or head of a city municipality), the assembly president, or citizens, with thresholds and quorums usually defined as percentages (from 5 to 10 percent) of citizens with voting rights residing in the area where the assembly is held. Some statutes also stipulate an obligation of the municipal administration and expert services to assist in formulating proposals or requests of the citizens' assembly. It is also necessary to ensure that the period between convening and holding a citizens' assembly is not too short, so as to allow sufficient time for the preparation for a substantive discussion at the meeting.

The assembly adopts requests and proposals by the majority of those present (Zakon o lokalnoj samoupravi 2007, čl. 69 (3)), but the lawmaker does not define the quorum required for effective decision-making, leaving this to the statutes and decisions of municipal authorities. Local self-government bodies and services are required to respond to

initiatives and proposals submitted by a citizens' assembly within 60 days of the assembly (čl. 69 (4)). For reasons of legal certainty, these and other issues should be regulated by legislation or through recommended model solutions standardized and consistent across all local communities. This could include, for example, the use of electronic communication tools and internet portals, in order to streamline participation, facilitate citizen engagement, and enhance transparency. These avenues should be explored, especially since Serbia has already regulated the exercise of electronic popular initiative (Uredba o elektronskoj narodnoj inicijativi 2023) and set up an application on the e-government portal (euprava.gov.rs, n.d.).¹²

Our conclusion is that, in the preceding period, the practice of citizens' assemblies, as well as other mechanisms of direct citizen participation in local self-government, has not been developed (Radojević 2023b, 135). Unfortunately, we had to rely on limited research available and could not use a larger number of empirical sources, such as the competent ministry or local self-government units. Analyses available confirm the assumption that assemblies and local referendums are rarely held, while the very few citizens' initiatives that do arise are not implemented in accordance with legal rules and procedures. Such practice is conducive to extra-institutional means of communication between citizens and local authorities, which hardly contributes to improving the quality of democracy and local self-government.

THE TRADITION AND EXPERIENCE OF ASSEMBLIES IN SERBIA (CONCLUDING REMARKS)

In Serbia's political tradition, local assemblies played an important role in the development of the state and political life since the Middle Ages. From the medieval period and up until the early nineteenth century, they were centers of political and social life, shelters of autonomy and of an archaic understanding of democracy. Gradually, they were

¹² The authors advocate extending such a possibility to the citizens' initiative, which in the legal system of Serbia is the statutory term for a form of direct democracy at the local level. Serbia should, in particular, make use of the experiences of other countries that already employ digital platforms (e.g., Estonia) or maintain databases with archives and electronic access to held referendums and citizens' initiatives (e.g., Switzerland).

transformed from institutions of customary law into local authority bodies during the nineteenth century. In the transitional period, they occasionally performed the function of direct democracy and of a hybrid political institution. This process unfolded under the influence of several factors, foremost the formation of the national state and centralized local administration. State administration was built on patriarchal institutions such as assemblies in districts and villages, which may be regarded as seeds of the development of later democratic institutions. These local assemblies have lost their direct representative character, but the struggle was transferred to the field of local self-government. The achievement of local self-government was a difficult and protracted process, and it was not completed before the end of the First World War in the Kingdom of Serbia.

In the interwar period, in the Kingdom of Yugoslavia, influenced by the tradition of assemblies in Serbia, a form of sub-municipal self-government was established in parts of municipalities. The task of the local community assembly, as a gathering of all voters in that area, was to care for the needs and interests of the local community. Although this mechanism did not endure over a longer period of time, the idea re-emerged after the Second World War, albeit in a different ideological environment. In the communist Yugoslavia, the all-voter assembly in smaller administrative units once again assumed the role of direct citizen decision-making on the rights and duties of citizens, as well as working people. Apart from making decisions, the citizens' assembly formulated proposals and initiatives, functioned as an electoral body proposing candidates in accordance with the delegate system, and exercised supervisory control over delegates whose mandate was imperative. Voters' assemblies were regarded as the basic link in the system of socialist self-management and direct democracy. Alongside citizens' assemblies, the Yugoslav self-management doctrine also constructed working people's assemblies as a form of workers' democracy in managing the economy and public institutions.

During the final decade of the last century, Serbia underwent another historical-ideological and socio-political shift. In adopting the model of a civic constitutional state, it also embraced the classical institutions of direct democracy – the referendum and citizens' initiative. At the local level, the local referendum was constitutionalized, but not sub-municipal self-government or direct citizen participation in the form of citizens' assemblies. After political changes in 2000, decentralizing

and democratizing the system of local self-government also implied a return to traditional mechanisms that were not transplants from comparative law. In this sense, correlation can be identified with both the near and distant past, between original and customary forms of citizen participation in exercising authority at the local level. Yet little progress has been made because these institutions largely exist only on paper, have not taken root in practice, and appear as simulacra within the constitutional and political system. The authors propose normative and technical solutions that could improve and streamline citizen participation in the direct exercise of authority at the local level.

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**ЛОКАЛНЕ СКУПШТИНЕ У СРБИЈИ
КАО НАЧИН НЕПОСРЕДНОГ УЧЕШЋА
ГРАЂАНА У ВРШЕЊУ ЛОКАЛНЕ ВЛАСТИ –
ИЗМЕЂУ ТРАДИЦИЈЕ, ПРЕДСТАВНИЧКЕ И
ДИРЕКТНЕ ДЕМОКРАТИЈЕ –*****

Резиме

Овај чланак истражује концепт грађанских скупштина (зборова) као средства за директно учешће грађана у локалној самоуправи у Србији. Аутори су користили доктринарне концепте непосредне демократије и локалне самоуправе, заједно са теоријским методама као што су догматски и нормативно-правни метод, историјски и упоредни метод. Такође су применили историјски институционализам како би идентификовали обрасце и облике развоја грађанских скупштина у Србији кроз њену модерну историју. Увод укључује упоредну парадигму како би се истакли слични облици грађанских скупштина у различитим политичким системима. Текст разматра специфичан контекст институционализације грађанских скупштина, њихову генезу и развој у Србији. Главни теоријски изазов био је утврђивање корелације између традиционалних облика ових скупштина и напретка локалне самоуправе и непосредне демократије. Значајна препрека у завршетку истраживања био је недостатак емпиријског материјала. Непосредна представничка скупштина (збор) има дугу традицију у Србији. У средњем веку, то је био рудиментаран и

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*** Овај рад је настао у оквиру научноистраживачке делатности Института за политичке студије, коју финансира Министарство науке, технолошког развоја и иновација Републике Србије.

архаичан облик непосредне демократије и локалне самоуправе. Касније, након губитка независности, ова скупштина у селима и већим територијално-политичким јединицама (кнежевинама), у складу са аутономним статусом Кнежевине Србије, претворила се у (само)управно тело. Ова скупштина је такође била заснована на демократском принципу једнакости и правичности. Према неким истраживачима, она је била и клица развоја грађанског друштва и локалне демократије, где се поштовала вредност слободе. Њена главна надлежност била је наплата пореза, избор локалних старешина и брига о другим заједничким интересима и пословима локалних заједница. Статус ових скупштина се променио током 19. века. Изгубиле су свој директно репрезентативни карактер, заједно са институцијама непосредне демократије. Уместо тога, поверавани су им задаци и стављене под надзор централне власти. Отпор централизацији усмерио се на борбу за успостављање локалне самоуправе, што је само делимично постигнуто током 19. века. Политички и династички сукоби утицали су на промене у законодавству и нејасан и нестабилан правни статус скупштина. Оне су мењале не само своја имена, већ и своја овлашћења и положај. Ова ситуација је трајала до краја Првог светског рата. У периоду између два светска рата, најзначајнија промена у вези са директним учешћем грађана у вршењу локалне самоуправе било је оснивање локалне скупштине у Краљевини Југославији. Локална скупштина се састојала од бирача на територији општине и била је овлашћена да се бави потребама и интересима локалне заједнице. По нашем мишљењу, ова институција није темељно проучена, али су примећене сличности са каснијим концептом локалне самоуправе и скупштине грађана у социјалистичкој Југославији. После Другог светског рата, југословенски комунисти су развили доктрину директне демократије, за коју су веровали да је синоним за социјалистичку самоуправу и социјалистичку демократију. У оквиру уставног система југословенског социјализма, стварање институција укључивало је скупштину грађана виђену као начин да грађани директно остваре своја права и интересе, са широким компетенцијама које су укључивале предлагање иницијатива и избор кандидата за општинске скупштине, надгледање њиховог рада са императивним мандатом и доношење одлука. Југословенски комунисти тврде да је инспирација за институционализацију скупштина грађана дошла из организације власти на ослобођеним

територијама које је контролисао партизански покрет током Другог светског рата. Ова идеја је можда наслеђена и из марксистичке доктрине и локалних скупштина у Краљевини Југославији. Коначно, разматра се савремена фаза институционализације директног учешћа грађана у локалној самоуправи. Зборови грађана су реорганизовани од 2002. године. За разлику од свог претходника из социјалистичког периода, скупштина свих бирача у локалној заједници сада има овлашћење да предложи иницијативу, што значи да могу да поднесу захтев општинским властима о питањима из надлежности јединице локалне самоуправе. Збор грађана има скромније надлежности, а његово детаљније регулисање је препуштено подзаконодавцу. Међутим, у пракси, потенцијал ове институције остаје неискоришћен. Аутори су закључили да унутар политичке традиције постоји богато и контрадикторно, али недовољно испитано наслеђе директног учешћа грађана у локалној самоуправи. На основу досадашњих истраживања, очигледно је да су постојали различити облици директне демократије у историјским периодима, од средњег века до модерног доба. Кључни реликт овог наслеђа је институт скупштине у локалним заједницама, што, међутим, не игра већу улогу у функционисању локалне самоуправе и демократије у Србији.

Кључне речи: директна демократија, локална управа, локална самоуправа, централизација, збор грађана, локалне скупштине, месне заједнице

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