The Political System of Serbia, Croatia and Slovenia
Comparison between 1990 and 2012

Ph.D. dissertation theses

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I. The objectives and structure of the dissertation

The aim of this PhD dissertation is to compare and contrast the political systems of Serbia, Croatia and Slovenia during their democratic operations. As a result, I did not analyze the disintegration of the former Republic of Yugoslavia which led to the Balkan Wars; neither did I examine the political judgments of the autocratic Serbian regime operating in the second half of the nineteen nineties.

The basic hypothesis of this dissertation is that the three former Yugoslavian republics had very similar political institutions with similar structure and common sense during the era of democratization with minor, insignificant differences.

This subject matter of this dissertation is significant for several reasons; firstly the field of comparative politics lacks such a scientific comparison of the above mentioned former Yugoslavian republics; secondly the above mentioned republics are subjects of the European integration process, and more and more attention is being paid to the implementation of the immersion. Since the Balkan crisis of the nineteen nineties there has not been any comparative research on this field neither in Hungary nor in the rest of Europe, which intended to introduce the science of political systems of these independent Balkan states. In addition to these this dissertation aims to compare the practical operation of the emerging institutions established in the above mentioned democratic regimes.

In my opinion one should first understand the political changes and situations in the past two decades before trying to understand the present manifestation and circumstances of these states. The selection of the target countries serve these purposes, since the European integration of these three countries have been shown in different phases. The degree of differences and similarities in the different immersion phases help the researcher to make presumptions about the possible future immersion process. Slovenia is a consolidated democracy which has been a full member of the European Union since 2004; Croatia is a country which has successful completed the accession negotiations; and lastly Serbia which is applying for the candidate status to start the accession negotiations. The existence of a democratic institution system is essential for the member states of the European Union, therefore the introduction of the institutional systems of
these countries can give an indispensable guide to ensure a successful integration. Throughout the
dissertation the author used authentic texts, which insure the reliability of this comparative research.

The analyses of the political components of the different political systems in each country follow
a logical order throughout the dissertation to provide a coherent interpretation for the readers.
Accordingly, the first chapter presents the constitutional and governmental system of Serbia,
Croatia and Slovenia. This chapter will be followed by the above mentioned countries’ brief
constitutional history. In addition to these it will also explain the era when these countries united
in the XX century. This aspect will adumbrate each country’s political intention after they regain
their independence.

The second chapter examines the existing constitutions of the three target countries with special
attention paid to the operating characteristics. In addition to the operating characteristics this
chapter will introduce the possibilities of political power-sharing, Constitutional Courts, Central
Banks, the Office of Ombudsmen, the tools of direct democracy as well as the possibilities of
local power sharing.

The third chapter will define the party systems operating in the given countries, with special
attention paid to the power transition which took place after the disintegration. Furthermore this
chapter will introduce the umbrella organizations which were present during these changes and
last but not least it will talk about the evolvement of the multi-party system in each country. This
chapter will thoroughly introduce the changes in the party system from the disintegration until
the present regimes in all three countries.

The fourth chapter is an analysis of electoral systems according to political logic, with a
comprehensive examination of the procedural rules of law in force. This part will be followed by
the brief characterization the National Election Committee of each country. In continuous the
next chapter will present significant elections and their results since the disintegration. This
chapter will discuss the Serbian elections between 2000 and 2012, the Croatian Sabor and the
Chamber of Counties elections since the 1990s which experienced two cycles of elections, and
finally the presentation of the House of Representatives elections in Slovenia from the
independence to 2011.
The sixth chapter writes about the functional power-sharing institutions, therefore the comparison of the Parliaments will be presented in this part. Based on an analysis of the present legislature the unicameral parliament of Serbia and Croatia will be compared to the operation of the bicameral Slovenian Parliament. In addition to the operation this section will explain the responsibilities of these parliaments, powers of the individual officers, and the system and establishment of the parliamentary committees. These will be followed by the examination of the specific decision – and law-making models of each institution. At the end of this chapter the liability of parliamentary governments will be examined from two viewpoints. Firstly, whether the parliament owns any sanctioning tool against the government or government members or not; and secondly this subchapter will explain the motion of no confidence, the interpellation rules, the implementation of public policy and finally the testing of management tools.

The characterization of the elected legislatures will be presented in the seventh chapter. The examination of cabinets will be followed by the analysis of the coalition governments established in each country, as well as the analysis of the powers of the Prime Ministers. This will be followed by the presentation of the government structures and changes in ministerial responsibilities.

Finally, the international comparison of the governor’s power will be shown in this chapter. The eighth chapter will discuss the interests of the state leaders; furthermore it will examine the role of the President as the subject to the political system, and their responsibilities. In a subchapter the method of president election will be explained. In the last chapter the subject of the analysis is the individual heads of state, their progress and their perceived role in connection with their relationship with other ministers and governments.

II. Methods applied in the dissertation

The Hungarian literature lacks the thorough analysis of the functioning democratic institutional systems of the above mentioned three countries. Attempts were made to examine smaller areas on this field; however no significant, comprehensive analysis has been made on these particular three former Yugoslavian republics neither in Hungary, nor abroad. Of course, there are works that interpret and examine the political structures of these given countries, but they use different
points of view, furthermore, their time determination and content is very heterogeneous therefore they lack consistency.

This dissertation mainly aimed to explore the primary literature (constitutions, laws, house rules), complemented by the existing scientific literature. The research was hindered by the fact that the three countries can be defined as "new" democracies, as a result the political science research in the target countries is in a fairly rudimentary stage. Throughout the dissertation the primary research method was the comparison of the constitutional and legal framework of each country accompanied by methods used in the field of comparative political science.

The dissertation unites several fields of the political science (comparative political science, political parties and party systems, electoral systems, analysis of social movements, etc). The aim of this dissertation is to be as complex and comprehensive as possible, and to give a complete political system analysis of the three countries.

Beyond the comparison of the constitutional and legal framework of each country, and beyond the methods of political science the author examined the field of international studies as well. The dissertation primarily provides the comparative political analysis of Serbia, Croatia and Slovenia; with outlooks to various institutions and bodies set up by states in the Balkan region to operate as ruling authorities.

III. The main thesis of the dissertation

The basic hypothesis of this dissertation is that political systems of Serbia, Croatia and Slovenia have more common features than differences. In summation the target countries convergence and divergence will be supported.

The examination of the constitutional development of the three countries showed that Serbia has adopted more written constitution since the declaration of independence, while Croatia and Slovenia did not adopt a new constitution due to the possible union with the Austro-Hungarian Empire. However, the three countries have chosen the same path in the twentieth century and in 1918 they united and lived in a common state. In the Yugoslavian Kingdom power relations were characterized by the same political systems as before. It is important to note that during this

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coexistence of the three Slavic “tribes” the different ideas and ruling customs became detectable, and these concepts were even more noticeable after they regained their independence in the 1990s. In the XX. century the three countries were governed by the same concept, however the cohabitation in the Kingdom and later in the first and second Yugoslavia was unable to prevent the need for autonomy. On the other hand one can state that these common “roots” had an impact on the present constitutional traditions.

Common feature of the Serbs and the Croats is that they were in favor of an authoritarian political system until the millennium – and from the beginning of the XXI. century they transformed their former power system, and built a democratic state system. The transformation was led by different reasons. Croatia replaced the previous arrangements by a parliamentary government, while Serbia introduced a "quasi" semi-presidential system. The Croatian government adapted the changes of the 1990 constitution, while Serbia only managed to adopt a democratic constitution in the second half of the last decade. Slovenia, laid the foundations of the new institutions shortly after the declaration of its independence in the early 1990s, which stably exists even in the present. Slovenia and Croatia has stood upon a politically secure base since their independence, however the democratization of the government in Serbia and Croatia had to wait nearly ten years from their disintegration.

During the constitutional studies it appeared that all these countries declared a conflict of interest when it came to legislature and the government positions, on the other hand dualism was implemented on areas of legislative branches and authority implementation. Liability regulations are different in the target countries, in Slovenian and Croatian governments have responsibility towards the parliaments, while the Serbian Prime Minister has rights to dissolve the parliament. Another difference is that the Serbian Minister is a regular member of the Cabinet, while the Croatian and Slovenian minister have more power than a regular Cabinet member. The fraction attention is different in the target legislature, as well as the institution of the minority veto. In Croatia and Slovenia parliamentary oppositions are given veto right, while in Serbia this right is not given.

The Constitutional Courts are present in all of the above mentioned countries as the counterweight jurisdiction to the power of parliament.\(^3\) All of these nations are direct democracies with right to vote, in addition to the referendum the citizens of Serbia and Slovenia enjoy the right of popular initiative and the right of law submission.\(^4\) The opponent role of the Central Bank and the state weighs is inconsiderable is these countries.\(^5\) The Ombudsman system is different in the target countries while in Serbia a three levels of protection system has been set up (the republic, provincial, local), in Croatia and Slovenia there is only national jurisdiction controlled by the Civil Rights act.\(^6\) In Slovenia and Croatia the institution of the Ombudsman was introduced in the 1990s, while the Serbs set up their Ombudsman one and a half decades later.

The dissertation also present a chapter on the operating communist and anti-communist party systems, which can be seen as a common denominator in the given countries. In addition to these the ethnic conflict in Serbia is still a minor problem, just like the different relations towards the European integration.\(^7\) Croatia also suffered from these denominators, however, the ethnic tensions were solved after the first Balkan crisis, while at the same time the issue of separate statehood and the issue of the EU immersion was considered to be solved as well.\(^8\) In Slovenian the fissure of secularization was strongly present, in Croatia the same denominator was less present. The analysis of party systems concluded that Serbia and Croatia developed a hegemonic party system in the 1990s, while Slovenia has established a moderate multi-party political system. Shortly after Slovenia the Serbs and Croats also introduced their moderate multi-party system in the beginning of the XXI. century. It is noticeable that in all three countries the initial


political pluralism decreased, and the number of parliamentary parties slowly declined. Another important phenomenon, which is a common feature of all three countries, is that the extreme right-wing parties along with the liberal parties were expelled from the legislation. On the other hand the subcultural parties play an important role in the political life of the given countries even today.

The electoral systems are compared in the fourth chapter. Similarly in all three countries, the parliamentary elections are initiates by the president; however, the procedure is different in each case. In Serbia the elections must be held within 90 to 60 days before the expiration of the presidential term; in Croatia the elections are 60 days before the expiration of the term; while in Slovenia they are held between 135 to 75 days before the expiration of the mandate. The design of the constituencies also differs. Serbia forms a single national constituency, while Croatia is divided into ten districts, and Slovenia is divided into eight constituencies. Furthermore, in Serbia and Croatia the citizens vote for parties with the help of a closed party list, while in Slovenia the citizens set up a preference order. The parliamentary participation of the minorities is present in these countries; however, it is controlled in different ways. In addition to these, the members of the National Election Committee are elected in different ways, but their functions are identical. As a result of the proportional electoral systems fragmented parliaments are created in all three countries is, making governing more difficult.

The fact should be stated that the outcome of the 1990s Serbian and Croatian elections were quite foreseeable, since only the Serbian SPS and the Croatian HDZ parties have had chance to win the parliamentary elections. This power situation was dominant until the elections of 2000, which was the first time when the opposition had a chance to win. In 2000 the Serbian elections were won by the opposition namely by the DOS, but shortly after their dispersal in 2003, the radicals re-emerged followed by the DSS and DS. The elections of 2007 were a turning point, but only for the second and third most popular parties because they changed places, further more in the 2008 elections, the Democrats defeated the Radicals. The parliamentary elections of 2012

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brought great changes when the newly formed Progressive Party won the elections and defeated the Democrats. In Croatia, the superiority of the HDZ was decisive in the 1990s, but in 2000 and 2011 the Social Democrats could won the elections. Although with fluctuating rate but the Liberal Democrats were favoured in Slovenia until 2008. On the other hand the second most popular party in Slovenia altered through the years, in 1992 and 1996 it was the SKD, in 2000 and 2004 many supported the Social Democrats. In 2008, the SD has managed to win the most seats while in 2011 the newly formed Positive Slovenia took the most seats followed by the SDS. Overall, one can state that the electoral trends show a divergence in the examined countries, since there were ideologically similar parties in power at the same time in the given states.

The governing bodies can be characterized and controlled by the number of inhabitants in a given country, since the number of seats are in sync with the population, in Serbia there are 250,\(^{11}\) in Croatia 151,\(^{12}\) while in Slovenia there are only 90 MPs present in the House of the Parliament, while an additional 40 people work in the Council of State.\(^{13}\) The Assembly’s share similar powers, on the other hand the decision-making bodies experience some differences. In Serbia only simple, absolute and majority rules govern the decision making, while in Croatia and Slovenia organic laws also exist. Organic laws, cannot be changed unless two-thirds of the MPs are in favour of the adjustment. The method of law-making is the same in all the three countries, with the difference being that in Slovenia the *adaptation of new rules has three legislative phases*. The examination of the parliamentary posts: The numbers of Vice-Presidents are almost identical, and in all three countries there is a Parliamentary Secretary position. The institutions of government control are in place in all three countries, including the no-confidence motion, the vote of confidence (as opposed to government or minister), and the institution of interpellation, which also may result in a confidence vote. The non-sanctioned devices opposed to governments are also identical, which means that the public policy, the government reports, the budget control and the work of the Ombudsman exercise control over the Cabinet. In this respect the convergence of three countries are observable. However, there is a minor restriction in Slovenia, since the Slovenian parliament is a bicameral legislature. During the comparison of the governments it can be observed that the internal structures of the public cabinets are the same.

\(^{11}\) Constitution of Serbia 100.


\(^{13}\) Constitution of Slovenia 80., 96. and 97.
which means that the members are the head of state, several vice-presidents, ministers and ministers without portfolio. In 2008 deputy Prime Minister position was introduced in Serbia, and power balance was made among the different Cabinets. Each country introduced the so-called Government Offices to perform administrative tasks, and to control more subordinate bodies. The selection process of the Prime Minister is the same in all three countries. In addition to the above mentioned it is important to note that, since the power transition at the beginning of the XXI. century a coalition government has been functioning in Serbia and Croatia; while in Slovenia a coalition government has been operating since the disintegration.

After the examination of public policies one can conclude that in all three countries the role of the Prime Minister changed throughout the years, for example in Serbia the prime minister's role is a symbolic role, while in Croatia and Slovenia the PM is forced to manoeuvre due to coalition governments. The international comparison of governments and Prime Ministers has shown that while the Serbian government belongs to the weak Italian type, the Croatian and Slovenian Cabinet is stronger and it resembles more of the British and Italian models. An interesting phenomenon is that the weak Croatian government has strengthened during the earlier years of the millennium, on the other hand the moderate former Prime Ministers of Serbian gradually become weaker, and lost their authority at the same time. The Slovenian Minister has maintained its strong manoeuvres characteristics. One can conclude from the above listed characteristics that divergence can be detected during the government comparison of the three countries.

The Serbian, Croatian and Slovenian Heads of State share similar constitutional power, even on the field of representative tasks. Their power vary a little in emergency situations, in addition to these in the time of changes of government, and they differ more when it comes to discretionary duties. In all three countries, Heads of States are directly elected by the citizens, which confirms the legitimacy of the political system of power relations. In times when there is no elected Head of State, the presidential duties are temporarily fulfilled by the Cabinet leader in all three countries.

14 Zakon o Vladi. Source: https://docs.google.com/viewer?a=v&q=cache:xd34GH26SoMJ:www.ombudsman.rs/attachments/Zakon%2520o%2520vladi.doc+%hl=hu&gl=rs&pid=bl&srcid=ADGEESixsfUhiZilnDA6XWsk0nLkWnZm1QmDjcx02-uuzrVIBymYIgGscIIVNDLMo9-6pNM0o1tqjw1QuTOeZIBF3RjXMZDr-r7Tu0o8JzmM4oKee-4HmLgTGFda8fU6Z6GFmB1&sig=AHIEtbQdQnG6GsL-mCsvFQxfbvAdlAtSbegQ (Download: 2012.08.16.); Zakon o Vladi RH. Source: http://www.vlada.hr/naslovnica/o_vladi_rh/otvorena_vlada/o_vladi_rh (Download: 2012.08.16.); Zakon o Vladi Republike Slovenije. Source: http://www.uradni-list.si/l/objava.jsp?artid=19934&stevilka=124 (Download: 2012.08.16.)
Another interesting phenomenon is that while in the 1990s Croatians and Slovenians always elected their President of the Republic in the first round, they failed to elect them in the first round since the millennium. Even more in Serbia electoral rules had to be altered to elect the presidents. The heads of state and their progress has a great impact on the countries, and they develop their countries differently, but they share a common feature namely that most Prime Ministers received legal education. The heads of state also understand their role similarly, as Presidents of the Republic they all feel that their role is mainly symbolic. However, it is important to point out that while the Slovenian and Croatian President are more similar, because the President of the Republic of Serbia can construe his own tasks.

As a conclusion we can state that the above mentioned facts support the main hypothesis that Serbia, Croatia and Slovenia has similar political systems, very similar political institutions with similar structure with minor, insignificant differences. The convergence is supported by the introduction of parliamentary democracy, the similarity of political cleavages, the moderate plurality of political parties, and last but not least the parties with parliamentary mandate share the same ideological judgements. The divergence explains the features of the different electoral rules, the results of the elections, and the difference between the roles of government and Head of State. Although, all the above mentioned countries adapted similar regulations in the 1990s, but later on they established different institutions and applied different rules. It can be observed that there are periods and elements that show similarity, but they are not identical in all three countries. As a result, one can conclude that divergence takes place between the political systems of Serbia, Croatia and Slovenia, there is no similarity between them therefore, the hypothesis is not correct. However based on this analysis, a developmental curve can be seen, which indicates that Slovenia and Croatia resembles in their EU integration path, followed by Serbia which is planning to follow the same path, so this may be a result of the convergence of the political systems in the future.
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