

MECHANISMS OF CITIZEN PARTICIPATION IN THE LOCAL GOVERNMENT: THE NORMATIVE FRAMEWORK OF THE REPUBLIC OF SERBIA

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Abstract. *A prerequisite for the development of the local community are different forms of citizen participation in achieving goals of interest to the local community and meeting their personal needs at the local level. Citizens can participate in the local community activities directly or indirectly. The direct participation in local life is exercised on the basis of strictly formal legal framework, including civic initiative, referendum, and citizens' assembly. The quality of the relationship between the local community and the citizens largely determines the degree of citizens' indirect participation in political life. This paper will address the mechanisms of citizen participation at the local level, with specific reference to public debate and public hearings as mechanisms enabling citizens to participate in local decision-making processes, draw attention to problems and difficulties, and insist on the obligation of local self-government bodies to transparently implement some procedures envisaged in the 2018 amendments to the Local Self-Government Act. The paper also elaborates on other forms of citizen participation, such as consultations, information requests, petitions, surveys, and other available forms of citizen participation in public life.*

Key words: *local self-government, participation, public debate, public hearings, good governance*

1. INTRODUCTION

Within the framework of the European Union integration process, local self-government units aspire to reform and establish certain institutes that will ensure transparency and create appropriate capacities for adopting and implementing practical policy. Building a community on the principles of democracy and decentralization of power calls for increasing citizens' involvement in local decision-making process. In order to ensure citizens' active participation

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in local life, personally and not only through political representatives, it is necessary to form institutions that will facilitate such participation, enable communication with people in public services, mediate between local community residents, and hear their proposals for improving the quality of life at the local level.

Decades of activity and the aspiration of state institutions towards a greater involvement of citizens in the life of the local community (especially the activities of the Standing Conference of Cities and Municipalities and numerous legal experts) have raised awareness of political actors about the importance of finding ways to increase citizen activity at the local level. These activities also contributed to introducing the 2018 amendments to the Local Self-Government Act, which provides a basic framework for decision-making and formation of new institutes, such as: public debate and public hearings.

In this paper, we will also refer to the constitutionally guaranteed right of citizens to participate in local decision-making processes, including the possibility of consulting and informing citizens through panels and round tables, proposals, cooperation with associations and humanitarian organizations, and obtaining information through official websites.

2. PUBLIC DEBATE - CONCEPT AND TYPES

At the national (republic) level, public debates have been conducted for years within the process of adopting laws, action plans and other public policy documents. At the local level, public debates are usually held in the process of preparing and drafting certain administrative and regulatory acts. Its implementation is obligatory when making the statute of a local government unit, budget decisions, plans, strategies, and other decisions of local importance, according to the applicable law or at the proposal of the body responsible for passing the act.

In the positive law of the Republic of Serbia, the public debate was first explicitly envisaged in the State Administration Act (2005)¹, where the public debate was mainly related to the procedure of preparing and drafting new laws (Article 77, para.1 SAA 2005). Thus, the interested public was more closely informed about this new institute through the portal of the Ministry which was responsible for passing the law. Under the current version of the State Administration Act,² Ministries, state administration authorities and special organizations are obliged to inform the public through their website and e-government portal about initial activities in drafting new legislation, and publish basic information on the planned legal solutions that will be proposed (Article 77, para.2 SAA)

As part of the legislative reform in the Republic of Serbia, a major shift took place in April 2013, when the provisions referring to the public debate contained in the Rules of Procedure of the Government of the Republic of Serbia³ were changed. With these changes, the procedure for conducting a public debate has been regulated in detail. The public debate has become mandatory and proceedings for conducting a public debate have been specified; thus, this institution has gained practical significance.

Local self-government units initially organized public debates only in the process of adopting or amending the statute of a local administration unit and adopting the budget; however, these processes were formal, insufficiently regulated, and insufficiently transparent,

¹ State Administration Act, *Official Gazette RS*, no. 79/05

² State Administration Act (SAA), *Official Gazette RS*, no. 79/05, 101/07, 95/10, 99/14, 30/18-another act, 47/18

³ Rules of Procedure of the Government of the RS, *Official Gazette RS*, br. 61/2006, 69/2008, 88/2009, 33/2010, 69/2010, 20/2011, 37/2011, 30/2013, 76/2014, 8/2019.-

both in terms of publishing information on Internet portals and in terms of setting deadlines for their implementation. With the amendments to the Local Self-Government Act in 2018, the public debate received its legal framework and became a mandatory procedure when adopting numerous documents at the municipal level.

2.1. The concept of a public debate

A public debate is a set of different activities, undertaken in a pre-determined time frame, in order to obtain proposals and citizens opinion in the process of implementing an act.⁴

At the local self-government level, a public debate is conducted in the process of preparing or drafting a certain act (e.g. a statute, a decision, a plan or any other act). A public debate can also be conducted when a certain act is in the working version phase, at the proposal of the body responsible for preparing and determining the draft.

During the public debate, proposals, suggestions and opinions of citizens and other participants in the public debate are collected, in written or electronic form. It is necessary to organize at least one open meeting of interested parties with representatives of the competent local self-government authorities, and the body responsible for conducting the public debate is obliged to provide open access to all citizens from the territory of the municipality interested in participating in the debate. The body responsible for preparing regulations is obliged to inform the public on the official website of the municipality that the work on the preparation of the act passed by the Assembly, which is of general interest for the local population, has begun.

Under the Statute of the Municipality of Aleksinac⁵, The Municipal Council organizes the public debate, determines the manner of conducting the debate, the place and duration of the public debate. The Municipal Council sends a public invitation to citizens, associations, the professional public, representatives of bodies, organizations, associations and individuals who are considered to be interested in the draft act under consideration. The public invitation is also published on the Municipality website, alongside with the draft act under consideration and the program for conducting the public debate. In this way, the general public is informed about the public debate.

The time frame for a public debate should last at least 20 days. The Municipal Council determines the specific date and time of organizing and conducting the debate. However, during the adoption of the Decision on Public Debates, the Assembly relativized this deadline by introducing a provision stating that, in case of justified urgency, the competent body which organizes the public debate may set a shorter deadline, and explain the reasons for urgency. Given that the "reasons for urgency" are not legally specified, nor prescribed by the Statute of a local self-government unit, they in fact represent a discretionary political right of the Municipal Council to set a shorter deadline for conducting a public debate.

The organizer shall keep formal record (minutes) on the conducted public debates; the records shall contain the date, time and place of the public debate, the chairperson or the person coordinating the public debate, the present parties, suggestions and proposals submitted at the public debate (through the Municipal Administration office or electronically), and the reasons for their acceptance or non-acceptance. The report is published on the official

⁴ Decision on public debates, *Official Gazette of the Municipality of Aleksinac*, no 5/19.

⁵ Statute of the Municipality of Aleksinac, *Official Gazette of the Municipality of Aleksinac*, no 29/18.

website of the Municipality, and the body responsible for determining the proposals is obliged to take into account the given suggestions and proposals.

2.2. Types of public debates

Generally, public debates fall into two basic groups: mandatory (obligatory) and optional (“facultative”) public debates. The holding of a mandatory public debate is explicitly prescribed by the law, the Statute, and the Decision on public debates, it is necessary when adopting certain documents. The holding of an optional public debate is related to the request or proposal of a certain body or person.

2.2.1. Mandatory public debate

The mandatory public debate is organized and conducted by the Municipal Council according to the procedure for conducting a public debate on the draft act, and at the request of a municipal body, a working group, or a working body of the Assembly in charge of preparing the general act. The public debate must be organized and conducted as follows:⁶

- 1) in the process of preparing the Statute of a local self-government unit;
- 2) in the process of preparing the budget of the Municipality;
- 3) in the process of preparing the Development Plan and public policy documents of the Municipality (a strategy, a program, a policy concept, and an action plan);
- 4) in the process of determining the rates of source revenues of the Municipality;
- 5) in the process of preparing spatial and urban plans;
- 6) in other cases, provided by the law and the Statute

2.2.1.1. Public debate in the process of preparing the Statute

The highest legal act of a local self-government unit is the Statute (Article 11 LGA).⁷ Public debate in the process of adopting the Statute was envisaged in previous legal solutions, but without specific legal framework regarding the time, place, manner of holding a debate, transparency, form and inclusion of a certain circle of people.

When adopting a new or amending the existing statute, the public debate is conducted in the phase of drafting the Statute, or a draft decision on amending the Statute. The Assembly forms an expert working body, the Commission for drafting the Statute or a draft decision on amending the Statute, which is the body in charge of preparing this act and providing the necessary information to interested parties at the public debate.

The invitation for a public debate is published on the bulletin board of the Municipal Administration and on the Municipality website, and it is also delivered to the interested legal and natural persons who the provisions under consideration refer to.

The organizer is obliged to keep formal record (minutes) of the public debate, which are published on the Municipality website after the public debate is over; then, all remarks and suggestions have to be considered, and the competent Commission is obliged to determine the final text of the Draft Statute within three days of the public debate and submit it to the Municipal Council for further action.

A public debate is not held when the change of the Statute refers to harmonization with the law, transposing more precise legal solutions, unless otherwise provided by law.

⁶ Decision on public debates, *Official Gazette of the Municipality of Aleksinac*, no 5/19.

⁷ Local Government Act (LGA), *Official Gazette RS*, no 129/07, 83/14 (othr. law), 101/16 (othr. law), 47/2018.

2.2.1.2. *Public debate in the process of preparing the budget*

For many years, the public debate on the adoption of the draft budget decision was the only public debate that was held regularly because the legislator envisaged that the adoption of the budget must be preceded by a public debate. According to the new legal solutions, the public debate in the budget preparation procedure can be conducted in two cases: 1) on the draft public investment plan, when the direct budget user decides to consult citizens on a capital project, and 2) on the draft budget decision.

The planned budget reforms envisage (among other things) the reform of the capital investment management system, in order to ensure correlation with sectoral strategies, i.e. with realistic plans and needs of a local community. Therefore, the authorized proposer is given the opportunity to consult citizens on capital projects within its jurisdiction, through a public survey or in another way, after which a public debate is held, which also contains information on the results of the consultations.

The public debate on the draft public investment plan is conducted before the public debate on the draft budget decision because it must also contain a financial analysis, especially when it comes to medium and large-value capital projects.

The invitation for a public debate on the draft budget decision is announced by the Municipal Council, by publishing the draft decision, accompanying presentation, and the form which may be used by interested persons to send a remark, proposal or suggestion, at least ten days before the public debate. However, the Decision on Public Debates⁸ stipulates that this deadline may be shorter, with an explanation of the reasons for urgency. After holding a public debate, the Municipal Council prepares a Report, which is published on the official Municipality website.

2.2.1.3. *Public debate in the process of preparing Municipality planning documents*

In the process of preparing Municipality planning documents, a public debate is conducted in case of adopting: a) Municipal Development Plan; and b) public policy documents (strategies, programs, policy concepts and action plans).

The Municipal Development Plan is a comprehensive and long-term development planning document, which is adopted in order to realistically review the current situation and identify priority problems in defining real, clear and achievable goals. After reviewing the state of existing resources, information on the current state of affairs, the list of basic problems and shortcomings of local self-government, the public debate provides for individual proposals of stakeholders to be integrated into a functional whole.

Spatial plans of the local self-government unit are adopted for the territories of local self-government units; they determine guidelines for the development activities of specific areas, as well as conditions for sustainable and even development on the territory of the local self-government unit. Urban plans are adopted for parts of the territory (populated areas) for which spatial plans envisage the development of an urban plan (Ivanišević, 2012: 34).

In order to determine and develop public policy and achieve the desired goals in certain areas, local self-government units operate through planning and management of the system of public policies. The types of public policy documents are: 1) a strategy; b) a program; c) a policy concept, and d) an action plan (Article 10 PSA).⁹

The authority responsible for the preparation of planning documents is obliged to inform the public within seven days that it has started work on the preparation of a certain

⁸ Decision on public debates, *Official Gazette of the Municipality of Aleksinac*, br. 5/19

⁹ Planning System Act, *Official Gazette RS*, no. 30/18

planning document. After consultations have been conducted in preparation of public policy documents, the Municipal Council announces a public invitation to participate in the public debate on the Municipality website. The public invitation must contain data on the proposer of the documents, the name of the documents, the area of planning and implementation of public policy, and information on the composition of the working group that participated in preparing the document.

The invitation for a public debate must contain a draft document, deadline for conducting and holding a public debate, information on planned activities (such as: round tables, forums, presentations), their date, time and place, as well as information on how to submit comments, suggestions, remarks, suggestions and other relevant information.

The public debate lasts at least 20 days, and the deadline for submitting proposals in written or electronic form is at least 15 days. After the public debate, and before submitting the document to the Assembly, the Municipal Council publishes the public debate report on the Municipality website. The report which must contain information on the time and place of the public debate, representation of the public sector, NGOs, businessmen and entrepreneurs, given suggestions and their implementation in the document, or reasons for refusing the suggestions. The Municipal Council also publishes an updated version of the document with the report, and submits the document to the Municipal Assembly for further consideration and adoption.

2.2.1.4. Public debate in the process of determining Municipality source revenue rates

Local self-government units are entitled to receive public revenues they generate on their territory: municipal administrative fees; local utility fees; residence taxes; fees for the use of construction land; fees for the use of natural and medicinal herbs; fees for environment protection and improvement; income from leasing, i.e. the use of real estate; income from the sale of moving goods, income from concession fees, interest income on their assets, fines for violations prescribed by an act of the Municipal Assembly and confiscated property; revenues generated by municipal bodies, services and organizations; local self-contribution; revenues from donations and other public revenues (Dimitrijević, Vučetić, 2011: 260).

In the process of determining the rates of source revenues, public debates are conducted on draft decisions determining the rates of source revenues and on draft decisions regulating the method of determining the amount of local utility fees and charges. As this is the same scope of regulation, a unified public debate may be held on all draft decisions. These public debates may also be held concurrently with the public debate on the draft budget decision.

2.2.1.5. Public debate in the process of applying spatial and urban plans

Spatial and urban planning documents contain measures for the improvement and preparation of the territory for the needs of the state defense, as well as data on areas and zones of facilities of special importance and interest for the country's defense (Article 10 PCA).¹⁰ When preparing and adopting spatial and urban plans, public debate is conducted in the process of creating a draft development plan. These plans include: the Spatial Plan, the General Urban Plan, the General Regulation Plan, the Detailed Regulation Plan, and others.

When a public debate is organized on a document concerning environmental protection, the opinion of the environmental authority is published on the need to draft a strategic environmental impact assessment. Reliable and timely information is the basis of a quality

¹⁰ Planning and Construction Act, *Official Gazette RS*, no 72/09, 81/09-corr., 64/10- CC decision , 50 / 13- CC decision, 98 / 13- CC decision, 132/14, 145 / 14, 83/18, 31/19, 37/19 (other law), 9/20.

decision-making process in the field of environment protection, better environmental risk management, improving public awareness, transparency, public participation in decision-making processes and sustainable development (Bogdanović, 2012: 45).

The Planning and Construction Act stipulates that spatial and urban documents shall be subject to early public insight into the documents. The public debate on these documents is conducted by the Planning Commission, the debate is advertised through the media and the Municipality website, and it lasts for 15 days. The debate is followed by another expert examination of the documents by the Planning Commission, after which the public insight into the documents is announced. The public insight (scrutiny) lasts 30 days, and the notification on the presentation of the planning document is done through the media, the local newspaper and on the Municipality's website.

2.2.2. *Optional public debate*

The optional (non-obligatory) public debate can be conducted in the process of passing general acts, at the request of the proposer of the document, one third of the municipal representatives (deputies), or at the proposal of at least 100 citizens. In order to conduct a public debate, the citizens' proposal has to be supported by at least 100 citizens with the right to vote on the territory of the municipality. Collecting citizens' signatures for a public debate is conducted in accordance with regulations governing the citizens' initiative (Dimitrijević, Lončar, Vučetić, 2020: 248).

The public debate initiative is the latest form of civic initiative established after the 2018 amendments to the Local Self-Government Act. In order to submit a request or a proposal to the competent authority, citizens form an initiative committee, comprising at least three members (citizens with the right to vote). The competent authority confirms the receipt of the proposal, for which signatures are collected on the first page of the text of the proposal, and certifies each page of the text of the proposal in the number of copies submitted by the initiative committee.¹¹ The competent authority shall keep one copy of the proposal for itself, and the proposed request may no longer be amended.

Upon verification of the proposal, the initiative committee reports the collection of signatures to the Ministry of Internal Affairs -Police Administration, no later than three days before the start of the signature collection, with a detailed explanation of the submitted proposal, place, time and manner of collecting signatures and information about the member of the initiative committee responsible for coordination. The Initiative Committee may also organize special committees for collecting signatures in certain places.

Collecting citizens' signatures for submitting proposals for a public debate takes up to seven days from the start date of the signature collection, which is stated in the letter submitted to the Ministry of Internal Affairs when applying for the event. Citizens (who have a voting right and residence in the territory of local self-government) can give only one signature, which they can withdraw (in written form) by the end of the last day for collecting signatures. The citizen also has the right to point out to committee the existence of certain omissions or shortcomings in the collection of signatures.

In order to ensure that citizens are fully aware of the initiative they wish to support with their signatures, the proposal should be posted in clear sight at the signature collection point. Upon completion of the signature collection, the signatures are submitted to the competent authority for decision.

¹¹ Referendum and People's Initiative Act, *Official Gazette RS*, no 48/94 and 11/98.

The Commission for Statute and Regulations has to decide on the received request of citizens, proposers or one-third of municipal representatives/deputies within a period of 15 days from the date of the application, by taking into account the competence and justification of the request. In case of acceptance, the Commission sends the request to the Municipal Council, for further processing and decision-making.

In case the proposer is the authority in charge of drafting the document or municipal representatives, the request is not governed by the law or the Decision on public debates. In case of rejection of citizens' proposals, the Referendum and Popular Initiative Act stipulates that the initiative committee can appeal to the Supreme Court, whose decision is final.

2.3. Ex-ante effect analysis

Effect analysis is an analytical process based on relevant facts, data and information. It may be an *ex-ante* analysis of effects, which is carried out during the planning, formulation and adoption of public policies and regulations in order to understand the change that needs to be achieved, its elements and causal links between them, and to select the optimal measures for achieving the public policy objectives. It may also be an *ex-post* effect analysis, which is carried out during and after the implementation of already adopted public policies and regulations to evaluate performances and review and improve these policies and regulations.¹²

An *ex-ante* analysis of the effects of public policies analysis must be carried out in the process of preparing public policy documents. It has a multiple role, which is reflected in data collection, better perception, understanding, and listening to the citizens' needs in order to solve the problem more adequately. The process of conducting an impact analysis begins before the start of drafting a public policy document, for the purpose of establishing what changes are being sought and whether the adoption of a specific document can achieve these changes. Therefore, this analysis is a continuous process, composed of a series of actions, with the aim of adopting an effective public policy document.

The effect analysis comprises several phases. A current situation analysis is conducted before the starting the document drafting process; it includes a description of the indicators being monitored, assessment of the situation in that area and the effect of the previous public policy document, and an explanation of what was expected and why. After obtaining the necessary data, general and specific goals are defined, which have to be precise, realistic, and acceptable. Their number should be limited, their implementation measurable, and their time frame specified. The document also defines the performance indicators, which are monitored during the implementation of the public policy document.

When conducting the analysis of effects, special attention is paid to:

- a) **analysis of financial effects:** finances are one of the most important factors in the adoption of public policy documents because the limitation in terms of finances is one of the burning issues, especially in underdeveloped municipalities; this analysis assesses the necessary funds for the implementation of the public policy document and the real funds, provided by the budget, as well as possible alternative sources of revenue;

¹² Decree on Public Policy Management, Policy and Regulatory Impact Assessment, and Content of Individual Public Policy Documents, *Official Gazette RS*, no 8/19.

- b) **analysis of economic effects:** the impact of public policy documents on the economy, economic entities, agricultural production and infrastructure development, with special emphasis on the impact on small and medium-sized economic entities;
- c) **analysis of the effects on society:** the effect of public policy measures on different social categories, taking into account sensitive categories of society and the principles of gender equality, especially when it comes to documents implemented in the field of social protection, health, education, urbanism and spatial planning;
- d) **analysis of the effects on the environment:** the impact of public policy and implementation measures on water and air quality, flora and fauna, food quality, waste management, energy efficiency, life and health;
- e) **analysis of management effects:** the implementation of public policy documents in line with the legal, organizational, institutional and management capacities;
- f) **risk analysis:** the perception of the risks of public policy implementation and uncertainty in the implementation of public policies.

In the process of conducting these analyses, the consultation technique is used (by organizing focus groups, round tables, semi-structured interviews, panels, surveys, collecting written suggestions and comments), with the aim of selecting the best options contained in the policy document submitted to the competent authority for approval.

The authority responsible for preparing public policy documents is obliged to inform the participants of the consultations, especially when it comes to proposals that have not been accepted. The results of all implemented techniques and analyses are published on the Municipality website within a period of 15 days from the completion of the consultation. In particular, the published report has to include data on objections, suggestions, proposals and comments, which were taken into consideration, accepted or not accepted, with an explanation of the reasons for their non-acceptance. The authority responsible for preparing documents may also decide to include representatives of interested parties or civil groups in the working group for drafting a public policy document. After reporting on the course and results of the consultation process, the proposer of the public policy document submits the document to the competent authority, in order to conduct a public hearing.

2.4. Organization, implementation and shortcomings of the public debate

The Municipal Council is the authority responsible for organizing, conducting, setting deadlines and specifying the time, date and place of the public debate. The public debate begins by inviting citizens, authorities and organizations, associations, interested entities and the public. The call for a public debate is also published on the Municipality website, together with a public debate program and the draft act which is to be discussed. The shortest period from the day of publishing the call to the beginning of the public debate is five days.

The Municipal Council determines the public debate program in agreement with the authority responsible for preparing the general act. The program contains information on the deadline for conducting the public debate, data and contacts on persons in charge of providing additional information and clarifications on the subject matter of the public debate, information on planned activities within the public debate (such as: forums, presentations, round tables, meetings) and information on the person in charge of coordinating these activities, the postal address and deadline for submission of proposals, remarks and suggestions in written and electronic form, and other relevant information.

During the public debate, the authority responsible for preparing the document or the person responsible for providing additional information publishes all comments, remarks, proposals and suggestions on the Municipality website. The organizer is obliged to keep record (minutes) of the public debate meetings, make a report within a period of 15 days from date of the public debate, and publish the report on the Municipality website.

The attitude of local government officials (towards the institute of public debate, towards the aspiration and desire to increase transparency and participation of the local population in decision-making processes, and towards conducting the public debate) is not benevolent. Thus, we are often confronted with situations that the public debate is conducted only *ad hoc* in order to observe the prescribed formal requirements, that calls or invitations for citizen participation are not properly announced or sent in an adequate manner, that the minimum deadline for conducting of a public debate is not observed, that the public debate is designated and conducted as "urgent procedure" (without justifying the reasons for urgency), that there is no adequate postal address for comments, proposals and suggestions, and that there is no possibility to make online submissions (which is contrary to the principle of economy). In that way, we are equal in terms of democratization of ideas but not in law.

3. PUBLIC HEARINGS

The public hearing is an institute established with the aim of providing missing information, expert opinions, clarifications, comments on the proposed act, and information on the work of the appointed commission or committee to other commissions members, board members and other elected officials at the national or local level. A public hearing at the local level is another novelty that was introduced into the local self-government system with amendments of the Local Self-Government Act in 2018.

Public hearings have been used in the Serbian parliamentary practice for more than a decade (since 2009). They are conducted in order to obtain information and expert opinions on the draft act that is in the parliamentary procedure, to clarify certain solutions regarding the current act or act in preparation, to monitor the implementation and application of the law, i.e. to achieve the control function of the National Assembly. A proposal for organizing a public hearing can be submitted by any committee member.¹³

In local self-government units, public hearings are organized by the permanent working bodies of the Municipal Assembly, i.e. the Assembly Commission. A proposal for organizing a public hearing may be submitted by any member of the commission; it shall include an explanation of the topic of the proposed public hearing and a list of persons who would be invited (in order to provide them the necessary information and explanation).

The decision to hold a public hearing is made by the commission whose member submitted the proposal for a public hearing. The Speaker of the Assembly shall be informed about the initial activities in the organization of the public hearing; the commission members and other persons whose presence is important for conducting the public hearing are formally invited to attend the public hearing. The public hearing is conducted regardless of the number of commission members present. After the public hearing, a report is submitted to the Speaker of the Assembly, the commission members and all participants in the public hearing. The

¹³ Rules of Procedure of the National Assembly, *Official Gazette RS*, no 52/10 and 13/11.

report contains information on the time and place of the public hearing, the number of participants present, discussions, proposals, presentations and views. A written objection to the submitted report may be filed by the committee members and other stakeholders.

A number of features distinguish public hearings from public debates. First, public hearings, as a participatory mechanism, represent an opportunity to gather the necessary information and to improve the decisions made by the Assembly. Unlike public debates which rest on explicitly prescribed legal provisions, a public hearing is an opportunity in the hands of the members of parliamentary committees. Second, a public debate is conducted by the executive body (the Municipal Council), in cooperation with the proposer of the document, while a public hearing is reserved for members of the legislative authority, i.e. members of the permanent assembly bodies. However, these two institutes are not mutually exclusive, which means that the conducted public debate does not preclude the committee members to ask for a public hearing on the same issue.

The downside of public hearings is that the decision to hold a public hearing is made by a majority of votes of the committee members present, which means that the will (authority) rests in the hands of the ruling majority. A public hearing is commonly reserved for a certain circle of people; as a rule, the invitation for a public hearing is not sent to the interested citizens or general public, and a report from the conducted public hearing is not published on the municipality website or elsewhere.

4. OTHER PARTICIPATION MECHANISMS AT THE LOCAL LEVEL

The aspiration of citizens to strengthen the responsibility of local authorities and increase the transparency of their activities has contributed to the development of various models and mechanisms of participation, which are rooted in the Constitution, laws and bylaws. In practice, they have become part of good practices and customs.

The right of citizens to participate in the management of local life is the original right and the fundamental principle of a democratic society. It is a precondition for the reform of local self-government and the development of good governance at the local level. In a state governed by the rule of law, the main type of legitimacy of state government is its legality (Weber, 1964: 159), which means that citizens have absolute sovereignty in exercising power, which no authority (state or local) can appropriate. The greater the citizens' activism (through various individual or joint actions in the form of petitions, initiatives, consultations, gatherings), the greater the responsibility of the local self-government.

Citizen participation in the local community decision-making processes implies that citizens gather and unite in order to detect community problems, get informed and find ways to solve them, and present the problem and a potential solution to local authorities. Citizen participation is at the very core of democracy: it is the essence of democracy and the rule of citizens (Jerinić, Vučetić, Stanković, 2020: 206).

4.1. Petition

Under Article 56 of the Constitution of the Republic of Serbia, "everyone has the right to put forward petitions and other proposals (alone or together with others) to state bodies, organizations entrusted with public authority, bodies of the autonomous province and bodies of the local self-government units, and to receive an answer from them when

requested. No person may suffer detrimental consequences for putting forward a petition or proposal”.¹⁴

A petition is a collective address to local representatives. It is a written address of citizens who ask the holders of local authorities to take certain action within their competence, to initiate proceedings or to be a link between citizens and state bodies in resolving issues of general, public interest. General interests are a dynamic expression of the common good, while the public interest represents a regulatory determinant and a static expression of the common good (Petrović, Prica, 2020: 54-55).

The legal form of a petition is not explicitly prescribed. The mandatory parts that the petition are: name and seat of the body which the petition is submitted to, the legal ground for submission, a clearly formulated request, question, proposal for submission of the petition and its explanation, a request for authorities to respond to the petition, the representative of the petitioner, and necessary contact information of the petition signer(s), including name and surname, address and registration number.

As for local problems which are not within the jurisdiction of local authorities, a petition is often the only way in which citizens can organize themselves and draw attention to the need for involvement of local government bodies to serve as mediators between citizens and national (republic) authorities. For citizens, good and efficient administration is much more than fast and efficient service at the counter (Jerinić, Tarbuk, Damjanović, 2017: 52).

In practice, citizens often encounter situations and real problems which are inadequately addressed by the local leadership and administration. Thus, a petition is an instrument that encourages the activity of the local population but, at the same time, it "awakens" the holders of power and urges them to stand up for the inhabitants of their municipality.

4.2. Public meetings

A public meeting is as a gathering of at least three persons whose prevalent form of communication is information exchange, whereby the role of participants is separated from the role of meeting leader (Petrović, 2011: 189).

Public meetings are informal and flexible means of exchanging information between local government representatives and interested citizens. At these meetings, local authorities can inform and educate citizens on certain issues of importance to the municipality, and citizens have the opportunity to get acquainted with the work of local government bodies, to ask additional questions, seek additional clarifications, give suggestions and remarks, etc. Thus, local authorities listen to the needs of their citizens, while citizens have a sense of belonging to the community and restore their trust in the local government.

Public meetings which are held at the local level have various names, depending on the form, procedure and manner of implementation: round tables, presentations, panels, etc.

4.2.1. Brainstorming

The *Brainstorming* technique is a common form of “creative problem-solving”¹⁵, which entails a spontaneous way of generating ideas in order to solve problems. It is applied in many developed European countries, corporations, and it is increasingly used

¹⁴ Constitution of the Republic of Serbia, *Official Gazette RS*, no 98/2006.

¹⁵ The brainstorming technique was first developed by Alex Faickney Osborn in 1953 in his book *Applied Imagination*. See: <https://samoobrazovanje.rs/brainstorming/>,(accessed 7.11.2021.)

in democratically open local communities in Serbia. This technique is of great importance when adopting strategic and development public policy documents because it encourages creative thinking and expressing different views on a specific problem of local importance.

4.3. Interviews

An interview is the most commonly used method for collecting data. Local governments often decide to conduct an interview, due to its practicality and ability to quickly, easily and economically obtain the views and attitudes of citizens on a particular topic by using the existing resources. An interview can be conducted by an official on the premises of the municipality, or an official person while performing the duties of public services. It can also be conducted through the official website of the local government unit in the form of a survey or questionnaire.

4.4. Proposals and Representations

Citizens may also participate at the local level by submitting written proposals to relevant local bodies or presenting them to the competent commission. Citizens have the right and opportunity to submit an appropriate proposal on an issue of local importance to a (local) government representative or head of the organizational unit. The disadvantage of this type of communication is that the submitted proposal does not oblige the competent authority to act.

The Commission for Representations and Proposals is a permanent working body within the Assembly of the local self-government unit, established with the aim of considering citizens' proposals and providing appropriate solutions. The Commission for Petitions and Proposals considers petitions submitted to the Assembly, the President of the Municipality, the Municipal Council, as well as petitions submitted by the republic bodies.¹⁶

The Commission examines the merits of the petitions, proposes to the Assembly decisions and measures to be taken, collects reports from bodies, organizations, institutions, companies within a determined period, and informs the Assembly and the applicant about the undertaken activities. As citizens are largely unaware of its existence, it happens that this Commission does not sit at any time during its four-year mandate.

4.5. Electronic communication and social networks

Some of the informal means of involving citizens in local community activities are electronic communication, web presentations, social networks, YouTube channels, etc.

Although electronic communication has not been regulated by positive-law framework, it is an important instrument for ensuring citizen participation. In addition to the official municipality websites, where citizens can find information about the local government activities and plans, citizens can personally contact the city mayor by e-mail or through applications (such as "ask the president"). There are also official Facebook and Instagram pages, which can be a great place for information and interaction with local government officials, especially for young people.

¹⁶ Rules of Procedure of the Municipal Assembly of Aleksinac, *Official Gazette of the Municipality of Aleksinac*, 05/19

Like many other areas, local self-government has experienced ups and downs in line with changes in the state system and tendencies towards decentralization and centralization of public affairs management (Milosavljević, 2015: 9). Joint co-operation and awareness, exchange of information and providing support are the only way to finding a balance and attaining mutual satisfaction..Strengthening institutional capacities, monitoring current social trends, overcoming obstacles and building a "bridge" between citizens, authorities and services are focal points in solving problems and improving the work of local governments.

5. CONCLUSION

In a local environment, democracy is best exercised by ensuring citizens' participation in the process of reaching the goals of good governance and adopting public policy documents.

The primary goal of local self-government should be the readiness of local authorities to provide support to the local population in taking citizen initiatives, instead of pursuing the formal fulfillment of legal obligations. Local self-government belongs to all its citizens; all residents of a local community have a stake in local life and should be involved in community activities. An active society should and must use all available participatory mechanisms (such as public debates, public hearings, public meetings, surveys, electronic forms of communication, etc) to encourage citizens participation in local self-government and further reforms within it.

The aim of the public debate is to increase the transparency of the work of local self-government bodies and to encourage the inhabitants of a local community to take an active part in the economy, health care, culture, economic development and other areas that are important for the quality of life of a local community. The very aspiration for the reform of the local self-government is based on the idea of "rapprochement" and symbiosis of people and local authorities, in order to create a sense of belonging and mutual cooperation.

Introducing public debate in the legal order of local self-government, establishing a general legal framework, and establishing organizational obligations are a good start, and a preventive tool in combating corruption, increasing the accountability of politicians, and taking preventive action against lobbying, corruption and abuse. At the same time, these activities enable citizens to organize life in their community according to their own needs.

Methodologies applied at the local level when adopting public policy documents, including *ex-ante* analysis of effects, are currently characterized by a bureaucratic approach and insufficient involvement of citizens in the process of planning and adopting public policy documents. Thus, good theoretical design and absence of practical application are common features of this process at the local government level.

The democratic system of local self-governments is not reflected in the declarative involvement of citizens in local community activities but in their essential, factual and practical involvement in local decision-making processes, without aggravation or disruption.

The biggest problem in ensuring citizen participation is reflected in the citizens' lack of trust towards local self-government, the preconception that it is pointless to seek an answer that will not be provided, and the habit of "keeping silent, being obedient and respecting the government". On the other hand, another aggravating circumstance is a bureaucratic approach of the local administration, which often does not provide relevant information to citizens, either out of habit acquired through years of negative practice or due to problems of organizational nature.

Citizens' activism in a local community does not end in local elections, and this fact should be etched in the consciousness of the people and the holders of local government. Citizen participation in decision-making processes at the local level is their original right and the basic principle of democratic organization. In order to achieve, strengthen and promote citizen participation at the local level, it is necessary to raise citizens' awareness of the importance of active participation in local community activities and to ensure that citizens are better acquainted with their rights.

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MEHANIZMI PARTICIPACIJE GRAĐANA NA LOKALNOM NIVOU U POZITIVNOPRAVNOM SISTEMU SRBIJE

Preduslov za razvoj lokalne zajednice čine različiti načini učešća građana u ostvarivanju ciljeva od interesa za lokalnu zajednicu i zadovoljenja ličnih potreba na lokalnom nivou. Građani svoje učešće mogu ostvariti na posredan i neposredan način. Neposredan način u ostvarivanju lokalnog života sprovodi se na osnovu strogo formalnih zakonskih okvira, putem građanske inicijative, referendumu i zbora građana. Kvalitet odnosa između lokalne zajednice i građana u velikoj meri određuje stepen posrednog učešća građana u ostvarivanju političkog života. Ovaj rad obrađivaće mehanizme participacije građana na lokalnom nivou, sa posebnim akcentom na javnu raspravu i javno slušanje, kao mogućnost građana da ostvari učešće, ukaže na probleme i poteškoće, ali i obavezu organa lokalne samouprave da transparentno sprovede određene postupke predviđene izmenama i dopunama Zakona o lokalnoj samoupravi 2018. godine. Takođe, u narednim redovima biće opisani i ostali načini participacije građana, poput mogućnosti konsultovanja, informisanja, peticija, anketa i ostalih dostupnih načina učešća građana u javnom životu.

Ključne reči: *lokalna samouprava, participacija, javna rasprava, javno slušanje, dobro upravljanje*