

POLITICAL AND LEGAL SIGNIFICANCE OF CITIZENS AND PUBLIC OPINION IN ENVIRONMENTAL PROTECTION

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Abstract. *The discourse on the importance of public opinion in Serbia still does not occupy a central place in scientific works, author analysis, even in daily political debates. But it is almost certain that the future looks bright for such a task, given the multiple intertwining of this phenomenon, law and politics. Although skepticism prevailed for a long time regarding the accuracy of the results of public opinion polls, in recent times, with the help of some natural disciplines (mathematics, statistics), as well as social psychology, public opinion has become subject to empirical tests with a very high percentage of forecasting. The participation of the citizens of the Republic of Serbia in their political life has enabled certain legal acts. This can be easily seen by analyzing our basic legal act - the Constitution, as well as laws and regulations. In terms of politics in the field of environmental protection, regulations of our country guarantee certain rights to the citizens regarding the information on the state of the environment.*

Key words: *public opinion, polls, legal acts, citizens, environmental protection*

1. ON PUBLIC OPINION IN GENERAL

The debate on the importance of public opinion in Serbia still does not occupy a central place in scientific works and author analysis. Neither in the daily political debates does this seem to be present sufficiently. But it is almost certain that the future looks bright for such a task, given the multiple intertwining of this phenomenon, law and politics. This is also true in the case of Serbia.

The noun "opinion" comes from the verb "to opine," but in practice it is almost never used. What characterizes the meaning of this noun is vagueness, arbitrariness and non-generalization in judgement. Roughly, opinion means unreliable knowledge, something that is likely or appears to be. The loss of the verb "to opine" in our language causes a problem as it assumes the primacy of the verb "to think" or the noun "thinking". Some

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philosophers, for example, address this problem by separating the intellect from the mind, thus binding opinion for the intellect and knowledge for the mind [9].

Regardless of the fact that public opinion is linked with the lack of criticism, subjectivity, relativity, and even conceit, the study of this matter is essential for any serious political engagement, especially in modern democratic societies which themselves have some of these characteristics. The importance of prognostic studies, as well as the opinion polls, should not be neglected in the development of legal doctrine. Because citizenship derives its form only through legal norms.

Each individual case of the manifestation of public opinion has its specific and concrete characteristics, which determine the intensity of beliefs and emotional reactions. Some theorists speak of public opinion mostly in the plural, because in society there may be several levels of the public who do not necessarily have the same views and opinions on the same issues. Depending on the composition of the group of respondents, and the direction of the survey, the obtained results represent the different layers of the population or social environment. It is important to mention that, when defining public opinion, this is an area of social life that is most subject to change under the influence of the transient, and even random factors. This leads to very changeable attitudes of certain social groups in a very short time span. Depth psychology has revealed that public opinion reacts in one way in the periods of social and economic prosperity, but quite differently in times of crisis or war. Public opinion is, therefore, a variable, but its formation is never a completely spontaneous and disorganized process. Therefore, the authoritarian and undemocratic societies are often characterised by limiting public opinion and "the creation" of public opinion, especially in politics and the media. This is achieved by using propaganda techniques and skills, by suggesting a false image to the private citizens' opinion. In such cases, public opinion is not a lever of social progress, but an important factor of anti-democratic forms of rule.

Public opinion does not only have a negative connotation. It also has to be respected, as it is many times deplored. It is, in fact, nothing more than the freedom of the individual to reason and express their own views on general matters [9]. Hence the obvious connection with the civil society, as well as the imperative for its scientific questioning in Serbia, which aims at building a stable civil society. However, in the past, a positive attitude to public opinion was usually tied to liberal thinkers. What is now certain, regardless of ideological orientation, is that public opinion is increasingly occupying a strong position in the society, to the point that it begins to represent an important social and political power. The so-called "vox populi" is becoming more influential in the relationship between citizens and those who are in power. Sometimes, this is the only way for the citizens in a society to show their power. However, there remains a dilemma between the positive (critical) and negative (impassioned) nature of public opinion. It may be that an obvious mistrust of the opinion polls is a result of centuries of philosophical opposition between opinion and truth or the lack of confidence in the variability of opinion. The opinion has always confronted the classical scientific certainty. The bright spot in relation to public opinion was mostly represented by liberal thinkers, who observe it as the foundation of political and spiritual emancipation, the resistance to the ruling ideology and the basis of political plurality. The argument in favor of the defense of public opinion was that it does not express the simple sum of private beliefs, but that it relies on tacit consent of the society. It thus represents a moral judgment, which coexists with the laws of the country. Bearing all this in mind, public opinion is sometimes a synonym for pluralism and freedom. The key question then might be the following - How can public opinion be subsumed under the scientific research and how can public opinion polls be used as a scientific - forecasting survey?

Nevertheless, the role of public opinion can be quite different in a liberal-democratic or totalitarian social order. In totalitarian systems, public opinion is almost always organized, under the influence of the ruling class, and often manipulated. Its true expression and democratic character can be validly expressed only in a democratic society, devoid of manipulation and propaganda. In this context, the term started to be used in the second half of the 18th century. According to Jurgen Habermas, the first person who used the term public opinion in its true sense is the Frenchman Louis Sebastien Mercier [9]. In his opinion, public opinion means joint and public thinking about the basics of social order. This is something that does not govern per se, but what every ruler should follow (at least take into consideration and question). The liberal principle of free communication of thought and opinion, as one of the most precious rights of man, paved the way for a later affirmation of the people, freedom of the press, citizen participation, and thereby the achievement of the essential role of public opinion.

When it comes to the development of the state and society in Serbia, this role of the opinion is essential. What is important for our situation is that public opinion is always related to society and citizenship, and that it is still in a critical relation to the state. The political significance is therefore indisputable. It is not directed at any cost against the state, but it is against the bureaucracy and repressive policies. Its role is the permeation between the private and public spheres. Therefore, these are private citizens, gathered in the public [9]. However, the public is not uniform. What is important for political and public opinion is the political public, which includes the participation of citizens in the common affairs of the country. A necessary condition for this is freedom rather than dependence. Otherwise, there is no true public opinion. We instead witness political propaganda and manipulation. Hence the undoubted connection between public opinion with the psychological component, as well as the means of mass communication. This form of public opinion has provoked a number of analyses. But it is only an illusion of public opinion, the mass which uses acclamation to confirm the power of the leader, disciplined public, or an imitation of democracy. The criterion of public opinion is healthy and productive criticism of skepticism. Hence the interest in public opinion not only of political psychology, but also sociology and experimental analysis. Although it is inherently emotional, subconscious and unconscious, its character in politics is enormous. It is shown by its role in totalitarian regimes (eg. Nazism in Germany), and the positive role in developed civilized societies. It shows its potential for countries like Serbia.

Another thing that public opinion is frequently related to, and which concerns our society, is prejudice. This is the thought or opinion prior to judgment, ie. based on insufficient knowledge of the facts. It is usually exclusive and only observes things irrationally. The constant struggle from the manipulated to critical public opinion is the main task of the society that creates this opinion. That struggle is crucial for the constitution of a strong democratic state with a strong civil society.

2. ON PUBLIC OPINION POLLS AND ROLE OF THE PUBLIC IN ENVIRONMENTAL PROTECTION

For a long time, the accuracy of the results of public opinion polls was shrouded in scepticism. However, in recent years, with the help of some disciplines in natural sciences (such as mathematics or statistics), as well as social psychology, public opinion has become the subject of empirical research, with a very high percentage of accuracy.

Where did the need for polls come from? It primarily originated in the definition of public opinion as a set of individual opinions of any person or phenomena that can affect the behavior of people or groups. There are four key issues encountered in polling [9]. The first is a quantitative expression of opinion, the second - the relationship between the holders of public opinion, the third - the description and analysis of public opinion in politics and its influence on the government. The fourth is the survey of the mass media, which use the dissemination of information to create public opinion.

Public opinion polls are of special importance for the society in which they take place. Their history begins after the Second World War by establishing survey institutes. What is the purpose of the survey? First of all, the ability to generalize and make hypotheses (hence derive a forecast), mainly those related to hardly predictable social processes. The other side of this process is the potential problem of the impact of such surveys and hypothesis on public opinion (ie. the retroactive effect).

Of course, there are different types of polls. In terms of political polls, their frequent association with the membership of a particular social, economic or ethnic group is noticeable. This proves that the political polls are not uniform, but represent the resultant of various social phenomena, which put them among the forecasting polls. In addition to political, the opinion polls on the issue of sustainable development and environmental protection are becoming more topical. Their certainty in the future depends on the development of scientific methods and theoretical dealing with prognostics, as a specific scientific discipline of the 21st century.

The very beginning of the polls is related to the evaluation of researchers that certain scientific or social question can and should be investigated, or when a contracting authority determines that it is necessary to explore some of the social issues/problems. At the beginning, there are three critical attitude towards social issues. Firstly, it is necessary to investigate a specific political situation for which there are no sufficient pieces of information, then it needs to be comprehended. Secondly, certain political processes are known, but lack dynamism, therefore, it is required to examine what can put them into motion, and finally, the third critical attitude refers to certain problems and obstacles, the cause of which should be determined. Already at this point, there is a complex relationship between the client, social reality and very structure of the poll.

The issue of polls as a social relationship can be explored on these relations:

- Polls - other, previous and following polls;
- Polls - social reality;
- Relations within the poll.

Especially relevant is the relationship between the political structures and polls, which is important for the validity of the forecast of future events. In the polling process, the political structure can occupy several diverse roles:

1) the role of a sponsor who supports the poll and eliminates external difficulties at the initiative of researchers, without other interference in the process.

2) the role of a sponsor who has a positive effect on the elimination of external difficulties, but it also includes a significant influence on the conception and realization of the poll.

3) the role of a neutral client, whereby neutrality should be understood as assuming obligations of the contracting authority to financially facilitate the poll without other commitments and responsibilities, as well as retaining the rights to use the results of the poll for their own purposes. The risk is in the possibility of monopolizing the rights to use

the results of the poll, where the researcher loses control and insight into the behavior of the client.

4) the role of a contracting authority - contractors, when an apolitical structure is the initiator, financier, organizer and performer of the poll. Here there are two variants - the first when certain polling structures (which are an integral part of the mechanism of the political structures) take on the polling tasks and perform them independently, and the other when a specific part of the political structure directly organizes and conducts the poll.

5) the role of a factor opposing the poll – either the conduction or utilization of the results. It is a relationship of conflict between the poll and political structures.

For the most part of the population, both political and non-political one, a poll raises several basic emotions - fear, mistrust, aloofness, indifference, hopes, and even exaggerated expectations. Therefore, there are two basic social structures of particular interest - a political and non-political structure, and both often encounter the refusal of cooperation.

The political structure is relatively closed, inaccessible, and often does not accept to be the subject of the poll or data source. It is less accessible if the position in the hierarchy is higher. However, these structures hold their power on the trust of the citizens. Hence the great sensitivity and feeling of threat at each exposure to observation or polling beyond the usual framework of the current policy.

The political structure is, therefore, primarily interested in data in the function of its own activity, and not for the purposes of the data. The poll can be understood as an unnecessary political control which may endanger them.

Therefore, the refusal of cooperation is the most common attitude, which manifests itself as a direct rejection of communication, avoiding, formal agreement on cooperation with a genuine refusal etc.

Non-political structures also often refuse to cooperate, mainly for fear of possible political consequences or meaninglessness of their poll.

On the other hand, the relations of cooperation, for both categories, occur in three basic forms:

1) cooperation as an expression of political and civic discipline, although this is insufficiently committed cooperation (with a sense of obligation, propriety) without their own initiatives and special contributions.

2) cooperation as a commitment to provide every possible contribution to the progressive realization of the political process, and it is committed cooperation.

3) cooperation caused by excessive expectations (due to the expectations of resolving the specific problem, partly because of influence), and it is over-committed cooperation.

Every poll, especially those dealing with the research of the environment starts from defining the problem, which can be an event, process or phenomenon [13]. What follows then is the description of the object of the poll, explanation, understanding and prediction. In quantitative polls the whole research process is planned to the last detail, from clearly defined objectives, hypothesis, indicators, methods and techniques of their checks, detailed work on standardized instruments (questionnaires, scales) to a precise timetable. In qualitative polls the plan is much more general and it develops and changes throughout the course of the poll, where the researcher has only a rough idea of how things will move during the procedure.

All of these also refers to forecasting polls on environmental protection, but in this case the main goal is to predict. This is not only the short-term prediction (such as the

environmental indicators, for example), but the prediction of the course of complex social processes, sustainable development, living standard, monitoring the relationship towards the environmental protection etc. To achieve this goal it is necessary to develop quality models, methods and instruments for testing, description, explanation and understanding of certain factors of social phenomena, in order to probe into the essence of the relationship of these factors and give a reliable estimation of future developments. In this sense, the hypotheses themselves are of paramount importance for forecasting polls on environmental protection. The hypotheses are scientifically based assumptions about yet unknown properties of an object of study [13]. Throughout further research, these assumptions are examined and then, depending on the results, adopted, partly adopted, or rejected. Hypotheses make the creative side of the research and they are some sort of assumptions and predictions of the final results. These types of research subsequently have a significant role in the formulation and adoption of the decisions and legal acts in the field of environmental protection.

Further on, when discussing the very methods and techniques of political polls, it can be seen that the main task of testing, for example, as one of the forecasting methods of research, is the comprehension of attitudes, feelings, awareness and behavior, where the examiner asks the examinee the questions prepared in advance, mostly multiple choice questions from which the respondent selects the one which is closest to their view of the object of the poll. Based on the responses, a variety of techniques and methods of the comparison of the results, scientific conclusions are formed and they may have a forecasting character.

There are two different types of polls:

- 1) examination through an interview, where the interviewer asks questions and
- 2) free questionnaire or survey where the respondents fill in the questionnaire [13].

Bearing all this in mind, a forecast shall include valid information, which is the product of well-founded opinion polls, verifiable in the future. Forecasting, therefore, refers to predicting the reaction of the citizens, possible outcomes of the political, social and ecological process, as well as probability of occurrence of certain procedures of the citizenship. Forecasts at the same time help in predicting the outcome of a certain process (or public opinion). In this way, public opinion polls are one of the most important sources of information about forecasts which is of great importance for forecasting the processes in the field of environmental protection.

Finally, we receive the results of the poll and examine their relevance. The conditions for doing this generally are: objectiveness and impartiality of the poll, properly defined pattern and the methodology of the survey. Nevertheless, there must be a note that the forecasting polls, even when they are valid, are at the beginning only risk assessments, which are yet to be confirmed in the future. The fact is, though, that their purpose in the 21st century will be increasing, even in Serbia, because they will form the basis of prudent decisions in social processes, which will enable a better assessment of the future and its greater certainty.

Regarding the relationship between the public and environmental protection, new approaches and ways of thinking have become increasingly common. They emphasize greater public participation in the bodies of administration, in making the so-called "environmental decisions". Here the notion of the public refers to the citizens or audience, which gather freely and express their views. The public is actually somewhere in the middle between the society and state, so it is crucial to environmental problems. The reason is that all actions taken with regard to protection of the environment would not have their deeper

meaning without the influence of the public, both in consultations before the adoption of measures, as well as during the implementation of these measures. In this case, the public is what symbolizes democracy and the rule of law. Therefore, one of the principles of sustainable development (which is closely related to the issue of environmental protection), according to documents of the European Union, is an open, democratic society and citizens' participation in decision-making.

Public participation in the sphere of environmental protection usually has four elements. These are: the provision of information, collection of information, consultation and joint decision-making. Even the National Sustainable Development Strategy mentions three principles that are directly related to public participation in environmental protection. Those are: the principle of transparency, the principle of public involvement and the partnership principle, which encourages associations and citizens to participate in the formation of strategic and action plans. [11]

In this way, public participation became, at least formally and legally, an instrument of "good governance". However, the understanding of the rights and role of the public in the processes of decision-making in terms of environmental protection requires a lot of time, but the international legal framework and universal document dealing with issues of access to information, transparency and protection of the environment can contribute to this.

Given the importance of public opinion and its research, it is interesting to consider how the legislation of one country (in this case the Republic of Serbia) allows public participation in the matters of environmental protection. In fact, bearing in mind the attention which is now given to environmental protection in the world and in our country, regarding public participation and environmental protection, a number of questions can be asked: How much space does the Republic of Serbia give to its citizens in decision making about the environment, which regulations determine this law, in which way can it be conducted, through which institutes, to which extent are their views respected, is that measure satisfactory, etc.?

3. CONSTITUTIONAL WARRANTIES OF CITIZENS' PARTICIPATION IN ENVIRONMENTAL PROTECTION

Human rights, as the rights that belong to every human being, can be classified into three categories:

- 1) civil and political rights as the first generation rights,
- 2) economic, social and cultural, as the second generation rights and
- 3) The third generation rights.

Civil and political rights originated first, and then economic, social and cultural rights developed. The third generation rights are becoming more important, and they include the right to a healthy environment. In the context of the implementation of this law, the question of democratization of environmental policy and practice in this area can be considered, as well as the issue of public participation in decision-making concerning the environment. The participation of citizens in the decision-making about the environment is provided by a large number of international regulations. Nowadays, there is almost no international regulation that does not consider a particular aspect of this issue. Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters is taken as a particularly good example [3].

Citizens of a country enjoy certain rights guaranteed primarily by the Constitution, and other legal acts as well. Although the constitutions of different countries vary in terms of their structure, each constitution must contain a normative part. It is, in fact, that part of the constitution which represents its content and essence. In addition, most of the constitutions also contain the preamble and basic principles [10]. This is the case with the Constitution of the Republic of Serbia [1].

The Constitution of Serbia, after the section dealing with basic principles, has a part concentrated on human rights, including civil and political rights. One of the most important human rights is the freedom of opinion and expression of opinion. Article 46 of the Constitution guarantees freedom of opinion and expression, and freedom to use speech, writing, picture or some other way to seek, receive and impart information and ideas. So, already this provision mentions the rights of citizens to participate in social and especially political life of our country. This right will, through other provisions of the Constitution, get its concrete forms. Thus, Article 51 states that everyone has the right to be timely, truthfully and completely informed about the matters of public concern. The means of public information are obliged to respect this right of citizens. Everyone has the right to access information in the possession of public authorities and organizations entrusted with public authority, and in accordance with the law.

Further examination of the normative part of the Constitution leads to the Organization of Government which is dedicated to the composition, competences and other issues related to state authorities. The citizens can express and practice their political beliefs through their representatives in the National Assembly elected in the direct election by secret ballot.¹ This is also a significant possibility that the Constitution provides to the citizens - to have an influence on who will represent their interests in the Parliament. This also applies to the environmental issues. Through the MPs whom they elected themselves, they have the possibility to, indirectly though, affect the work of the Parliament, primarily the adoption of laws and other legal acts, but also all the other questions that fall within the competence of the Assembly. But in one case, the voice of the citizens can be directly heard, and this is while creating legal documents. In fact, at least 30 000 voters may propose a law to the National Assembly.

Legal institution where the voice of the citizens can be clearly heard is the referendum. According to the Constitution, the National Assembly shall call the referendum on the request of the majority of the members of the Parliament or at least 100 000 voters. Nevertheless, certain questions cannot be subject to a referendum, such as the obligations arising from international treaties, budget and final accounts, etc. Calling a referendum on issues in the field of the environment protection has not been observed as a practice in Serbia.

Further study of the Constitution leads to its relationship with the President of the Republic. The President of the Republic is elected in a direct election by secret ballot.² The President of the Republic elected by the citizens is an indirect way of their impact on the competences that were given to the President by the Constitution.

Citizens have perhaps the least influence when it comes to the formation of the Government. Or their views are expressed here the least directly. When the procedures of

¹ The election of MPs is regulated by the Law on the Elections of the Members of the Parliament ("Official Gazette RS", no. 35/2000, 57/2003, 72/2003, 75/2003, 18/2004, 101/2005, 85/2005, 28/2011, 36/2011, 104/2009)

² More on the election: Law on the Election of the President of the Republic ("Official Gazette RS", no. 111/2007, 104/2009). Article 9 of this Law stipulates that a candidate for the President may be nominated by a political party, coalition of political parties or a citizens' group.

forming the Government is examined, it is clear that it is one long and often very complex political process. Firstly, the citizens elect the President, and then the President of the Republic proposes the candidate for the Prime Minister to the National Assembly. The National Assembly votes to elect the president and members of the Government, as well as its program. Here it can be observed that citizens in a rather indirect way express their views on the program and members of the Government. Observing its competences, the Government is certainly a state body that plays a major role in creating the policy of the state, including the field of environmental protection. Within its framework there is a ministry whose portfolio includes the environment, but most of the competences of this ministry are merged with other issues such as agriculture, urban planning, etc. However, in the light of EU accession and the attention it dedicates to the protection of the environment, it is likely to expect that in due course the question of the environment will be regulated by the formation of the ministry with this exclusive competence.

It would be good to point out that the Constitution of the Republic of Serbia authorizes any legal or natural person to initiate the proceedings for the assessment of constitutionality and legality. This process may be initiated by state authorities, authorities of territorial autonomy and local self-government, at least 25 members of the Parliament and the Constitutional Court. But the initiative to launch this procedure can be given by the citizens. In this case, there is an indirect influence of the citizens on the work of an organ (in this case the Constitutional Court of Serbia), including environmental issues.

Finally, in the part of the Territorial Planning, Serbian Constitution guarantees citizens the right to provincial autonomy and local self-government which is exercised directly or through freely chosen representatives. In this matter a very close link between the citizens and the state is achieved. The purpose of autonomous provinces and the local self-government is precisely the convergence of the state to citizens' needs and greater participation of citizens in decision-making on issues that affect their daily lives. A number of laws elaborate on the position of the autonomous province and local self-government (the Law on Local Self-Government, the Law on Local Elections, etc.), as well as the "voice" of citizens in these matters. In the context of the autonomous province and local self-government citizens may, in accordance with the regulations, express their attitudes in terms of environmental protection.

With reference to this, the literature provides a view according to which the right of citizens to participate in governance at the local level is not a right guaranteed by an international regulation, the state or local self-government, but it is their original right and the result of the democratic order of the state. Electing their representatives in the state and local representative bodies, the citizens do not transfer their full sovereign right to manage the state or the local community. If this right was completely transferred, there would be a serious risk that the elected authority would behave irresponsibly. It could only be combated with the direct election. Therefore, it is necessary to strengthen the institute of immediate democracy such as citizens' initiative, referendum, and the like. We should also bear in mind the possibility of new forms of direct democracy such as citizen panels, focus groups, electronic debate [12].

Thus, the Constitution of Serbia contains several elements which establish the rights, obligations and responsibilities of natural and legal persons related to environmental protection. This protection is far more comprehensive than what can be inferred only on the basis of Article 74, which is considered by many scholars as the only article dedicated to the environment. In this sense, the constitutional basis for the environmentally-oriented legislation has been achieved [4].

As seen from the above, it can be concluded that Serbian citizens have been given the opportunity to express their views on environmental issues through various constitutional provisions. Sometimes this right can be used directly (eg. a referendum), but more often indirectly (eg, through the election of representatives in the National Assembly, government, etc.). The laws further regulate these rights in detail, including the ability to express their views on the level of autonomous provinces and local self-governments through the forms of direct, or more often, representative democracy.

4. LEGAL WARRANTIES OF CITIZENS' PARTICIPATION IN ENVIRONMENTAL PROTECTION

Constitutional warranties concerning citizens' participation in environmental protection are further elaborated by numerous laws. One example is the Law on Free Access to Information of Public Importance [7]. By passing this law Serbia joined the rank of the countries that advocate citizens having a legitimate interest to be familiar with the affairs of state, because they are the bearers of sovereignty and their taxes create a budget from which the work of public services and the people who work in them is financed. This law is an indication of the maturation of Serbia as a country with a relatively young democracy. It introduces the Commissioner for Information of Public Importance, as an independent public authority that is independent in its jurisdiction. This law regulates the right to access the information of public importance held by public authorities in order to realize and protect the public interest to know and attain a free democratic order and an open society. According to Article 2 of this law, information of public importance is "information held by a public authority body, created during or relating to the operation of a public authority body, which is contained in a document and concerns anything the public has a justified interest to know." Article 4 states that "information held by a public authority concerns a threat to, or protection of, public health and the environment, while with regard to other information held by a public authority, it shall be deemed that justified public interest to know within the meaning of Article 2 of this Law exists unless the public authority concerned proves otherwise." On the basis of these provisions it is showed that the legislator ranks environmental protection among the most important issues in defining a legitimate interest of the public to obtain specific information.

An entity requesting the information submits a written request to the authority for the exercise of the right to access information of public importance. The public authority is obliged to promptly (no later than 15 days from the date of receipt) inform the applicant of possessing the information, allow them to have insight in a document containing the requested information, or issue or deliver a copy of that document. If the request relates to the information which is presumably important for the protection of life or liberty of a person, or threatening or protecting public health and the environment, the authority shall inform the applicant about the possession of such information in order to allow insight in the document containing the requested information or issue a copy of the document not later than 48 hours from the date of receipt. If a public authority is justifiably prevented from informing an applicant within the deadline that it holds the information, from granting him/her access to a document containing the sought information and from issuing and/or sending him/her a copy of the document, the public authority shall, within seven days of receipt of the request at the latest, inform the applicant thereof and set another deadline, which shall not be longer than 40 days of receipt of the request, within

which it shall inform the applicant that it holds the information, grant him/her access to the document containing the requested information or issue or send to the applicant a copy of the document, as the case may be. Again, on the basis of these provisions on time limits, it can be observed that the legislator recognizes the importance of a healthy environment.

In terms of the laws on environmental protection, some of them contain provisions concerning citizens' participation. Thus, the Law on Environmental Protection [6] in Article 9 stipulates one of the basic principles of environmental protection - the principle of public information and participation. It implies that "in the exercise of the right to a healthy environment everybody is entitled to be informed of the state of the environment and to participate in decision-making whose implementation may have impact on the environment." It also states that the data on the state of the environment are public.

Furthermore, the Law on Environmental Impact Assessment [5] in Article 2 defines the term public as "one or more natural or legal persons, their associations, organizations or groups" and the expression of the public concerned as "the public affected by or likely to be affected by the project, including non-governmental organizations that promote environmental protection and are registered with the competent authority." Article 10 standardizes the obligation of competent authorities to inform interested authorities, organizations and the public concerned about the submitted application for a decision on the need for an impact assessment within ten days from the date of receipt of the complete application. The notice contains information about the owner, name, type and location of the project planned, place and time when it would be possible to obtain the insight into the data, information and documentation from the application of the project, the nature of the decisions to be made on the basis of the submitted application, the title and address of the competent authority. Interested institutions, organizations and the public concerned may submit their opinion within ten days from the date of receipt of the notice. The competent authority shall decide on the application taking into consideration the opinions of the authorities, organizations and the public concerned. Then, the competent authority shall ensure public access, organize a presentation and conduct public discussion of the EIA Study. Also, within seven days from the date of receipt of the application for the EIA Study approval, the competent authority shall inform the project developer, the authorities, organizations and the public concerned about the time and venue for public consultation, presentation and debate on the EIA Study. Public debate may not be held sooner than 20 days from the date when the public was informed. The competent authority shall adopt the decision granting the approval of the EIA Study or rejecting the request for approval of the EIA Study and within ten days of its adoption inform interested authorities, organizations and the public concerned on the content of the decision, the main reasons on which the decision is based, the most important measures that the project shall undertake to prevent, reduce or eliminate adverse impacts. Then, the competent authority shall provide for a review the complete documentation relating to the impact assessment procedure to the authorities, organizations, and the public concerned within 15 days from the date of receipt of their written request. Finally, the competent authority shall inform the public about its decisions referred to in Art. 10, par. 1 and 4, Art. 14, par. 1 and 4, Art. 20 and 25 of this Law by publishing it in at least one local paper in each of the official languages in use in the territory that will be affected by the planned project or activity. The notices may also be made through the electronic media.

Illustrative examples of public participation in decision-making on issues related to the environment are also present in the Law on Strategic Environmental Assessment [8].

Article 3 of this law defines the notion of the public and public concerned. The public includes "one or more natural or legal persons, their associations, organizations or groups", and the public concerned "includes the public affected or likely to be affected by the plan or program and/or has an interest in making decisions related to environmental protection, including non-governmental organizations dealing with the environmental protection and that are registered with the competent authority." This law defines the principle of the public as one of the principles of strategic impact assessment. Thus, Article 4 provides that "in order to inform the public about certain plans and programs and their possible impact on the environment, as well as in order to provide full transparency during preparation and enactment or adoption of the plans and programs, the public shall, before making any decisions, and after the adoption of the plan or program, have access to information relating to such plans and programs or their changes." The preparatory phase of the strategic assessment and decision-making procedure provides public participation, which refers to the authorities and organizations concerned.

The Law on Integrated Environmental Pollution Prevention and Control [14], as the fourth and the last in a series of basic laws in the field of environmental protection, also recognizes the role of the public. Article 2 stipulates that the public "includes one or more natural or legal persons, their associations, organizations or groups", and that the public concerned "includes public affected or likely to be affected by the operation of the installation and execution of activities, including non-governmental organizations dealing with environmental protection and being registered with the competent authority." This law also recognizes the principle of the public. Aiming at informing public about the operations of the installations and their possible impact on the environment, as well as aiming at providing complete openness/transparency of the permit granting procedure, the public has to have access to information relating to applications for permits for new installations or for substantial changes in operation of the installations, elaboration of draft permit, decision on granting of permit and each of its renewals, as well as to the relevant data obtained through monitoring. Then, the competent authority shall inform authorities and organizations responsible for agriculture, water management, forestry, planning, construction, transport, energy, mining, protection of cultural resources, nature protection and other issues, as well as local self-government authorities in the territory of which the activity is planned or the installation is located (hereinafter referred to as: other authorities and organizations) and public concerned on submission of application within five days from the date of receipt of a complete permit granting application. These agencies and organizations, and representatives of the public concerned submit their opinions to the competent authority within 15 days of receipt of the notification.

Now it is already clear that the laws mentioned above determine the notion of the public in the same manner, and that the notion of the public concerned is perceived through the context of the possible impact of the activities specified by a particular law. Also, these laws recognize the principle of the public and, through the regulation of issues they deal with, recognize the importance of public participation in decision-making on environmental issues. This is a logical conclusion, because the laws are adopted as a set of regulations. Through several regulations, the principle of public participation appears as one of the most important. However, the significance of this and other principles should be interpreted in the context of the integrated solutions contained in individual rules, although this principle has its own meaning in each of the relevant regulations [2].

5. CONCLUSION

This paper demonstrates a comparison between public opinion as the people's voice with the elements of forecasting and citizens in political and legal terms. The first part contains the most important definitions related to the concept of a public opinion poll. The second part clarifies public participation in environmental protection in Serbia and basic regulations which guarantee this right.

Based on the research of the literary and positive legal solutions, it is concluded that this is the right guaranteed by the Constitution of Serbia and a series of laws and regulations. The Constitution provides for citizens' participation through many of its provisions. In some cases it is made explicitly, for example, the freedom of opinion and expression of opinion is guaranteed. However, it is more frequently expressed indirectly in the part on Political Authority through the provisions on the National Assembly, the President of the Republic, the Government, as well as the provisions on the provincial autonomy and local self-government. It is necessary to distinguish two types of laws. On one hand, there are the laws dealing with the protection of the environment and within that framework they govern public participation in decision-making. Those are the Law on Environmental Protection, Law on Environmental Impact Assessment, the Law on Strategic Environmental Impact Assessment and Law on Integrated Environmental Pollution Prevention and Control. On the other hand, there are the laws that do not deal with the environment, but with the possibilities of citizen participation in political decision-making, which applies on the issue of environmental protection. Those are the Law on Free Access to Information of Public Importance, the Law on Local Self-Government, etc.

As in the analysis seen above, the Republic of Serbia respects the political views of its citizens on the environment to some extent. This measure is determined by the provisions of the Constitution of the Republic of Serbia and the laws on the environment, primarily the set of four basic laws in this area. As the legislation of one country has to follow current social trends, it needs to be continuously innovated and modernized. In the context of public participation in the protection of the environment, it is necessary to bear in mind the regulation of new forms of direct democracy, especially at the local level, such as electronic debate, citizen panels, focus groups and the like.

It is important to bear in mind that under no condition shall the relationship between the citizens and the state be neglected, as the state is a bearer of the most important regulations on the environment. Also, the relationship between citizens and local self-government shall be taken into consideration because this is exactly the key point of contact where each of us individually can contribute to the quality of the society which we live in.

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POLITIČKO-PRAVNI ZNAČAJ GRAĐANA I JAVNOG MNJENJA U ZAŠTITI ŽIVOTNE SREDINE

Diskurs o značaju javnog mnjenja u Srbiji još uvek ne zauzima centralno mesto u naučnim radovima, autorskim analizama, pa čak ni u dnevopolitičkim raspravama. No, gotovo je izvesno da je pred takvim zadatkom svetla budućnost, s obzirom na višestruku isprepletanost ovog fenomena, prava i politike. Iako je dugo vladala skepsa po pitanju tačnosti rezultata istraživanja javnog mnjenja, u poslednje vreme, uz pomoć nekih prirodnih disciplina (matematika, statistika), kao i socijalne psihologije, javno mnjenje je postalo predmet empirijskih ispitivanja sa veoma visokim procentom prognostičnosti. Učešće građana Republike Srbije u njenom političkom životu omogućeno je određenim pravnim aktima. Ovo se sa lakoćom može uočiti i analizirajući osnovni pravni akt naše (i svake druge) države – Ustav, ali i zakone i ostale propise. Kada je reč o politici u oblasti zaštite životne sredine, propisi naše države garantuju određena prva građanima u pogledu informisanja o stanju životne sredine.

Ključne reči: javno mnjenje, istraživanje, pravni akti, građani, zaštita životne sredine