

## DECLARATION OF STATE OF EMERGENCY ACCORDING TO 2006 CONSTITUTION OF THE REPUBLIC OF SERBIA

Dragutin Avramović

**Summary:** State of emergency marks an irregular, exceptional situation, which potentially may hit the most democratic countries as well. Since ancient times, under those circumstances, the rule *salus populi suprema lex* (safety of the people is supreme demand) is applied and used as an excuse. However, as under those circumstances a kind of concentration of power within the executive branch is unavoidable, there is a need to have very cautiously measured constitutional norms regulating that balance. The main goal of this paper is to examine advantages and shortcomings of the current regulation of that issue in Serbia according to the 2006 Constitution, particularly in connection with the previous, 1990 Constitution and the experience of introducing state of emergency in the country. According to the previous Serbian Constitution, President of the Republic was engaged to introduce the state of emergency, while according to the current one, that decision was moved into hands of the National Assembly – which is undeniably the best and the most prominent representative of the will of the people. However, the issue of efficiency and properly quick reaction is at stake. Although the existing 2006 Constitution has some inconsistencies, and even more some omissions, it basically reflects democratic tendencies to secure in many ways the decision on emergency state introduction, and particularly to ensure respect of the human rights during the state of emergency in compliance with the established international obligations.