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THE ROLE OF ADMINISTRATIVE DISTRICTS IN THE ADMINISTRATIVE SYSTEM OF SERBIA

ABSTRACT: This paper analyzes the role of administrative districts and local units of state administration authorities, as well as the needs and possibilities for their reform. The non-central aspect of public administration itself constitutes a complex whole with multiple distinct elements, interrelations, and needs. In this context, the paper examines the possibilities and methods for *"strengthening administrative districts"* and *"improving vertical and horizontal oversight in the execution of original and delegated tasks"* at the non-central level, as defined by current planning documents. The core of this analysis is grounded in positive legal provisions, as well as strategic and planning documents in Serbia, accompanied by relevant comparative references. The main research dilemma concerns the limited possibilities for enhancing the performance of state administrative tasks through or within administrative districts. This limitation stems from the nature of the non-central aspect of public administration as a complex subsystem with two components: local self-government with its own original tasks (decentralized aspect), and local self-government with delegated tasks alongside local units of state administration authorities (more or less centralized aspect), which are interconnected through the administrative district.

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1. Introduction

Starting from the assumption that non-central performance of certain state administrative tasks can be improved, and that a quality system of oversight over the performance of delegated tasks to local self-government units and their coordination is a prerequisite for fulfilling the responsibilities of local self-government, this paper addresses the possibility of legally improving the role of administrative districts, and the relationship between local self-government units and regional branches of state administration. The adopted strategic and planning documents express a commitment to expanding the role of administrative districts, particularly through improving the system of oversight over the implementation of delegated tasks.

In theory, despite certain terminological inconsistencies, but without essential disagreements in the qualification of these phenomena, a distinction is made between the mentioned relationships. The transfer of state tasks to existing territorial-political units is referred to as decentralization, which, if referring only to the delegation of state administrative tasks, can be termed administrative decentralization, as its lower level, in contrast to the creation of lower (regional) authorities or units, which represents a form of deconcentration.[1] Deconcentration, too, can be a form of mitigating centralization. By nature, administrative districts are a form of "pure deconcentration," and their significance primarily stems from the importance

[1] Marković (2015, p. 403) denies the connection between decentralization (including administrative), which implies the transfer of state administration tasks to local self-government bodies, and not to lower bodies appointed by the state (deconcentration). Tomić (2016, p. 155) considers administrative decentralization – deconcentration to mean the transfer of tasks to regional state bodies or regional units of state bodies ("the hierarchical scale is truncated"), and true decentralization implies a certain degree of autonomy (organizational and functional) in precisely defined administrative tasks, with the proviso that in terms of self-government bodies, there may be an overlap (self-governing and entrusted tasks) of these two phenomena. Vlatković and Golić (2021, p. 61), similarly to Marković, defines decentralization as the transfer of state administration tasks to entities outside the same organizational structure and subordination, in contrast to deconcentration, which implies the transfer of decision-making from higher authorities to bodies or units of a hierarchically lower level. Pusić (2002, p. 83) also considers decentralization to include any form of transfer of administrative tasks from the state to organizations outside its organizational system or that are at least under weaker central influence. The relevance of this distinction concerns the qualification of entrusted tasks, which, in our opinion, would fall under administrative decentralization.

of the local units of state administration. Although the role of these local units is defined by the Law on State Administration (2005), with the possibility of expansion, it is essential to bear in mind that the administrative district does not represent a separate level of government. The elements and character of the territorial organization of the Republic of Serbia derive from the Constitution, and introducing special entities within the administrative-territorial system, with the aim of territorially unifying non-central tasks, is particularly delicate, especially regarding the definition of their role.

Considering the content and types of state administration work, the internal organization of its bodies, and the nature of administrative districts, the issues that require analysis relate to the role of regional units of state bodies, and the role of the administrative district as a form of unification, cooperation, and coordination. An important limitation relates to the constitutional determinants of the territorial organization of the Republic, that the administrative district is not a territorial-political unit, and can only be a matter of the internal organization of the state administration.

In this regard, it is necessary to address several issues, namely: 1) the legal nature of the administrative district; 2) the legal definition of regional units of state administration; 3) harmonization of relations between non-central units in a given system of administrative-territorial organization; 4) oversight of delegated tasks performed by local self-government units.

2. Strategic and planning documents

The objectives set out in the valid strategic and planning documents determine the function of this paper. They arise from an analysis of the state of the administrative system and the weaknesses of the institutional framework. Moving from the most general to the more specific and concrete, these documents ultimately aim for a more efficient public administration, with good governance and quality public services, without changing the system of state administration or local self-government, which the constitutional framework does not permit. They foresee reform measures across various elements of the administrative-territorial system, primarily in the performance of delegated tasks.

Public Administration Reform Strategy in the Republic of Serbia for the period 2021-2030 (2021) cites as one of its goals the "development of a modern, professional, efficient, and responsible local self-government that is capable of providing quality public services to citizens and the economy, applying the principles of good governance in its work, improving the quality

of life of citizens, and contributing to the balanced development of the Republic of Serbia." It states that an improved local self-government system implies redefining its position and applying the principles of subsidiarity and citizen participation in managing public affairs, developing its capacities and organizational improvements, a sustainable financing system, long-term planning and the promotion of local development, efficiency of local administration and public services, the quality and availability of their services, enhancement of inter-municipal cooperation, and coordination among different levels of public authority in joint management of public affairs.

The Local Government Reform Program, as an integral part of the Strategy, represents a political and planning framework for the development of the local self-government system and for preparing other public policy documents, laws, by-laws, and development projects aimed at "developing the local self-government system in line with the adopted vision, goals, and reform measures contained in this program."

Local Self-Government System Reform Program of the Republic of Serbia (2021–2025) includes a segment titled "Relations between the Republic and Provincial Authorities and Local Self-Government Authorities." This part particularly emphasizes strengthening the role of the administrative district. It notes that higher levels of government do not exercise their preventive and advisory functions, "but instead rely on the detection of committed illegalities or irregularities and their sanctioning. Administrative districts, therefore, have not been sufficiently utilized, as not all state administrative tasks that could be carried out in this manner and brought closer to citizens have been delegated to them." However, they cannot compensate for the absence of a middle level of government, which has existed since the abolition of inter-municipal regional communities in 1990. The coordination function of the administrative district is also insufficiently developed. The administrative district, it is stated, can be one of the key mechanisms for developing a national system of oversight and inspection, which would act to ensure legality and positively guide lower levels of government. "Administrative districts could contribute to easing the burden on republic-level authorities and increasing work efficiency. Quality monitoring would allow state authorities to detect problems in a timely manner and undertake measures to overcome them."

The Action Plan 2021–2023, as part of the Program, emphasizes elements that should be redefined. Regarding the improvement of vertical and horizontal oversight in the performance of original and delegated tasks (Measure 1.6), it is stated that a quality oversight system is a prerequisite for the effective

fulfillment of local responsibilities. For this issue, the so-called third level of reform (pp. 129–130) is particularly relevant, which entails the enhancement of the supervisory function of state administration. As a priority, it mentions the redefinition of the role of administrative districts and the regional units of ministries toward better realization of oversight over the performance of delegated tasks, with the potential functional strengthening of the districts as the core oversight system in this area.

From the provisions of the planning documents cited above, no clear conclusion can be drawn as to when a specific goal or measure refers to the administrative district and when to the regional units of state authorities established for its territory, especially concerning the issue of oversight.

3. Legal nature of administrative districts

The Republic of Serbia is a unitary state, and state authority is limited by the citizens' right to territorial autonomy and local self-government, which is subject only to constitutional and legal oversight (Article 12 of the Constitution). The territorial organization of Serbia includes local self-government units and autonomous provinces as a form of territorial autonomy, which may be entrusted with certain tasks of state administration.[2] Decentralized units are public law entities, with original and delegated competences,[3] different legal regimes, limited rights to self-organization, directly elected authorities,

[2] Germany, as a federal state, does not have its own regional administrative bodies. Administrative tasks are mainly carried out by the provinces, under whose competence is the local self-government system. In this regard, there is no uniform system – sometimes it is one-tier, sometimes two-tier (municipality and district), sometimes mixed, some cities also have the status of a district, and associations of municipalities also have great importance in the administrative system. Berlin, as a federal unit, is divided into several administrative districts as a form of deconcentration. Decentralized units also carry out the entrusted competencies of the provincial administration, primarily districts, which are also units of deconcentrated provincial administration, thus combining the double and single track (mostly).

[3] In Hungary, the socialist model of centralization and deconcentration was changed in favor of decentralization. Its units are municipalities and counties (mixed system), with mandatory, optional and delegated competencies, they are not in a hierarchical relationship, while decentralized forms of state administration (districts, decos, district commissioners) have been continuously weakened or eliminated in favor of decentralization, where counties have become decentralized units, and regions are forms of their connection. The situation is similar in the Czech Republic, with two-level, polytypic decentralization, where the compentencies of the former district administration have been transferred to individual municipalities or regions. However, the state ministry gives its consent to the election of the heads of administrative authorities. (Vučetić, 2012, pp. 301–304. and p. 308).

general legal acts, revenues, property, and means of protection (Lapčević & Rapajić, 2023, pp. 112–137).

Within the administrative-territorial system since 1992, administrative districts have existed as institutions primarily linked to the state (Marković, 2015, p. 433). Their existence is justified by the fact that not all state administration tasks can be performed at the headquarters of the authority; thus, some tasks are physically relocated to bring administrative power closer to citizens. Therefore, state administration authorities establish their regional units to perform certain tasks outside their headquarters. However, the territorial jurisdiction of regional authorities is not left to the discretion of each authority individually. The Government, as the holder of executive power, establishes administrative districts and determines their territories.

According to the Law on State Administration (2005, Article 38): "An administrative district is established for performing tasks of state administration outside the headquarters of the state administration authority." They are established by Government decree, which also determines their territories and seats, as well as *the conditions under which regional units for two or more administrative districts, one or more municipalities, a city or an autonomous province may be established*. Therefore, an administrative district is a part of the territory of the Republic for which regional units of state administration bodies are mainly formed. The original term – "districts" – were supposed to be some form of substitution of inter-municipal communities from the socialist constitutionalism (1974), *but they were not*. As a constitutional category in the communal system, they represented a de facto higher level of government, a mandatory association of municipalities, with original and entrusted compentancies, including normative, executive, planning, administrative, with their own assemblies, administration, public services, general acts, and encompassed much more than what regional units or administrative districts represent today as a form of harmonization of relations (Borković, 1981, pp. 172–175). Without disputing the fact of the conceptual difference in the structure of the administrative system and the local government, some of the positive achievements and experiences of these communities were easily abandoned, essentially mimicking rigid deconcentration. The existing territorial organization also serves as the territorial basis for deconcentration, which is a kind of standard in comparative law. They are not a constitutional category but an element of the internal organization of state administration, prescribed by law, with their establishment falling under the jurisdiction of the Government. They do not possess legal personality, competences, elected bodies, revenues, or independent existence; rather, certain tasks of

state administration are performed within them. Hence, they are forms of administrative deconcentration (Marković, 2015, p. 435). Petrović (2006, p. 202) emphasizes the essential difference between decentralization and deconcentration in the fact that in deconcentration, central authorities independently appoint and dismiss officials of lower administrative units (personal authority), while in the second case, this right belongs to the citizens of the narrower units. Kostić (2000, p. 107) states that in the Administrative Law of the Kingdom of Yugoslavia deconcentration represented a mitigated form of centralization, where a certain range of competencies was transferred for final resolution to lower state bodies, closer to the people. They are appointed, not elected, hierarchically subordinate, not simply under the control of higher bodies, the acts they adopt cannot be modified by higher bodies. The current Decree on Administrative Districts establishes 29 administrative districts.

The nature of this institution can be observed (and supplemented) through its bodies. The Head of an administrative district is an official appointed and dismissed by the Government for a four-year term, upon the proposal of the minister responsible for administrative affairs, to whom he or she reports. The head "coordinates the work of regional units, monitors the implementation of directives and instructions issued to them; monitors the implementation of work plans of regional units and ensures the conditions for their work; monitors the work of employees in regional units and proposes initiation of disciplinary proceedings against them; cooperates with regional units not established for the district area; cooperates with municipalities and cities and performs other duties determined by law" (Article 40). The head of an administrative district is not the head of a regional administration. Full seniority is a historical relic, e.g. of the great prefect or ban during the Kingdom, earlier of the French prefect, Russian governor, etc., incompatible with the tendency towards professionalization. Considering his duties and powers, a conclusion can be drawn about a non-hierarchical, coordinating, initiating and conditionally supervisory role, in which respect a certain expansion may occur – to complete and specify the issue of coordination and supervision ("monitoring implementation"), but the character of this function cannot be changed into a decision-making or a function with independent powers, because it is linked to the administrative district as a derived, coordinating and non-political institution. The head manages the professional service, which provides him with professional and technical support, prescribes its internal organization with the consent of the Government, and decides on the rights and obligations of its employees. Supervision over the purposefulness of its work is carried out by the Ministry of Administration. The non-hierarchical, coordinating role

of the Head is also visible through the role of the professional service, which is responsible for tasks common to all regional units of state administration within the district.

Although the administrative district is primarily a state institution, this statement is not absolute. While this is its predominant feature, the nature and potential functions of the district can also be viewed from the perspective of its bodies, especially the District Council. The Council consists of the District Head and the presidents of municipalities and mayors from the District's area."The Council coordinates relations between regional units of state administration and municipalities and cities within the administrative district and proposes measures for improving the work of the district and its regional units" (Article 42). Its modus operandi is regulated by decree. It is, therefore, a form of institutionalized cooperation between non-central administrative-territorial units — local self-governments and regional administration, embodied in the District Head. The Head convenes and chairs Council sessions, which must be held at least once every two months. Sessions may also be convened at the request of two-thirds of the Council members. The Council adopts decisions by a majority vote of all its members, suggesting that participation of local self-government units in this body would not be merely symbolic if the Council had a relevant role. The administrative district may thus represent a form of integration, harmonization, and cooperation between regional units of state administration and local self-government units, and not merely a territory for which regional units are established. The legal formulation of "harmonizing relations," as the only possible one in line with the legal nature of the district, gains relevance depending on practice, political will, needs and initiative of involved actors, and also the normative clarification of this role and its implementation methods.

Conditionally, administrative districts could represent a form of functional – *administrative regionalization*. In theory, regionalization is viewed primarily through political content. It is based on economic, social, traffic, and cultural criteria that make an area more compact, more homogeneous (as opposed to deconcentration, which is based primarily on the need for more effective performance of administrative tasks). The Government determines the area of an administrative district so that it enables rational and effective work of regional units of state administration (more about the nature of administrative districts in: Milkov, 2009, p. 137). Still, any unification of administrative tasks at a level broader than basic local units, based on flexible criteria ("rational and efficient" are not strict), which along with administrative goals includes broader objectives or interests, may represent a form of functional regionalization,

which serves regional needs without establishing a new level of government.[4] Functional regionalization, in addition to the number, significance, and diversity of administrative tasks, is also conditioned by the concept of single-tier, monotypic local self-government. A very similar system of local governments (until the establishment of regions), with original and delegated competencies, supervision, but also districts, as well as regional units of state administration, i.e. deconcentration, exists in Slovenia. Administrative districts may provide a basis for broader inter-municipal cooperation, harmonization of relations with regional administration, development planning, oversight, and serve as a starting point for its functional enhancement.

The District Council also functions as a form of inter-municipal cooperation and collaboration with regional units of state administration. To some extent, the District Council could substitute the functions of second-tier self-government, i.e., provide a minimal democratic legitimacy for regional administration. This characteristic was expressed to a greater extent during the direct election of the municipal president. However, without denying the potential of district councils to initiate and encourage inter-municipal and their role remains declarative due to a lack of good practice, tradition of cooperation, and structural weaknesses in most municipalities. Therefore, through appropriate amendments to the Law and Decree, the role of district councils *in harmonizing local policies and development programs, in launching initiatives, operational coordination, in encouraging the integration of local services or bodies, introducing a certain supervisory function,* etc. should be expanded and specified. Especially in the field of planning economic development, infrastructure, civil protection, water supply, environment, waste management, tourism development, etc. (Golić, 2014, pp. 148–150). The cooperation that is envisioned through district councils should be more specifically defined, somewhat more substantive, but without the ambition

[4] Marković (2015, p. 436) considers it incorrect to understand that administrative districts can be a means of regionalization, because administrative deconcentration is carried out on different criteria compared to regionalization, which is carried out according to geographical, economic, cultural, demographic and other factors that ensure a relatively homogeneous community. Respecting the distinction between these concepts, our understanding of functional, non-political regionalization is somewhat broader, encompassing forms of organization of public affairs or harmonization of relations and policies in a wider area than the municipal one, according to some criterion, in this case these are the borders of administrative deconcentration, where, in addition to purely administrative ones, other elements of connection at a wider level than the municipal one have a certain significance that can be used.

to replace a higher level of local self-government, or to establish quasi-authorities at a broader level.[5]

4. Regional Units of State Administration and Coordination of Relations

In all countries (except those consisting of only a few settlements, so-called city-states), there are regional units or authorities of state administration, i.e., some form of deconcentration. However, the role and number of regional authorities are not the same everywhere (e.g., single-tier or dual-tier systems). Additionally, the position of local self-government determines the role of regional units or authorities. In some countries (e.g., former socialist states), local self-government units are practically part of state administration authorities, with no clear distinction of tasks, often merely implementing decisions of central state authorities. In countries where such distinctions exist, self-government units, alongside their own competences, also perform some state tasks, over which they hold a significant degree of autonomy, with minimal (e.g., the Netherlands, Denmark, Germany, Czech Republic, etc.) or broader oversight powers of state authorities. In contrast, for regional authorities or units, hierarchical relations are complete (see Pusić, 2002, p. 83).

The establishment of regional authorities or units today is more commonly based on the principle of specialization, one per each administrative area, but there are also examples of omnibus regional authorities for all (or most) tasks within a narrower territory (with internal differentiation), usually overlapping with higher levels of self-government. This was typical in large states, particularly in the past, before specialization and differentiation of administration became dominant. Although clearly separated, these units also possess oversight powers regarding the work of self-governing units. In France, a unitary, decentralized state (Art. 1 of the Constitution), with three levels of self-government (Art. 72) and numerous institutional instruments linking them, and an imprecise and dynamic system of division of competences, there is a network of narrower administrative units – 342 districts (*Arrondissements*) and over 4,000 cantons (double tier). They act as centers of regional authorities

[5] In this context, one can cite the example of Portugal, which has a single-tier local government and strong resistance to political regionalization, and in which regional development and coordination councils have been established as forms of administrative regionalization, in which local governments participate. They represent a successful example of meeting regional needs and accessing EU funds (Ivanišević, 2009, p. 681).

state administration, but they also help departments in supervising communes. The function of the prefect before the 1982 reform included comprehensive control over decentralized units, and then was reduced to coordination and control of legality (Vučetić & Janićijević, 2006, p. 103.). Regional units formed according to the principle of specialization are often united at a wider territorial level by certain "omnibus" bodies, with the function of supervision, coordination, including hierarchical powers towards these units. In Serbia, regional units are formed according to the principle of specialization, with the head and the administrative district council as forms of unification, but without hierarchical powers.

The unitary nature of state administration, whose tasks are defined by the Law on State Administration (2005, Articles 12–21), implies that such tasks are performed throughout Serbia by republic-level administration bodies. This concept, however, is somewhat relativized. Namely, tasks of different levels of government are organizationally and functionally separated (Article 12 of the Constitution), but decentralized units may also perform delegated tasks of state administration (Lončar, 2014, p. 266), leading to some overlap. Still, constitutional provisions suggest that delegated competencies are an exception, and they are subject to a different legal regime than original competencies, even though performed by the same authorities. The difference pertains to organization, oversight, financing, inter-municipal cooperation, protection, etc. The purpose of delegation is defined in the Constitution as being "in the interest of more efficient and rational exercise of rights and obligations of citizens and satisfaction of their needs of immediate concern for their lives and work…" (Article 137). Most administrative tasks are performed by state authorities, with internal organization and deconcentration – *via regional units* regulated by laws, government decrees, and internal rulebooks.

If deconcentration is considered as a way of mitigating centralization, it should be functionally meaningful. The Law on State Administration (2005), lists the following administrative tasks: participation in shaping government policy, monitoring conditions, implementing laws, other regulations and general acts, inspection oversight, supervising public services, development tasks, and other professional tasks. Some of these are suitable for deconcentration by their nature, while others are not meaningful in this context (e.g., participating in policy-making, certain development tasks, regulation drafting, etc.). A state authority that decides to perform one or more administrative tasks in an administrative district establishes its regional unit through an act on internal organization and job classification (Article 38, para. 3). Internal subunits can also be formed within them. These *are parts* of state authorities, subject to

central leadership, which implies full hierarchical authority. In this regard, in addition to the right to determine internal organization and job classification, the head of the state authority holds the right to issue directives that define how employees operate and significant oversight and disciplinary powers.

Only certain tasks may be performed via regional units. The Law (Article 38) provides that in an administrative district, state administration authorities may, by their own decision, perform one or more tasks of state administration: "to decide administrative matters in the first instance; to rule on appeals when public authority holders have decided in the first instance; to supervise the work of public authority holders and to conduct inspection oversight." In this context, the question arises: is the legally limited scope of tasks that can be performed in regional units uniformly applicable to all authorities, and is it the most appropriate?

Administrative tasks are interconnected and conditional, they complement one another, and together, they give meaning to the function of public administration. By deciding on administrative matters, conducting inspections or other forms of oversight, and overseeing public services, authorities may also monitor conditions, which provides the basis for participating in policy-making. All of this is closely related to development tasks, which are mostly professional, and the execution of all these functions is most closely linked with internal oversight. The integration of regional and other organizational units within republic-level authorities, as centralized, hierarchical structures, ensures that various tasks are combined into a unified whole. Therefore, the performance of certain tasks through regional units, with appropriate internal organization and leadership, can improve the quality, effectiveness, or efficiency of task execution.

Material legislation defines administrative tasks in different fields, and the diversity of those fields entails a range of performance methods, including determining regional functions. Administrative tasks differ across fields, in complexity, procedures, and content; they consist of numerous interrelated operations, jobs, positions, organizational forms, and connections. Hence, the legal framework allowing deconcentration, which is implemented based on Government approval, should be flexible. If a ministry needs to perform some of its tasks at least partially through a regional unit, the law should generally provide for that possibility. This would strengthen the role of administrative districts, make certain tasks more effective, bring government closer to citizens, and allow internal organization to be aligned with actual needs in specific fields. Currently, regional units in some ministries already perform various tasks, including condition monitoring, professional duties,

particularly within oversight (e.g., education, construction, civil protection, general administration, social protection, environment, etc.).[6] Therefore, monitoring the situation, keeping records (which are kept for narrower areas, e.g. records kept by school administrations, etc.), issuing documents, taking care of public services (regional units of public services or school, health, cultural institutions), professional tasks ("collect and study data from their scope of work, prepare analyses, reports, information and materials and perform professional tasks that contribute to the development of the areas within their scope of work"), could be performed in district units. Also, instead of listing the possible ones, the legal norm could specify the tasks that cannot be performed in regional units (participation in policy-making, regulations,

[6] Within the *Ministry of Education*, school administrations function as regional units. In a school administration, the following tasks are performed: professional-pedagogical supervision of institutions; external evaluation of the quality of work in institutions; management of the lists of employees in educational institutions who are entitled to reassignment within the school administration; coordination of professional development; support for developmental planning, self-evaluation, development of preschool, school, and educational programs, and ensuring the quality of education; participation in the preparation of the development plan for education in its area and monitoring its implementation; ensuring that institutions maintain a database on education within the integrated education information system; cooperation with local self-government regarding the provision of budget funds for the professional development of employees in institutions; expert processing of cases and complaints related to the performance of professional-pedagogical supervision, and other tasks in accordance with the law. In the Department, sections or groups for sanitary supervision, as regional units of the *Ministry of Health*, the following tasks are performed: internal supervision of public authority holders in the area of sanitary oversight; drafting of reports on inspections of the work of sanitary inspectors within the Department, and based on the findings, proposing appropriate measures to the minister; participation in the preparation of expert foundations for drafting regulations in the areas under sanitary supervision; sanitary and health inspection in areas under sanitary oversight, including imposition of administrative measures and other actions in accordance with the law; issuing opinions on planning documents; issuing opinions on sanitary conditions in procedures for issuing urban-planning and technical requirements in construction processes for facilities under sanitary supervision; deciding administrative matters at the first instance, and other related tasks. Harbor master's offices are regional units of the *Ministry of Construction, Transport, and Infrastructure*, performing administrative, technical, and other professional tasks to ensure navigation safety, including: inbound and outbound checks at river border crossings; monitoring the movement and stay of vessels; initiating amendments to navigation regulations; undertaking administrative and other measures; issuing nautical requirements and nautical approvals; cooperating with organizations in the field of water transport; managing vessel traffic; issuing vessel documents and logbooks, as well as personal and other documents for crew members; performing technical and other professional tasks in the area of navigation; determining the seaworthiness of boats and floating structures; collecting statistical data on water transport; issuing decisions on vessel registration, maintaining vessel registries and records on vessels, crews, navigation, and the condition of waterways and navigation safety facilities; implementing wartime navigation regimes and taking measures in emergency situations.

unified records, certain development tasks). The tasks that are performed in regional units could be defined more precisely by decree and by-laws, according to the characteristics of individual administrative areas, the needs of certain parts of the territory, the content of certain tasks (e.g. monitoring the situation), etc. The law should also provide for the possibility that local self-government units can contact regional units to obtain an opinion or expert assistance in connection with the performance of the entrusted task, because regional units monitor the situation, carry out supervision, etc., as provided for in the Law on Local Self-Government (2007, Art. 80). The regional unit would be obliged to provide expert assistance in matters within its scope, thereby ensuring the preventive and advisory function of the district.

In accordance with the nature of the administrative district, as a regional center of state administration, the role of the district head can be defined as coordinating, declaratively supervisory, but non-decision making. However, it would be possible to add certain initiative and supervisory powers to it. Thus, he could initiate the adoption of directives or instructions, participate (through initiative or mandatory opinion-giving) in the procedure for taking over delegated competencies (Art. 56 of the Act on State Administration), propose the joint performance of entrusted competencies by several municipalities (Art. 75 of the Act), etc. Due to the proximity of the entities performing entrusted work, the mayor of the administrative district may have more direct and complete knowledge regarding their performance, as well as the personnel and other resources of the municipalities. Namely, the head of the administrative district monitors the work of regional units, the implementation of plans, instructions, etc., he therefore possesses appropriate information regarding the performance of delegated competencies, but without the ability to act in this regard, therefore, supplementing his role with the ability to propose the taking of appropriate measures, to present the issue to the district council, initiate proceedings, etc., is in the function of fulfilling his role. This does not interfere with the powers of regional units in the performance of supervision, but rather their more effective coordination is carried out, and his declarative role of supervision gains some meaning.

Some of the modern local functions, such as local development planning, environmental protection, healthcare, protection against natural disasters, the establishment of cultural institutions, tourism development, etc., often exceed the material, personnel, and organizational capacities of a large number of municipalities. In comparative law, it is not uncommon that, during the planning of the local budget, the adoption of planning and development acts, for major investment projects, or for activities of particular importance to several local

communities, more formalized cooperation is established and certain relations regulated between municipalities and regional units of state authorities (often also with development bodies, economic organizations, etc.) – such as regular consultations, deadlines for undertaking specific actions, information sharing, harmonization of plans, projects, etc. The level of formalization can be even greater, in the form of multilateral cooperation agreements, joint bodies, regular consultations, public debates, and even the establishment of joint services (in the areas of education, healthcare, culture, sports, information, etc.). The management of certain public affairs requires the involvement of multiple levels of government, and the undertaking of a set of measures that exceed the competences of each one individually. These affairs require complex regulation, a larger number of involved actors, greater financial resources, a complex system of control, i.e., institutional cooperation between local self-government, regional administration, public services (e.g., consortia in Spain). It is difficult to achieve public interest if the actors to whom the respective policy or regulation applies are not consulted already in the initial phase of its formulation. Cooperation in the final phase, when it is practically impossible to influence changes to the basic framework of an already established regulatory system or where the consultative function is merely declarative, does not contribute to achieving public interest and the goals of adopting such strategies or regulations (Jerinić & Pavlović-Kržanić, 2010, p. 11).

Institutional cooperation of non-central units can be realized through the council of the administrative district. The primary role of this body is to harmonize relations between the regional units of the authorities and the municipalities and cities from its area, and to make proposals for improving their work. It cannot include subordination, decision-making, or subsidiarity, but through the possibility of initiative, coordination, and exchange of information, it can provide an institutional mechanism for dialogue, harmonization of relations and common interests, and thus influence the effectiveness of tasks that require the participation of various units and levels. In this regard, the role of the administrative district council could include the following: encouraging and guiding inter-municipal cooperation in delegated competencies,[7] initiating the implementation of internal supervision, proposing the adoption of planning documents, drafting analyses, giving opinions on planning

[7] This procedure is regulated by the Law (Art. 75), with the wording and manner of joint execution of the entrusted tasks being regulated by a Government decree. In this regard, the opinion of the administrative district council could also be taken into account, previously or subsequently, as a body called upon to take a position. In addition, cooperation would acquire a planned and directed character, primarily (not always and exclusively) within the administrative district.

documents and regulations of importance to the administrative district area (waste management, environmental protection, emergency situations, etc.), considering issues related to the staffing structure for performing delegated or regional unit's competencies,[8] proposing its improvement, and even expressing an opinion on the manner of performing delegated competencies at the request of a municipality. For example, in case of doubt regarding the ability of a particular municipality to perform entrusted tasks in a timely or lawful manner, the issue could be discussed at the council, and the intervention of a state body could be requested. The administrative district council could also establish coordination bodies for guiding tasks within the competences of the regional unit and/or multiple local self-government units – for example, on issues of natural disasters, environmental protection, communal services, etc. – where different levels possess certain competences, and where there is a need for coordination and harmonization, especially at the operational level, which can be further regulated by a government decree.

5. Administrative Supervision and Administrative Districts

The Law on State Administration (2005) stipulates that supervisory tasks may be performed within regional units, including inspection supervision, which is regulated by a separate law. Tomić (2016, pp. 163–164) speaks of three types of administrative supervision in our regulations: 1) work supervision; 2) inspection (regulated by a separate law); 3) internal administrative supervision regulated by the Law on General Administrative Procedure (2016), (legal remedies) and other laws. State administration bodies in the district can carry out all types of administrative supervision. Supervision of operations encompasses general and specific oversight powers over all entities entrusted with competencies, as well as certain supervisory matters related to the performance of original competences by decentralized units. The relationship between state authorities and decentralized units in terms of preventive and advisory actions by the state administration – repeatedly emphasized in the planning documents mentioned – must also be considered in relation to the provisions of the Law on Local Self-Government

[8] The consideration of the personnel structure and the provision of recommendations regarding it should be viewed in the context of the provisions of the Law on Civil Servants and the Law on Employees in APs and Local Government Units, where the possibilities of taking over or seconding officials – rational use of the personnel structure of different levels, can be more effectively realized with the participation of the administrative district council, which would monitor, consider and make recommendations on this issue at the district level.

(2007), regarding the submission of initiatives, proposals, and consultations (Articles 78–80). These issues are not precisely regulated, and there is a need to define deadlines for responses, approvals, and opinions, at least in general terms, allowing sectoral laws to further regulate them based on the specific requirements of tasks in their respective fields.

The issue of supervision is quite comprehensively regulated in the Law on State Administration (2005, Articles 46–57). The scope of oversight powers corresponds to the nature of delegated tasks, for which the Republic retains responsibility. The exercise of supervision is highlighted in programming documents: "The administrative district can and should be one of the key mechanisms for developing the national system of supervision and inspection, which will act solely *for the purpose of ensuring legality and provide positive direction to lower levels of government*" and "strengthening the coordination role of administrative districts and their supervisory function over the execution of tasks by local self-government, especially their *preventive and advisory functions* in areas of supervision conducted by state authorities." However, it is important to emphasize that administrative district bodies cannot themselves hold supervisory authority, but they can participate in the supervision system and in "positive guidance", and make use of the existing legal possibility that certain supervisory tasks may be carried out in regional units, through specific authorizations in sectoral laws, which could be expanded. Regarding the role of the regional unit within the supervision system, the system of internal relationships within state administration bodies is also relevant, including the powers of managers (e.g., directives), as well as instructions as a general supervisory tool, which guide the organization of work and procedures for employees and public authority holders in performing delegated tasks. However, such instructions may not define the manner of handling or decision-making in individual administrative matters and cases (Article 48). It is considered inadvisable to introduce new mechanisms or to precisely define existing ones through this law as a systemic act, which lacks field-specific solutions and cannot emphasize a special purpose of general legal institutions – that would be better handled through sectoral legislation.

Regarding oversight of regulations adopted by holders of public authority, it is necessary to consider specifying certain deadlines from the Law on State Administration (2005, Article 57): "A holder of public authority is obliged to obtain an opinion from the competent ministry on the constitutionality and legality of a regulation before its publication. The ministry shall then provide a reasoned opinion on how the regulation may be aligned with the Constitution, law, or other general acts of the National Assembly or the Government. If

the public authority does not act upon the opinion, the ministry is obliged to propose to the Government to annul or repeal that regulation if it is not in conformity with the acts of the National Assembly or Government, or if it is not in accordance with the Constitution or law, to propose that the Government suspend its application and initiate proceedings for a review of its constitutionality or legality."

Given the significance of such opinions by ministries and the need highlighted in the planning documents to ensure expert support and act preventively, it is necessary to consider defining a deadline within which the ministry must provide a reasoned proposal for aligning the regulation with higher-level legal acts. The length of such a deadline requires consultation with examples of good practice in state administration. Thus, the proposal for such a deadline can only be interpreted as indicative. That deadline could also be of instructive character, serving to ensure procedural discipline.

6. Conclusions and Recommendations on Improving the Legal Framework

The expansion of the role of the administrative district can be observed through 1) the expansion of the role of regional units within the district, and 2) the expansion of the role of the District Head and the District Council. Any legislative intervention concerning these matters must take into account the nature of the administrative district and its bodies – that it is not a level of government, and that the role of its bodies is limited to coordination, harmonization, cooperation, initiative, and participation, which may be part of the procedure for adopting certain acts (planning, regulatory, or technical) or oversight. These roles cannot substitute for the authority to adopt acts, but the level of supervisory powers may be strengthened, harmonization efforts specified, and the obligation to provide professional assistance in the area of delegated tasks more precisely defined. Moreover, the need for dislocation of tasks is not uniform across different authorities, and the legal limitation on which tasks may be performed in regional units can be restrictive, potentially having a counterproductive effect in certain administrative areas or tasks. Therefore, the Law on State Administration should be formulated more flexibly in this regard. After all, each state administration authority defines its internal structure and task deconcentration with the approval of the Government. This procedure already includes sufficient safeguards to prevent misuse of these provisions. In addition, the sectoral laws may further expand the role of the administrative district.

The relationship between state administration bodies and local self-government bodies, beyond supervisory powers, is set out in principle, and as such is vague and even ineffective. It is mainly left to be regulated by sectoral laws or is based on limited examples of good practice. It would also be appropriate to prescribe a general deadline for all procedures in which the relationship between two-level bodies is manifested, which would have subsidiary application.

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ULOGA UPRAVNIH OKRUGA U UPRAVNOM SISTEMU SRBIJE

APSTRAKT: U radu se analizira uloga upravnih okruga i područnih jednica organa državne uprave, te potrebe i mogućnosti njihove reforme. Necentralni aspekt javne uprave i sam predstavlja složenu celinu sa više različitih elemenata, međusobnih odnosa i potreba. S tim u vezi, analiziraju se mogućnosti i načini „*jačanja upravnih okruga*“, te „*unapređenja vertikalnog i horizontalnog nadzora u obavljanju izvornih i poverenih poslova*“ necentralnog nivoa*,* kako je to određeno važećim planskim dokumentima. Okosnicu ovog razmatranja čine pozitivnopravna rešenja, te strateški i planski dokumenti u Srbiji, uz odgovarajuće komparativne osvrte. Osnovna istraživačka dilema se odnosi na ograničene mogućnosti da se unapredi vršenje poslova državne uprave putem ili unutar upravnih okruga. Ona proističe iz karaktera necentralnog aspekta javne uprave, kao složenog podsistema, sa dve komponente – lokalnom samoupravom sa svojim izvornim poslovima (decentralizovani aspekt), te lokalnom samoupravom sa poverenim poslovima i područnim jedinicama organa državne uprave (manje ili više centralizovani aspekt), u pogledu kojih postoje odgovarajuće veze putem upravnog okruga.

Ključne reči: *upravni okrug, dekoncentracija, načelnik i savet upravnog okruga.*

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