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Quo Vadis EU Security?

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TRANSNATIONAL ORGANIZED CRIME AND CHALLENGES FOR THE REPUBLIC OF SERBIA IN THE EU ACCESSION PROCESS-CONSTITUTIONAL ASPECTS

by Miloš Stanić[*]

1. Introduction

The key characteristics of organized crime which determine more a proactive approach of States in its suppression are: limited number of members in criminal organization, hierarchical structure, durability of criminal organization, monopolistic character and – what is the key characteristic of organized crime – its non-ideological character. Namely, the organized group does not have ideological, political goals as their key motives and goals are money and power[1]. Fight against organized crime is a proactive, strategically oriented activity of all contemporary, democratic States, both nationally and at the international level. Transnational organized crime refers to criminal activities that span multiple countries and are carried out by criminal organizations that operate across borders. These crimes include drug trafficking, human trafficking, arms smuggling, money laundering, cybercrime, and terrorism. From a constitutional perspective, addressing this type of crime involves balancing national sovereignty, human rights, international cooperation, and the rule of law. Therefore, the set limits of more efficient suppression of the most serious crimes are the result of active reforms of national normative frameworks, ratified international documents, but also intensive professional cooperation between countries in the field of detecting, combating and prosecuting organized crime. Security threats, which are extremely high when it comes to organized crime, would be difficult to combat without adequate international cooperation between democratic States[2].

As a matter of fact, organized crime represents a great threat to contemporary, democratic States, but it also sets the standards for the necessary improvement of the normative framework aiming at detecting, proving and prosecuting organized crime more effectively. In its decadeslong presence in Europe, organized crime has been characterized as having a special type of network structure, especially when it comes to international organized crime, which does not recognize the authorities of various police and judicial bodies. These facts support the argument that the use of regular methods of detecting and proving these crimes is not enough and that it is important for countries, including Serbia, to take up new steps to fight even more effectively to suppress this form of crime. These requirements do not arise only from the aforementioned fact, but also from ratified international documents and the process of Serbia's accession to the European Union,

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[1] D. ČVOROVIĆ, *Suppression of Organized Crime and Serbia's Accession to the European Union*, in *Bezbednost*, Vol. 64, No. 1, 2022, pp. 5-32, in part. p. 6.

[2] *Ibidem*, p. 5.

which through fundamental rights and procedural guarantees, requires a reform of the regulatory framework with the aim of more efficient action of specialized bodies[3].

2. Constitutional Aspects of Combat Against Transnational Organized Crime

We should emphasize that the constitutional aspects of transnational organized crime are complex and multi-layered, involving a delicate balance between national security, international cooperation, human rights, and sovereignty. The development of effective legal frameworks often requires constitutional amendments or reinterpretations to address the evolving nature of global crime, ensuring that State powers are exercised responsibly and that individuals' rights are protected within the broader effort to combat criminal organizations operating across borders. The European Union has faced the problem of organized crime since its creation in the 1990's and it has become an ever-increasing threat to the security of Member States, and thus affects European Union's activities and policies. As the risk from organized crime had become greater, the Member States developed a stronger response to organized crime. The integrated approach guiding the action of the European Union extends from prevention to law enforcement, including cooperation of Member States, especially the law enforcement agencies, the exchange of information, cooperation between joint work groups, etc. The legal framework of the European Union against organized crime plays the most important role. In addition, the European Union is a pioneer in developing an all-inclusive criminal justice response to organized crime, and through its instruments has to a great extent contributed to the global fight against organized crime. In that sense many standards and policies have been adopted, in particular with the aim of harmonizing the international framework and legal regulations of Member States in the fight against organized crime. The basic instruments of the European Union that deal with the problem of combating organized crime will be presented in the paper, including The Stockholm Programme (2010) and The Action Plan (2010-2014), The Framework Decision of the European Union on the Fight Against Organized Crime (2008) and other decisions (2002, 2003, 2005, 2006, 2007, 2008, 2009), as well as strategies (2000, 2003, 2005, 2010), joint action (1996, 1998), action plans (1997, 2000), conventions (1995, 2009), resolutions (1996, 1998) and EU communications (2000, 2004, 2005, 2007)[4]. Also, the relationship between international organized crime and EU accession is a complex and critical issue. Candidate countries seeking to join the European Union are required to meet strict political and legal criteria, one of which includes the ability to effectively combat organized crime[5].

Many constitutions permit or require their governments to enter into international treaties and conventions to combat transnational organized crimes. These treaties often establish frameworks for extradition, mutual legal assistance, and the exchange of information between countries to track criminal activities and apprehend offenders. For example, Interpol, Europol, and other international law enforcement bodies play crucial roles in facilitating cooperation. The Constitutional limits on such agreements can vary depending on the nation, with some requiring legislative approval before entering into

[3] *Ibidem*, p. 6.

[4] A. IVANOV, R. RAJKOVCHEVSKI, *The European Arrest Warrant. A Legal Instrument to Counter Transnational Crime in the EU. Zbornik radova sa naučno-stručnog skupa sa međunarodnim učešćem-Suzbijanje kriminala u okviru međunarodne policijske saradnje*, Beograd-Tara, 2011, pp. 127-137; M. ŠIKMAN, *Pravni okvir Evropske unije protiv organizovanog kriminaliteta*, in G. MARKOVIĆ (ed.), *Однос права у региону и права Европске* уније, Vol. II, Sarajevo, 2015, pp. 388-407, in part. p. 388.

[5] V.D. STANKOVIĆ, *Institucionalni mehanizmi Evropske Unije u suzbijanju organizovanog kriminala i obaveze Republike Srbije u procesu pridruživanja. doktorska disertacija*, Belgrade, 2020.

international treaties that affect national laws or sovereignty. A country might also require that certain constitutional rights be protected even in the context of international agreements. This system is dominated by sovereignty, effective law enforcement and the objectification of individuals as criminals. There is little express protection of human rights within the suppression conventions. The conventions rely primarily on existing domestic protection of human rights and secondarily on general international human rights law. The problem is that the conventions are adopted at the international level, and then applied at the national level, but human rights only come into play, if at all, at the national level, reactively rather than proactively. Moreover, the conventions encourage a "law and order" attitude from State parties which may cause them to go further than strictly obliged to, with negative consequences for individual rights. At this point, constitutional order should be the last line of defense for human rights.

3. International Public Law and Transnational Organized Crime. Constitutional Aspects

The "suppression conventions", crime control treaties concluded with the purpose of suppressing harmful behaviour provide, through a range of complex provisions for the criminalization by State parties in their domestic law of certain offences, for severe penalties, for extra-territorial jurisdiction, and for a variety of procedural measures. The use of treaty law to establish these regimes is not a recent development. International society responded to the globalization of harmful conduct by beginning to develop suppression conventions in the 19th century, and this approach has steadily become more significant[6]. Anyway, the relationship between international law and national legal systems is a foundational issue in both legal theory and practice. It determines how international obligations are adopted, interpreted, and enforced within States. This relationship varies from country to country depending on constitutional structures, legal traditions, and judicial interpretation. The relationship between the norms of international law and those of domestic law is still understood in terms of concepts developed one hundred years ago: monism and dualism. According to the principle of monism, international and national legal systems are part of a single legal order. Contrary, the fundamental premise of the dualistic theory is the existence of two fully separate and independent systems that can influence one another but cannot overlap[7]. Namely, one legal act can exist, be in force and have a legal effect in one system (be it in the domestic or international one), while being "unknown" in the other. Because they exist as two independent and separate legal orders, the question of conflict or pre-eminence should not, or cannot, be asked. Here, it should be noted that dualism leans on the issue of the nature of international law, and primarily the dogma of the absolute sovereignty of States. By negating the objective legal nature of international law, thus qualifying domestic law not only as primary, but also as perfect and the legal model for international law, a State had to explicitly State that it accepted a certain rule of international law, otherwise, a specific rule would not bind it. The relationship and subordination of these two legal orders, according to dualism, is impossible, as between them there is a distinction between the source of law, the subject to the law and the different relationships[8].

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[6] N. BOISTER, *Transnational Criminal Law?*, in *European Journal of International Law*, No. 14(5), 2003, pp. 953-976, p. 955.
[7] M. RAJOVIĆ, *Odnos unutrašnjeg i međunarodnog prava prema Ustavu Crne Gore*, in *Glasnik Advokatske komore Vojvodine*, No. 95(1), 2023, pp. 46-105, p. 77.
[8] *Ibidem*, p. 78.

If one compares the contemporary situation with that of one hundred years past, almost every relevant element has changed: the nation-state's evolution in tandem with the process of globalization; the gradual elaboration of international law; the emergence of general constitutional adjudication; and, above all, positive constitutional provisions on the role of international law within domestic systems. As theories, monism and dualism are today unsatisfactory. As doctrines, they are likewise unsatisfactory since they do not help in solving legal issues. A convincing theoretical account of how to "reconstruct" the pyramid will probably be based on a theory of legal pluralism. The concept of legal pluralism does not imply a strict separation between legal regimes. Rather, it promotes the insight that there is an interaction among the different legal orders. This concept has far-reaching consequences for the understanding of constitutional law: any given constitution does not set up a normative *universum* anymore but is, rather, an element in a normative *pluriversum*[9].

Comparatively, today, the dualistic theory is, mostly, abandoned, although it is present in, for example, art. 10 of the Constitution of the Italian Republic. The new theory, monism, comes into existence as a reaction to dualism. Qualifying these two laws as segments of a unique legal system, monism's starting point is the unity of law. Namely, a concrete relationship can be regulated in different ways, so the questions of which law should be given precedence within the framework of a legal system is asked – international or domestic. In constitutional systems, monism ranges from qualifying international law as a part of domestic law (*e.g.*, art. 6, para. 2 of the Constitution of the United States of America), over the primacy of international law over State law (*e.g.*, art. 25 of the Constitution of the Federal Republic of Germany), to the absolute dominance of domestic law (*e.g.*, art. 8 of the Constitution of the Republic of Belarus)[10]. Regarding our country, in the Serbian constitution is clearly stipulated that the foreign policy of the Republic of Serbia shall be based on generally accepted principles and rules of international law. Generally accepted rules of international law and ratified international treaties shall be an integral part of the legal system in the Republic of Serbia and applied directly. Ratified international treaties must comply with the Constitution (art. 16)[11].

4. Human Rights and Transnational Organized Crime

Even in the context of transnational organized crime, constitutional human rights protections are paramount[12]. At the beginning of the part on human rights, Serbian Constitution sets out the fundamental principles, which are of particular value in the constitutional system of Serbia. They are direct implementation of guaranteed rights, the purpose of constitutional guarantees, restriction of human and minority rights, prohibition of discrimination and protection of human and minority rights and freedoms. These principles maintain the attitude of the constitution-maker on the importance of human rights, and together with constitution principles, above all the principle of the rule of law, constitute the constitutional framework for the implementation of human rights. The principle of direct implementation of guaranteed rights implies that human and minority

[9] A. VON BOGDANDY, *Pluralism, Direct Effect, and the Ultimate Say. On the Relationship Between International and Domestic Constitutional Law*, in *International Journal of Constitutional Law*, No. 6(3-4), 2008, pp. 397-413, p. 399-401.
[10] M. RAJOVIĆ, *op. cit.*, p. 77.
[11] D. ĐUROVIĆ, *Odnos unutrašnjeg i međunarodnog prava u pravnom poretku Republike Srbije*, in Анали Правног факултета у Београду, Vol.. 57, No. 2, 2009, pp. 338-353.
[12] A. BULATOVIĆ, *Ljudska prava u savremenoj politici borbe protiv transnacionalnog organizovanog kriminala. doktorska disertacija*, Belgrade, 2016.

rights guaranteed by the Constitution should be implemented directly. The Constitution guarantees, and as such, directly implement human and minority rights guaranteed by the generally accepted rules of international law, ratified international treaties and laws. The direct implementation of guaranteed rights means that the law is not a necessary mediator between the constitutional norm and its practical application. This principle applies to all holders of the constitutional authority, but it is primarily aimed at ensuring human rights in relation to the legislature[13].

The law may prescribe the manner of exercising these rights only if explicitly stipulated in the Constitution or necessary to exercise specific rights owing to its nature, whereby the law may not under any circumstances influence the substance of the relevant guaranteed right. Provisions of human and minority rights should be interpreted to the benefit of promoting values of a democratic society, pursuant to valid international standards in human and minority rights, as well as the practice of international institutions which supervise their implementation (art. 18, para 3). This means that when interpreting human rights provisions, the attitudes of the European Court of Human Rights and the United Nations contracting bodies should be taken into account, which is very important, when it comes to the combat against transnational organized crime. Constitutional guarantees of human rights have the purpose of preserving human dignity and exercising full freedom and equality of each individual in a just, open and democratic society based on the principle of the rule of law[14].

Given that the provisions on human and minority rights are interpreted in favor of promoting the values of the democratic society, in accordance with the applicable international standards of human and minority rights, as well as the jurisprudence of international institutions, domestic courts are in position to interpret the Constitution in accordance with European standards, especially with the European Court of Human Rights. In addition to this general clause, the Serbian Constitution explicitly foresees the reasons for restricting certain rights. These reasons are contained in the chapter on human rights and freedoms, specifically within the provisions determining the notion and content of the particular right. The Constitution regulates the special regime of human and minority rights in the state of emergency and the state of war. When proclaiming the state of emergency or state of war, the National Assembly may prescribe the measure which shall provide for derogation from human and minority rights guaranteed by the Constitution. Derogations from human and minority rights are permitted only to the extent deemed necessary. Measures providing for derogation should not bring about differences based on race, sex, language, religion, national affiliation or social origin[15].

The core of the national system of human rights protection consists of the courts, which are expected to submit the largest 'burden' in terms of protecting human rights. Judicial protection is the primary and the most important form of human rights protection[16]. The Constitutional Court of Serbia, established by the Constitution of 2006, has received a number of new competencies and has become one of the pillars of the constitutional system, which has the great responsibility in terms of preserving the principles of constitutionality and legality and with regard to the protection of human rights. The protection of human rights in the proceedings before the Constitutional Court

[13] M. NASTIĆ, *The Constitutional Protection of Human Rights in Serbia. Challenges and Perspectives*, in *Proceedings of the International Scientific Conference "Social Changes in the Global World"*, Vol. 1, No. 5, 2018, pp. 421-437, in part. p. 422.
[14] *Ibidem*, p. 423.
[15] *Ibidem*, p. 425.
[16] *Ibidem*, p. 427.

is exercised in the procedure of constitutional review and in the constitutional appeal procedure[17].

In the constitutional appeal procedure, direct protection of the constitutional rights is ensured. From the aspect of human rights, special constitutional law protection of fundamental rights confirms their high rank and their superiority in relation to ordinary legislation. The constitutional appeal may be filed against individual acts or actions of State authorities or organizations vested with the public authority that violate or deny human and minority rights and freedoms guaranteed by the Constitution, when other legal remedies are exhausted or are not prescribed or where the right to their judicial protection has been excluded by law (art. 170 of the Constitution). The constitutional appeal has the status of an extraordinary legal remedy, which can be stated only after all available legal remedies have been used. Deciding on constitutional appeals, the Constitutional Court acts as a special instance of citizens' appeals on the principle of *inter partes*, which is an exception to the general *erga omnes* rule. By establishing the jurisdiction of the Constitutional Court to decide on constitutional appeals, the Republic of Serbia became part of a large "family" of European States led by Austria and Germany. Namely, the constitutional appeals appear as the last legal remedy to be used before the eventual address to the European Court of Human rights[18].

5. Strengthening the Judiciary in Serbia

The Europeanization of Serbia's legal order, which encompasses the European integration process as well as membership of other European and regional organizations, such as the Council of Europe (CoE) and the Organization for Security and Co-operation in Europe (OSCE), has had a strong influence on the re-modeling of the constitutional and legal order. Henceforth, the dedication to European values as well as the fulfillment of the membership criteria in the European integration process shapes the existence and adapt the future of the core components of rule of law as a meta-principle, such as an independent and properly functioning judiciary[19]. The Republic of Serbia, as a candidate country for EU membership, is in the process of (re)building its political reality and is also undergoing the democratic transition of its political and legal systems. Accordingly, the discourse on the constitutional transformation of the Republic of Serbia was intensified after the latest amendments to the Constitution adopted in 2022[20]. Serbia should particularly strengthen the independence, accountability, professionalism and overall efficiency of the judicial system. One of the first steps, in order to fulfill this aim, was to exclude the National Assembly from the process of electing court presidents, judges, public prosecutors and deputy public prosecutors, as well as members of the High Judicial Council and the State Prosecutorial Council[21].

When it comes to the new set of constitutional amendments, from a substantive point of view, they indeed brought about some key changes and improvements in the judiciary. This is especially the case when it comes to the election of judges, which is one of the most controversial issues in the field of the judiciary in Serbia. With the aim to

[17] *Ibidem*, p. 430.
[18] *Ibidem*, p. 430-431.
[19] V. DABETIĆ, *New Constitutional Amendments in the Field of Judiciary in Serbia. A Step Towards Europe?*, in *Contemporary Southeastern Europe*, Vol. 10, No. 2, 2023, pp. 22-38, in part. p. 23.
[20] *Ibidem*, p. 22. See also I. PEJIĆ, *Constitutional Referendum and Judicial Reform in Serbia*, in *Зборник радова Правног факултета у Нишу*, No. 94, 2022, pp. 75-92, in part. pp. 80-87.
[21] M. NASTIĆ, *op. cit.*, p. 429.

depoliticize the process of appointing new judges, the composition of the High Judicial Council was changed. Now, the National Assembly appoints four members by a 2/3 majority compared to the previous eight members. In addition, the Minister of Justice is no longer an *ex officio* member of the Council. The Council has 11 members: 6 judges elected by judges, 4 prominent lawyers elected by the National Assembly, and the President of the Supreme Court. The goal of such a solution is to at least partially maintain a connection with the Assembly, which embodies popular sovereignty, but to prevent the politicisation of the election of these members and ensure their maximum independence and impartiality. The standard of the Venice Commission on the balanced composition of the judicial council, which will not comprise judges alone, but in which "*judges and lawyers and the public will be adequately represented*", is completely fulfilled. Members are elected to the Council for five years, and re-elections are not allowed. The Council has a President and Vice President. The President is elected by the Council from among members who are judges, and the Vice President from among members elected by the National Assembly, for five years. By these means, the possibility of politicization of judicial appointments was reduced, especially in the process of selecting judges in courts of lower jurisdiction. Secondly, the jurisdiction of the Council was expanded, being now the only judicial body authorized to appoint judges, court presidents and the president of the Supreme Court. The exclusive right of this judicial entity to appoint judges guarantees to a much greater extent selection based on objective and substantive criteria, instead of political criteria and motivations. This fulfils another standard of the Venice Commission, the independence of the body responsible for the status of judges and related issues. Finally, the three-year trial period for appointments was abolished, and now judges are considered appointed until they reach the end of their working life[22].

The constitutional amendments from 2022 seek to find a balance between political and judicial authorities. It concerns the old aspiration to find a balance between partocracy and sudocracy, without damaging the system of constitutional democracy. Politics is withdrawn from the election of judges. However, the withdrawal is not absolute as judges judge operate in the name of the people, and every power, including the judiciary, has its source in the people. Therefore, the judiciary, which is independent, cannot entirely spring from or respond to itself. Absolute independence, without mechanisms of mutual influence negates responsibility. A constitutional democracy is unthinkable without a clearly established and constitutionally achievable principle of responsibility. The constitutional amendments determined that judicial power belongs to independent courts[23].

A far more demanding part of the road follows. Now we should think about the experience of European countries that entered the European Union significantly before Serbia. All of them, just in different ways, constantly face the challenges emanating from the independence, efficiency, and responsibility of the judiciary and the rule of law as a fundamental principle and value standard of the functioning of a constitutional democracy. In an era that many perhaps lightly call a somewhat pathetic "crisis of democracy and the rule of law" in the world, Serbia, a country with an especially rich constitutional and political history, has achieved positive developments through the legal organisation of its State and society. Every step in the process, especially in light of the extremely delicate conditions at present, must be carefully thought out and undertaken with a clear and just vision that respects the international realm for the preservation and

[22] V. DABETIĆ, *op. cit.*, p. 30; V. PETROV, *Judicial Reform in Serbia in Light of "*The Venetian Concept*" of the Rule of Law*, in *Central European Journal of Comparative Law*, Vol. 4, No. 2, 2023, pp. 233-257, in part. pp. 245-248.
[23] V. PETROV, *op. cit.*, p. 243.

development of real (national) identity law. It is neither about State and national egoism, nor about a policy of self-isolation. It is about building State and national self-respect, which is a prerequisite for rational respect, not irrational fear of other States and international institutions[24].

6. Combat Against Transnational Organized Crime. State of Play in the Republic of Serbia

Serbia joined the regional project on trial monitoring of organised crime and corruption cases[25] and is yet to finalise ongoing work to align its legal framework on organised crime with the EU *acquis*. The Prosecutor's Office for Organised Crime and the Special Prosecutor's Office for Cybercrime lacks sufficient human, material, and technical resources to carry out their tasks. The police services still require a shared case/workflow management system, connecting all institutions and giving them access to a common database. Serbia should continue to work towards ensuring a fully operational national criminal intelligence system and should take relevant steps to make the Asset Recovery Office fully operational, including by ensuring access to all relevant databases. Serbia's legal framework on police cooperation and organised crime is not fully aligned with the EU acquis. The new Law on internal affairs will have to address both this issue and the recommendations of the Committee for the Prevention of Torture (CPT). Amendments to the Law on organisation and competence of State authorities in suppression of organised crime, terrorism and corruption should be adopted to improve the institutional set up in the fight against organised crime. A clear separation needs to be made between the remits and regulations for criminal investigations and those for security purposes. Serbia continued to implement the action plan for the strategy against money laundering and financing of terrorism (2020-2024) in a satisfactory manner. Amendments to the Law on the seizure and confiscation of the proceeds of crime are still pending. In March 2024, Serbia adopted the programme for the fight against human trafficking (2024-2029) and action plan for 2024-2026. A new National Coordinator for the fight against human trafficking was appointed in September 2023. The Council for Combating Trafficking in Human Beings was re-established in July 2023, and held a first meeting in December 2023. Serbia continued to implement the action plan for the strategy for the control of small arms and light weapons (2019-2024)[26].

The strategy and action plan for the fight against cybercrime expired at the end of 2023. The Criminal Code and the Criminal Procedure Code are not yet harmonised with the Second Additional Protocol to the Council of Europe Budapest Convention on Cybercrime. In December 2023, Serbia adopted a new SOCTA (Serious and Organised Crime Threat Assessment) to set operational priorities for fighting serious and organised crime for 2024-2027. In 2023, whilst there was a significant increase in the number of individuals indicted for organised crime (251 compared to 132 in 2022), there was a decrease in the number of individuals convicted and of individuals under investigation. The number of cases in final rulings was the same in 2023 as in 2022 at 189, while the number of new investigations remained stable (29 in 2023 compared to 31 in 2022). The use of plea agreements needs to be carefully balanced against the need to avoid any impression of impunity in serious and organised crime cases. The number of proactive

[24] *Ibidem*, p. 254.
[25] European Commission, *Serbia 2024 Report*, of 30 October 2024, SWD(2024) 695 final, p. 6.
[26] *Ibidem*, p. 43.

investigations, based on intelligence-led policing, focusing on high profile cases aiming at dismantling big and international criminal organisations should be increased[27].

7. Conclusion

We have seen that the combat against transnational organized crime, when looking at the constitutional aspect, is layered. In fact, and in accordance with the very nature of the constitution, it provides only a general framework in this matter. But that framework is very important, because it concerns the strengthening of the entire State apparatus, international conventions, and the protection of human rights. It goes without saying that the normative framework is further elaborated by appropriate norms of a sub-constitutional nature. However, we must keep one thing in mind when it comes to the fight against transnational organized crime. Simply, it takes time to strengthen institutions, to implement appropriate solutions. Therefore, we always have to separate two, often temporally unrelated parts, the creation of an appropriate legal framework and its implementation. In this sense, the Republic of Serbia is unequivocally on its way to the European Union, meeting the appropriate standards in this area. But we must be aware of the fact that it has a long way to go in this area, even when it becomes a member of the European Union, because the fight against transnational organized crime is a never-ending process. This applies not only to Serbia, but to all countries in the world.

ABSTRACT

Transnational organized crime is present in almost all spheres of life and work. The European Union has faced that problem since its creation in the 1990's (The Maastricht Treaty) and it has become an ever-increasing threat to the security of Member States, and thus affects European Union's activities and policies. As the risk from organized crime had become greater, the Member States developed a stronger response to organized crime. The integrated approach guiding the action of the European Union extends from prevention to law enforcement, including cooperation of Member States, especially the law enforcement agencies, the exchange of information, cooperation between joint work groups, etc. The Republic of Serbia, as a candidate country for EU membership, is expected to continually improve its national legislative and administrative framework, as well as to develop a comprehensive strategic overview of organized crime in the country. Therefore, regarding constitutional aspects, we should bear in mind few connected issues. These are, when we have in mind Serbia: relationship between constitutional order and international public law, human rights protection, strengthening judicial system through Constitutional amendments. At the very end, before the conclusion, the author provides an overview of the state of play in the fight against transnational organized crime in Serbia, based on the annual report of the European Union.

KEYWORDS

Constitutional Aspects, EU Accession Process, Republic of Serbia, Transnational Organized Crime.

[27] *Ibidem*, p. 44.