SPANISH CONSTITUTION - A MODEL OF CONSTITUTIONAL PARLAMENTARY MONARCHY

(With a Review of Actuality of this Model in Serbia Today)

PAVLE NIKOLIĆ OLIVER NIKOLIĆ**

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The search for a perfect form of government has been the permanent effort of kers, scientists The search for a perfect form of government has been the permanent of thinkers, scientists and statesmen, from the Ancient Greeks until the contemporary from the Ancient Greeks until the contemporary and the search for a perfect form of government has been the permanent of the permanent of the search for a perfect form of government has been the permanent of th enthusiasts of democracy and a "better world".

Every age had offered its solutions to the problem and had its exponents of discov-Every age had offered its solutions to the problem and had its exponents of class ended systems and principles of government. This quest for the best model has never cent, not even the systems and principles of government. The already made the step into the twenty-first cent, not even the system and principles of government. ended, not even today when humanity has already made the step into the twenty-first there is no best and perfect model, at least not century. This resulted in awareness that there is no best and perfect model, at least not

Pavle Nikolić was born in Belgrade in 1928. He is emeritus professor of Constitutional Law at the Belgrade of Law, former basel of the Constitutional Court Hay, former basel of the Constitutional Court Hay, former basel of the Constitutional Court Hay, former basel of the Constitutional Law at the Belgrade of the Constitutional Court of the Constitution Court of the Court of the Constitution Court of the Constitution Court of the Constitution Court of the Court Faculty of Law, former head of the Department and Vice-Dean at that Faculty, and Justice of the Constitutional Court in Bopen He holds a decrease of the Colegio Mayor de Nuestra Señora del Rosario University and at the Fribourg of Serbia. He holds a degree of Doctor Honoris Causa of the Paris I Panthéon-Sorbonne Universities in 18 countries. He has in Bogotá. He holds a degree of Doctor Honoris Causa of the Colegio Mayor de Nuestra Señora del Rosario Childs. He holds a degree of Doctor Honoris Causa of the Paris 1 Panthéon-Sorbonne University and at the Fribourg Published (Switzerland). He was a visiting professor at the Paris 1 Panthéon-Sorbonne Universities in 18 countries. He has published (Switzerland). University and desired the Department Causa of the Colegio May Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Head of the Paris 1 Panthéon-Sorbonne University and desired the Paris 1 Panthéon-Sorbonne Un Published more than 200 works (more than 60 abroad). He is one of the founders and Vice-President) of the Live Constitutional Law, and is also founder and Vice-President of the Live Constitutional Law, and is also founder and Vice-President of the Live Constitutional Law, and is also founder and Vice-President of the Live Constitutional Law, and is also founder and Vice-President of the Live Constitutional Law, and is also founder and Vice-President of the Live Constitutional Law, and is also founder and Vice-President of the Live Constitutional Law, and is also founder and Vice-President of the Live Constitutional Law, and is also founder and Vice-President of the Live Constitutional Law, and is also founder and Vice-President of the Live Constitutional Law, and is also founder and Vice-President of the Live Constitutional Law, and is also founder and Vice-President of the Live Constitutional Law, and is also founder and Vice-President of the Live Constitutional Law, and is also founder and Vice-President of the Live Constitutional Law, and is also founder and Vice-President of the Live Constitutional Law, and is also founder and Vice-President of the Live Constitutional Law, and is also founder and Vice-President of the Live Constitutional Law, and is also founder and Vice-President of the Live Constitutional Law, and is also founder and Vice-President of the Live Constitutional Law, and is also founder and Vice-President of the Live Constitution of the Live Constitutio Vice-p_{resident)} of the International Association for Constitutional Law, and is Ph.D. at University of Fribourg

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In 1997 he completed his Ph.D. at University of Fribourg Oliver Nikolić was a member of Completed his Ph.D. at University of Fribourg Oliver Nikolić was a member of Completed his Ph.D. at University of Fribourg Oliver Nikolić was a member of Completed his Ph.D. at University of Fribourg Oliver Nikol International Associational Academy for Constitutional Law ** Oliver Nikolić was born in Belgrade in 1962. In 1997 he completed his Ph.D. at Oliver Nikolić was born in Belgrade in 1962. In 1997 he completed his Ph.D. at Oliver Nikolić was in Belgrade in 1962. In 1997 he completed his Ph.D. at Oliver Nikolić was in 1962. In 1997 he completed his Ph.D. at Oliver Nikolić was in 1962. In 1997 he completed his Ph.D. at Oliver Nikolić was in 1962. In 1997 he completed his Ph.D. at Oliver Nikolić was in 1962. In 1997 he completed his Ph.D. at Oliver Nikolić was in 1962. In 1997 he completed his Ph.D. at Oliver Nikolić was in 1962. In 1997 he completed his Ph.D. at Oliver Nikolić was in 1962. 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In 1997 he completed his Ph.D. at Oliver Nikoli Belgrade and assistant professor of Constitutional Law at the Faculty of Yugoslav expert to the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Researcher at the Institute of Company Death of Sugar and Sugar and Researcher at the Institute of Company Death of Sugar and Su of Yugoslav expert team working on the Report on Compatibility of Sugoslav legislation with ECHR. He published hore than 30 works and the Report on Compatibility of Yugoslav legislation with ECHR. hiore than 30 works and participated in more than 15 projects.

the one appropriate to all the times, all the societies and all the circumstances. However, this also gave rise to the autoreal day. this also gave rise to the awareness that certain forms of government are better, more democratic, while some are wavelength and all the circumstances. However, more democratic, while some are wavelength also the source of the democratic, while some are worse, less democratic, or even not democratic at all, and also that some are appropriate to also that some are appropriate to one, and some to another situation.

1. Constitutional Parliamentary Monarchy and Democracy

I. Having their origin in the Antiquity, both the monarchy and the reput ng "equally ancient") were as (being "equally ancient") were given various meanings during their long both However. While it

However, while the republic is a form of government appearing both oblics in the Appearance during their long history and democratic systems during the appearance and democratic systems during the Appe autocratic and democratic systems during history (from aristocratic abeen appearing autocratic systems during history (from aristocratic abeen appearing autocratic systems). republics in the Ancient Greece, onwards), monarchy has for centuries been appearable autocratic systems, only changing in 6 autocratic systems during history (from aristocratic and despartition) autocratic systems, only changing in form - from the ancient, absolutist monarchy to the medieval, etc.

At the time of the rising of modern state, the ideals of the Great Revolutions absoluted to the ideal of the ing place at the end of the eighteenth century, were associated to the ideal of the monarchy (absolute) was the sum! public, turning the republic into a symbol of freedom, the same as the monarchy solute) was the symbol of the hateful automated.

However

However, by the emergence of modern state (earlier in England, even out the parliamentary system).

However, by the emergence of modern state (earlier in England, even out the parliamentary system). However, by the emergence of modern state (earlier in England, even countil the parliamentary system began to over Great French Rever). Great French Revolution, also the first forms of constitutional in a series of hall be the continuous of the continuous and the continuous of the continuous continuo the parliamentary system began to evolve under its patronage, and, chy of could be paved the road to d paved the road to democratisation of the entire political system in a sericing of the principle region. revolution, also the first forms of constitutional monarces of will tries. Abandoning of the principle regis voluntas suprema lex este (the highest law), subjection of the monarces of swill be the highest law), subjection of the monarces of the constitution, so one of the suprema lex constitution, so of the constitution of the constitution, so one of the constitution of the constitution of the constitution. shall be the highest law), subjection of the monarch to the constitution, some of the main. his authority, involvement of the parliament in the of law-making process, some of the main characteristics of the entire political system. (In initial well-but also limits well-but authority, involvement of the monarch to the constitution, set of the some of the main characteristics of the emerging democratic authority, involvement of the parliament in the of law-making process, emerging democratic political system

The increasis

The increasingly consistent implementation of the great democratic idea to prevent the abuse of power thin rols the other. The increasingly consistent implementation of the great democratic idea one plants of the prevent the abuse of power, things have to be ordered in such a by the product destroy, i.e. prevent the abuse of power and inspired absolute the product of the great democratic idea one plants of controls the other", originating in Montesquicus² writings, and inspired absolutes and various kinds of about 10 percent the monopoly of powers to be ordered of the former as well as of about 10 percent the monopoly of powers to be ordered in such a by lute the percent the monopoly of powers to be ordered in spired absolutes and various kinds of about 10 percent to be ordered in such as well as of the former as of the former as well as of t controls the other", originating in Montesquieus² writings, and inspired absolutes the monopoly of power in the hands of the former as well actually and various kinds of absolutists and dietatement. acstroy, i.e. prevent the monopoly of power in the hands of the former as well as of absolutists and dictators in the republican systems, numberly and various kinds of absolutists and dictators in the republican systems, as well as of the former resulted not only in widening and strengthening of the parliamentary over the emergence and development of the constitutional monarchy. So, over the monarchy was or the emergence and development of the constitutional monarchy.

So, the monarchy and strengthening of the parliamentary monarchy.

So, the monarchy was created - the constitutional monarchy. So, the monarchy (constitutional parliamentary monarchy) and development of the constitutional parliamentary monarchy. So, the monarchy (constitutional parliamentary monarchy) and not to public (democratic), has proved to be a form of government appropriate and development of democratic political systems.

Slobodan Joy Monarchy

Slobodan Jovanović, *Država* (State), Ed. Geca Kon, Belgrade 1936, Book two. p. 222.
Montesquieu, *De l'esprit des Line* 2

II. So, nowadays, the issue of republic and monarchy as a question of democracy or autocracy, contrary to the still prevailing conformist opinion, cannot be raised at all. In other all, In other words, the belief that the republic has a democratic content and that it is the only form the only form proper to the development of a democratic political system, i.e. the belief that monoral proper to the development of a democratic political system, i.e. the belief that monoral proper to the development of a democratic political system, i.e. the belief that monoral proper to the development of a democratic political system. lief that monarchy has a non-democratic signification and that it is the form of government only of ment only of autocratic systems, does not correspond to the actual situation today.

Namely, it may easily be proved that in the modern state there are both republican democratic systems, but also clearly non-democratic, i.e. autocratic and even tolalitarian systems, but also clearly non-democratic, i.e. autocratic and c.e., can, Arab and A.C. the fascist states, military and other dictatorships in Latin Americial. can, Arab and African countries, etc., as well as in all the former and nowadays socialist countries). On the other hand, in the modern there may be found monarchies countries with an and African countries those in some of the Asian and African in countries). On the other hand, in the modern there may be found meaning countries with autocratic systems (such as those in some of the Asian and African called particular descriptions). Darticular descriptions of monarchical actions of the traces of various forms of monarchical actions of the traces of various forms of monarchical actions of the traces of various forms of monarchical actions of the traces of various forms of monarchical actions of the traces of various forms of monarchical actions of the property of countries with autocratic systems (such as those in some of the Asian and call absolutism have the Arab ones, where the traces of various forms of monarchical absolutism have the Arab ones, where the traces of various with obviously democratic systems. cal absolutism have not yet disappeared), but also in countries with obviously demoexists. Systems In Alexander of the Systems of the Syste exists in the form of the latter (countries of Western and Northern Europe), monarchy exists in the form of constitutional parliamentary monarchy.

Consequently, having in mind the current state of affairs, it may be concluded that democration mind the current state of affairs, it may be concluded that democration mind the current state of affairs, it may be concluded that democration mind the current state of affairs, it may be concluded that democration mind the current state of affairs. howadays democracy in the modern state is successfully developing in republics with paramentary, president liamentary, presidential and assembly system, as well as in parliamentary monarchies.

Spanish Constitution - a Model of Constitutional Parliamentary Monarchy

Nowadays the constitutional parliamentary monarchy is a modern, democratically crack, state, As I. Liberties of Nowadays the constitutional parliamentary monarchy is a modern, democrated to denocracy and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand and to ever a said, it proved in practice to be a system beneficial to denand a said and to ever a said han and to everything democracy represents and means - rights and liberties of fore, constitutions democracy represents and means - rights and framework han and to everything democracy represents and means - rights and normal fore, constitutional fire and fair elections, multi-party system, rule of law, etc. Therefor functional fore and fair elections, multi-party system, rule of law, etc. Therefore, the functional fire and fair elections, multi-party system, rule of law, etc. Therefore, the functional fire and fair elections, multi-party system, rule of law, etc. Therefore, the functional fire and fair elections, multi-party system, rule of law, etc. Therefore, the functional fire and fair elections in fact, is a proper basis and framework in fact, in fact, is a proper basis and framework in fact, in fact, is a proper basis and framework in fact, in fact, is a proper basis and fact in fact, in fore, constitutional parliamentary monarchy, in fact, is a proper basis and framework the hand parliamentary monarchy, in fact, is a proper basis and framework the hand parliamentary monarchy. for functioning of democratic political life, both from the point of the process of governdemocratic relations and relations and legislative power, and from the hent and relations of the executive and legislative power, and from the point of the process of govern democratic elections of the executive and legislative power, as well as from the first of a election of the executive and legislative power, as well as from the first of a election of the executive and legislative power, as well as from the democratic political life, both from the point of political relations of the executive and legislative power, as well as from the from the political parties in power, as well as from the from the political parties in power, as well as from the from the political parties in power, as well as from the political parties in power, as well as from the political parties generally, and then also hoint of functioning and mutual relation of political parties generally, and then also point of position of political parties in power, as well as non-marked point of positioning and mutual relation of political parties generally, and then also point of positioning and mutual relation of political life and political process. from the point of participation of citizens in political parties generally, and being and mutual relation of political parties generally, and being and mutual relation of political life and political process.

Denocratic significance and value of constitutional parliamentary monarchy is alithes of y several sev Confirmed by several of its characteristic features and qualities. Those features and of Spanish constitution of its characteristic features and put into practice particularly by the Spanish constitution of its characteristic features are put into practice particularly by the said that, the model qualitimed by several of its characteristic features and qualities. Those reatures and the Spanish Constitutional parliamentary monarchy are put into practice particularly by constitutional parliamentary monarchy are put into practice particularly by constitutional parliamentary monarchy are put into practice particularly by constitutional parliamentary monarchy are put into practice particularly by constitutional parliamentary monarchy are put into practice particularly by constitutional parliamentary monarchy are put into practice particularly by constitutional parliamentary monarchy are put into practice particularly by constitutional parliamentary monarchy are put into practice particularly by constitutional parliamentary monarchy are put into practice particularly by constitutional parliamentary monarchy are put into practice particularly by constitutional parliamentary monarchy are put into practice particularly by constitutional parliamentary monarchy are put into practice particularly by constitutional parliamentary monarchy are put into practice particularly by constitutional parliamentary monarchy are put into practice particularly by constitutional parliamentary monarchy are put into practice particularly by constitutional parliamentary monarchy are put into practice particularly by constitutional parliamentary monarchy are put into practice particularly by constitutional parliamentary monarchy are put into practice particularly by constitutional parliamentary monarchy are put into particularly by constitutional parliamentary monarchy are p of constitutional parliamentary monarchy are put into practice particularly of constitutional parliamentary monarchy are put into practice particularly of constitutional parliamentary monarchy are put into practice particularly of constitutional parliamentary monarchy are put into practice particularly of constitutional parliamentary monarchy are put into practice particularly of constitutional parliamentary monarchy are put into practice particularly of constitutional parliamentary monarchy are put into practice particularly of constitutional parliamentary monarchy are put into practice particularly of constitutional parliamentary monarchy are put into practice particularly of constitutional parliamentary monarchy are put into practice particularly of constitutional parliamentary monarchy are put into practice particularly of constitutional parliamentary monarchy are put into practice particularly of constitutional parliamentary monarchy are put into practice particularly of constitutional parliamentary monarchy are put into practice particularly of constitutional parliamentary monarchy are put into practice particularly of constitution (of December 29, 1978), so that it may be said that, the model constitution (of December 29, 1978), so that it may be said that, the model constitution (of December 29, 1978) are particularly of constitution (of December 29, 1978). of constitutional parliamentary monarchy are put may be said that, the most constitutional parliamentary monarchy so that it may be said that, the most constitutional parliamentary monarchy Spain today is a remarkable example of sucand excentional parliamentary monarchy Spain today is a remarkable example. cessful and exceptionally democratic constitutional parliamentary monarchy.

The Spanish Constitution (Article 1, item 3): "The political form of the Spanish State is the parliamentary of the Spanish Constitution (Article 1, item 3): "The political form of the Spanish State is the parliamentary of the Spanish Constitution (Article 1, item 3): "The political form of the Spanish State is the parliamentary of the Spanish Constitution (Article 1, item 3): "The political form of the Spanish State is the parliamentary of the Spanish State is the parliamentary of the Spanish Constitution (Article 1, item 3): "The political form of the Spanish State is the parliamentary of the Spanish State is See more on this, Francisco Fernández Segado, El sistema constitutional español, Editorial Dykinson, 126 et sea

I. In constitutional parliamentary monarchy the powers and prerogatives of the narch are legally settled and an incomparison of the constitution, the monarch are legally settled and regulated. This is done by means of the constitution and possibly by means of laws and possibly by means of laws pursuant to the constitution (exceptionally, as it means of the case in England, by means of and that the case in England, by means of laws pursuant to the constitution (exceptionally, as then, that the authority of the monarch but also that the authority of the monarch is based on the constitution⁴, that it has its ground but also its limits in the constitution that the constitution that it has its ground but also its limits in the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has its ground other and the constitution that it has it has it has it ha but also its limits in the constitution, so that monarch neither has nor can have any other authority but the one real. other authority but the one recognised by the constitution. There is a well-known what the least a limit aliud potest what the least a limit is a well-known what the least a limit is a well-known what the least a limit is a well-known what the least a limit is a limit in the least a limit in the constitution. There is a well-known what the least a limit in the constitution. Latin saying: nihil aliud potest rex quam quod de iure potest (the king may do my what the law permits).

In this respect, the provision of the Spanish Constitution is quite explicit.

3... exercises the functions expression and the spanish Constitution is quite explicit.

4... (Article 56...) In this respect, the provision of the Spanish Constitution is quite explicit. The King... exercises the functions expressly attributed to him by the Constitution and laws" (Article 56, item 1 in fine). It about 11 in fine) and the constitution is a direct and the constitution is a direct and the constitution in the constitution is a direct and the constitution in the constitution is a direct and the constitution in the constitution is a direct and the constitution in the constitution is a direct and the constitution in the constitution is a direct and the constitution in the constitution is a direct and the constitution in the constitution is a direct and the constitution in the constitution is a direct and the constitution in the constitution is a direct and the constitution in the constitution is a direct and the constitution in the constitution is a direct and the constitution in the constitution is a direct and the constitution in the constitution is a direct and the constitution in the constitution is a direct and the constitution in the constitution is a direct and the constitution in the constitution is a direct and the constitution in the constitution is a direct and the constitution in the constitution is a direct and the constitution is a direct and the constitution in the constitution is a direct and the constitution in the constitution is a direct and the constitution in the constitution in the constitution is a direct and the constitution in the constitution laws" (Article 56, item 1 in fine). It should be mentioned in passing that such items and the constitution is a direct consequence of the constitutional (Article 56, item 1 in fine). It should be mentioned in passing that such is the constitution the constitutional parliamentary monoral in the following the constitutional parliamentary monarchy, formulated by the Spanish people that in the following way: "National source, sourc in the following way: "National sovereignty belongs to the Spanish people that whom emanate the powers of the state" (A spanish partial partia whom emanate the powers of the state" (Article 1, item 2). This means to fully a resentative of the pat constitutional parliamentary monarchies the monarch is not sovereign, this fully own resentative of the nation? So it was complete to every constitutional parliamentary monarchies the monarch is not sovereign, this fully own plies to every constitution. resentative of the nation. So it was concluded (in case of Belgium, but the king is the plies to every constitutional parliamentary monarchies the monarch is not sovereign, but this king plies to every constitutional parliamentary. resentative of the nation? So it was concluded (in case of Belgium, but stilly of the states) but this fully of the states of the nation? So it was concluded (in case of Belgium, but this king of the states) but this fully of the states of piles to every constitutional parliamentary monarchy) that "the King is the Ki

II. The second aspect of the legal regulation of the monarch's authority of the ogatives in constitutional parliamentary. prerogatives in constitutional parliamentary monarchy is the subjection that 1), with to the Constitution. The Spanish Constitution expressly establishes item powers are subject to the Constitution and the legal order "(Article 9, iorities, well includes the General Cortes, the Government and the other state authorities the full meaning of the word, also the Spanish King. In this respect, legal results the subjection of the word, also the Spanish King. In this respect, legal results the full meaning of the word, also the Spanish King. In this respect, legal results the subjection of the state at the subjection of the word, also the Spanish King. In this respect, legal results the subjection of the subjection of the word, also the Spanish King. In this respect, legal results the subjection of the subjection of the word of the subjection of the sub with this, the idea of the mile tutional parliam.

With this, the idea of the rule of law becomes the constitutive elemental parliamentary monarchy. This then is also a barrier to potential before the C With this, the idea of the rule of law becomes the constitutive element and the future of law becomes the constitutive potential in the future of law becomes the constitutive potential in the future of law becomes the constitutive potential in the future of law becomes the constitutive potential in the future of law becomes the constitutive potential in the future of the future of law becomes the constitutive potential in the future of the future

Points to his subjection to the Constitution, but also to his general position ("...loyally to perform the laws and to respect the ly to perform his duty, to protect the Constitution and the laws and to respect the rights of oic. rights of citizens and autonomous communities", Article 61, item 1).

III. Further, the authority and prerogatives of the monarch in constitutional parliamentary monarchy are limited. The development of monarchy after the period of absolute. of absolute monarchies was characterised by constant reduction of monarch's powers and the loss account of the loss and the loss account of the lo and the loss of numerous prerogatives, resulting in a constitutionally established (limited) hody. (limited) body of his functions and powers in constitutional parliamentary monarchy. Compared to the absolute monarchy, this body of functions and powers is drastically reduced in the absolute monarchy, this body of functions and powers is drastically already by the mere fact of reduced in the constitutional parliamentary monarchy, already by this principle, separation of powers and distribution of functions presumed by this principle, although, as Constitutional parliamentary monarchy, already by the increase, although, as Constitutional parliamentary monarchy, already by the increase, although, as Constitutional parliamentary monarchy, already by the increase although, as Constitutional parliamentary monarchy, already by the increase although as Constitutional parliamentary monarchy, already by the increase although a constitutional parliamentary monarchy, already by the increase although a constitutional parliamentary monarchy, already by the increase although a constitutional parliamentary monarchy, already by the increase although a constitutional parliamentary monarchy, already by the increase although a constitutional parliamentary monarchy, already by this principle, although as Constitutional parliamentary monarchy, already by this principle, although as Constitutional parliamentary monarchy, already by this principle, although as Constitutional parliamentary monarchy, already by the increase although a constitution of powers and distribution of functions presumed by this principle, although a constitution of powers and distribution of functions presumed by the increase although a constitution of powers and distribution of functions presumed by the constitution of the c although, as Guizot said at one time, "the throne is not an empty chair". In Spanish entity the said at one time, "the throne is distributed into three growing that the said at one time, "the throne is not an empty chair". constitutional theory the authority of the Spanish King is distributed into three groups: symbols symbols and distribution of the Spanish King is distributed into three groups: symbols symbols and function of arbitration, in groups: symbolic function, function of moderation and function of arbitration, in addition to other addition to other competences provided by the Constitution 12.

From the symbolic function, function of moderation and partition of the constitution 12.

From the legal point of view, in Spanish constitutional parliamentary monarchy is the result of view, in Spanish constitutional parliamentary monarchy is the result of view, in Spanish constitutional parliamentary monarchy is the result of the view of the vi the monarch is the head of the executive which, however, in no sense means that the whole executive to head of the executive which, however, in this executive powers are it. whole executive lies in his hands, i.e. that he actually controls it. His executive powers also in his hands, i.e. that he actually controls it. His executive, are are limited not only by certain competences of the Government and the ministers, but tesney the fact the competences of the Government and the ministers, are tesney the fact the competences of the competences as a part of the executive, are also by the fact that the Government and the ministers, as a part of the executive, are king libe to the Government and the ministers, as a part of the executive, are the constitution particularly states that the constitution particularly states that the tesponsible to the Parliament. The Spanish Constitution particularly states that the groups shall proper and the ministers, as a part of the executive states that the groups shall proper arrangement and the ministers, as a part of the executive states that the groups shall proper arrangement and the ministers, as a part of the executive states that the groups shall proper arrangement and the ministers, as a part of the executive states that the groups shall proper arrangement and the ministers, as a part of the executive states that the groups shall proper arrangement and the ministers, as a part of the executive states that the groups shall proper arrangement and the ministers, as a part of the executive states that the groups shall proper arrangement and the ministers, as a part of the executive states that the groups shall proper arrangement and the ministers, as a part of the executive states that the groups shall proper arrangement and the ministers, as a part of the executive states that the groups shall proper arrangement are groups at the executive states are groups are groups. king shall be to the Parliament. The Spanish Constitution particularly states the groups represented a fidure and the ministers, after consulting the representatives nominated by political didate representatives, after consulting the representatives of the Congress, the candidate are presented and the president of the Congress, the candidate are presented as a second candidate has groups shall propose, after consulting the representatives nominated by propose, after consulting the representatives nominated been for the Description of the Parliament and through the President of the Congress, the candidate for the Presidency of the Government; in case the proposed candidate has Government of the Government and through the President of the President of the Government of the Government of the King shall appoint him President of the Constitubeen for the Presidency of the Government; in case the proposed candidate Government of the Government (also been the proposed candidate) the Government of the Government (also be the Constitution); the procedure provided by the Constitution); the procedure provided by the Constitution of the graph of the procedure provided by the Constitution of the graph of the procedure provided by the Constitution of the graph of the procedure provided by the Constitution of the graph of the gr Government (also dismiss him following the procedure provided by the Constitution); the King shall appoint and dismisses members of the Government upon pro-Government the Presidence by the Congress, the King shall appoint and dismisses members of the Government upon pro-the Presidence by the Congress, the King shall appoint and dismisses members of the Government upon pro-the Presidence by the Congress, the King shall appoint and dismisses members of the Government upon pro-the Congress that the King receives resignation of the Congress that the King receives passed by the bosal the King shall appoint and dismisses members of the Government upon F Government of the President of the Government; the King receives resignation of the Council when the Government when its confidence; signs decrees passed by the Government when the Congress denies its confidence; signs decrees passed by the accordance of Ministra Council of Ministers; appoints to civil office and awards honours affairs of the state and, for that place with the congress denies its confidence; signs decrees passed of the accordance with the congress denies its confidence; signs decrees passed of the state and distinctions in that place with the congress denies its confidence; signs decrees passed of the accordance with the congress denies its confidence; signs decrees passed of the accordance with the congress denies its confidence; signs decrees passed of the accordance with the congress denies its confidence; signs decrees passed of the accordance with the congress denies its confidence; signs decrees passed of the accordance with the congress denies its confidence; signs decrees passed of the accordance with the congress denies its confidence; signs decrees passed of the accordance with the congress denies its confidence; signs decrees passed of the accordance with the congress denies its confidence; signs decrees passed of the accordance with the congress denies its confidence; signs decrees passed of the accordance with the congress denies its confidence; signs decrees passed of the accordance with the congress denies its confidence; signs decrees passed of the accordance with the congress denies its confidence; signs decrees passed of the accordance with the congress denies its confidence. that purpose, presides over the sessions of the Council of Ministers when deems this f, g, Arr; at the appropriate with the law; acquires information regarding Ministers when deems f, g, Article 99 its armed forces. Resides over the session of the President of the half. In add., items 1, 3, Article 100, Article 114).

In addition, the King of Spain is the supreme commander of the armed forces.

Italives ambox is the supreme commander of the armed forces.

Italives ambox is the supreme commander of the armed forces. He addition, the King of Spain is the supreme commander of the armed to interped are accredity ambassadors and other diplomatic representatives, and foreign representatives ambassadors and other diplomatic representatives agreement of the state are accretionally are accretionally and other diplomatic representatives. Sentatives are accredited with him. He is authorised to express agreement of the state state according to the Constitution and statutory, and toreign to the state accredited with him. He is authorised to express agreement of the state according to the Constitution and the constitut to international commitment by means of the General Cortes. The King is authorised to express agreement of the constitution and this ed to do and to do and the commitment by means of the General Cortes. The King is authorised to do and to do and the commitment by means of the General Cortes. Statutory law, and upon previous consent of the General Cortes. The King is authorised to declare was according to the Constitution. rised to declare war and make peace (Article 62, item h, Article 63).

Francisco Fernández Segado, El sistema constitucional español, p. 556 et seq.

Slobodan Jovanović, *Ustavno pravo* (Constitutional Law), Ed. Geca Kon, Belgrade those folder by the Constitution of Belgium (1831 1904). The Ving has no other powers at self et self the See also E See also the Constitution of Belgium (1831, 1994): "The King has no other powers itself et set by the Constitution and the special laws passed in the Constitution of Belgium (1831, 1994): "The King has no other powers itself et set by the Constitution and the special laws passed in the Constitution and the Constitution and the Constitution and the Special laws passed in the Constitution and th See also the Constitution of Belgium (1831, 1994): "The King has no other powers save the rest of the constitution and the special laws passed in accordance with the Constitution of See also, Francisco Fernández Segado. El constitutional español, possible exercised in the manufacture of the second of the seco

See also, Francisco Fernández Segado, El sistema constitucional español, presses in the manner laid down by the Constitution of Belgium as well: "All powers stem from the second from the manner laid down by the Constitution" (Article 33)

See also, P. LALUMIÈRE – A. Description of Belgium as well: "All powers see also, p. 270. The King has no other power.

The King has no other powers.

The Live has no other has no ot ** Robert Senelle, La Constitution belge commentée, Ed. Ministère des affaires

**Robert Senelle, La Constitution belge commentée, Ed. Ministère des affaires

**Trancis Delpérée, "La Constitution belge commentée, Ed. Ministère des affaires

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**Trancis Delpérée, "La Constitution belge commentée, Ed. Ministère des affaires problement, Bruxelles 1974 p. 268.

Quoted from Mau. Quoted from Maurice Duverger, Institutions politiques et droit constitutionnel, Ed. Presses universitaires Francis, p. 187

In several cases, the Constitution entrusts the King with the authority to elect of pint: the members of the Constitution entrusts the King with the authority to elect of pint: the members of the Constitution entrusts the King with the authority to elect of pint: the members of the Constitution entrusts the King with the authority to elect of pint of the Supremental entrusts. appoint: the members of the General Judicial Council, President of the members of the General Judicial Council, President of the members of the General Judicial Council, President of the members of the General Judicial Council, President of the members of the General Judicial Council, President of the members of the General Judicial Council, President of the members of the General Judicial Council, President of the members of the General Judicial Council, President of the members of the General Judicial Council, President of the members of the General Judicial Council, President of the members of the General Judicial Council, President of the members of the General Judicial Council, President of the members of the General Judicial Council, President of the members of the General Judicial Council, President of the members of the General Judicial Council, President of the Members of the General Judicial Council, President of the Members of the General Judicial Council, President of the Members of the General Judicial Council, President of the Members of the General Judicial Council, President of the Members of the General Judicial Council, President of the Members of the General Judicial Council, President of the Members of the General Judicial Council, President of the Members of the General Judicial Council, President of the General Judicial Council, President of the Members of the General Judicial Council, President of Court (upon proposal of the General Judicial Council), President and the members of the Constitutional Court. etc. (Amin) 122 (Amin) 122 (124) the Constitutional Court, etc. (Article 122, item 3, Article 123, item 2, Article 159, item 1, Article 170)

In the legislative sphere the King has the power to sanction and promulgate s. Namely, the King shall sanction eral Company of the King shall sanction and promulgate sanction and promulgate sanction and promulgate s. Namely, the King shall sanction and promulgate sanction and promulgate sanction and promulgate s. Namely, the King shall sanction and promulgate sanction and promulgate sanction and promulgate s. Namely, the King shall sanction and promulgate s. Namely, the control of the sanction s. Namely, the control of the sanction s. Namely s. Namel laws. Namely, the King shall sanction, within fifteen days, all the laws delay (Article General Cortes, promulgate them and promulgate them are promulgated to the promulgate them and promulgated them are promulgated to the promulgated them are promulgated them are promulgated to the promulgated to the promulgated them are promulgated to the promulgated them are promulgated to the promulg General Cortes, promulgate them and order their publication without proposal representation. Article 91)¹³. He also solved at the proposal representation of the Cortes and Proposal Representation 62, item, a, Article 91)¹³. He also schedules referendum upon the proposal President of the Government previously. President of the Government previously empowered by the Congress of the sentatives. In addition, a political decision of the Congress of the condum. Referent sentatives. In addition, a political decision of special importance may be put on endum. Referendum has advisory characteristics. endum. Referendum has advisory character (Article 62, item c, Article 92).

In two strictle 1.

In two strictly listed cases, the King of Spain may dissolve the Parliament in the President of the Government follows: In two strictly listed cases, the King of Spain may dissolve the Parliament. Name of ly, the President of the Government, following the debate in the Council of Senat the and under his own responsibility, may prove the debate of the Congress, and the General Cortes. and under his own responsibility, may propose dissolution of the Congress, which the King shall analysis described also determined the debate in the Congress, which the King shall analysis described also determined the debate in the Congress, which the King shall analysis described also determined the des and under his own responsibility, may propose dissolution of the Congress, ining the General Cortes, which the King shall carry out by his decree, also this proposal date of the elections. The President of the Congress, also this proposal case of an on-going proposal propo date of the elections. The President of the Government may not submit dissolution of the new dissolution of the new dissolution of the new dissolution of the new dissolution of the case of an on-going procedure for vote of papers. case of an on-going procedure for vote of non-confidence, and the new dissolution of the undertaken within a period of one vote of non-confidence, and dissolution within the case of dissolution (of the case of dissolution)). ase of an on-going procedure for vote of non-confidence, and the new dissolution, and the undertaken within a period of one year since the previous dissolution within a period of one year since the previous dissolution (of both the Chambers) the View undertakes because had received confidence. not be undertaken within a period of one year since the previous dissolution within the case of dissolution (of both the Chambers) the King undertakes because had received confidence in the Congression of confidence in the Congression of confidence in the Congression of the Cong case of dissolution (of both the Chambers) the King undertakes because had received months since the first voting on formation of government no candidate confidence in the Congress (Article 115 item 1 Accordance in the mentions 1 item 1).

The mentioned powers and prerogatives of the monarch in Spain (which are sidely in the case with other constitutional parliaments and presidents in Europe) are sidely limited. The mentioned powers and prerogatives of the monarch in Spain (which is although) tially the case with other constitutional parliamentary monarchies in Europe the president would be side and functions of the many of the democratic restricted than the restricted than the restrictions of the many of the democratic restricted than the restricted than the restrictions of the many of the democratic restricted than the restricted than the restricted than the restrictions of the many of the democratic restricted than the restricted than the restrictions of the many of the democratic restricted than the restricted than the restrictions of the many of the democratic restricted than the restricted than the restrictions of the many of the democratic restricted than the restricted than the restrictions of the many of the democratic restricted than the restrictions of the many of the democratic restricted than the restrictions of the many of the democratic restricted than the restrictions of the many of the democratic restricted than the restrictions of the many of the democratic restricted than the restrictions of the many of the democratic restricted than the restrictions of the many of the democratic restricted than the restrictions of the many of the democratic restricted than the restrictions of the many of the democratic restrictions of the ma ually the case with other constitutional parliamentary monarchies in Europe the presidency siderably limited, even more restricted than the powers and functions of the many of the democratic republics, particularly there with the presidential system. The only it would be wrong to assure has lost the control of the property of the presidential system. siderably limited, even more restricted than the powers and functions of the monarch in Spain (which are thurth as a symbolic system). Siderably limited, even more restricted than the powers and functions of stem monarch in system and that the powers are thurth as a symbolic system. The presidential system is the presidential system and that the monarch is constitutional parliamental parliamental that the monarch is constitutional that the monarch is constitutional parliamental that the monarch is constitutional that the monarch is constitutio many of the democratic republics, particularly those with the presidential system and the would be wrong to assume that the monarch in constitutional parliament, and say this has lost the essential constitutional position in the evetom of government, avious, and prerogative would be wrong to assume that the monarch in constitutional parliament, and sauthis has lost the essential constitutional position in the system of government, and preventions as symbolic role in the political life of the country. By loosing his preventions and preventions and preventions are preventional position in the system of government. nas lost the essential constitutional position in the system of government, and has a symbolic role in the political life of the country. By loosing his previous and prerogatives, monarch has acquired "the authority of another sort" (M. prelot) and prerogatives and previous and and prerogatives, monarch has acquired "the authority of another sort" (M. Predot).

As regarded.

As regarded.

a consequence of what Bagehot has long ago succinctly formulated as the three rights of the man that the King has the right to enrights of the monarch: "The King has the right to know; the King has the right to encourage; the King has the right to warn"16.

IV. The Institution of Counter-Signature. Constitutional parliamentary monarchy is not a system of personal power. The structure of constitutional parliamentary monarchy is not archy is not and cannot be the ground for personalisation of power, i.e. for incarnation of power. tion of power in a single person, and consequently also for instituting of any kind of personal now. personal power system-dictatorship, despotism, and the like.

Namely, in addition to the already mentioned factors (legal regulation of powers prerogatives) and the like. and prerogatives of the monarch, subjection of the monarch to the constitution, limitation of his presenting the tation of his powers and prerogatives), especially important factor, representing the barrier to establish to establish and prerogatives), especially important factor, representing the properties to establish and prerogatives). batrier to establishing of any kind of personal order, lies in the fact that the monarch may only even in the fact with the president of the p may only exercise his constitutional authority if all his acts are signed by the President of the Government of the Gove dent of the Government or the ministers (the institution of counter-signature). As a consequence, it is their responsibility for such acts before the Parliament, before the they are which they are responsible anyway¹⁷. Moreover, the opinion expressed in the patrial the monarch responsible anyway¹⁷. Moreover, the opinion expressed in the fact the monarch may exercise his authority only "in accordance with the policy set up by the Cabinet" (Dy exercise his authority only "in accordance with the policy set up by the Cabinet" (Dy exercise his authority only "in accordance with the policy set up by the Cabinet" (Dy exercise his authority only "in accordance with the policy set up by the Cabinet" (Dy exercise his authority only "in accordance with the policy set up by the Cabinet" (Dy exercise his authority only "in accordance with the policy set up by the Cabinet" (Dy exercise his authority only "in accordance with the policy set up by the Cabinet" (Dy exercise his authority only "in accordance with the policy set up by the Cabinet" (Dy exercise his authority only "in accordance with the policy set up by the Cabinet" (Dy exercise his authority only "in accordance with the policy set up by the Cabinet" (Dy exercise his authority only "in accordance with the policy set up by the Cabinet" (Dy exercise his authority only "in accordance with the policy set up by the Cabinet" (Dy exercise his authority only "in accordance with the policy set up by the Cabinet" (Dy exercise his authority only "in accordance with the policy set up by the Cabinet" (Dy exercise his authority only "in accordance with the policy set up by the Cabinet") (Dy exercise his authority only "in accordance with the policy set up by the Cabinet") (Dy exercise his authority only "in accordance with the policy set up by the Cabinet") (Dy exercise his authority only "in accordance with the policy set up by the Cabinet") (Dy exercise his authority only "in accordance with the policy set up by the Cabinet") (Dy exercise his authority only "in accordance with the policy set up by the Cabinet") (Dy exercise his authority only "in accordance with the policy set up by the Cabinet "in accordance with the policy set up by the policy set the Cabinet" (R. Fusilier)¹⁸, seems to be acceptable. However, although it is the fact that the monard that the monarch may not act on his own, it is also the fact that his competences may not be performable may not act on his own, it is also the fact that his competences may hein performable may not act on his own, it is also the fact that his competences may hein performable may not act on his own, it is also the fact that his competences may hein performable may not act on his own, it is also the fact that his competences may hein performable may not act on his own, it is also the fact that his competences may hein performable may not act on his own, it is also the fact that his competences may hein performable may not act on his own, it is also the fact that his competences may hein performable may not act on his own, it is also the fact that his competences may hein performable may not act on his own, it is also the fact that his competences may hein performable may not act on his own, it is also the fact that his competences may hein performable may not act on his own, it is also the fact that his competences may hein performable may not act on his own, it is also the fact that his competences may hein performable may not act on his own, it is also the fact that his competence may hein performable may not act on his own. not be monarch may not act on his own, it is also the fact that his competent heither is, nor may be anybody else. This speaks then in favour of a conclusion that he policy is, nor may be anybody else. This speaks then in favour of a conclusion that he policy is nor may be anybody else. This speaks then in favour of a conclusion that he process of government and creation of policy is nor may be a competent. heither is, nor may be a passive factor in the process of government and creation of we to, but an income a passive factor in the process. It is even more so if policy is, nor may be a passive factor in the process of government and creder we take into account and inevitable (and active) partner in such a process. It is even more so if relate into account and process in the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government and creder we are not account to account the process of government We take into account the authority of his status and his role in general, particularly his to the

relations to the Government and the ministers. Moreover, all this gives a completely different meaning to the rule on personal heart and the ministers different meaning to the rule on personal heart and the gives a completely different meaning to the rule on personal heart and the gives a completely different meaning to the rule on personal meaning to the rule of the inviolability and irresponsibility of the monarch characteristic of constitutional par-sibility monarch characteristic of constitutional parliamentary and irresponsibility of the monarch characteristic of constitutions of the monarch characteristic of constitutions and irresponsibility and irresponsibility monarchy. In other words, the rule on personal inviolability and irresponsibility of a monarchy. In other words, the rule on personal inviolability and irresponsibility of a monarchy. In other words, the rule of power. All this vindicates an old the property of sibility of a monarchy. In other words, the rule on personal inviolability and inviolability and old (but up-to-det has no effect upon his exercise of power. All this vindicates an (Rex up-to-det has no effect upon his exercise of power. All this vindicates an including of the role of a old (but up-to-date) saying, according to which "The King reigns, but does not rule" (Rex regnat, sed) saying, according to that the deeper meaning of the role of a (Rex regnat, sed non gubernat). It is here that the deeper meaning of the role of a monarch in the Monarch in the process of governing a country with constitutional parliamentary should be should be saying, according to which in the deeper meaning of the result in the process of governing a country with constitutional parliamentary monarchy in the process of go.

Exactly in this sense the Spanish Constitution establishes the way (and mean-of realisation as the Spanish Constitution establishes the way (and mean-of the monarch. So, according to the Constitu-Exactly in this sense the Spanish Constitution establishes the way (and tion) of realisation of the prerogatives of the monarch. So, according to the Constitution, the King's and the may not be held responsible. His acts and he may not be held responsible. tion, the King's personality is inviolable and he may not be held responsible. His acts ity (examples to be be always to be have allways to be counter-signed, and without counter-signature they have no validity (except in Case ity (e_x always to be counter-signed, and without counter-signature they nave no large to be counter-signed, and without counter-signature they nave no large to be counter-signed, and without counter-signature they nave no large to be counter-signed.

As regards contents, the Constitution of the Kingdom of Netherlands contains the same king Be
"A draft-law shall become a law when adopted by the Parliament and sanctioned by the so the Constitution of Delivery and sanctioned by the same king Be adopted by the solution of Delivery adopted by the same king Be the King: "A draft-law shall become a law when adopted by the Parliament and sanction a draft-law shall become a law when adopted by the Parliament and sanction a draft-law shall become a law when adopted by the Parliament and sanction a draft-law shall become a law when adopted by the Parliament and sanction a draft-law shall become a law when adopted by the Parliament and sanction a draft-law shall become a law when adopted by the Parliament and sanction a draft-law shall become a law when adopted by the Parliament and sanction a draft-law shall become a law when adopted by the Parliament and sanction a draft-law shall become a law when adopted by the Parliament and sanction are fusion and proves the laws." (Article law shall become a law when adopted by the Parliament and sanction are fusion and proves the laws." (Article law shall become a law when adopted by the Parliament and sanction are fusion as a draft-law shall become a law when adopted by the Parliament and sanction are fusion as a draft-law shall become a law when adopted by the Parliament and sanction are fusion as a draft-law shall become a law when adopted by the Parliament and sanction are fusion as a draft-law shall be come a law when adopted by the Parliament and sanction are fusion as a draft-law shall be come a law when adopted by the Parliament and sanction are fusion as a draft-law shall be come a law when adopted by the Parliament and sanction are fusion as a draft-law shall be come a law when adopted by the Parliament and sanction are fusion as a draft-law shall be come a law when adopted by the Parliament and sanction are fusion as a draft-law shall be come a law when adopted by the Parliament and sanction are fusion as a draft-law shall be come a law when adopted by the Parliament and sanction are fusion as a draft-law shall be come a law when adopted by the Parliament and sanction are fusion as a draft-law shall be come a law when adopted by the Parliament and sanction are fusion as a draft-law shall be come a law when adopted by the tem 1), also the Constitution of the Kingdom of Netherlands contains the same King pelding to same them 1), also the Constitution of Belgium: "The King sanctions and approves the laws" (Article law sanctions stitutional theory there is an opinion that "the King may refuse, in theory, to sanction by refusing for its Chambers", but it is "practically impossible that the King should use his right of veto by to voting arch is consequently adopted by the Parliament." Sanction and the King should use his right of veto by the voting arch is consequently adopted by the Parliament. Sanction and the King should use his right of veto by the voting arch is consequently sanction. stitutional theory there is an opinion that "the King sanctions and approves the laws" (Article Italy) adopted by the Parliament and sanction a drusing for a flower Chambers", but it is "practically impossible that the King should use his right of veto by the Parliament." Sanction and promulgation then are automatically subsequent the monarch parliament (Robert Senelle, La Constitution belge commentation p. 246). In Great Britain the never refuse adopted law. The last to sanction and promulgation then are automatically subsequent the monarch parliament (Robert Senelle, La Constitution belge commentation p. 246). In Great Britain the never refuse adopted law. The last to an opinion that "the King may refuse, in theory, to sanction a draft to sand adopted by the Parliament." Sanction and promulgation then are automatically subsequent the monace his refuse he never refuse. Parliament (Robert Senelle, *La Constitution belge commentée*, p. 246). In Great Britain the refuse he never refuse with the right to refuse to sanction a law adopted in Parliament, but in practice he never refuse to sanction a law adopted in Parliament, but in practice he never refuse to sanction a law adopted in Parliament, but in practice. Harold J. L. Harold J. L. Harold J. L. See also opinions: Francis Después he never refuse to sanction a law adopted his right was as long as in 1707.

See also opinions: Francis Después he never refuse to sanction a law adopted his right was as long as in 1707. Died law. The last time the English monarch used this right was as long as in 1707.

See also opinions: Francis DELPÉRÉE, La Couronne de Belgique, p. 335-336; Parel de Marcel Prelot's onional time the English monarch used this right was as long as in 1707.

According to Marcel Prelot's onional time the parliamentary recopy, and de See also opinions: Francis Delpérée, La Couronne de Belgique, p. 335-336; Pardelle en montre en Angleterre, Ed. Presses universitaires de France. Paris 1950, p. and he sanction this lead to reinforcement of monarchy at the parliamentary regime allowed reconciliation of two theoretically opposite.

According to Marcel Prelot's opinion this lead to reinforcement of monarch elementary regime allowed reconciliation of two theoretically opposite. Les éditions ouvrières, Paris 1927. According to Marcel Prelot's opinion this lead to reinforcement of monastic elementhies particular the top, and democratic stimulation at the bottom", in book Raymond FUSH IFR. Les monastic Ed. Les éditions ouvrières, Paris 1960 — 15

Fusil Lier, Les monarchies parlementaires européens, p. 293 et seq. Raymond Fusilier, Les monarchies parlementaires européens, p. 293 et seq. Raymond Fusilier, Les monarchies parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fig. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementaires européens, p. 293 et seq. Raymond Fusilier, Les régimes parlementair See also, P. LALUMIÈRE – A. DEMICHEL, Les régimes parlementaires européens, p. 293 et seq; Raymond dom nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementaires européens, p. 293 et seq; Raymond Les nonarchies parlementair See also, P. Lalumière – A. Demichel, Les régimes parlementaires, Deventer-Boston 1993, p. 5, 60 et seq. Lalumière – A. Demichel, Les régimes parlementaires, Deventer-Boston 1993, p. 5, 60 et seq. Lalumières parlementaires, p. 40 et seq. Constantijn A.J.M. Kortmann – Paul F.I. Boston 1993, p. 5, 60 et seq. Lalumières parlementaires, p. 40 et seq. Constantijn A.J.M. Kortmann – Paul F.I. Boston 1993, p. 5, 60 et seq. Lalumières parlementaires, p. 40 et seq. Constantijn A.J.M. Kortmann – Paul F.I. Boston 1993, p. 5, 60 et seq. Lalumières parlementaires parlementaires, p. 41.

Volume 3, No 2, 1996, p. 283 et seq. Raymond Fusilier, Les monarchies parlementaires, p. 41. See also, Francis Delpérée, "La monarchie belge", in journal Revue Internationale de Politique comparée 3, No 2, 1996, p. 202

Household). The King' acts have to be counter-signed by the President of the Government and, in the given case benefit ernment and, in the given case, by the competent ministers, and in the case of nation and appointment of the Drawn's dissolution. nation and appointment of the President of the Government, as well as in the president dissolution of both the Chambers him of the Corr dissolution of both the Chambers, his acts have to be counter-signed by the responsible for the of the Congress. The persons who have counter-signed King's acts shall be responsible for them (Article 56, item 3 Article 64)

V. In addition to the mentioned traditional elements (characteristics) of the stitutional parliamentary monarchined traditional elements (characteristics) of what stitutional parliamentary monarchined traditional elements (characteristics) of the stitutional elements v. In addition to the mentioned traditional elements (characteristics) of what constitutional parliamentary monarchy, what is characteristic of this system the legist particularly contributes to securing and half it leads to be tween the legist lative and execution. particularly contributes to securing and holding out of the balance between of the lative and executive power (which in first in the basis of particularly contributes to securing and holding out of the balance between of the lative and executive power (which in first in the basis of particularly contributes to securing and holding out of the balance between the basis of particularly contributes to securing and holding out of the balance between the basis of particularly contributes to securing and holding out of the balance between the bala particularly contributes to securing and holding out of the balance between the legislative and executive power (which in fact is the essence of separation of powers) the basis of parliamentary system) in the energy of this system is the essence of separation of the monarch in the event the basis of parliamentary system), is the true role and general position his position above the system, as the symbol of miles and system and system. me basis of parliamentary system), is the true role and general position monarch in the system, as the symbol of unity and continuity of the state, particularly his position above the political partice.

In correct

In constitutional parliamentary monarchy the monarch is, factually, and is ve the political parties. He does not incline In constitutional parliamentary monarchy the monarch is, factually, and is above the political parties. He does not incline to any of the political parties of consequently above the party interests. above the political parties. He does not incline to any of the political parties principal consequently above the party interests. So, it may be assumed that the principal derlying his activity is "strict political parties." consequently above the party interests. So, it may be assumed that the dly a reing derlying his activity is "strict political neutrality" which is undoubted protecting ment necessary for realisation of his function of representing and protecting general interests of the cit. uerlying his activity is "strict political neutrality" which is undoubtedly are ment necessary for realisation of his function of representing and protecting general interests of the citizens and the state.

As a person of the political political neutrality are ment necessary for realisation of his function of representing and protecting general interests of the citizens and the state.

As a person above the political parties, the monarch in constitution artises, and monarchy is a neutral (and objective) footoning to nolitical parties to political parties. As a person above the political parties, the monarch in constitutionarties, the monarch is a neutral (and objective) factor in relation to political party life and performing his constitutionally determined enables him to mode. performing his constitutionally determined activities does not take party life enables him to moderate the party conflicts in political and parliamentary of the parties in the Government of parliamentary average in the Government of the rules of parliamentary average in the domain of forms the parties in the Government of the rules of parliamentary average in the domain of the rules of parliamentary average in the domain of the rules of parliamentary average in the domain of the rules of parliamentary average in the domain of the rules of parliamentary average. enables him to moderate the party conflicts in political and parliamentary forming the cure implementation of the rules of parliamentary system in the domain forming the parties in the Government and the Parliament²². So in the process for the fully government, the monarch shall respect the majority rule, and the shall respect the majority rule, and the parliamentary majority, in the same way as he shall reproduce the opinion of the Government in case of accomplish the case of th overnment, the monarch shall respect the majority rule, and the shall respect the same way as he shall respect the sam opinion of the parliamentary majority, in the same way as he shall respect the majority rule, and therefore the things tive of the Government in case of dissolution of the parliament, the political in the parliament, to accomplish his role of the mediator and even the arbitrator in the political of the country is also suppose to expressions. uve of the Government in case of dissolution of the parliament, the political in the accomplish his role of the mediator and even the arbitrator in the monarch to the country is also supported by the opportunity of the monarch to the parliament, the political in the political i o accomplish his role of the mediator and even the arbitrator in the monarch to to the country is also supported by the opportunity of the monarch to to the same way as he shall respect opportunity of the monarch to to what the political prints of the country is also supported by the opportunity of the monarch to the same way as he shall respect opportunity of the parliament, the political prints of the country is also supported by the opportunity of the monarch to the same way as he shall respect opportunity of the parliament, the political prints of the country is also supported by the opportunity of the monarch to the same way as he shall respect opportunity of the parliament, the political prints of the country is also supported by the opportunity of the monarch to the same way as he shall respect opportunity in the political prints of the parliament, the political prints of the country is also supported by the opportunity of the monarch to the parliament, the political prints of the country is also supported by the opportunity of the monarch to the parliament, and the political prints of the parliament, and the or the country is also supported by the opportunity of the monaddition of the parliament, to express his opinions, to warn, to give advice, etc. In addition of the basis of his active role in nolitical life general of the opportunity of the monaddition to his general of the basis of his active role in nolitical life general of the opportunity of the monaddition to his general of active role in nolitical life general of the opportunity of the monaddition to his general of the opportunity of the monaddition to his general of the opportunity of the monaddition to his general of the opportunity of the monaddition to his general of the opportunity of the monaddition to his general of the opportunity of the monaddition to his general of the opportunity of the monaddition to his general of the opportunity of the monaddition to his general of the opportunity of the monaddition to his general of the opportunity of the monaddition to his general of the opportunity of the monaddition to his general of the opportunity of the monaddition to his general of the opportunity of the monaddition to his general of the opportunity of the monaddition to his general of the opportunity of the monaddition to his general of the opportunity of the monaddition to his general of the opportunity of the opportunity of the monaddition to his general of the opportunity of the opportunity of the monaddition of the opportunity of Due to his general status and the position above the political parties, the political as well as to the general body of nowers and prerogatives.

See also, From See also, uves, to express his opinions, to warn, to give advice, etc. In alife general his been said, this constitutes the basis of his active role in political parties, the more of acting Due to his general status and the position above the political parties, the ner of acting as well as to the general body of powers and prerogative.

See also, Francisco FFRM:

20 See also, Francisco FFRM:

10 ion of Belgium provide the political parties, the monature of the political parties, the political parties, the monature of the political parties, the political parties of the parties of the political parties of the

in constitutional parliamentary monarchy is the guarantor of the constitutionally established relations. tablished relations in the state. Essentially, he is the one who provides for the functioning of the constitution. tioning of the mechanism of government instituted and secured by the constitution²³. Although in Although in a sense he is himself a part (i.e. the head) of the bicephalous executive, the monarch the monarch is a safeguard of the constitutionally established relations between the legislative and legislative and executive power in the process of government, as well as the guarantor of legitimate. of legitimate and executive power in the process of government, as well as the gardinate and in the government, as well as the gardinate and in government, as well as the gardinate and in the government of the rules of parliamentary system, the government, according to the constitution and the rules of parliamentary system, and in according to the constitution and the electorate. With this, he and in accordance with the freely expressed will of the electorate. With this, he becomes a barrier to the possible negative effects of the changes taking part in the election cycles, particularly in situations of political crises, as well as in insufficiently

developed political culture and absence of political tradition. Therefore, there is truth in Pr Keith's words describing the constitutional parliamentary monarchy in England: "The Crown remains, in fact, the authority having a decisive role in dec." "The Crown remains, in fact, the authority having a cation of the continuous cation of the cati decisive role in defending the spirit of the Constitution "24". Understandably, the qualification "the keeps of any kind of cation "the keeper of the Constitution" has not been given in a sense of any kind of bree levieurs of the Constitution". The crown restriction of the constitution to the constitution, but in a sense of bree levieurs of the constitution, but in a sense of bree levieurs of the constitution. judicial review of constitutionality (protection of the constitution), but in a sense of preservation and constitutionality (protection of the constitutions and functionpreservation, as has been said, of constitutionally established relations and functionally established relations are consequence of ing of the mechanism of government. This gives rise to the important consequence of lished to the interval order and constitutionally established relations and the constitutional order and constitutionally established to the important consequence of lished to the important consequence of lished to the important constitutionally established to the important constitutionally established to the important constitutionally established to the important consequence of lished to the important consequence of lished to the important constitutionally established to the important consequence of lished to the continuous implementation of the constitutional order and constitutionally established democratic

lished democratic political system. In constitutional parliamentary monarchy this is possible since, as the matter of this, the monarchy this is possible since, as the matter of this the monarchy this is possible since, as the matter of the monarchy this is possible since, as the matter of the monarchy this is possible since, as the matter of the monarchy this is possible since, as the matter of the monarchy this is possible since, as the matter of the monarchy this is possible since, as the matter of the monarchy this is possible since, as the matter of the monarchy this is possible since, as the matter of the monarchy this is possible since, as the matter of the monarchy this is possible since, as the matter of the monarchy this is possible since, as the matter of the monarchy this is possible since, as the matter of the monarchy this is possible since, as the matter of the monarchy this is possible since, as the matter of the monarchy this is possible since, as the matter of the monarchy this is possible since, as the matter of the monarchy this is possible since, as the matter of the monarchy the mo course, the monarch is the one who represents "tradition and continuity". In favour this speaks a speaks a speaks a speaks a speak and moderof this speaks a very inspiring provision of the Spanish Constitution: "The King is the Head of State the Head of State, the symbol of its unity and permanence. He arbitrates and moder-the Spanish Constitution: The Manual the Spanish State, the symbol of its unity and permanence. He arbitrates and most the Spanish State, the symbol of its unity and permanence. He arbitrates and most the Spanish State in the symbol of its unity and permanence. He arbitrates and most the Spanish State in the symbol of the institutions, assumes the highest representation of the Spanish State in the symbol of the institutions, assumes the nations of its historical constitutions. the Spanish State, the symbol of its unity and permanes the highest representative cal community and permanes the highest representative cal community are in international relations, assumes the highest representative calculations of its historical community are in international relations, especially with the nations of its historical community are in international relations, especially attributed to him by the Constitution of the international relations, especially attributed to him by the Constitution of the international relations of the international relations. cal community, and exercises the functions expressly attributed to him by the Constibution and the least of the functions of the constibution and the least of the functions of the constibution and the least of the functions of the constibution and the least of the constitution and the least of the constitution of the constitution and the least of the constitution hution and the laws " (Article 56, item 1). There is truth in an old view which, however, which been at all (Article 56, item 1). had and the laws " (Article 56, item 1). There is truth in an old view which, he which concerns at all realistic and adequate in its time (the sixteenth century), and by the concerns at all realistic and adequate in its time (the sixteenth century). Which been at all realistic and adequate in its time (the sixteenth century), the concerns the general role of the monarch (today in constitutional parliamentahus (Marchy). My general role of the monarch (today in constitutional parliamentahus (Marchy). My general role of the monarch (today in constitutional parliamentahus (Marchy). My general role of the monarch (today in constitutional parliamentahus (Marchy). My general role of the monarch (today in constitutional parliamentahus (Marchy). My general role of the monarch (today in constitutional parliamentahus (Marchy). My general role of the monarch (today in constitutional parliamentahus (Marchy). 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My general role of the monarch (today in constitutional parliamentahus (Marchy). My general role of the monarch (today in constitutional parliamentahus (Marchy). My general role of the monarch (today in constitutional parliamentahus (Marchy). My general role of the monarch (today in constitutional parliamentahus (Marchy). My general role of the monarch (today in cons Ny thomographics and adequate in its time constitutional particles the general role of the monarch (today in constitutional particles to the monar hus (Not honour, but burden, not leisure, but vocation, not benefit, but office)²⁷. The that the minent so Most honour, but burden, not leisure, but vocation, not benefit, but office, that the monarch! that the monarch's power is a public service²⁸.

See also, Francisco FERNÁNDEZ SEGADO, El sistema constitucional español. (Article 98) ible recrees sel gium provides: "The King's person is inviolable: his Ministers are responsible" (al fresponsible recrees sel fresponsible recree sel fresponsible re See also, Francisco Fernández Segado, El sistema constitucional español. P. Article 98) and the replacementarion of Belgium provides: "The King's person is inviolable; his Ministers are responsible" (Article 106). Almost identical provisions are contained in the Constitution of the King's and 48.

(Article 106). Almost identical provisions are contained in the Constitution of the King's and the King and the Ring's person is inviolable; the ministers shall be signed by the King and the Ring's and the Ring's person is inviolable; the ministers shall be signed by the King and the Ring's person is inviolable; the ministers shall be signed by the King and the Ring's person is inviolable; the ministers shall be signed by the King and the Ring's person is inviolable; the ministers shall be signed by the King and the Ring's person is inviolable; the ministers shall be signed by the King and the Ring's person is inviolable; the ministers shall be signed by the King and the Ring's person is inviolable; the ministers shall be signed by the King and the Ring's person is inviolable; the ministers shall be signed by the King and the Ring's person is inviolable; the ministers shall be signed by the King and the Ring's person is inviolable; the ministers shall be signed by the King and the Ring's person is inviolable; the ministers shall be signed by the King and the Ring's person is inviolable; the ministers shall be signed by the King and the Ring's person is inviolable; the ministers shall be signed by the Ring's person is inviolable; the ministers shall be signed by the Ring's person is inviolable; the ministers shall be signed by the Ring's person is inviolable; the ministers shall be signed by the Ring's person is inviolable; the ministers shall be signed by the Ring's person is inviolable; the The King's person is inviolable; his Ministers are responsible flaws and royal (Article 106). Almost identical provisions are contained in the Constitution of the King shall be inviolable; the ministers shall be responsible flaws and one or several for the King and the Ki CArticle 106). Almost identical provisions are contained in the Constitution of the laws and the laws signed by the King shall be inviolable; the ministers shall be responsible (Article 42, item 2);

Be signed by the King and one or several ministers or state secretaries (Article 47);

See also, Slobed one of the constitution of the laws arcicle provisions are contained in the Constitution of the laws arcicle and the laws arcicle signed by the King and one or several ministers or state secretaries (Article 47);

See also, Slobed one time the constitution of the king and the laws arcicle provisions are contained in the Constitution of the laws arcicle and the laws arcicle arcicle and the laws arcicle a P. LALUMIÈRE – A. DEMICHEL, Les régimes parlementaires européens, p. 213-214. Couronne de Bouvoirs, No78/1996 p. 50 de la Couronne de Del Pérète, Jacobs de la Couronne de Pouvoirs, No78/1996 p. 50 de la Couronne de Del Pérète, La Couronne de Pouvoirs, No78/1996 p. 50 de la Couronne de Del Pérète, La Couronne de Pouvoirs, No78/1996 p. 50 de la Couronne de Del Pérète, La Couronne de Pouvoirs, No78/1996 p. 50 de la Couronne de Del Pérète, La Couronne de Pouvoirs, No78/1996 p. 50 de la Couronne de Del Pérète, La Couronne de Pouvoirs, No78/1996 p. 50 de la Couronne de Del Pérète, La Couronne de Pouvoirs, No78/1996 p. 50 de la Couronne de Del Pérète, La Couronne de Pouvoirs, No78/1996 p. 50 de la Couronne de Del Pérète, La Couronne de Pouvoirs, No78/1996 p. 50 de la Couronne de Del Pérète, La Couronne de Pouvoirs, No78/1996 p. 50 de la Couronne de Del Pérète, La Couronne de Pouvoirs, No78/1996 p. 50 de la Couronne de Del Pérète, La Couronne de Pouvoirs, No78/1996 p. 50 de la Couronne de Del Pérète, La Couronne de Pouvoirs, No78/1996 p. 50 de la Couronne de Pouvoirs, N King shall be inviolable; the ministers shall be responsible (Article 42, item 2); be signed by the King and one or several ministers or state secretaries (Article 47); see also, Slobodan 10:

See a

F_{RANCIS} DELPÉRÉE, La Couronne de Belgique, p. 335/336. Quoted from la Couronne de Belgique, p. 335/336. Quoted from Harold J. LASKI, Le gouvernement parlementaire en Angleterre, p. 290.

Raymond p. Raymond p. 290 et seq. See more on the meaning of the view of a monarch as "the keeper of the Constitution" in a book by Harold J. Rayne ment parlet.

Quoted from: Evgenije Belgrade, 1933, p. 100. Raymond Fusilier, Les monarchies parlementaires, p. 52. Quoted from: Evgenije V. Spektorski, *Država* i njen život, (The State and its Life), Ed. Srpska književna Slobod, 1933. p. 100

Slobodan Jovanović, *Država* (State), Book two, p. 207.

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VI. All this speaks in favour of a democratic character and value of constinual parliamentary monard tutional parliamentary monarchy, which, after all, can be maintained also with respect to democratically ordered parliamentary monarchy. respect to democratically ordered republic. Hence, taking sides with constitutional parliamentary monarchy, or with defer all. parliamentary monarchy, or with democratic republic, in no way means disqualification (or degrading) of the other

A combination of concrete political and other circumstances, the true interests ne people and the state, and the state and the state. of the people and the state, and the practical needs of the historical moment (period), tradition, in addition to principal tradition, in addition to principal, theoretical reasons, i.e. reasons of judgement value, are the basis for taking sides with value, are the basis for taking sides with one or the other form of the system in particular country. A successful evaporal particular country. A successful example of today's Spain certainly has an important place within the mentioned factors determined.

Current Interest for Reestablishment of the Constitutional Parliamentary Monarchy in Serbia

Reestablishment of constitutional parliamentary monarchy in Serbia today is an ession of a historical imperative for constitutional parliamentary monarchy in Serbia democracy and for the n to Serbian democracy Reestablishment of constitutional parliamentary monarchy in Serbia today is the expression of a historical imperative for establishing of true democracy and for return to Serbian democratic tradition and democratic tradit

The reasons lying at the roots of the mentioned imperative are manifold for e sought in the fatal consequences (1) and the consequences (1) and th 1. The reasons lying at the roots of the mentioned imperative are manifold fill should be sought in the fatal consequences (destruction of Serbia, yugoserbia the manifold fill should be sought in the fatal consequences (destruction of Serbia, yugoserbia the ginning in 1945), as well owing the should be sought in the fatal consequences (destruction of Serbia, Yugoserbia the half-a-century long communist dictatorship in the so-called second lowing in 1945), as well as in the authoritarian the so-called second lowing the dissolution. ginning in 1945), as well as in the authoritarian post-communist regime to rescussful lowing the dissolution of the socialist Virgoland its incapacity of the social virgoland its incapacity of the social virgoland its incapacity of the soci guining in 1945), as well as in the authoritarian post-communist regime to resease lowing the dissolution of the socialist Yugoslavia and its incapacity to the reasons to lishment of the constitution. rowing the dissolution of the socialist Yugoslavia and its incapacity to fine the country from the threatening cataclysm. On the other hand, the reasons lishment of the constitutional parliamentary. country from the threatening cataclysm. On the other hand, the reasons to lishment of the constitutional parliamentary monarchy in Serbia relate values of this form of government and its animalism to respect to the conditions and circumstances existing in Serbia. use socialist Yugoslavia and its incapacity for the very summent of the constitutional parliamentary monarchy in Serbia relate values of this form of government and its suitability to the conditions and stances existing in Serbia.

The Serbian events are socialist Yugoslavia and its incapacity for the relate to the relate

The Serbian experience with the republican form of government of a rule; the ative. Forcible abolishment of monarchy and the proclamation unist not is a steep. The Serbian experience with the republican form of government of a rule the negative. Forcible abolishment of monarchy and the proclamation unist continuance (1945) was carried out within the process of stabilishing of the communication of the process of the communication of the same as the preserving and the process of the communication of th negative. Forcible abolishment of monarchy and the proclamation unist continue of the continue of the continue of same as the preserving of the republic was a same and the preserving of the republic was a same and the regime. with the republican form of government of a rule of the continuant of same as the preserving of the republic was connected with the post same regime and, then, also to established mentioned downfall as a side of the continuant of the mentioned mentioned mentioned mentioned mentioned downfall as a side of the continuant of the mentioned mentioned mentioned downfall as a side of the continuant of the mentioned mentioned downfall as a side of the continuant of the mentioned mentioned downfall as a side of the continuant of the cont same as the preserving of the republic was connected with the distance and the process of establishing of the continuously and the process of establishing of the continuously and the post same regime and, then, also to establishing of the mentioned paupof Serbia downfall of Serbia during the application of the mention of paupof serbia downfall of Serbia during the application of the mention of paupof serbia downfall of Serbia during the application of the application of the application of the mention of paupof serbia downfall of Serbia during the application of the application same regime and, then, also to establishing of the mentioned paulous downfall of Serbia during the time of those regimes, the destruction downfall been achieved at the national and state and legal level.

During the regime and the process of establishing of the mentioned poerisation of the mention of paulous downfall of Serbia during the time of those regimes, the destruction especially been achieved at the national and state and legal level.

During the regime and legal level.

During the regime of Josip Broz Serbia had lost its long-stand been specially in the artificial federal units. The Serbian nation had simple ity determined. During the regime of Josip Broz Serbia had lost its long stand been developed democratic constitutionality. The Serbian nation their interest within the artificial federal units of the federal Vigoslavia and their interest bitrarily determined boundaries tates. ueveloped democratic constitutionality. The Serbian nation their in Setting within the artificial federal units of the federal Yugoslavia and Lunity in the two autonomous proving states and quasicon to the serbian of the serbian its national unation within the artificial federal units of the federal Yugoslavia and Lunity in the two autonomous proving states and quasicon to the serbian of the serbian its national unation were states and quasicon to the serbian to the serbian of the serbian its national unation were states and quasicon to the serbian of the within the artificial federal units of the federal Yugoslavia and unition the two autonomous provinces (1945), particularly their transformation quasi-federal units (1971-1974) has fragmented Serbia to an experimental province of the fragmented

extent reducing it to a completely unequal status in relation to the other federal units (Croatia, Slovenia, Macedonia, etc.)²⁹.

The post-communist regime introduced by the 1990 Constitution had not, however, stopped the downfall of Serbia. Moreover, falling into greater and greater economic novel. nomic poverty, complete agony of the law, taking part in dirty inter-ethnic wars, being detected, complete agony of the law, taking part in dirty inter-ethnic wars, being detected. ing detested by Europe, and finally the air-strikes against Serbia, only increased the tragedy of Serbia. tragedy of Serbia. The Constitution of Serbia adopted in September 1990 by the single-party A gle-party Assembly in the situation of the total monopoly of the former communists (converted in the situation of the total monopoly of the former communists) (converted into the new Socialist Party of Serbia), instead of becoming an instrument in transition of transition and the basis for democratic transformation, became the ground for an increasingly and the basis for democratic transformation, became the ground a reincreasingly authoritarian regime. Under this Constitution too, Serbia remained a republic having the road for institution. Public having the institution of a very powerful president paving the road for instituting a regime. ing a regime of personal power³⁰.

The Constitution of the Federal Republic of Yugoslavia of April 1992, however, adopted as a federal Republic of Yugoslavia of April 1992, however, adopted as a federal Republic of Yugoslavia of April 1992, however, adopted as a federal Republic of Yugoslavia of April 1992, however, adopted as a federal Republic of Yugoslavia of April 1992, however, adopted as a federal Republic of Yugoslavia of April 1992, however, adopted as a federal Republic of Yugoslavia of April 1992, however, adopted as a federal Republic of Yugoslavia of April 1992, however, adopted as a federal Republic of Yugoslavia of April 1992, however, adopted as a federal Republic of Yugoslavia of April 1992, however, adopted as a federal Republic of Yugoslavia of April 1992, however, adopted as a federal Republic of Yugoslavia of April 1992, however, adopted as a federal Republic of Yugoslavia of April 1992, however, adopted as a federal Republic of Yugoslavia of April 1992, however, adopted as a federal Republic of Yugoslavia of April 1992, however, adopted as a federal Republic of Yugoslavia of April 1992, however, and a federal Republic of Yugoslavia of April 1992, however, and a federal Republic of Yugoslavia of April 1992, however, and the federal Republic of Yugoslavia of April 1992, however, and the federal Republic of Yugoslavia of April 1992, however, and the federal Republic of Yugoslavia of April 1992, however, and the federal Republic of Yugoslavia of April 1992, however, and the federal Republic of Yugoslavia of April 1992, however, and the federal Republic of Yugoslavia of April 1992, however, and the federal Republic of Yugoslavia of April 1992, however, and the federal Republic of Yugoslavia of April 1992, however, and the federal Republic of Yugoslavia of April 1992, however, and the federal Republic of Yugoslavia of April 1992, however, and the federal Republic of Yugoslavia of April 1992, however, and the federal Republic of Yugoslavia of April 1992, however, and the federal Republic of Yugoslavia of April 1992, however, and th Was adopted as the result of the common tendency of the power holders in Serbia and the common tendency of the centres of factual power in the Montenegro (the former communists) to preserve the centres of factual power in the hand of state 6. common state former communists) to preserve the centres of factual power in the hands of the former dissolution of the former Socialist Yugoslavia in the list:

On the former communists of the former Socialist Yugoslavia in the list:

On the former communists of the former Socialist Yugoslavia in the list: hands of the two member-republics, i.e. their rulers. This has conditioned the establishing, by mean member-republics, i.e. their rulers. lishing, by means of the Constitution itself, of a semi-confederate system, as well as fact deformed. of a deformed, even fictitious, parliamentary system, which lead, influenced by other stoo, to food factors too, to further separation of Serbia and Montenegro. So, this Constitution too, to change and the constitution of Serbia and Montenegro. stood no chance of becoming the ground of democratisation.

The downfall of the up-to-then authoritarian regime in Serbia took place techniques of citizens against the regime On October 5, 2000. On that day massive demonstrations of president S. Milosević Were held, and prior to that (in September) the ruling party of president S. Milosević idential defeated on the constraint of the up-to-then authoritarian results against the regime was defeated on the constraint of the up-to-then authoritarian results against the regime was defeated on the constraint of the up-to-then authoritarian results against the regime was defeated on the up-to-then authoritarian results against the regime was defeated on the up-to-then authoritarian results against the regime was defeated on the up-to-then authoritarian results against the regime was defeated on the up-to-then authoritarian results against the regime was defeated on the up-to-then authoritarian results against the regime was defeated and prior to that (in September) the ruling party of president S. Milosević identification of the up-to-then authoritarian results against the regime was defeated on the up-to-then authoritarian results against the regime reg was defeated on the elections of the Federal Assembly, and he himself lost the prestions of the elections. It is party was also unsuccessful on the elecidential elections. Later (in December), his party was also unsuccessful on the eleceven di the National Prior to that (in September) the runing party
tions for the elections for the Federal Assembly, and he himself lost the prior tions for the Federal Assembly, and he himself lost the prior tions for the Federal Assembly, and he himself lost the prior to that (in September) the runing party and he himself lost the prior to that (in September) the runing party and he himself lost the prior to that (in September) the runing party and he himself lost the prior to that (in September) the runing party and he himself lost the prior to that (in September) the runing party and he himself lost the prior to that (in September) the runing party and he himself lost the prior to that (in September) the runing party and he himself lost the prior to that (in September) the runing party and he himself lost the prior to the prio tions for the elections for the Federal Assembly, and elections. Later (in December), his party was also unsuccessful on the even dictatorial. This meant the end of this authoritarian, even dictatorial, post-communist regime.

et seq. p. See, Pavle NIKOLIĆ, Ustavno pravo, (Constitutional Law), Prosveta, Belgrade, 1995, p. 434 et seq. p. 529, 66, 181 et seq. p. 520, 66, 181 e 1989, p. 29-66, 181 et seq.

^{2002,} Pavle NIKOLIĆ, Federacija i federalne jedinice, (Federaudi a. Pavle NIKOLIĆ, Federaudi a. Pavle NIKOLIĆ, I sistemi costituzionali dei nuovi stati dell'ex-Jugoslavia, G. Giappichelli Editore, in journal Revue d'étuederalismo paratives Est-Our NIKOLIĆ, "L'institution du chef de l'Etat en Serbie et en Yougoslavie", in journal Revue d'étuederalismo paratives Est-Our NIKOLIĆ, "L'institution du chef de l'Etat en Serbie et en Yougoslavie" (1990), in book des p. 37 et seq. Pavle NIKOLIĆ, I sistemi costituzionali dei nuovi stati dell'ex-Jugoslavia, G. Pavle NIKOLIĆ, I sistemi costituzionali dei nuovi stati dell'ex-Jugoslavia, G. Pavle NIKOLIĆ, I sistemi costituzionali dei nuovi stati dell'ex-Jugoslavia, G. Pavle NIKOLIĆ, in journal Revue a chi federalismo e septie et seq. Pavle NIKOLIĆ, "La Constitution de Serbie" (1990), in book glub hop Septie et set seq.; Pavle NIKOLIĆ, "La Constitution de Serbie" (1990), in book particular dei pavle ni federalismo e critici dei ragio dei ragio dei pavle ni federalismo e critici et ses états-membres (l'essai de l'issue de l'issue particular dei pavle ni federalismo e critici et ses états-membres (l'essai de l'issue de l'issue et ses états-membres (l'essai de l'issue et ses états-membres et ses états-membres (l'essai de l'issue et ses états-membres et ses états-m kederalismo e crisi dei regimi communisti, Ed. La Rosa editrice, Torino 1993, p. 69 et seq. Euro de so, Paylo Nicolati, Ed. La Rosa editrice, Torino 1993, p. 69 et seq. Euro de so, Paylo Nicolati, Ed. La Rosa editrice, Torino 1993, p. 69 et seq. Euro de so, Paylo Nicolati, Ed. La Rosa editrice, Torino 1993, p. 69 et seq. Euro fédérative de Yougoslavie et ses états-incolations.

du honde crisi dei regimi communisti, Ed. La Rosa editrice, Torino 1993, p. 69 et se.

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THE SPANISH CONSTITUTION IN THE EUROPEAN CONSTITUTIONAL CONTENT However, this political change did not result in a new constitution that would be passis for radical democratication. the basis for radical democratisation of the country and the transformation of the legal order. Retaining the 1990 Constitution of the country and the transformation of the legal order. order. Retaining the 1990 Constitution of Serbia in force (as well as the 1992 constitution of Yugoslavia) has naturally tution of Yugoslavia) has, naturally, caused numerous negative consequences the prevented or slowed down the bring government. prevented or slowed down the bringing about of desired reforms which the government (the opposition in the consequences introduce. government (the opposition in the former regime) intended to introduce introduce more than two years since October 5. 2000 and the government (the opposition of the former regime) intended to introduce of the new Constitution of the former regime) intended to introduce of the new Constitution of the former regime) intended to introduce of the new Constitution of the former regime) intended to introduce of the new Constitution of the former regime) intended to introduce of the new Constitution of the former regime) intended to introduce of the new Constitution of the former regime) intended to introduce of the new Constitution of the former regime) intended to introduce of the new Constitution of the former regime) intended to introduce of the new Constitution of the former regime) intended to introduce of the new Constitution of the former regime) intended to introduce of the new Constitution of the former regime) intended to introduce of the new Constitution of the former regime of the new Constitution of the former regime of the new Constitution of the new Constitutio more than two years since October 5, 2000, the necessity and urgency functioning of the state and denew Constitution becomes a condition sine qua non for further functioning of state and development of Serbia

III. The only starting point that could give rise to a new democratic That mised on civilised grounds. would be stitution has to organised on civilised grounds, would be a completely new Constitution has to be based upon the Testing and authority Serbian democratic Serbian d Constitution has to be based upon the principles of true democracy and shment of democratic tradition, making a democratic social Serbian democratic tradition, making possible, as a result, the establishment democratic, social state, based on the rule of the social state.

However, the essential and absolutely necessary condition for carrying of cal transformations and the creation of carrying of state of schy, and the recent of state of schy, and the recent of state of schy, and the recent of the condition of state of schy, and the recent of the condition of the carrying of the carryi radical transformations and the creation of a new democratic state of serbiging reasons in favour. generally, the reestablishment of constitutional parliamentary nonarincing reasons in favour of this opinion are constitutional parliamentary and converge between the constitution and converge between the converg reasons in favour of this opinion are as numerous as they are clear and convincing monarchy so the solution of the solution of

First, during its almost eleven centuries long history Serbia has always time he tarchy, so that it belongs to a group of the always time he design and convincing the serbia has always time he tarchy, so that it belongs to a group of the allace the serbias since dynasty, the language of the allace the serbias since dynasty, the language of the allace the serbias since dynasty, the language of the allace the serbias since dynasty, the language of the allace the serbias since dynasty, the language of the allace the serbias since dynasty. First, during its almost eleven centuries long history Serbia has always time the monarchy, so that it belongs to a group of the oldest monarchies. Since dynasin the Višeslavljeviæ dynasty (in the ninth centure) and the Nemanjiæ dynasty (in the ninth centure). monarchy, so that it belongs to a group of the oldest monarchies. Since dynasty, the Višeslavljeviæ dynasty (in the ninth century) and then the Nemanjand and Further Serbian state was always headed by a prince belong the prince by the Jecunatic une Višeslavljeviæ dynasty (in the ninth century) and then the Nemanjiæ dynastik Serbian state was always headed by a prince, king, emperor, prince by the little secupation. Following the preginning Serbian state was always headed by a prince, king, emperor, prince by the occupation. Following the first and the second monarchies. Since dynastic the dynastic the Nemanjian da Turkis king, which has produced a long-lived tradition, only to be interrupted to beginning of the nineteer. was always headed by a prince, king, emperor, prince by the lift occupation. Following the first and the second uprising against the and its ward beginning of the nineteenth century), monarchy has been restored an after with vorld War II. occupation. Following the first and the second uprising against the analytic continued. Serbia (i.e. Yugoslavia) has been a resultionable only during the artificial world War II) and the record oeginning of the nineteenth century), monarchy has been restored and its continued. Serbia (i.e. Yugoslavia) has been a republic only during the loop.

World War II) and the recent post-communist regime under the loop. Continued. Serbia (i.e. Yugoslavia) has been a republic only during 0 Constitution.

World War II) and the recent post-communist regime under the 1990 exactly 1907.

Second, Serbia reached the next imes when it was

Second, Serbia reached the peaks of European constitutions of 1888, establishes when it was a monarchy. The monarchical constitutions of 180 reestable of the conetic Second, Serbia reached the peaks of European constitutions of 1888, establishmes when it was a monarchy. The monarchical constitutions of By rate is may be labelled as the most democratic constitutions of their time. The monarchical constitutions of their time ment of the constitutional parliamentary monarchy. Serbia would red their stitutionality, pave the monarchy. may be labelled as the most democratic constitutions of their time energy ment of the constitutional parliamentary monarchy, Serbia would and the stitutionality, pave the road to the renewal of democratic tradition anality.

Third ment of the constitutional parliamentary monarchy, Serbia would regently stitutionality, pave the road to the renewal of democratic tradition and life the chance of joining the countries with highly developed constitutional to the discrete part of the chance of joining the countries with highly developed constitutional traditional tradition Third, in the disastrous situation inherited from the former content of political life, insured long ideological life, insur the chance of joining the countries with highly developed constitution tradition.

Third, in the disastrons recent post

Third, in the disastrous situation inherited from the former coated several democratic political life, insufficient development of political canada animatical streat achievem democratic political life, insufficient development of political great achievements of West uemocratic political life, insufficient development of political great achievements of Western democracy but also in inadequate multi-party system, the recommendation and property in the party would be a given. cades long ideological anti-monarchic indoctrination and propagation multi-party system, the reestablishment of constitutional parliameters of the restablishment of constitutional parliameters. multi-party system, the reestablishment of constitutional life and parliameter tutions. The limited power of the monarch in the spirit of constitution), unated to monarchy (particularly in the spirit of constitution). would be a guarantee of the renewal of democratic political life and tutions. The limited power of the monarch in the spirit of constitution, authority of the a guarantee of the renewal of democratic political life and unchanged by monarchy (particularly in the tradition of the Spanish Constitution), estate whigh authority of the monarch

Position above the political parties enabled by his role of moderator and arbitrator in the Whole and the political parties enabled by his role of moderator and arbitrator in the whole political parties enabled by his role of moderator and lie at the roots of this roots of this guarantee.

Fourth, reestablishment of constitutional parliamentary monarchy as an antipode to the totalitarian communist regime would mean the instant and definite break with the form with the former communist and the recent post-communist regime (in fact a dis-guised communist and the recent post-communist regime (in fact a disguised communist regime), as well as the final suppression of all their traces. This is would be the would be the starting-point of a complete recovery of the society, particularly at moral and spiritual level.

Fifth, the reestablishment of constitutional parliamentary monarchy would inevitably lead to bringing back of the international reputation and prestige Serbia alabady had, either ready had, either as an independent state, or which Serbia had in fact conferred its. and Slovenes, i.e. the Kingdom of Yugoslavia, to which Serbia had in fact conferred den the Statehood West its statehood. With such a system Serbia would regain the lost friendship of many democratic countries.

Sixth, the reestablishment of constitutional parliamentary monarchy would also correction. mean the correction of historical injustice inflicted upon Serbia by the act of illegitithe abolishing and historical injustice inflicted upon Serbia by the members of mate abolishing of the monarchy and illegal and brutal banishing of the members of polisical pol the Karadordeviæ dynasty from the country. In the situation of brutal liquidation of political parties in the country and interest system, police terror and reign of terror in the country. political parties, introduction of a single-party system, police terror and non-democratic electical the Country. In the situation of brutal inquitation of terror in general the Country and single-party system, police terror and non-democratic electical the Country and abolishror in general, the Constituent Assembly elected on plebiscitary and non-democratic ment was about the proclaiming of the republic and abolishment. elections was absolutely illegitimate, so the proclaiming of the republic and abolish-was also the monoral and illegitimate, so the proclaiming of the republic and abolish-was also the monoral and abolish-Was also absolutely illegitimate, so the proclamming monarchy on November 29, 1945 by the same Constituent Assemble to duction reestablish legitimate. Having this in mind, nowadays it is only possible to duction reestablish speak of reestablishment of constitutional parliamentary monarchy, not of its introduction, i.e. establishing as a new form of government.

So, after more than half a century, Serbia would continue its own and to its chares only distinct the continue its own and to its chares only distinct that would be a lawful, natural and acter the only distinctive national life-style. That would be a lawful, natural and act the only distinctive national life-style. hecessary act - the act that would lead Serbia to democracy and prosperity³².

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get seq.; Pavle NIKOLIĆ, "Vizija buduæe Srbije: parlamentarizam i ustav...

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