

# Opposition in Serbia: oppression, delegitimization and extra-institutional engagement

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## I. INTRODUCTION

The general elections in Serbia in 2022 finally brought the opposition back into the Parliament. For several previous years, the Serbian Parliament was more homogeneous than ever since political pluralism was introduced. It was not a place for debate, and no respect was shown for the arguments coming from the minority. The legislative initiative was almost entirely from the executive (Tepavac and Glušac 2019). Lack of pluralism in the Parliament should be observed as a part of the bigger trend of the autocratisation of Serbia that intensified since the Serbian Progressive Party became the predominant party in 2016. The decline of freedom of associations and freedom of expression, partially free and unfair elections, centralisation of power in the hands of the President, and ruling party that maintains power at all levels of government through frequent irregular elections (Kmezić

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and Bieber 2017; Pudar Draško *et al.* 2019; Kapidžić 2020) in fact, led scholars to describe Serbia as a competitive authoritarianism (Levitsky and Way 2020) or an illiberal democracy (Cassani 2014; Lührmann and Lindberg 2019; Kapidžić 2020). The report of the Freedom House (2019) regarding the state of democracy classified Serbia as a hybrid regime in 2019 and underlined that «Serbia's status declined from Free to Partly Free due to deterioration in the conduct of elections, continued attempts by the government and allied media outlets to undermine independent journalists through legal harassment and smear campaigns, and President Aleksandar Vučić's *de facto* accumulation of executive powers that conflict with his constitutional role».

With the characteristics of our case study in mind, this chapter analyses the opposition's position and role in Serbia in its evolution since the introduction of pluralism and the collapse of the communist regime. We observe the opposition during the last 30 years from the two main aspects: institutional and ideational. We also provide an overview of the contextual factors to show some specificities of the post-socialist democratisation process and democratic backsliding in Serbia. The institutional elements we observed provide insight into the actors' formal position and power; they show us the main mechanisms and resources at the opposition's disposal and evaluate the possible inequalities or imbalances of powers between the actors. Conversely, the ideational aspect shows the dominant narratives and relationships between the opposition and position. These narratives reflect the understanding of democracy and the role the opposition should play in the political system. They also reflect changes over time and enable us to understand different concepts of democracy and democratisation.

The chapter is divided into four sections, corresponding to four different phases reflecting specific circumstances and dynamics. The first phase is the Milošević decade (1990-2000), which covers the initial transitional period, characterised by severe authoritarian tendencies and societal conflicts during the Yugoslav break-up process. The second phase, that of democratisation (2000-2012), starts from the Milošević defeat and initial institutional development, throughout the first troubles in the democratic transition and rifts in the ruling coalition. The third phase (2012-2020) begins with the second turnover of power and optimism about social consensus and the consolidation of democracy. However, it develops into competitive authoritarianism and almost complete annihilation of pluralism. The final phase is short (so far) and ongoing – defined by the protest waves, boycotts of elections and Parliament, and the return of the opposition in the institutions.

## 2. THE MILOŠEVIĆ DECADE (1990-2000)

Although there are certain similarities with other post-communist countries' transitions, the transition to political pluralism in Serbia took place in a specific context of the dissolution of the federal state of Yugoslavia and was characterised by certain specificities of Yugoslavian communism. Those specificities shaped the development of political pluralism, the role of oppositional political parties, and the overall democratisation of the political system and society (Goati 1995).

Primarily, the one-party regime of Serbia did not collapse under the pressure of the mass protest led by political opposition. Unlike in other Eastern European countries, the communist regime in Serbia and Yugoslavia in the late '80, enjoyed social support. The support was mainly because the regime was brought by an authentic revolution of the national liberation movement and was not imposed by the Soviet Union (Stojanović 2000). Therefore, the opposition to that system was formed differently, producing somewhat ambiguous democratic outcomes (Cotta 1994).

Furthermore, in the late '80, when the transitions in other post-communist countries started, Slobodan Milošević came to power in Serbia, acting as a political opponent within the League of Communists of Serbia, and initiated what was then called an "anti-bureaucratic revolution" against the old leadership within the unique party. By occupying the space of the opposition, Milošević and the "new" leadership allowed the old regime to survive while creating the impression of significant political changes (Pavlovic 2020).

This newly strengthened League of Communists of Serbia also became the opposition to the leadership of other Yugoslavian republics, absorbing oppositional potential and ideological identity reserved for oppositional political actors. The opposition to the ruling communist regime in Serbia, with few exceptions, was mainly based on nationalistic narratives and the idea of exploitation of the Serbian nation by the communist regime (Stojanović 2000)<sup>1</sup>.

Following the examples of Western republics of Yugoslavia (Slovenia and Croatia), the emerging opposition in Serbia, although still not legally rec-

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<sup>1</sup> The public opinion research done in 1990, that explored attitudes of the Serbian population towards socialism, showed that more than 40% of the population was willing to vote for, and support those actors that would offer "the real socialism". Besides, low voter turnout in the 1990 elections (less than 80%, compared with more than 90% in other Yugoslav western republics and other Eastern European countries) further confirmed the lack of willingness of the population to change the regime (Goati 2001).

ognised, pushed for democratisation and the introduction of the multi-party system. The Law on Political Organizations in Serbia<sup>2</sup> and the constitution were finally drafted in 1990<sup>3</sup>, and the first multi-party elections were held in the same year<sup>4</sup>. Unlike in other post-communist countries, the system outlined in the new constitution was not the result of the negotiations between political parties. Although the opposition criticized the first version of the constitution and succeeded in obtaining some minor concessions, the adopted constitution, political and electoral systems were designed in such a way as to allow the maximization of the benefits for Milošević's party (Spasojević 2022). This was done through semi-presidential system including direct election of the president (opposition was divided between several options and without a popular candidate) and a first-past-the-post electoral system with a high number of electoral districts; the opposition supporters were concentrated in large cities, and parties did not have local branches throughout Serbia, in contrast to the SPS who inherited the party infrastructure of League of Communist Alliance (Jovanović 2011).

Between 1990 and 2000, Serbian parliamentary and presidential elections were held three more times<sup>5</sup>. However, Milošević's party (renamed to Socialist Party of Serbia - SPS) always managed to have the majority in Parliament, to form the Government<sup>6</sup> and to dictate conditions in which the political opposition acted within the Parliament. The role of oppo-

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<sup>2</sup> Zakon o političkim organizacijama (The Law on Political Organizations) SR Srbije, Službeni glasnik Savezne Republike Srbije, br. 37/1990, Ustav Republike Srbije. Službeni glasnik Republike Srbije, br1/1990.

<sup>3</sup> The Law on Political Organizations from 1990 was changed only in 2009.

<sup>4</sup> Although the legal conditions for political opposition to act and participate in elections were fulfilled only in 1990, some opposition political parties, of which two major parties, Democratic party (DS) and Serbian Renewal Movement (SPO), were formed already during 1989.

<sup>5</sup> Parliamentary elections were held in 1992, 1993 and 1997 while the presidential in 1992 and two times in 1997.

<sup>6</sup> In doing this, since 1992, the SPS has been supported by the Serbian Radical Party (SRS). Although SPS and SRS differed in terms of political programs, their electorate overlapped. What is relevant here to know is that, on one hand, SRS was always accepting SPS proposals and decisions in the Parliament, while on the other, they were radically oriented against all opposition. As Spoerri argues, the SRS was perceived as «Milošević's most favorable opposition» (Spoerri 2015). The rhetoric they used was very aggressive in terms of hate speech against all other nations of Yugoslavia as well as against all the political opponents. The SPS as "a favor" allowed SRS to widely use the media to promote their messages (Goati 2001).

sition parties was, in fact, very marginalised in terms of initiatives and political power (Goati 1995; Pavlovic 2020). This pushed the opposition to use extra-institutional pressure to influence the decision-making process (Vladislavljević 2016). The discussions about the relevant questions the opposition tried to open in the parliament were either ignored or aggressively blocked by the majority, which often used hate speech and defamations against representatives of the opposition (Goati 1998). The possibility of further democratisation of the political system in terms of institutional empowerment of the opposition was additionally blocked by the institutional arrangements (executive power was distributed between the directly elected president and the government) and abuses of power by Milošević (Spasojević 2022).

The institutional role of political opposition was further weakened due to the dissolution of Yugoslavia, civil wars, and the prevalence of the nationalistic rhetoric of Milošević and the ruling SPS party. The questions of national interest were prioritized by Milošević, which prevented the creation of space for discussion about the democratisation of the political system and any kind of regulation that would empower the opposition (Vladislavljević 2016). Furthermore, each attempt of the opposition to promote democratisation was framed by Milošević as an attack on the national unity of Serbia (Stojanović 2000). The opposition actors were framed as the fifth column and collaborators of the “hostile international community” that imposed several sanctions against Yugoslavia (1992-1995 and 1998-2001).

During the elections, the weak position of the opposition was especially pronounced because of numerous electoral irregularities, testified by international observers, such as falsified protocols from the polling places, pressures on employees to vote for the ruling party candidate, corrupted electoral commissions, arbitrary revocation of electoral results by courts, and arbitrary increase of the number of voters (Goati 2020). That served to Milošević to ensure a victory or to meet the legal conditions to proclaim the elections as valid. Moreover, relying on their parliamentary majority, the SPS was also changing the rules of the electoral contests before the elections in order to obtain desired results (Goati 1998).

In addition to all this, the unfavorable position of the opposition in terms of access to media was an especially relevant trigger for the opposition to initiate extra-institutional pressure that started in 1990 and that was often used as a tool for exercising political influence until 2000. There were three large waves of protest in those years: 1991-1992, 1996-1997 and 1999-2000. The

first two waves of the protests produced some results, but in most cases, the concessions Milošević made to the opposition were later withdrawn<sup>7</sup>.

The third wave of protest, which led to the overthrow of the Milošević regime on the 5<sup>th</sup> of October 2000, took place in a changed political context: the increasing violence of the Milošević regime in Kosovo resulted in the NATO intervention in 1999 and, finally, the end of the war with Belgrade's *de facto* loss of control over Kosovo<sup>8</sup>. There were many reasons for opposition to protest in that period: increased repression of the regime against the political opponents (Todosijević 2013), the almost complete *de facto* abolition of pluralism and freedom of media and the total abuse of power by Milošević (CeSID 2000). Still, the peak of the protest against the regime's oppression took place in 2000 and was initiated by the opposition parties because of Milošević's attempts to manipulate the results of the Yugoslav presidential elections (Vladisavljević 2014). The elections were held following the electoral law<sup>9</sup> made just before the elections and that allowed the direct election of the Yugoslav president (Spasojević 2022). The opposition participated in the elections gathered under The Democratic Opposition of Serbia (DOS), an electoral alliance comprising 18 parties that enjoyed the vast support of the civil society, which helped the opposition to observe the elections, and the student-led movement Otpor (Resistance) that was formed in those years. DOS presented Koštunica as a common candidate that won in the first round. When Milošević refused to accept the results, the opposition called for a massive protest and finally managed to mobilize more than 700,000 citizens in the streets of Belgrade and defeat the regime. Overthrow of the Milošević regime in Serbia on the 5<sup>th</sup> of October was perceived as a sign of radical change and hope for the future (Teokarević 2011).

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<sup>7</sup> In 1991, the opposition obtained the right to freedom of assembly, but during the following years there were many attempts to limit it. The concessions given in the sphere of freedom of media were later completely annulled. In 1992 Milošević accepted changing the electoral system for 1992's snap elections (Spasojević 2022) and 1996-1997 protests enabled the opposition to achieve victory at the local level. The opposition parties also called for boycotts of the elections in 1992 and 1997.

<sup>8</sup> Although Serbia lost control over the Kosovo territories the pro-government media portrayed Milošević as "the one who defeated NATO", <[https://www.b92.net/info/vesti/index.php?yyyy=2008&mm=03&dd=24&nav\\_category=11&nav\\_id=290676](https://www.b92.net/info/vesti/index.php?yyyy=2008&mm=03&dd=24&nav_category=11&nav_id=290676)>.

<sup>9</sup> Zakon o izboru i prestanku mandata predsednika SRJ, Službeni list SRJ, br. 32/00.

### 3. THE FIRST TRANSITIONAL PHASE (2000-2012)

The first decade can be also perceived through the process of reforms and ideological transformation of the old regime parties, i.e. new opposition parties. They started as pariahs and outcasts, and they have been partially held responsible for the consequences of Milošević regime, but gradually they made their way back into political life, institutions, and even a government.

In the first post-Milošević elections in December of 2000, the new ruling coalition won 2/3 of the votes and confirmed a significant change in the electorate. The old regime parties, the SPS and the SRS, declined dramatically, leaving the new majority without a real counterweight. However, even without pressure from the opposition, the new ruling coalition deteriorated very soon. The DOS was built as an umbrella movement against the Milošević regime, but not as a governing coalition. This means there was no clear plan or consensus on what kind of society should be built. In other words, soon after the formation of the new government, there were disputes on the scope and the pace of the transition (Spasojević 2016). The main line of dispute was between the DS and the DSS – «DS was promoting a self-image of a strongly pro-European and liberal party, while DSS was perceived as more nationalist and traditionalist» (Todosijević 2013: 532). It was also personal and conceptual dispute between Djindjić and Koštunica – while Djindjić denied legitimacy to the previous regime and worked intensively on undoing it, Koštunica insisted on following legal procedures, legitimising the previous regime by treating the 2000 election as a routine alternation in government (Dolenec 2013: 177).

The new Government faced many obstacles – although there was a success in the reintegration of Serbia into the international community and progress in the provision of essential functions (e.g., health care and education), the institution and state-building process stalled almost instantly. Although the old regime was defeated on the elections, there were significant mechanism and legacies that prevented new Government to exert the power; «The period 2000-2003 is perhaps best characterised as a state of emergency, an unstable period of non-regime [...] the continued presence of elements of the old regime even within the new structures, which created a climate of constitutional uncertainty. Corrupt elements of the old regime remained present either in, or parallel to, the new structures, opposing reforms» (Dolenec 2013: 178). Problems with these legacies just increased rivalry between the DS and the DSS and reduced capacity to develop democratic institutions that would be able to perform checks and balances.

In contrast to expectations, the new Government «continued to abuse the prerogatives of executive power to steer the legislative and judiciary branch, as well as to control the media and other state institutions» (Dolenec 2013: 180). The key issue was related to three unsuccessful presidential elections due to high threshold (turnout of 50% voters was required; elections were held in September and December of 2002, and November of 2003) and speaker of the Parliament (Nataša Mičić) took the office, following the Constitution. The DSS accused the DS for rigging the voter register and deliberately sabotaging the elections, as the Speaker was much closer to Djindjić and the DS. At the same time, oversight mechanisms, such as civil society and the media system, were much closer to new ruling parties as they shared years of fighting for democracy and, therefore, with reduced ability and willingness to react. The usual justification for these undemocratic patterns was that the legacies of the old regime were so strong that they could not be dismantled with traditional democratic means and that old parties were waiting for an opportunity to come back.

Place for opposition parties in post-Milošević was relatively narrow and we can analyse it from the political and institutional perspective. In political terms, the two main opposition parties (the SPS and the SRS) were “ostracized” to a significant extent. The SPS was held responsible for the ‘90s, and their representatives were trying to preserve the party and their political careers. Some notable members of the SPS have been arrested and accused, including Milošević in 2001. However, as soon as there were first splits between DOS parties, it provided some space to the Socialists party to establish pragmatic relations with majority parties<sup>10</sup>.

On the other side, the Serbian Radical Party (SRS) acted more freely as most of the attention and blame landed on the SPS. The SRS grabbed Milošević nationalist legacy and owned it, realizing that transitional honeymoon will not last that long. Radical used the opportunity and established the SRS as the key opposition party (Spasojević 2016). However, the ideological profile of the SRS and lack of will for transformation limited their coalition potential and made them an excellent example of a party with blackmail potential. Sartori (2004) defines it as a party whose «existence, or appearance, affects the tactics of party competition and particularly when it alters the direction of the competition – by determining a switch from

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<sup>10</sup> For example, a group of MPs around Branislav Ivković was at the government’s disposal for confirmations of quorum and sometimes even for voting for the proposals and laws. The others established relations with other parts of DOS and tried to detach themselves from Milošević, who was still the party president, although in ICTY custody since June of 2001.



centripetal to centrifugal competition either leftward, rightward, or in both directions – of the governing-oriented parties». In other words, as no one was willing to make coalitions with the SRS, the party was pushed-out from the decision-making process, but it still had the potential to disrupt relations between governing parties, to affect political agenda, and to generate disaffection among the voters. Some scholars classify the SRS as an anti-systematic party or as irresponsible opposition. However, the key disruptive element in this period was a relation to democracy – a significant part of the SRS constituency supported a firm-hand and authoritarian style of governing, which was perceived as a threat to weak and unconsolidated democracy in Serbia (Stojiljković 2006). The DOS parties, especially the DS, used this threat to delegitimise the Serbian radical party and to mobilize democratic voters.

The peak of conflict with the legacies of the old regime was the assassination of Prime Minister and DS party leader Djindjic in 2003. After early parliamentary elections in December of 2003, held due to the crisis originated because of the assassination of Djindjic, the new minority Government was formed by the DSS, G17 and SPO/NS and it was supported by the SPS. It was the first sign that the position of old regime parties is gradually changing. It also meant that Serbia had bilateral opposition – «the nationalist and populist Serbian Radical Party (SRS) that took one third of the votes and became by far the most numerous party; and the pro-European, pro-modernization Democratic Party» (Teokarevic 2011: 64). This led to interesting and more dynamic parliamentary work, although it did not lead to long-term establishment of stronger democratic institutions and parliamentary practices. However, two strong opposition parties (the SRS and the DS) used institutional means to challenge the minority Government – question time (number of questions significantly rose in this period), interpellations, and parliamentary inquiries (Orlović 2012).

The position of the opposition was changed to a significant extent in this period. However, it should not be perceived as a consequence of democratisation and/or institutional development but as a circumstance based on the decision of the DSS to form a minority government and the ability of the DS and the SRS to use the available institutional mechanisms. The DS was additionally strengthened by the election of Tadić as President in 2004, which led to cohabitation between the Government and the President and intensified conflicts between the DS and the DSS. As the SRS remained in the same position as during the first post-Milošević Government, the party system was more dynamic, but the critical division of power mostly remained limited to former DOS parties.

A new development came with a new Constitution in 2006; the balance of power between the DS and the DSS enabled the parties to suddenly reach a consensus on the new Constitution. It did not change the nature of the semi-presidential political system, but it introduced certain practices of good governance such as an ombudsman's office, for example. However, according to Bochsler (2013), «some provisions were problematic with regards to the division of state powers – regarding the legislative control over the judiciary, and the possibility of the central government to resolve municipal assemblies». As the Constitution needed to be confirmed by referendum, even the SRS was included in the consultations and later in the constitutional campaign, which opened the door to a partial change of their position. However, the SRS opted to preserve its blackmail position and declined the idea of transformation.

The strong centrifugal competition imposed by the DS and the SRS led to disruptions in the center of the party system, and most of the former DOS parties joined the DS camp during the presidential elections in 2008 (narrow victory of Tadić over Nikolić in the second round), while the SPS joined the winning block after the parliamentary elections in May of 2008. As the fundamental issue of these elections was a debate between euro-centric and Kosovo-centric politics, victory of the pro-EU side led to a series of events that dramatically changed the Serbian party system: the DSS support gradually declined, and the SRS split between moderate and nationalistic wings. The moderated formed a new party, the Serbian progressive party (SNS) a moderate center-right and pro-EU party (Stojić 2018) and marked ideological transformation of both parties of the old regime which for the first time resulted in an almost universal consensus about the country's priorities (Teokarević 2011).

The 2008 elections changed the balance of power dramatically as the DS held the position of state President and the majority in the Government. It led to gradual centralization of power in the hands of Boris Tadić and «has often been criticised as being the main factor contributing to the lack of much-needed accountability in the present Serbian coalition government» (Teokarević 2011: 67). From the institutional perspective, authoritarian tendencies were not strong enough to endanger free and fair elections, but they limited the establishment of an independent judiciary system (though ongoing reform in 2009) and many oversight and regulatory institutions established in this period.

The opposition disadvantage was observable regarding media coverage and some institutional procedures. Castaldo (2020) argues that political in-

terference in media freedom persists as an issue of concern as the privatisation of public media has not been implemented. This gave an advantage to ruling parties as they could use state resources (e.g. finance for marketing) to influence media reporting. However, it does not mean that the opposition was excluded from public space as during the Milošević regime; «the news of the public broadcaster (RTS) gave a slight advantage to the ruling parties while preserving the representation of other political options. In the second round of the 2008 presidential election, RTS favored President Tadić over his challenger Tomislav Nikolić, largely thanks to coverage of his public office activities, while reporting in 2012 was mostly balanced» (Ilić 2020: 72).

In terms of institutional procedures, the most visible issue increased usage of urgent procedure in the Parliament, which limited the ability of the opposition to challenge government proposals and reduced available time for MPs. The alignment of legislation with the EU *acquis* has often been used as an explanation for the “fast track”. Also, «parliament has amended its rules of procedure to restrict the possibilities of the opposition blocking the legislative process» (Teokarević 2011).

The emergence of the SNS and the Declaration of Reconciliation signed between the DS and the SPS just after the 2008 elections changed the landscape of the Serbian party system. However, regardless of significantly decreased ideological distance between the ruling parties and the SNS (as the strongest opposition party according to public opinion surveys), the DS continued with the delegitimisation campaign against the Progressives (as they did against the SRS), especially during the 2012 electoral campaign. The outcome of the elections clearly showed that this strategy could not be efficient anymore.

#### 4. THE SECOND TRANSFORMATION IN POWER (2012-2020)

Samuel Huntington (1991) wrote on the double turnover as the confirmation that democracy has been consolidated. In other words, if parties that have defeated the *ancient régime* accept the electoral loss and peacefully transform the power to a new majority, we could argue that democracy is “the only game in town”. The double turnover happened in 2012 when the SNS candidate Tomislav Nikolić won the presidency by a narrow victory in the second round against the incumbent Tadić. Nikolić’s victory altered coalition talks and led to an unexpected majority made of the SNS (26%), the SPS (14%), and URS (5%), who were also in the previous Government. Serbian politics took a surprising turn.

In the previous section we have described the position of the Serbian Radical Party and how it was isolated from coalition arrangements. However, the system has been significantly changed after the formation of a new party and gradual ideological transformation. The SNS-led government was not just possible but also welcomed by the international community, local experts, and analysts. The dominant perception of the SNS at the time was positive, and there were just limited concerns for the state of democracy in Serbia.

The SNS rose to power by using populist rhetoric. The predecessor party, the SRS, was also perceived as the populist and a party that introduced nationalistic populism into the political mainstream (Mudde 2003). The new Party reduced nationalism and identity-based issues (Spasojević 2019). It led a «populist electoral campaign centered on the failure of previous governments to tackle corruption and improve the economy» (Castaldo 2020: 7). Therefore, the key campaign messages were that previous governments led transition in a way that was biased to tycoons and foreign investors and that the government did not care about ordinary people who were transitional losers. The populist narrative was essential for the electoral success and ideological transformation of the Party, but also their future relations with the opposition.

The SNS continued camping against political opponents after the formation of the new Government. The main target in this period was the DS as the main rival and the party that won 24% in the 2008 elections. Since they were perceived as corrupted by a significant part of the constituency, it was an easy pick for the SNS. A significant number of DS members, former state and local officials, have been arrested and indicted (only one person has been convicted so far). The Anti-DS campaign was somewhat like anti-SPS and anti-SRS campaigns after the fall of Milošević. Similarly, state prosecution launched an investigation on Miroslav Mišković, owner of Delta company, who was perceived as the wealthiest and most influential person in Serbia and related to the DS. Mišković was arrested in December of 2012, and it was perceived as a success of the new SNS leader and vice MP Aleksandar Vučić. His rating skyrocketed after the arrest.

In contrast to this pressure on the Democrats and related tycoons, the Progressives tried to show their democratic face in most other cases. Their relationship with the media, civil society, and the international community was carefully developed. In 2013 the Government signed the Brussels agreement with Kosovo, showing its readiness to continue with the politics of cooperation established in the previous years. The government also enabled the Pride Day parade, which was a symbolic test of ideological change.

In 2014 Serbia had snap parliamentary elections. The formal rationale behind the elections was troubles in the coalition. However, it seemed that the SNS under Vučić just wanted to take advantage of the popularity and share the spoils according to votes. The SNS won, striking 49.9%, and the Socialist added 14% for the Government. The elections brought a complete change in the opposition landscape – only two lists rose above the threshold, and both were the DS related – one led by the DS and its new president and another founded just before the elections by former DS president Tadić. Both lists won around 420,000 votes, showing a decline of around 600-700,000 votes compared to 2012 elections. On the other side, around 650,000 votes for other opposition parties remained without representation and under the threshold. From the ideological perspective, it was the first Parliament without any anti-EU or euro-skeptical party.

The 2014 elections were crucial in Serbian politics as they marked the beginning of the atomization phase for opposition parties and the collapse of former ruling parties (Castaldo 2020). The opposition scene has been fragmented in many ways – between modernist pro-EU parties and traditionalist anti-EU block; between those who opt for institutional participation and occasional cooperation with the government in contrast to those who argue for non-institutional means and confrontation in all cases; between old(er) parties who had been in power before (and perceived as responsible) and the new ones, founded in recent years and without a baggage. Also, most parties had similar support – none of them was close to 10% and a first among the equals, which also stirred competition between the opposition parties (Vučićević 2016). Conversely, the regime started to narrow the space for electoral competition (Bieber 2018).

The authoritarian trends were visible from the beginning of the SNS rule, but they grew over time. In 2016 the Government called for another snap election (similar rationale as in 2014), and in 2017, Serbia held regular presidential elections. These two electoral processes received much criticism from international and domestic observers. The OSCE/ODIHR electoral monitoring mission mentioned voter intimidation, pressure on public sector employees, and undue advantage of incumbency blurring the distinction between state and party activities often called the official campaign (OSCE/ODIHR 2016). The 2017 presidential elections saw even more such violations, leading to conclusion that «unbalanced media coverage and credible allegations of pressure on voters and employees of state-affiliated structures and a misuse of administrative resources tilted the playing field in Vučić's favor» (OSCE/ODIHR 2017: 1). The playing field was so uneven that «the elections lost their essentially competitive character» (Ilić 2020: 45).

Connected election cycles «led to an intense, almost continuous campaign, which exhausted political actors with limited resources» (Ilić 2020: 47), e.g. the opposition, and enabled the SNS representatives, primarily Vučić, to have significant media exposure. Media coverage included regular presidential activities and frequent press conferences, and tv interviews. The content of these communications was dual; on one side, a talk about Serbian progress and government results, on the other, to conduct a smear campaign against the opposition.

The relationship between the SNS and the media system can be analyzed as one of the most representative characteristics of the regime under Vučić. As Vuković argues, «ever since coming to power, the SNS has been actively trying to delegitimize and wipe out the opposition, as well as the political and electoral pluralism. They have done it by conducting long and ruthless media campaigns against any individuals criticising the authorities, whether they were judges, politicians, journalists or civil activists» (Vuković 2021: 18).

A smear campaign against the opposition had several elements. The key target in this period was still the DS and parties related to the DS<sup>11</sup>. Of course, smear campaigns are not limited to one party and one leader. Whenever some of the opposition parties raised an important issue and attracted some public attention, the regime launched a tailored campaign against those parties or individuals.

These campaigns were not limited to opposition representatives, and they might cover any form of challenge, oversight, or checks against the SNS. For example, in 2016, the SNS launched a smear campaign against Saša Janković, an ombudsperson, for his investigation after the Savamala incident<sup>12</sup>. Similar campaigns have been launched against journalists, civil society representatives, and even some international actors.

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<sup>11</sup> After the 2016 elections, the main target of the regime was the former leader of the DS, the former mayor of Belgrade, and the president of the leading opposition party, the SSP (the Party of freedom and justice) Dragan Djilas. He has been pictured as a tycoon and wealthy person who stole 619 million euros while in power, among other things. The main function of the smear campaigns is to delegitimise Djilas and the SSP among voters and to justify their marginalisation from the public space.

<sup>12</sup> Savamala incident is related to the illegal demolition of several buildings in a Savamala quarter of Belgrade. Those buildings stood in a way to the Belgrade Waterfront project, supported by the city and state institutions. Janković was under severe pressure from the ruling party, pro-government tabloids, and analysts for several months. The cornerstone of the campaign was the suicide of Janković's friend happened in 1993 and had nothing to do with his performances as an ombudsperson.

The attacks against the opposition are not limited to the media sphere. After the 2016 elections, the Serbian parliamentary majority has become very antagonistic to the opposition parties. The parliamentary majority «neglect of parliamentary procedure and mechanisms (failing to include the opposition MPs' law proposal on the agenda, or abandoning the parliamentary questions on a topical subject), they misuse (as with hundreds of amendments proposed by the ruling majority, or posing “friendly” question during MP Question Time), as well as the indirect or direct violations of the Rules of Procedure (for instance by failing to discuss the reports of independent bodies in foreseen timeframe)» (Tepavac 2020: 86). Beside formal rules and procedures, position MPs often insulted the opposition representatives and limited their space by different tactics including filibustering schemes<sup>13</sup> that were usually used by the opposition parties. These practices led to a boycott of parliamentary sessions by the opposition; only several MPs remained in the Parliament and just for specific issues.

The marginalisation and the oppression in the Parliament led to initiatives for a boycott of the next elections. After the failure of round table talks, even with the international representatives, most opposition parties decided to boycott the 2020 parliamentary elections. The Government reacted by last-minute reduction of the threshold to 3%<sup>14</sup>, but it failed to produce any effect. The turnout was 48% (in contrast to the usual 55-60%), and Parliament had only six opposition MPs (out of 250). After eight years in power, the SNS managed to almost reduce political pluralism completely and even to eradicate it from the Parliament.

## 5. THE RETURN OF PLURALISM

While majority of the opposition decided to boycott the elections, most of the political parties that participated failed to rise above the 3% threshold, so the elections brought the most homogenous composition of the Serbian

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<sup>13</sup> Majority MPs would submit excessive amendments to laws without genuinely relevant content, thereby restricting the speech time for the opposition MPs and trivialising the parliamentary debate. They would also ask friendly questions to government representatives during the question hours. Government representatives would also answer these questions for a very long time in order to waste time reserved for Q and A.

<sup>14</sup> Zakon o izboru narodnih poslanika (Law on the election of Members of Parliament) was changed in February 2020, and elections were scheduled for April (due to Covid19 outbreak, they were postponed to June 2020).

Parliament since 1990 (Tepavac and Branković 2020). From 2020 to 2022 the Parliament was a marginalised institution and although the procedures and standards of functioning of the Parliament formally existed, this institution *de facto* became the Government's service. The Government initiated the adoption of almost all laws, and the role of various committees was reduced. All the presidents and deputy presidents of the 20 committees formed belonged to the parties of the ruling majority. The whole legislative activity was characterised by a low level of transparency and an almost complete lack of participation of experts and interested citizens in the process (Center for Research, Transparency and Accountability 2021). Discussions in Parliament were not focused on issues of interest to citizens or on any kind of debate, and were very often used to harshly criticise the opposition or civil society, or to glorify President Aleksandar Vučić.

Remaining outside the Parliament, the opposition, after the boycott initiated a new wave of protest that, among other factors, allowed the 2022 elections to happen in slightly improved conditions.

Although the first protest against the institutions was initiated before the elections took place, it could be considered as a part of the same wave of protest and the same crisis that regards the lack of trust of the citizens in the institutions and the ruling SNS party. The immediate cause of the protest was the lack of transparency and information on the number of coronavirus cases and the lack of trust in the state officials and members of the crisis headquarters. Thousands of citizens took to the streets to protest the manner in which the Covid19 crisis was handled. The protest escalated into riots when the police started using excessive force on the protesters and the journalists of the non-regime-owned media (Ilić and Pudar Draško 2022). The freedom of the media was further restricted with the justification of the health crisis (Petrović 2020). Even though the protests started spontaneously, the leaders of the opposition joined the protests.

The second primary reason that led citizens and opposition actors of Serbia to protest in this period was related to the adoption of two laws: the Law on Referendum and People's Initiative and the Law on Expropriation. Those laws were related to the planned investment of Rio Tinto Company in a lithium mine in Western Serbia, tackling one of the pressing environmental issues in Serbia. Almost a complete lack of interest of the ruling party in the opposition and citizens' demands was shown by choosing to hold the plenary sessions at the same time as the protests. Even in this case, the discussion in the Parliament was used to excessively criticise the citizens' demands and political opponents and not to discuss the arguments formulated by cit-



izens. However, even if this case showed the complete lack of interest of institutions in those they were supposed to represent, it also became clear that the citizens were interested in the quality and content of legal solutions that are adopted in the Parliament (Ilić and Pudar Draško 2022). The protests that marked the whole of 2021 mainly focused on environmental issues and the incapacity and unwillingness of Serbian institutions to handle the environmental threats and protect the environment and health of the citizens. The protests escalated and when it came to the point that citizens organized blockades of the main roads, they posed a challenge to the authority of the ruling party. As a result of these protests, the Law on Expropriation was revoked (Ilić and Pudar Draško 2022).

The culmination of the environmental protest took place before the constitutional referendum, held in January 2022, which aimed to introduce constitutional changes required by the EU that were related to the judiciary system. However, the way in which those changes were drafted was criticized by the opposition, which underlined that the changes would still allow the exercise of the political influence of the ruling party over the judiciary. This issue made the opposition mobilise and many parties organised campaigns that served as an exercise for the forthcoming elections. However, although the opposition managed to attract public attention regarding this issue, the complexity of the issue itself limited the significant mobilisation of the citizens, and the changes eventually passed, obtaining a weak majority (Ilić and Pudar Draško 2022).

The increased mobilisation of the political actors and social movements in the previous period affected the participation of the social and political actors in the early parliamentary, presidential, and local elections scheduled for 2022 in the capital and 13 other municipalities (Ilić 2022)<sup>15</sup>. Opposition movements and parties, some of which were already focusing on environmental issues in the last five years, recognised the mobilising potential of the environmental issues and those were the focus of their election campaign. The conditions in which the elections took place slightly improved the position of the opposition due to the Inter-Party Dialogue (IPD) that was mediated by the European Parliament and the second dialogue held by the Serbian Parliament. Namely, new electoral laws were drafted and they brought changes to the structure of electoral administration and limits on political party campaign funding, extending the timeframes for dispute res-

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<sup>15</sup> President Aleksandar Vučić already in 2020 announced that the new parliamentary elections would be held earlier.

olution and regulating the media coverage of officials. The transparency of the polling boards was also improved and some temporary measures were introduced in order to allow the non-parliamentary parties that boycotted the elections to participate in polling boards (Ilić and Pudar Draško 2022). Those modifications, however, did not substantially change the unequal position of the opposition in the elections, given that the pressures on voters and problems of non-independence of the body that regulates the media (underlined as persistent problems by the OSCE-ODIHR) were not solved. Besides, the changes occurred only two months before the elections (Ilić and Pudar Draško 2022).

The elections showed that the dissatisfaction of the opposition with the conditions was justified; the candidates during the election campaign had unequal access to the media, and the ruling majority used discretionary powers to allocate financial incentives in order to obtain the political support of particular groups of citizens (OSCE-ODIHR 2022). The position of the opposition during the elections was further weakened by the Russian invasion of Ukraine, which was getting all the media attention and allowed Vučić to present himself and his party as guarantees of stability and security. Given the pro-Russian sentiments of the majority of the Serbian population but also the negative connotations that the sanctions have in Serbia, the opposition avoided to publicly express their position regarding the war. The invasion of Ukraine further exacerbated a decline in media freedom and media pluralism, especially regarding the pressure on independent media and journalists. Besides, the final results of the parliamentary elections were announced only 93 days after the election due to the irregularity at the single polling station and the lack of willingness of the institutions to confirm this irregularity.

However, at the parliamentary elections, the ruling SNS party obtained 43% votes, and for the first time since the 2014 elections, it was not able to form the majority in the Parliament by itself. The representatives of 25 parties and movements obtained seats in the Parliament (12 lists in total), and the major novelty of the elections is that the new green-left coalition of social movements and civic initiatives Moramo (“We have to”), obtained 13 seats. In the presidential elections, Vučić won with 58.6%, and the distribution of votes for the other candidates was similar to the parliamentary elections.

Constituted only 120 days after the elections, the new Parliament, on the one hand, represents the continuation of the previous governing coalition, but on the other, with the opposition returning to institutions, pluralism was reintroduced, formally but also in terms of the debate. After many years of deinstitutionalization of politics and the use of extra-institution-

al actions and strategies by the opposition, the elections indeed opened a new opportunity for the opposition to operate within the institutions and democratise them.

Not enough time has passed since the new Parliament was constituted so it is not easy to say something conclusive and valid regarding the quality of political pluralism that could be achieved within this Parliament. However, on the negative side, it should be mentioned that members of the largest parliamentary group (“Aleksandar Vučić - Together we can do everything”) already submitted many proposals for the establishment of investigative committees that would explore the actions and statements of individual members of the opposition (Otvoreni parlament 2022). Besides being proposed to continue to exercise pressure on the opposition, those committees also disrupt the normal work of the Parliament. The president of the Parliament is also abusing his power to limit the opposition’s time for discussion. Additionally, in order to limit the possibility of the opposition to adequately prepare itself for the parliamentary sessions, the ruling party is abusing the abbreviated procedure for scheduling the parliamentary sessions (24 hours before the sessions) putting the opposition in an unequal position. The tradition of hate speech and defamations against representatives of the opposition also persisted in the newly elected Parliament. On the positive side, the opposition parties got more posts of presidents and deputy presidents of the committees and parliamentary delegations than in the Parliament constituted in 2016. Besides, the opposition, especially the new green left alliance, seems to be particularly active in participating by proposing various initiatives and also by reminding other actors about the democratic rules and institutional arrangements.

## 6. CONCLUSIONS

This chapter has sought to analyse the opposition’s position and the role in Serbia in the last 30 years. We aimed to provide an overview of the contextual factors and to show the specificities of the post-socialist democratisation process and democratic backsliding in Serbia. Those contextual factors shaped how the formal and informal rules (according to which the opposition acted) were formed and influenced how the opposition was engaged in public life. In this concluding section, we wish to discuss further some of the main tendencies of those processes from the perspective of institutional rules, perceptions and narratives about the opposition used within

the Parliament, the relationship of the opposition and the media and the extra-institutional engagement of the opposition.

As already explained in the second section of this chapter, the very beginning of political pluralism in Serbia was not designed after the debate and negotiations between new and old political parties in search of an agreement. Instead, the new constitutions, laws and other rules that regulated political life were imposed by the League of Communists of Serbia. The way in which the new framework was built continued, in the next ten years (1990-2000), to be the dominant way in which the rules of the institutional game were created. The majority in the Parliament dictated the conditions in which the political opposition acted and the Parliament itself never became the place of decision-making and the opposition remained very marginalised (Goati 2020). Although we certainly cannot speak about direct continuity, the period from 2012-2020 was marked by similar tendencies. The authoritarian tendencies of the ruling SNS party grew over time, but they became especially visible since 2016 with the severe violations of electoral processes and the marginalisation and oppression of the opposition in the Parliament. The regime narrowed the institutional space for the opposition to act and to participate equally in electoral competition which finally resulted in the boycott of the opposition in the 2020 elections. In the period that followed (2020-2022), the Parliament itself became a marginalised institution serving exclusively to the interest of the ruling party.

Although the period in between, from 2000 to 2012, was marked by processes of democratic transition that were finally initiated, even though the old regime structures continued to obstruct the reforms, the democratisation of the institutional rules, which would enable empowerment of the position of opposition within the Parliament, did not happen. However, during this period (especially from 2004), the Parliament became a dynamic place and the elections held in that period were freer and fairer than ever before.

Despite these differences between phases, the parliamentary dynamic was always strongly marked by delegitimisation of the opposition. Still, two different narratives used by the majority could be distinguished since the introduction of political pluralism. On the one hand, there is delegitimisation that started in 1990, characterised by labeling the opposition as the enemy of the Serbian people, the enemy of national unity, or a collaborator of the enemies (international community or former Yugoslav Republics). Those narratives were often followed by defamations and hate speech directed against the opposition. When Milošević's regime was defeated, the new narratives of delegitimisation were used by the new majority focusing on the account-

ability and responsibility of opposition for the wars and total social and economic destruction of the country during the '90s. This new narrative, even though it continued to delegitimise the opposition, like the previous one, introduced the accountability and responsibility of the previous ruling majorities for the consequences of their politics. It should be noted, however that the endurance of the practice of delegitimation of the opposition, also during the period of major democratic reforms, certainly did not help to create an institutional political environment in which the opposition could fulfill its democratic role. From 2012 until today, both narratives were used by the ruling party. Still, the growing authoritarian tendencies were followed by the increased use of labeling the opposition as the enemy of the people.

The delegitimation of the opposition was also always done through ruthless media campaigns, and the overall trend of political interference in media freedoms has been a constant in Serbian political life since 1990. Media were always used as a powerful weapon of the majority even though, since 2000, the legal frameworks changed in the direction of improvement of media pluralism. As in the case of the narratives about the opposition within Parliament, this trend towards the delegitimation of the opposition was partially interrupted only during the first decade of 2000. On the other side, the peak of the practice of political interference was reached with the regime of Aleksandar Vučić, which was in a continuous campaign with the goal of delegitimation and defamation of the opposition. The unfavorable position of the opposition in terms of access to media and awareness that only improvement of the media freedoms and media pluralism would allow free and fair electoral competition, but also their consolidation and growth, made the issue of media the most frequent immediate cause of the extra-institutional engagement of the opposition.

The whole history of opposition in Serbia was strongly marked by extra-institutional engagement, except for the period 2000-2012. Four large waves of protest took place in the last 30 years: 1991/1992, 1996/1997, 1999/2000 and 2021/2022. The first two waves produced some results, but in most cases, the concessions made to the opposition by the regime were later withdrawn or not respected. The third wave resulted in the conclusion of the Milošević regime and the last one allowed the 2022 elections to happen in slightly improved conditions and brought back the opposition into the Parliament. It should be noted that, although the opposition political parties from the right side of the spectrum also sometimes used extra-institutional actions, this form of engagement was and still is mainly related to the parties that are pushing for democratisation and fight against authoritarian tenden-

cies. That could be explained by the characteristic of the liberal and democratic-oriented electorate that is more interested in political life, have more positive attitudes towards democracy and it is in general more interested to participate in all types of social and political engagement (Todosijević and Pavlović 2020; Fiket and Pudar Draško, 2021). Still, even though we concluded that the Serbian democratic opposition often used extra-institutional pressure to influence the decision-making process, given that they were marginalised within institutions, it should be clarified that the last wave of protest represents some relevant differences compared to the previous waves.

Before all, the organizers of the civic protests that took place in 2021 and 2022, following the waves of protests that took place in 2018 and 2019, have refused to cooperate with political parties, indicating a lack of trust in political organisations and existing parties (Pudar Draško *et al.*, 2019). Parties in Serbia are, in fact, often seen as organisations whose sole function is to serve the interest of the corrupted elite (Fiket *et al.*, 2017). Not only that the perception of the intentions of political parties is questioned by the population, but also its ability to make coalitions and mobilize citizens' deep dissatisfactions with authoritarian ruling. At the same time, this mistrust in political parties opened the opportunity for civic initiatives and social movements to enter the political arena and position themselves as new political actors responding to the needs of the citizens. In the last elections, some members of the social movements and civic initiatives entered the institutions and this could certainly bring some positive changes. However, to challenge the current regime both types of engagement, institutional and extra-institutional, should be used and alliances should be built between a variety of democratic political actors.

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