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## **Introduction, Decline, and Fall of Socio-Economic Provisions in Yugoslavia's Constitutions (1921–1931)**

### **ABSTRACT**

The economic and social provisions of the Vidovdan constitution represent its most advanced part. Its introduction was a step forward towards the creation of a socially responsible state. However, their basic goal, increasing the cultural and economic well-being of the people, was not achieved and the economic crisis deepened. In the post-war state, burdened with cultural, religious, and national differences, the democratic constitution did not last long. The author tries to explain the factors that influenced the adoption of these provisions and their (non) implementation. Whether the failure of economic and social provisions was determined by the fate of the constitution or by objective facts is difficult to say. The author seeks to prove that the collapse of the constitution and its economic and social provisions was influenced by a number of unfavorable circumstances, such as the economic underdevelopment of the state, the remnants of feudal relations, political disunity, resistance to the new state, and Serbian hegemony. Using the historical-legal method of research, combined with economic and sociological methods, the socio-economic provisions of the Vidovdan Constitution and their implementation will be analyzed.

**Key words:** Vidovdan constitution, economic and social provisions, Kingdom of Serbs, Croats, and Slovenes, Labor Law, Agrarian reform

## Introduction

Following the First World War there were many changes caused by the collapse of great empires and the creation of new nation-states. After the collapse of the Austro-Hungarian and Turkish Empires, the South Slavic nations formed the first common state – the Kingdom of Serbs, Croats, and Slovenes. A year and a half after unification, the state adopted a Vidovdan constitution. The Vidovdan Constitution presented the first constitution of the modern Yugoslav state. The constitution recognizes the influences of the 1903 Serbian constitution but also foreign influences, especially the Weimar constitution. This constitution belongs to the group of democratic constitutions that were enacted in the period after the First World War.

In those democratic constitutions more emphasis was placed on rights that protected workers against their bosses, and the right to education and healthcare. These rights are known as socio-economic rights or the second generation of rights. In older literature, they were sometimes called ‘positive rights’ since they promote a positive view of liberty as an opportunity for flourishing or well being as contrasted against a negative view of liberty simply as noninterference.<sup>1</sup>

Socio-economic rights imply the following rights: rights to public services (education, health care), rights supportive of decent living conditions (welfare benefits, unemployment assistance, disabled and veterans benefits and old-age pensions), rights of workers, rights of particular social groups (women, young people, disabled persons, the elderly, or members of ethnic or linguistic minorities), rights to natural resources, and property rights.

International recognition of socio-economic rights dates back to the early 20<sup>th</sup> century, when the International Labour Organization, then an Agency of the League of Nations, adopted a series of conventions that helped improve labour standards around the world. In 1919, the establishment of the International Labour Organization introduced socio-economic rights into legal discourse, characterized by the obligation of the state to intervene. Great influence was also exerted by the great October socialist revolution and other revolutionary movements after it. The ever-threatening danger of revolution and the growing revolutionary mood compelled the bourgeoisie of especially endangered countries (Germany, Yugoslavia) to make concessions.<sup>2</sup> The first Soviet constitution of 1918 as a constitutional act of revolution influenced the overcoming of classical constitutional frameworks.

The most famous example of a liberal constitution that introduces socio-economic provisions is the Weimar Constitution. The Weimar Constitution

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<sup>1</sup> D. Ahmed, E. Bulmer, *Social and economic rights*, Stockholm 2017, p. 8.

<sup>2</sup> A. Fira, *Vidovdanski ustav*, Beograd 2011, p. 178.

strongly influenced the formation of the Polish Constitution of 1921, and then the Spanish Constitution of 1931. However, the Weimar constitution had its greatest influence on the Vidovdan constitution.

Apart from the Weimar constitution and its followers, the Mexican constitution of 1917 included social rights in the texts as well as the Soviet constitution of 1936.

### **Introduction of economic and social provisions in the Vidovdan constitution**

It is an almost unknown fact that another constitution at that time contained economic and social provisions. It is the Vidovdan constitution, the first constitution of the state union of Serbs, Croats, and Slovenes. The formation of the new state raised the question of its state organization, i.e. the relationship between the central government and the already existing territorial political units. The introduction of socio-economic provisions into the Vidovdan constitution remained in the shadow of crucial state and legal issues. It is important to note that the introduction of socio-economic provisions was a rather revolutionary act at that time and far ahead of many European constitutions. Professor Vladan Petrov assesses the section on socio-economic provisions as a bright spot in the constitution and the constitutional avant-garde.<sup>3</sup>

A section with socio-economic provisions was included in the draft constitution after discussion in the constitutional committee.

Serbia was perceived as the initiator of unification because it was a completely independent and internationally recognized state. Also, the merits of the Serbian army in the liberation and collapse of Austria-Hungary were the greatest. However, the Kingdom of Serbia did not annex the liberated territories but created a new state of three nations. Based on that, neither the constitution nor the laws from the previous state were inherited, but the Constituent Assembly adopted a new constitution after the elections. The previous constitution of the Kingdom of Serbia of 1903 did not contain economic and social provisions, although it was an advanced constitution at the time. The individual had legal security but not the social and economic protection of the state.<sup>4</sup>

In addition to the undoubted influence that the Communist Party and the movement had on the enactment of these provisions, there is another reason for the enactment of these provisions. Modern emerging states demanded a new,

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<sup>3</sup> V. Petrov, *Protivrječja Vidovdanskog ustava, Stogodišnjica ustava Kraljevine Srba, Hrvata i Slovenaca iz 1921*, <https://www.politika.rs/sr/clanak/482229/Protivrecja-Vidovdanskog-ustava> (access: 07.10.2021).

<sup>4</sup> S. Jovanović, *Ustavno pravo Kraljevine Srba, Hrvata i Slovenaca*, Beograd 1924, p. 448.

modified concept of the constitution. The new modern state had to offer its citizens more than basic political principles and human rights and freedoms, namely economic and social security. State interventionism is indispensable in regulating developed capitalist relations. Therefore, the introduction of economic and social provisions was welcomed by other political parties also. Also, by adding socio-economic provisions to the legal system, the rule of law evolves into a socio-legal state.<sup>5</sup>

On the other hand, the practical significance of the introduction of economic and social provisions is questionable. Economic and social rights were not applied directly, on the basis of the constitution, but implied the enactment of special laws. Professor Vladan Petrov claims that all the rights thus proclaimed by the constitution were taken away by law.

However, ambitious ventures in the field of social policy could hardly be realized in an economically underdeveloped country; all the above constitutional principles of social policy required the enactment of special laws. The state faced two major problems: undeveloped and destroyed infrastructure and a large number of war orphans. A state with undeveloped infrastructure was severely affected by a war which was mostly conducted on its territory. In addition, the large human losses suffered, especially by Serbia, led to a large number of children without parental care. The state claimed responsibility for the damage inflicted on war orphans and war invalids because the damage occurred in the war waged by the state.

The chapter on socio-economic provisions comprises 23 articles and is singled out as a separate third section of the constitution. All provisions can be grouped according to whether they relate to the regulation of economic relations, labor relations, the agrarian question, or social protection. A model for the introduction of these provisions was found in the Weimar constitution. The creators of the Vidovdan constitution adapted the content of socio-economic provisions to the needs and circumstances of the newly created state. Therefore, the Vidovdan constitution not only took over the provisions of the Weimar constitution but adapted them to the needs and condition of the war-torn state.

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<sup>5</sup> S. Samardžić, W. Luthardt, *Sozialdemokratische Verfassungstheorie in der Weimarer Republik*, "Politicka misao" 1987, Vol. XXVI, 2, pp. 144-159.

## Content of socio-economic provisions

The essence of the introduction of economic and social provisions was reduced to the implementation of agrarian reform and the establishment of basic principles of Labor law. In the newly formed, predominantly agricultural country<sup>6</sup> with the beginnings of industrialization<sup>7</sup>, these were the most important problems. In addition, the state took care of the construction and maintenance of transport infrastructure, maritime affairs and sea fishing (Article 34).

Beside the public law role of the state, the state decided to intervene in the private sphere and put marriage under its protection (Article 28). Marital legislation was never enacted nor did the Vidovdan constitution itself provide for its enactment. There was legal particularism in the field of family and marital law. In the matter of family and marital law, six different legal systems were applied. According to that fact, how a couple's marital and family life would be regulated depended on their religious and legal system affiliation. For example, in Serbia and Macedonia, marital property relations were regulated by the Serbian Civil Code (1844) and marital non-property relations regulated by the Saint Sava Krmčija, Krmčija was passed in the 13th century and lasted until 1933, when the Serbian Orthodox Church adopted its own rules. The issue of marriage was resolved only after the Second World War, by the secularization of marriage law.

Also, it is important to mention that the constitution protected women as mothers and as workers. At that time, the legal position of women was unfavorable. Women had no political rights, nor hereditary ones; they could dispose of property only with the consent of their husbands. It is interesting to note that the Women's Union of Serb, Croats, and Slovenes demanded the introduction of suffrage for women. However, the proposal was not adopted and the Women's Union deleted it from its program after the constitution was enacted. It was concluded that the time was not right for women to get involved in politics. It is important to note that the constitution proclaimed

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<sup>6</sup> This fact is supported by statistical data according to which in 1921 there were 30 cities with 10 to 20 thousand inhabitants, 11 cities with 20 to 50 thousand inhabitants, 3 cities with 50 to 100 thousand inhabitants and 2 cities with over 100 000 inhabitants. Comparing to 1931, the number of small towns (up to 20 thousand inhabitants) quadrupled (124), the number of towns between 20 and 50 thousand inhabitants doubled (25). Now there were 4 cities with a population between 50 and 100 thousand inhabitants and 3 cities with over 100 thousand inhabitants. L. Dimić, *Kulturna politika Kraljevine Jugoslavije 1918–1941*, I-III, Stubovi kulture, Beograd 1997, p. 36.

<sup>7</sup> In 1921 only 9.91% of the total population was employed in industry and in 1931 11%. The mentioned statistics indicate that the share of industry in the total economy was very small and was growing very slowly.

universal suffrage, noting that women's suffrage would be governed by law (Article 70).

However, women's struggle for greater rights continued and they sought to end the restrictions on a woman's legal capacity under the Serbian Civil Code. The goal was achieved in part by the enactment of the 1929 Penal Code, which formally equated the sexes. After World War II, women were given the right to vote and the right to compulsory education.

The Constitution gave the legislature the opportunity to restrict all the listed personal and economic rights by law. The legal restriction of personal and economic rights indicates the turbulent time in which the constitution was enacted.<sup>8</sup> In addition, it was shown by these restrictions that personal and economic rights would be respected as long as they did not harm state unity.

The main principle of state interventionism is proclaimed in Article 26: "The state may, in the interest of the whole and on the basis of law, intervene in the economic relations of citizens, in the spirit of justice and the elimination of social contradictions". It can be said that this is a general socio-economic provision that indicates the presence of the state in the regulation of both social and production relations. This provision of a programmatic nature is taken from the Weimar constitution. Contrary to its model constitution, the provision does not guarantee a citizen a dignified life.<sup>9</sup> It means that the state is obliged to eliminate social contradictions or at least to reduce them. The reduction of social inequalities was reflected in the reduction of property differences between citizens. This means that the state should stand up for poor members of society through economic and social policy programs. In the spirit of justice, the state advocates for the economically weaker in the direction of improving their material condition, but is not a guarantee of their survival. Therefore, it can be concluded that the Vidovdan constitution provided fewer guarantees of social security than the Weimar Constitution.

In the social context of the mentioned provision, it is necessary to interpret other provisions from this chapter as well. The effort to bring all social orders into balance is realized through equal and compulsory education for all, protection at work, prohibition of greenery, and special protection for war victims. In the field of education, the state undertakes to establish a vocational teaching organization and to provide for the education of poor children (Article 22). Specific measures and categorization of children's property status would be determined by a special law. The question of who is meant by poor children is open, whether only the children of the poorest layer, of society or also other children of low property status. A provision on the introduction of compulsory

<sup>8</sup> Z. Stojanović, *Srpska pravna istorija*, Banja Luka 2020, p. 374.

<sup>9</sup> Article 151 of Weimar Constitution.

schooling was absent. The introduction of compulsory education was necessary because the majority of the population was illiterate.

In the state of SHS, as a predominantly agrarian country, agrarian reform and the elimination of the remnants of feudal relations were necessary. Agrarian reform was a precondition for the development of capitalist industry. However, agrarian reform was not implemented consistently. In Serbia, the small estate was dominant, for which the owners did not pay compensation. The real situation was different. Smallholders were over-indebted and the land was burdened with mortgages. Thus, small landowners were under the economic power of the bourgeoisie. Unlike the other states that entered the newly formed state, in Serbia there were no remnants of the feudal system. In Bosnia and Herzegovina, feudal relations were most common. Legally the land still belonged to the sultan, who gave it for eternal use to the Agams and Beys. The agrarian question remained unsolved during the Austro-Hungarian occupation, and even during annexation. On the other hand, Austro-Hungary introduced land registers and the Ages legally became the owners of the land.

We find similar elements of feudal relations on estates in Dalmatia and Macedonia.<sup>10</sup> In Montenegro, otherwise poor in arable land, common property dominated, especially on pastures. The individual property of peasants was sparse, mostly on small and low-quality plots. In Croatia and Vojvodina, there were many large estates that were being transformed from feudal to capitalist possessions.

Agrarian reform implies the expropriation of large estates with fair compensation. In this way, a state land fund for the division of land would be created. In order to implement agrarian reform, the state adopted Preliminary provisions.<sup>11</sup> The Provisions were adopted early, and in February 1919 enacted by the Council of Ministers in the form of a decree. These provisions were applied together with the Vidovdan Constitution as the only legal basis for carrying out expropriation.

It proclaimed the abolition of serfdom and all serfdom-like relations. Although the reform benefited the largest part of the population, there were also opponents of the reform. The most determined opponents of agrarian reform were supporters of the Yugoslav Muslim Party. In their ranks was the largest number of landowners. Nor was the radical party a supporter of agrarian reform because its leadership was made up of large landowners. Only the communists openly supported the provisions passed, demanding that large estates be divided without compensation to the owner. In accordance with their

<sup>10</sup> U. Desnica, *Agrarni odnosi u Dalmaciji*, Novi život, Beograd 1921, p. VII.

<sup>11</sup> The official newspaper of the Kingdom of Serbs, Croats, and Slovenes, 27.02.1919, <http://digitalizovanaizdanja.sluzbenovine.rs> (access: 27.09.2021).

teaching, they suggested that the land should not be given to small landowners but for permanent use. In this way, the state would retain ownership of the land. Unfortunately, the practical application of these provisions was very small. By the end of 1924 not even a quarter of the total land fund had been divided. The criterion of division was not the economic status of the individual but the affiliation to a respective party. In addition, fair compensation was welcomed by many large landowners who exchanged their unprofitable holdings for rich compensation. Therefore, we can conclude that the adoption of these provisions did not yield results. It is justified to ask whether the intention of the provisions at all was the complete expropriation of the large estate. The provisions were incomplete and did not support the purpose for which they were adopted. The land maximum left to the former landowner was very high for the economic circumstances of the time. These provisions were not an introduction to resolving the economic crisis, but deepened the existing crisis even further.

A similar formulation of expropriation was retained in the Vidovdan Constitution.<sup>12</sup> The conditions for the application of expropriation were an established general interest and the award of fair compensation to the former owner. The constitution provided for the enactment of a law that would address the issue of expropriation in more detail, but the law was never enacted. The reason for this was the political turmoil in parliament. Instead of the general law on expropriation, laws on expropriation were passed for certain economic branches.<sup>13</sup> Finally, after the introduction of the dictatorship and the suspension of parliament in 1931, a Law of liquidation of agrarian reform on large estates was passed. In the same year, the matter of expropriation was regulated in the Civil Code (Section XI), a Law on the exploitation of water power (Chapter II), a Law on State roads.<sup>14</sup> Provisions on expropriation were also contained in the Law on expropriation for the needs of the construction of a railway from 1880 with amendments from 1884 and 1909. This law was not valid over the entire territory, which was not uncommon in the heterogeneous and unsystematic legislation of the kingdom.

A significant provision of the constitution is certainly the abolition of the fideicommissum. The family fideicommissum was a typical medieval institute. Feudal hereditary law favored the eldest son to whom family property was transferred through fideicommissum. The son had to transfer the intact family property to his eldest son, i.e. the grandchild of the testator.<sup>15</sup> In this way, family

<sup>12</sup> Article 37 of Vidovdan constitution, [http://www.arhivyu.gov.rs/active/sr-latin/home/glavna\\_navigacija/leksikon\\_jugoslavije/konstitutivni\\_akti\\_jugoslavije/vidovdanski\\_ustav.html](http://www.arhivyu.gov.rs/active/sr-latin/home/glavna_navigacija/leksikon_jugoslavije/konstitutivni_akti_jugoslavije/vidovdanski_ustav.html) (access: 27.09.2021).

<sup>13</sup> F. Stanicic, *Sukob javnog i privatnog interesa*, "Hrvatska javna uprava" 2009, no 1, p. 141-168.

<sup>14</sup> L. Kostic, *Administrativno pravo Kraljevine Jugoslavije*, knjiga sesta, Beograd 1936, p. 374.

<sup>15</sup> E. Stankovic, *Porodichni fideikomisi u rimskom pravu i nekim evropskim kodifikacijama*, "Glasnik prava" 2018, no. 2, 109, <https://www.jura.kg.ac.rs/index.php/sr/gplat-2-2018.html> (access: 27.09.2021).



property was preserved as well as its economic and political influence. The bourgeois revolution rejected this institution because the freedom of movement of goods and capital was incompatible with the prohibition of trade which the fideicommissum presupposed. The Serbian Civil Code, which was applied to a large part of the newly formed state, contained the institution of fideicommissum. This is just another example of the heterogeneity and inconsistency of legal norms in the kingdom of SHS.

### **The contribution of the Communist party to the introduction of socio-economic provisions**

In post-war Serbia, but also in other South Slavic countries, the labor movement grew strong. The movement itself, represented by the communist party, was supported not only by workers but also by small peasants, who were the most numerous. The communist party won the sympathy of the small peasants because it demanded a solution to the agrarian question – the division of land to former tenants without any compensation.

It is important to note that the socio-economic development of the Yugoslav countries after unification was far below the European average. The newly formed state was economically backward and exploited. If we add to this fact significant war destruction, it can be seen that the newly formed state was faced with a number of economic and social challenges. Harmful foreign policy, a constant balance of payments deficit, inflation together with the unresolved agrarian issue, mandatory assistance to victims of the war, costliness and low wages led to a serious economic crisis. In such a situation, the state coped poorly and was not strong enough to restrain government officials from abusing their powers. In addition, it did not have sufficient economic power to meet the new demands of a socially responsible and just state.

Dissatisfied workers and peasants joined the communist movement and a large number of strikes were launched within the country. Mass workers' strikes organized by the communist party were the main measures of pressure on the state. The strikes were general, threatening not only the economy but also the state. The Vidovdan constitution did not allow for the possibility of a strike. The bourgeoisie did not allow such a threat to state power, so it took certain measures. In the period before the adoption of the constitution banned all activities of the Communist Party, destructive propaganda aimed at destroying the existing system. The state took a uniquely negative stance towards the Communist Party and its proposals.

Although the communist party did not propose a draft constitution, they presented most of their views in the parliamentary debate. The main objection to the government's draft constitution was the absolute protection of private property. As long as the constitution protected the big bourgeoisie, economic

and social issues could not be resolved. Communists demanded nationalization of large industry and banks, foreign and domestic trade, consistent and free implementation of agrarian reform, introduction of a general obligation to work, cancellation of state debts, separation of school from church and church from the state, free and accessible teaching and health care, state aid to the unemployed, and the rights of workers to manage production through their councils.<sup>16</sup> Although most of the proposals were too radical for the bourgeoisie to accept, they correctly pointed out the shortcomings of a system that would not successfully implement economic and social provisions.

As far as labor law is concerned, the constitution provided the basic principles and legal basis for the development of labor legislation. Labor appears for the first time in the constitution as a protective good (Article 23). In order to protect workers, special protection was prescribed for vulnerable groups such as women and minors. According to the Serbian Civil Code, minors were considered to be children from 7 to 14 years of age (Article 37 of Serbian Civil Code).<sup>17</sup> The constitution did not prohibit the work of minors, but protected them from jobs that are harmful to health. It also envisages general health protection for other workers and its specification by a special law. The most important provision prescribed by the constitution was the legal limitation of working hours. Employers were prohibited from entering longer working hours into the contract than provided by law. The socialist party demanded that the eight-hour-day become a constitutional principle, but the proposal was not adopted. In addition, they proposed setting minimum wages that would be sufficient for a dignified life. This proposal was not adopted either.

The constitution did not provide for the most important economic and social right – the right to work. In this respect, the Vidovdan Constitution follows its example, the Weimar Constitution, which only provided for special protection of labor (Article 157)<sup>18</sup>. The right to work is a basic economic and social right that presupposes the existence and protection of other rights from the employment. Mentioned provisions of both constitutions have shown that they tended to protect existing labor relations more than to promote and develop full employment. After the Second World War, the spread of communist ideas on a global scale would contribute to the introduction of the right and obligation to work in many constitutions and laws.<sup>19</sup>

<sup>16</sup> Stenographic notes of the Constitutional Committee of the constituent assembly of the kingdom of SHS 1921, Fifth sitting, speech by F. Filipovic.

<sup>17</sup> [https://www.harmonius.org/sr/pravni-izvori/jugoistocna-evropa/privatno-pravo/srbija/Srpski\\_gradjanski\\_zakonik\\_1844.pdf](https://www.harmonius.org/sr/pravni-izvori/jugoistocna-evropa/privatno-pravo/srbija/Srpski_gradjanski_zakonik_1844.pdf) (access: 08.10.2021).

<sup>18</sup> [https://en.wikisource.org/wiki/Weimar\\_constitution#Section\\_V:\\_Economic\\_Life](https://en.wikisource.org/wiki/Weimar_constitution#Section_V:_Economic_Life) (access: 11.10.2021).

<sup>19</sup> The right to work was first provided for in the 1953 Constitutional Law of FNRJ (Article 5), [http://radnici.ba/wp-content/uploads/2018/04/Ustavni\\_zakon\\_FNRJ\\_1953.pdf](http://radnici.ba/wp-content/uploads/2018/04/Ustavni_zakon_FNRJ_1953.pdf) (access: 11.10.2021).

The constitution guarantees the worker's right to organize in order to achieve better conditions (Article 33). Although a trade union organization was allowed, the constitution did not provide for the possibility of a strike. On the other hand, the constitution did not explicitly prohibit the possibility of a strike. So theoretically, there were no legal obstacles for the introduction of striking into the labor legislation. As opposed to this legal gap, the state restricted the right of workers to suspend work with two laws, the Law on the Protection of Public Safety (1921) and the Law on Railways. These laws provide for criminal sanctions (a fine and imprisonment) for participating in a strike. On the basis of these laws a certain loophole arose because both laws only provided for the responsibility of state officials, i.e. persons to whom the state is the employer.

These constitutional principles were translated into a corpus of labor legislation. So that first Law on Labor inspection from 1921 was passed, then the Law on protection of workers from 1922 and the Law on insurance of workers from 1922. These laws are notable for their progressive orientation. The laws were written in accordance with the labor legislation of developed European democracies. The influence of the ILO, whose founder was also the Kingdom of Yugoslavia, is also noticeable.<sup>20</sup>

The bourgeoisie accepted the enactment of these laws because it wanted to prevent a revolution. The laws were never applied so their significance is only theoretical. The unfavorable socio-political situation that prevailed until the Second World War contributed to the circumvention of regulations and the interests of workers<sup>21</sup>.

Also, it is important to mention that on the basis of Constitution, no uniform Labor Code was enacted. The Vidovdan constitution did not establish an obligation to adopt a Labor Code, unlike the Weimar constitution (Article 157).

The Constitution introduced compulsory insurance for farmers, workers, and seafarers. Government officials and intellectuals were not entitled to insurance.

### **Dictatorship and constitutional discontinuity (1929–1931)**

In order to be able to control political disunity and constant conflicts between politicians, the king gradually took on the role of absolute monarch, bypassing the assembly. The unstable political situation in the kingdom of Yugoslavia culminated in a shooting in the assembly (20. June 1928). After the incident, the issue of adopting a new constitution arose but the work of the assembly

<sup>20</sup> B. Lubarda, *Uvod u radno pravo sa elementima socijalnog rada*, Beograd 2013, p. 64.

<sup>21</sup> V. Brajic, *Radno pravo*, Savremena administracija, Beograd 2001, p. 35.

in its current composition was not possible. The king, after negotiations with the leaders of the opposition parties, realized that it was impossible to reach an agreement. Therefore, he decided to abolish the assembly and suspend the Vidovdan constitution. This act marked the beginning of the monarchical dictatorship, which would last for two and a half years. It is important to note that the dictatorship in Yugoslavia differed from the fascist ones that appeared in Europe at the time<sup>22</sup>. It looked more like the dictatorships that were in force in other Balkan countries (Albania, Romania, Bulgaria). Common to all Balkan dictatorships were the reasons for introduction (economic underdevelopment, underdevelopment of civil society, and democratic traditions) as well as the goals of introduction (strengthening of state power, national and state integration). King Alexander believed that by concentrating power in his hands, he would overcome the general crisis of Yugoslav society.

He was convinced of the future of the Yugoslav state and, for the sake of its survival, King Alexander unilaterally enacted a constitution, without the participation of the national assemblies. The constitution was promulgated on September 3, 1931. The new constitution was determined as a second, significantly amended edition of the Vidovdan Constitution. However, the constitution clearly set out the constitutionalist's aspirations for a limited and controlled constitutionality. Nominally, the constitution retained more or less all the provisions of civil rights, but limited their validity by law. In parallel with the constitution, a whole corpus of laws was in force, invalidating the provisions on political freedoms. Although the constitution rewrote almost all the provisions on personal rights, this was not the case with economic and social rights. The Vidovdan constitution contained 22 articles of economic and social provisions, and the new constitution took over only 4 articles.<sup>23</sup> Articles on the protection of marriage, family and children (Article 21), protection of property (Article 22), freedom of work and contracting in economic relations (Article 23), and provisions on the establishment of a business council (Article 24) were kept.

The summary of economic and social provisions was an expression of the turbulent times in which the new constitution was adopted. It is noted that these provisions were left in the constitution with the intent to maintain the democracy of the constitution. Their role was small and their significance symbolic. On the other hand, the unfavorable socio-political situation negatively affected the economic growth and development of the country. The slowing down of the already weak economic development was contributed to by the administrative

<sup>22</sup> M. Ekmecic, *Osnove gradjanske diktature u Evropi izmedju dva svjetska rata*, Sarajevo 1976, p. 26.

<sup>23</sup> It is interesting to note that the economic and social provisions were more numerous than the provisions on civil rights.

division of the state territory. Administrative division into “banovine” was carried out in 1929 and its goal was to break up the national historical units and eliminate the national separatism that arose from them. On the contrary, the basic goal of division was not achieved. In an artificially divided country, the exchange of goods and capital was even more difficult.

Economic and social issues remained in the shadow of the national and state structure. The king yielded to pressure from international and domestic factors and interrupted the period of dictatorship by passing a constitution. On the other hand, there was so much intolerance and separatism between the three nations that only a dictatorship could sustain the state.

Also, the crisis caused by the dictatorship threatened more and more that it would destroy the foundations of the state. Dissatisfaction did not decrease even after the adoption of the decree on the Croatian banovina 1939.

## **Conclusion**

The Vidovdan Constitution introduced economic and social provisions for the first time in Serbian constitutional history. The cultural and economic development of society became one of the tasks of the state. The newly formed Kingdom of Serbs, Croats, and Slovenes, burdened with numerous national and economic problems, established its existence with a democratic constitution. The Vidovdan constitution, by introducing economic and social provisions, was among the first constitutions in Europe (after the Weimar and the Polish) to do so, and also among the first constitutions in the world (after Mexico).

The constitution proclaims state interventionism in economic relations, restriction of freedom of contract, protection of the economically weaker. The Kingdom of Serbs, Croats, and Slovenes, as one of the founders of the ILO, proclaimed in the constitution the protective principles of Labor Law, such as special protections for women and children from jobs harmful to their health, general protection at work, legally prescribed working hours, the possibility of a trade union organization in order to achieve better working conditions. The strike was not allowed or prohibited by the constitution, but a special law provided for criminal penalties for a person participating in a strike. The constitution prioritized agrarian reform and the abolition of all forms of feudalism. The constitution would pay special attention and protection to war invalids and war orphans.

All the above provisions were advanced and ahead of the time in which they were enacted. They formed a good basis for the creation of a socially responsible state. The main disadvantage is that the constitutional provisions are of a principled nature and required legislative formulation. In the end, a very small number of laws were passed on the basis of the constitution and the laws that were passed were not applied. Therefore, it can be said that the practical

significance of the constitution is very small because it never implemented its provisions.

Despite the fact that socio-economic provisions did not have a key role in the constitution, their existence is very important. The greatest significance of these provisions is in showing the will and intention of the state to experience an identity transformation into a socially responsible state. The existence of economic and social provisions in the constitution places the Vidovdan constitution among the progressive constitutions of Europe of that time, together with the Weimar constitution. These were good constitutions in difficult times whose challenges they were not up to.

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## SUMMARY

### **Introduction, Decline, and Fall of Socio-Economic Provisions in Yugoslavia's Constitutions (1921–1931)**

The Vidovdan constitution introduced economic and social provisions into the constitutional history of the Yugoslav nations. The introduction of the mentioned provisions into the constitution was a concession of the bourgeoisie in order to avoid open conflict or revolution with a dissatisfied population. Although the section on economic and social provisions is generally advanced, there are also obvious shortcomings. The constitution allowed for the unionization of workers but not the suspension of work through strikes. The constitution proclaimed universal suffrage, but women's suffrage was subsequently rescinded. Women were not given the right to vote. Agrarian reform implies the expropriation of large estates with fair compensation. However, the land maximum left to the former landowner was very high for the economic circumstances of the time. The Constitution proclaimed the abolition of serfdom and all serfdom-like relations. Fideicommissum was strictly forbidden by the constitution. The above provisions come after an incident in the assembly; the king decided to abolish the assembly and suspend the Vidovdan constitution. Ending a two-year period of dictatorship (1929–1931), the king passed a new constitution, which was amended, and which shortened the Vidovdan constitution. The new constitution kept only 4 articles: Articles on the protection of marriage, family and children (Article 21), protection of property (Article 22), freedom of work and contracting in economic relations (Article 23), provisions on the establishment of a business council (Article 24). It is noted that these provisions were left in the constitution with the intent of maintaining the democracy of the constitution. Their role was small and their significance symbolic. The general crisis that existed in the 1930s in Yugoslavia was the prelude to World War II, which suspended basic human rights and freedoms, as well as economic and social rights.