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Constitution of the Kingdom of Serbia from 1888

ABSTRACT

In the paper, the author analyzes the adoption procedure, characteristics and significance of the Constitution of the Kingdom of Serbia from 1888. After the Kingdom of Serbia acquired the status of an independent and sovereign state by the decision of the Congress of Berlin, all restrictions regarding its constitutional arrangement disappeared. Emphasizing that the constitution of 1869 was passed illegally during his childhood, and that it gave the people too much freedom, King Milan Obrenović initiated the adoption of a new constitution. Created as a result of a political agreement between King Milan and the Radical Party, the constitution was supposed to secure the interests of both parties, i.e. the survival of the ruling dynasty on the throne and the introduction of a parliamentary system. The constitution was intended to establish a balance between the rights of the people, the ruler and the assembly. By arranging the political system of the state on the principles of parliamentarism and democracy, which sought to satisfy the interests of different layers of the Serbian citizenry, and by providing favorable conditions for further democratization of political life, the constitution of 1888 represented one of the most advanced constitutions in Europe at that time. However, practice has shown that parliamentary democracy requires a more developed social environment than the one that existed in the Kingdom of Serbia at the end of the 19th century.

Key words: constitution, king, National Assembly, civil rights, parliamentarism

Work on the adoption of the Constitution

The period between 1880–1888. was marked by the struggle for the adoption of a new constitution. In the beginning, the fight was between the Radical and Progressive parties, and over time it turned into a fight between King Milan Obrenović and the Radicals. In that fight, King Milan, according to the Constitution of 1869, had the possibility to form a government regardless of the parliamentary majority. It was for this reason that the king was not in favor of the idea of changing the constitution. On the other hand, the Radicals wanted to limit the monarch and give all the power to the National Assembly.

As early as 1883, both the Progressives and the Radicals presented their proposals for a new constitution. The draft constitution drawn up by the Progressive Party envisioned a parliamentary monarchy in which the ruler and the people's representatives would be equal in legislation, and the ministers would be accountable to the parliament. According to the constitutional project of the Radical Party, the National Assembly would hold supreme power, while the monarch would have almost no important role.

The events that followed in the following years, which called into question the reputation of the Obrenović dynasty (Austrophile policy, defeat in the war with Bulgaria, divorce from Queen Natalia...), led King Milan to change his position regarding the adoption of a new constitution. The initiative to change the Constitution of 1869, which the king had the right to do according to Article 131, came directly from King Milan, who pointed out that the Constitution had been adopted during his minor years.¹

By the King's proclamation of October 14, 1888, elections to the Great National Assembly were announced, and the very next day, a constitutional committee was formed to draft the constitution.² The committee included representatives of all three political parties (liberal, progressive and radical). The king was the head of the board, while the vice presidents were the party leaders: Jovan Ristić, Milutin Garašanin and Sava Grujić.³ The intention of King Milan was to personally participate in the drafting of the new constitution and to pass the constitution in agreement with all parties. Given that apart from them, 82 other members and 15 secretaries were involved in the work of the board, it represented an extremely large body. The first session of the Constitutional Committee was held on October 22, and some previous issues were resolved on

¹ The king initiated the change of the constitution in 1887, but the work on the new constitution did not start until October 1888. M. Jovičić, *Leksikon srpske ustavnosti*, Beograd 1999, 306. See also: Ž. Živanović, *Politička istorija Srbije u drugoj polovini XIX veka (knjiga druga)*, Beograd 1924, 66.

² D. Jevtić, D. Popović, *Pravna istorija jugoslovenskih naroda*, Beograd 1994, 152-153. The elections for the Grand National Assembly held on November 20 were annulled by royal decree due to the interference of the police authorities. In the new elections, held on December 4, the radicals won.

that occasion. It was decided that the meetings of the board would be secret, that a completely new constitution would be drawn up, and that a narrow board of twelve members would be formed.⁴ Its included the president and vice-presidents of the constitutional committee and three representatives of each political party.⁵ During the work, the king repeated several times that the constitution is a “*bilateral contract between the Crown and the people*”, by which he wanted to let the radicals know that they cannot impose their views on the Crown and that the new constitution will only be reached through compromise.⁶

In addition to the basic notions about the nature of the constitution, King Milan felt the inevitability of parliamentary rule, which should be based on the new constitution. The idea of the necessity of a parliamentary government was shaped by liberals in the period 1858–1870 and then continued through radical ideology during the eighties.

During the work on the new constitution, the issues of the organization of the National Assembly (unicameral or bicameral), the abolition of the death penalty for political criminals and the method of voting caused the most discussion.⁷

The progressives justified their demand for a bicameral assembly by the need to include the intelligentsia in legislative work.⁸ In contrast to them, the radicals were proponents of the unicameral system, and King Milan shared their opinion. Gligoriје Gerišić gave the following reasons in support of that system:

- “1. in the past, the Serbian people always had one home; the old council and the National Assembly were never in the relationship of two chambers; therefore, the upper house has no tradition in Serbia;
2. in western countries, the upper house has its historical origin, it is an aristocratic institution;
3. rashness of one house can be prevented in another way, and not by the institution of the upper house, which means introducing the germ of conflict into state life, since in our country the upper house would not be able to resist the decisions of the lower house for a long time;
4. the bicameral system would further distance the intelligentsia from the people;
5. in small states it is difficult to find elements that should come to the upper house;

3 T. Podgorac, *Tvorci ustava Kneževine i Kraljevine Srbije 1835-1903*, „Anali Pravnog fakulteta u Beogradu“ 1989, knjiga 5, 575; V. Čubrilović, V. Ćorović, *Srbija od 1858 do 1903*, Beograd 1938, 148.

4 D. Janković, M. Mirković, *Državnopravna istorija Jugoslavije*, Beograd 1997, 126.

5 D. Jevtić, D. Popović, op. cit., 153.

6 M. Popović, op. cit., 85-87.

7 D. Janković, M. Mirković, op. cit., 127.

8 L. Krkljuš, *Pravna istorija srpskog naroda*, Novi Sad 2004, 259.

6. The State Council, which will examine each legislative proposal before it comes before the National Assembly, will be a surrogate of the upper house; that is why there is no need for an upper house.”⁹

The issue of abolishing the death penalty for political criminals was raised by liberal Sima Nestorović, justifying his proposal by the fact that it has been abolished in most countries. The proposal was mostly supported by the radicals, among whom the explanation given by Gligorije Gerišić stood out.

Emphasizing scientific arguments and referring to the French statesman Guizot, Gerišić justified his request with the fact that it is an immutable punishment: “*The death penalty is absolute, inextensible, indivisible and can neither be reduced nor increased, and political crimes are changeable.*”¹⁰ In contrast to him, Pera Todorović represented the advocates of the death penalty. Himself sentenced to death for political reasons, Todorović observed two types of people among the revolutionaries. The first group was represented by real revolutionaries, idealists, who did not even want to live in case their struggle failed. The second group consisted of those who only wanted to benefit themselves in such revolutionary struggles, and therefore did not deserve any mercy.

Emphasizing that it is about the glorification of the Timočka Rebellion, King Milan expressly refused such a request. Although the proposal to abolish the death penalty for purely political criminals was also rejected by the constitutional committee, this provision was later included in the constitution.¹¹

A lively discussion also took place when it came to the question of the voting method. The biggest proponents of public voting were the radicals. Their member Ranko Tajsic pointed out that: “Secret voting means killing the pride of a Serb, who until now has spoken his opinion to everyone’s face, who proudly passed through the ranks of gendarmes and public security guards and voted publicly for whomever he wanted”.¹² Unlike S. Grujić, who fully supported the public vote, G. Gerišić believed that secret voting was still a better solution.¹³ Citing as the main reason the pressures voters would be exposed to, King Milan supported the secret ballot.¹⁴

In a speech given after the work of the constitutional committee, the king called on the Grand National Assembly to adopt the draft constitution as it is

⁹ M. Popović, op. cit., 98.

¹⁰ J. Prodanović, *Ustavni razvitak i ustavne borbe u Srbiji*, Beograd 1936, 287.

¹¹ M. Popović, op. cit., 90-93.

¹² Ibidem, 104.

¹³ „Voting publicly is a virtue, and the public is a strong factor for morality, because without public criticism there would be many ugly things in society. But still, due to pressure from above, secret voting should be introduced as a necessary evil, a necessary need.” J. Prodanović, op. cit., 293.

¹⁴ M. Popović, op. cit., 106.

or to reject it completely.¹⁵ In accordance with the king's message, the Great National Assembly voted for the constitution on December 21, 1888 without much discussion, and the very next day it was ceremonially confirmed by the king.¹⁶ By adopting the "most free-minded constitution in Europe",¹⁷ Serbia joined the ranks of modern parliamentary monarchies. The Constitution of 1888 is also known in science as the „Radical Constitution”.

According to S. Jovanović: "The Constitution of 1888 was a joint work of King Milan and the radicals, which he and they joined after one of their defeats, he after Slivnica, they after the Timočka Rebellion. Neither he nor they were ready to fight; both he and they felt the need for peace and recovery, – and they made a bargain between themselves in which both he and they gained something and lost something".¹⁸

Characteristics and importance of the Constitution

The radical constitution had 204 articles, divided into 15 parts.¹⁹ The first part of the constitution related to the form of government, state religion and geographical layout of the state. When it comes to the form of government, the Kingdom of Serbia is a hereditary monarchy with popular representation. The coat of arms of the Kingdom is a double-headed white eagle on a red shield with a royal crown. The state religion in Serbia is Eastern Orthodox Christianity and the Serbian Orthodox Church is autocephalous.

When it comes to the states geography, the Kingdom of Serbia is constitutionally divided into 15 districts. Districts were divided into regions, and regions into municipalities. The state territory could neither be alienated nor separated.

¹⁵ "The Grand National Assembly will either accept this constitution as it is, cover to cover, or it will not, in which case... I am quite clear what I will do then." Listed according to: D. Janković, M. Mirković, op. cit., 127.

Although this behavior was presented as „evidence of the tyrannical behavior of King Milan”, according to the 1869 constitution „he had the right to demand that the constitutional draft be decided as a whole that must not be changed, but must either be completely accepted or completely rejected.” S. Jovanović, *Vlada Milana Obrenovića (knjiga druga 1878-1889)*, Beograd 1927, 357.

However, one change was made, and it is about Art. 200. That amendment provided that the Serbian army could not be placed in the service of another country without the approval of the National Assembly. As an explanation for that change, which the king otherwise opposed, Stojan Protić stated that it was made keeping in mind the provisions of the Secret Convention. V. Ćorović, op. cit., 668.

¹⁶ 498 deputies voted for the constitution, 75 were against, and 3 deputies abstained. D. Janković, M. Mirković, op. cit., 127.

¹⁷ Ž. Živanović, op. cit., 385.

¹⁸ S. Jovanović, op. cit., 360.

¹⁹ The analysis of the constitutional provisions was carried out on the basis of the text of the constitution given in: L. Krkljuš, *Odabrani izvori iz pravne istorije srpskog naroda*, Novi Sad 2003.

The second part talks about the constitutional rights of Serbian citizens, which were organized according to the model of developed European countries.²⁰ Equality before the law, personal freedom, prohibition of exile from the country, inviolability of residence, inviolability of property, prohibition of property confiscation are guaranteed. In connection with the protection of personal freedom, Art. 9 stipulated that no one could be detained without a written and reasoned decision of the investigating judge. That decision had to be communicated to the person being detained during the very hour of detention. The exception was the case when the culprit was caught in the act. He could then be detained immediately, but the decision had to be communicated to him within 24 hours of the detention. An appeal against the decision on custody could be lodged with the court of first instance. If the appeal was not filed within three days of the announcement of the detention decision, the investigating judge had to send the case to the court within 24 hours and without appeal. The court had to confirm or reject the decision of the investigating judge within 24 hours. This court decision was enforceable.

The issue that caused numerous controversies during the adoption of the constitution is the death penalty for political criminals. At the insistence of the radicals, the death penalty was abolished for purely political crimes. However, there were two exceptions:

1. assassination or attempted assassination of the ruler or members of his household, for which the death penalty is provided for in the Criminal Code,
2. cases in which, in addition to purely political crimes, another punishable act was committed, for which the Criminal Code provides for the death penalty, as well as cases in which the death penalty is provided for by military laws.

In addition to personal, the constitution also provides for political rights: freedom of expression, press, association.

The constitution divides power into legislative, executive and judicial. However, the fact that legislative power is exercised by the king and the National Assembly together, indicates that this division was not consistently implemented. The right to propose laws belonged to both parties. Also, each law required the consent of both the king and the National Assembly.²¹

²⁰ M. Jovičić, *Ustav i ustavnost*, Beograd 2006, 685.

²¹ The State Council also had some jurisdiction in the field of legislation. Namely, according to the constitutional provisions, the National Assembly could not decide on any legal proposal without the opinion of the State Council. M. Kulauzov, *Dvodomni sistem kao jemstvo pravne države u srpskoj ustavnoj istoriji*, [in:] *Zbornik radova Vladavina prava i pravna država u regionu*, ed. Goran Marković, Istočno Sarajevo 2014, 796.

The king is the head of state and his person is inviolable. He represents the country in relations with foreign countries, declares war and concludes peace, confirms and promulgates laws, appoints state officials, has the right to amnesty and pardon. Also, the king convenes the National Assembly in regular or extraordinary convocation, and opens and closes its sessions with a speech. He had the right to postpone the session, but that postponement could not be longer than two months, nor could it be repeated in the same convocation without the consent of the National Assembly. Apart from postponement, he also had the right to dissolve the National Assembly. In that case, the act of dissolution had to contain an order for new elections within two months at the latest, as well as an order for convening the National Assembly within three months from the date of dissolution at the latest. All ministers were required to re-sign the decree on the dissolution of the assembly. In this regard, every act of the king related to state affairs had to be countersigned by the competent minister, who is therefore responsible for it.

In the event that the heir to the throne is a minor at the time of the king's death, until he comes of age, power will be exercised by the Viceroyalty, composed of three persons. According to Art. 68, no changes in the constitution could be made during the king's minority.

The second legislative body was the National Assembly. A distinction was made between the "ordinary" and the Great National Assembly.

The National Assembly consisted of deputies elected by the people. Deputies were elected directly by the people, and voting was secret. In each district, one deputy was elected for every 4,500 tax heads. If the surplus of tax heads in one district exceeded 3,000, one more deputy was elected in that district.

Every Serb who had turned 21 and paid taxes had the right to vote. Cooperative members who turned 21 had the right to vote regardless of how much tax they paid. Officers and soldiers during their service did not have the right to vote. Therefore, the constitution of 1888 did not provide for universal suffrage.

In order for someone to be elected as a deputy, he had to meet certain conditions: active voting rights, being a Serb, enjoying all civil and political rights, living in Serbia, being over 30 years old, and paying at least 30 dinars in taxes. Police officers could not be elected as deputies.

In addition to "ordinary" deputies, two persons had to be elected in each district who, in addition to the general requirements, also met a special one: that they had graduated from a university in the country or abroad, that is, a higher vocational school that is on par with a university.²² They were considered to meet

²² During the drafting of the constitution, there was a controversy over the number of these deputies. Representatives of the Liberal and Progressive parties believed that such representatives should be a third or a quarter of the total number, representatives of the Radical Party did not agree that their share in the total number should be greater than a fifth.

this requirement, and if they had not completed college or higher education, all those who were:

1. presidents or vice-presidents of the National Assembly,
2. ministers or diplomats,
3. the president, vice president and members of the State Council,
4. retired generals and colonels.²³

These two deputies were elected on the same day and in the same way as the other deputies, but separately from them. In this way, it was possible to include the intelligentsia in the work of the National Assembly.

Twice as many deputies were elected to the Great National Assembly than to the Ordinary. It was convened in cases when it was necessary to make decisions about the throne, election of viceroys, changes to the constitution, reduction or exchange of a part of the state territory, as well as in cases when the king considered it necessary to convene it.

The Constitution also provides that a deputy held no responsibility for the vote he cast, while the deputy could be held accountable for his speech only by of the Assembly. The responsibility of the deputy consisted in the fact that he could be punished at the suggestion of the president in accordance with the regulations governing the work of the National Assembly. Except in cases where they were caught in the act, without the authorization of the National Assembly, deputies could not be questioned or detained for the duration of their parliamentary mandate.

When it comes to the distribution of mandates, a proportional system was applied. Namely, Art. 93 stipulates the following: "The total number of voters who voted, divided by the number of deputies to be elected by the electoral body in question, will give the quotient of votes according to which each list is awarded a proportional number of parliamentary seats." Each list will get as many parliamentary seats as the number of times the quotient is contained in the votes it received.

With the radical constitution, the National Assembly acquired legislative power in full capacity for the first time.²⁴ The Assembly exercised legislative power together with the king. Namely, it is stipulated that "no law can be issued, repealed, amended or interpreted without the consent of the National Assembly." With the exception of the budget and laws that are directly related to the budget, the Assembly could not consider legislative proposals until they had been studied by the State council, which gave its opinion on them. Also, every legislative proposal, including the budget, had to be submitted for study

²³ The stated condition is stipulated in Art. 100. However, it did not apply when it comes to the election of members of the Grand National Assembly.

²⁴ V. Petrov, *Parlamentarno pravo*, Beograd 2010, 39.

to a special parliamentary committee. The government could withdraw the legal proposal until the Parliament made a final decision on it. If the Assembly rejected a legal proposal, it could no longer be submitted to it during the same convocation.

Every year, the Assembly approved the budget, which was worth one year. The budget was submitted to the National Assembly at the beginning of its work. In addition to the budget, the previous year's final account was also submitted to the Assembly. All state revenues and expenditures had to be contained in the budget and in the final account. The review of the accounts was carried out by the Main Control, which consisted of the president and four members. They were appointed by the National Assembly from among those proposed by the State Council. The proposed list had to have twice as many candidates as the number of vacancies. In this way, the National Assembly got the opportunity to use the budgetary right against every government, i.e. to "rule the government and have the last word in a conflict."²⁵

Executive power belonged to the king, who exercised it through responsible ministers. Ministers were appointed and dismissed by the king. They had the right of access to the National Assembly, which had to listen to them whenever they requested. However, they had the right to vote only if they were also its members. On the other hand, the Assembly also had the right to demand that ministers be present at its sessions.

The Constitution of 1888 also introduced the principle of political responsibility of the government before the parliament.²⁶ For their official acts, the ministers were responsible to the king and the National Assembly.²⁷ Both the king and the National Assembly had the right to accuse the minister in the following cases:

1. for betraying the country and the ruler,
2. for violating the Constitution and the constitutional rights of Serbian citizens,
3. for accepting bribes,
4. for damaging the state out of self-interest,
5. for violation of the law in cases provided for by a special law on ministerial responsibility.

The term in which the ministers could be accused was 4 years, starting from the moment when the criminal act had been committed. The king's order

²⁵ Đ. Tasić, *Pravni karakter pravila parlamentarnog režima*, [in:] *Arhiv za pravne i društvene nauke, knjiga 30*, Beograd 1926, 6.

²⁶ D. Jevtić, *Povodom stogodišnjice donošenja ustava Kraljevine Srbije od 22.XII 1888. godine*, „Anali pravnog fakulteta u Beogradu“ 1989, br. 5, 577-580.

²⁷ The Constitution did not provide the possibility of a vote of no confidence in the government. See more about it: M. Jovičić, *Ustavi...*, 756.

could not in any case shield the ministers from responsibility. The proposal to impeach the minister had to be submitted in writing, contain all the accusations and be signed by at least twenty deputies. In order for the minister to be tried, the consent of two-thirds of the members of the National Assembly present was required. The accused minister was tried by the State Court, composed of members of the State Council and the Court of Cassation. The king could neither pardon nor reduce the sentence of the convicted minister without the consent of the National Assembly.

Judicial power is exercised by the courts. The principle of judicial independence is proclaimed in Art. 147, where it is said: "Courts are independent." In the administration of justice, they do not stand under any authority, but judge and decide only according to the law. No state authority, neither legislative nor administrative, can exercise judicial functions, nor can courts exercise legislative or administrative authority."

The judiciary was multi-level: Court of First Instance, Court of Appeal and Court of Cassation. The trial was public, except in cases where the public had to be excluded due to the need to protect order and morals. Judges were appointed by the king. The presidents of the first-instance courts were appointed from two lists, one of which was proposed by the Court of Cassation and the other by the Court of Appeal. When appointing the president and members of the Court of Cassation and Appeal, one list was proposed by the State Council, and the other by the Court of Cassation. The proposed lists had to have twice as many candidates as the number of vacancies.

Judges could not be deprived of their title or removed from office without a judgment of the regular courts or a disciplinary judgment of the Court of Cassation. Also, a judge could not be sued without the approval of the Court of Cassation, transferred without his written consent, nor retired against his will, except when he reached 60 years of age or 40 years of civil service.

The State Council consisted of 16 advisers, 8 of whom were appointed by the King, and 8 elected by the National Assembly. The King proposed to the Assembly a list of sixteen candidates, from which it chose eight who were appointed by the King as advisers. On the other hand, the National Assembly proposed its list of sixteen candidates to the king, from among whom he appointed eight as advisers. Vacancies in the Council were filled in the same way. Advisers are appointed for life. The president and vice president of the State Council were appointed by the king from among the councilors for a period of three years.

In order for someone to be appointed as a state adviser, he had to meet certain conditions: he was a Serbian citizen, he was at least 35 years old, he had graduated from university, and he had spent at least 10 years in the civil service.

Counselors were permanent in their profession. This is clearly shown by Art. 142 in which it was said that councilors cannot be removed from their positions or retired against their will, unless they have completed 40 years of civil service or 65 years of age, or if they are unable to perform their duties due to illness.

The competences of the State Council included the following tasks: at the invitation of the government, it prepares legal proposals and drafts of administrative orders of general importance, gives the government its opinion on the cases that it would submit to it, study the legal proposals that the government submits to the Assembly, or that originate from the parliamentary initiatives and give its opinion on them, judge state officials as a disciplinary court, resolve conflicts between administrative authorities, etc.

In the last part, the manner in which changes are to be made in the constitution is provided. In this regard, M. Jovičić noted well that the constitution does not foresee the possibility of adopting a new constitution, but only talks about changes and additions to the existing one.²⁸ Namely, a proposal to amend, supplement or interpret something in the constitution could be made by the king or the National Assembly. If the proposal came from the king, it was communicated to both national assemblies. After that, the Ordinary People's Assembly was dissolved, and the Grand People's Assembly had to be convened within four months. However, if the proposal was submitted by the National Assembly, it had to vote on it two times, with a gap of five days between the two votes. In order to resolve that proposal, at least three-quarters of the deputies had to be present in the assembly, and the proposal was considered adopted if at least two-thirds of the deputies present voted for it. After the proposal was adopted in both assemblies, the Ordinary one was dissolved, and the Great one was convened within four months. Regardless of whether the proposal was submitted by the king or the National Assembly, the Grand National Assembly could only decide on those amendments and additions contained in the proposal on the basis of which it was convened.

Regarding evaluation of the constitution from 1888, experts in the constitutional field expressed a number of praises. Starting from the fact that: "... in our science and the public there is a generally accepted assessment that it is the best Serbian constitution...", it was also presented as "one of the most advanced civil constitutions in Europe at that time" and "a huge step forward in the democratization of political life in Serbia". The Radical Constitution deserves these praises for several reasons: a number of civil rights were proclaimed,

²⁸ M. Jovičić, *Leksikon...*, 311.

the National Assembly received the right of legislative initiative and full budgetary rights, i.e. a parliamentary system was introduced...

Thanks to liberal and democratic provisions, the Constitution of 1888 marked the end of the absolutist rule of the Obrenović dynasty. Unfortunately, the words of King Milan that it was impossible to rule according to this constitution, proved to be visionary in the case of the young heir to the throne, Alexander. With the coup d'état in 1894, he abolished the "Radical Constitution" and reinstated the Constitution of 1869. However, according to M. Jovicic: "the understanding of his qualities was strong and his 'second life' in the form of the Constitution from 1903, in fact, extended practically until 1921, when the Constitution of the Kingdom of SHS was adopted".

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SUMMARY

Constitution of the Kingdom of Serbia from 1888

The Constitution of 1888 represented a major turning point in the development of Serbian constitutionalism. In Serbian constitutional history, this constitution is significant not only for its content, but also for the manner in which it was created. This is one of the best examples of the ruler's intervention in constitutional issues and inter-party relations. The procedure for adopting the constitution involved two stages. The first was carried out in the Constitutional Committee, and the second in the Grand National Assembly. The Constitutional Committee was an extra-constitutional body created by King Milan, which essentially replaced both the government and the Grand National Assembly. Although it was created as a result of party compromise, the Constitution essentially represented a victory for the Radical Party, which succeeded in two purposes: to limit the ruler and to introduce majority rule. The Radical Party represented the main political force in the struggle for the new constitution. The Constitution introduced a number of novelties in relation to previous political life. Certainly the most significant was the introduction of parliamentarism. For the first time in history, the National Assembly became a real political factor. She gets the right of legislative initiative, full budgetary right, as well as the right to accuse ministers. Unlike the previous constitution, according to which the ministers were responsible to the prince and the National Assembly, but in practice only the ruler had the possibility to change the composition of the government, now the political and criminal responsibility of the ministers had been significantly tightened. In this way, the control of the government by the National Assembly was strengthened. The radical constitution also introduced direct elections, secret voting, guaranteed personal and political rights, judicial independence, freedom of the press, assembly and association. By introducing the system of proportional representation and free parliamentary mandate, the constitution of 1888 promoted two major constitutional achievements in the field of representation of the people. The fact that the constitution deprived the king, in favor of the Great National Assembly, of the right to introduce a state of emergency and suspend civil rights and freedoms in case of external or internal danger was also a novelty. In addition, the proclaimed rights have almost no reference to further legislation, which was a guaranteed path to their narrowing. In the area of political rights and freedoms, the constitutional provisions provided the possibility of more active participation of citizens in political decision-making, which led to the democratization of political life in Serbia. The ideological origin of the Constitution of 1888 comes from the liberals, who since 1858 stood for the ideas of democracy and parliamentarism, for which the bourgeoisie fought in the West. In its form, this constitution was similar to the Belgian constitution, while in its essence it corresponded to English parliamentarism. However, the parliamentarianism of this constitution in the period 1903–1918. showed the characteristics of English and French parliamentarism. Namely,

by its monarchical form and by the frequent use of the right to dissolve the National Assembly, it resembled English parliamentarism, while by the frequent changes of ministerial cabinets and the influence of clubs on the government, it approached French parliamentarism. Visibly more progressive and free-minded compared to the Constitution of 1869, the Radical Constitution marked the end of the absolutism of the Obrenović dynasty and a major step towards further democratization of society. However, despite the fact that, in terms of its proclaimed ideas, the constitution was exceptional, it must be noted that the standards it set did not correspond to the circumstances of the time.