

## ABSTRACTS

### **Christoph Hofstätter, Marko Stanković** **Die Verfassung der Republik Serbien** **The Constitution of the Republic of Serbia**

This paper analyzes the constitutional system of the Republic of Serbia that has been established by the Constitution of 2006. That Constitution has accepted principles of a liberal-democratic model of constitutionalism and a “rationalized” parliamentarianism. Special attention is paid to the constitutional development of Serbia in the last two centuries. Questions that are analyzed in detail are the principles of the Constitution of Serbia of 2006, human and minority rights, position and relations of central authorities and territorial organization of the state. In the end there are the appropriate conclusions and proposals for improving the existing constitutional framework.

### **Robert Muharremi** **Die Verfassung der Republik Kosovo** **The Constitution of the Republic of Kosovo**

This paper analyzes the constitutional system of the Republic of Kosovo which was established pursuant to the Constitution of 2008. It analyzes the political and legal developments leading to the adoption of the Constitution within the context of Kosovo’s independence process, which shaped the key features of the present constitutional system. In addition to adopting a liberal-democratic system of constitutional governance, Kosovo’s constitutional system contains strong elements of consociational democracy, which reflects Kosovo’s multi-ethnic character and its efforts to integrate all minorities in the newly established constitutional system. The paper also analyzes human rights and group rights as protected by the Constitution and key principles and aspects of the organization of the state taking into account relevant case-law of the Constitutional Court of the Republic of Kosovo. The paper concludes with an assessment of the Constitution before the background of Kosovo’s attempts to consolidate as an independent state and the role of the Constitution in this respect.

### **Goran Cobanov** **Die Verfassung Mazedoniens** **The Constitution of Macedonia**

More than 25 years after the independence 1991 the absurd question of the name dispute between Greece and Macedonia is still unresolved. After the failed NATO accession of Macedonia at the Bucharest Summit 2008, the political and economic situation in Macedonia has been worsening, especially after the expensive governmental project “Skopje 2014” was brought into being in the year 2010. Macedonian people do not believe in the governmental and state institutions anymore, showing displeasure in the so-called “colorful revolution 2016”.

The crisis in Macedonia is still going on, aggravating after the last elections 2014 and developing to a serious parliamentary, political and governmental crisis with demonstrations throughout the whole country.

### **Ivan Vuković, Filip Milačić Die Verfassung Montenegros The Constitution of Montenegro**

This article analyses the process of the constitution making in Montenegro since the start of the transition process. It thereby suggests that the constitution making and the manner of institutionalization in this country were greatly influenced by the unresolved nation-state building issues, much more than the current literature acknowledges it. In conclusion, the article argues that the success of the future constitutional consolidation in Montenegro greatly depends on the fact whether the political actors will succeed in resolving the identity issues.

### **Andrzej Rzepliński To Be a Judge**

The article elaborates on the qualifications and skills required for a professional judge, written from the perspective of the incumbent President of the Polish Constitutional Court. Special emphasis is placed on professional ethics. The profession of a judge is not a good career for persons who do not possess a sufficiently well-established sense of personal and professional dignity, the virtue of personal integrity, an impeccable past, professional and practical knowledge, social and family maturity, and personal maturity to be able to assume full responsibility for each ruling passed in accordance with the law and with their own conscience. The article is broadly based on a speech delivered before the ECHR assembly in 2015.

### **Vyacheslav Navrotsky Befindet sich das ukrainische Strafrecht in der Krise? Is There Any Sign of a Crisis of the Current State of Criminal Law in Ukraine?**

This article is dedicated to the analysis of the current state of criminal law in Ukraine. It is noted that the majority of problems of the modern Ukrainian society and Ukrainian state is determined by non-usage or incorrect usage of criminal legal norms for acts of separatism and attempts to usurp powers, falsifications during elections, corruption, and violence during the events of 2013–2014.

It is stated that the criminal law of Ukraine is now at a turning point, after which combating crimes may either get worse or better. Attention is drawn to the growing number of crimes committed in Ukraine in recent years, and selective criminal prosecution, which indicates the poor state of criminal law enforcement. The deterioration of quality of the criminal legal acts indicates the crisis of criminal law in general. It is concluded that numerous changes to the Criminal Code do not lead to improvement of the quality of the law. It is offered to start work on a fundamentally new legal act on respon-

sibility for public offenses, and a working plan has been advanced in this field for the next 10–15 years. The attention to the crisis in the criminal legal science in Ukraine is discussed as well.

It is concluded that the state of crisis of the criminal law of Ukraine requires decisive steps to overcome it. It is stated that overcoming the current multi-faceted crisis in Ukraine is impossible without the use of criminal legal means.