

## EDITORIAL

Dear Readers,

It is my great pleasure to have the opportunity to briefly present the papers published in the second issue of the scientific journal *Facta Universitatis: Law and Politics* for the year 2021. As was the case in the previous issue, the papers cover different but very important topics: the mechanisms of civic participation in the local government affairs, various environmental issues ranging from the right to water as a human right to the normative framework for the prevention of air pollution, the impact of modern mechanisms (nudge, sludge, shove, budge) on reducing administrative burdens, the classical administrative procedure law issues related to the administration silence in decision-making of administrative bodies, and violence against people with disabilities. All papers are characterized by a clear and concise writing style, application of adequate and modern research methodology, comprehensive overview of the most important primary and secondary sources, all of which shows that the authors have invested a great effort in examining the subject matter under consideration. Acting in the capacity of the Editor, I am pleased to present these papers to a worldwide readership. I hope that they will contain useful information to the broad scientific and professional public, as well as to the general public interested in possible directions for resolving these important issues.

**Aleksandar S. Mojašević**, LL.D., Associate Professor of the Faculty of Law, University of Niš and **Ljubica Nikolić**, LL.D., Full Professor of the Faculty of Law, University of Niš, have submitted the paper titled “*Nudge, Shove, Budge, Sludge and Administrative Burden: Terminological Demarcation and Practical Implications*”. The paper focuses on providing clear conceptual demarcation line between these behavioural concepts in the context of reducing administrative burdens. After providing their definitions, the authors analyze the use of these behavioral mechanisms in the development and implementation of various public policies, focusing on the use of these mechanisms in reduction of administrative burdens.

**Maja Nastić**, Associate Professor of the Faculty of Law, University of Niš, submitted an original scientific paper titled “*Human Right to Water: Between Constitution and Market Interests*”. The author points out that the right to water has to be included in the latest generation human rights and guaranteed by the highest national legal acts, primarily the national constitutions. The author draws attention to the dual nature of this right, its economic and strategic importance, which results in the legislators’ obligation to balance human rights with economic interests. The author’s analysis includes the most important international standards in this area, primarily envisaged in the United Nations documents, and the European standards which have been defined in the jurisprudence of the European Court of Human Rights. The analysis also includes the legal systems of several developed countries where the right to water is explicitly recognized in their constitutions. In addition to its scientific contribution, this article has a practical value as an overview of existing legislative solutions which may be used by the legislators of those states whose constitutions still do not explicitly recognize this human fundamental right.

**Filip Mirić**, LL.D., Research Associate, Associate at Postgraduate Study Services, Faculty of Law, University of Niš, and **Aleksandra Nikolajević**, MA, Teaching Assistant, Sociology Department, Faculty of Philosophy, University of Niš, submitted the paper titled “*Violence*”

*Against Persons With Disabilities: The "Dark Number" Of Crime*". The authors explore this negative social phenomenon from the criminological and sociological perspective, focusing on disability as a victimization factor, different forms of violence, and the rising "dark number" of crime of violence against people with disabilities, with specific reference to violence against people with mental disabilities in residential institutions. The authors point out to possible social responses, embodied in the comprehensive and integrative approach to the problem of violence against people with disabilities, and recommend activities for protecting crime victims, creating a supportive climate for combating violence, improving the position of people with disabilities and empowering people from these vulnerable social groups.

**Teodora Veličković**, LL.M. Student of the Faculty of Law, University in Niš, submitted the paper *"Development of the United Nations and the European Union Policy on Air Pollution"*. The author focuses on air pollution as a growing environmental problem and an issue of exceptional environmental importance for humanity. Relying on the historical, normative and teleological method, the author explores the broad environmental law normative framework and examines the legislative documents and acts dealing with the prevention of air pollution. In particular, the second part of the paper presents the most important international legal documents on ozone depletion in the context of increasingly serious climate changes. The third part focuses on the legislation pertaining to protection of ambient air and specific regulations envisaging relevant protection measures. The final part provides an overview of the jurisprudence of international courts, the protection they provide in their judgments and their impact on the development of environmental law. Considering the growing number of court cases, the author hopes that economic and political interests will not prevail over environmental rights.

**Marija Marinković**, LL.M. Student, Faculty of Law, University of Niš, submitted the paper *„Mechanisms of Citizen Participation in the Local Government: The Normative Framework of the Republic of Serbia"*. The author deals with the fundamental principles of the good governance doctrine and its implementation in the Serbian legislative framework regulating the organization and activities of local self-government units in the Republic of Serbia. In addition to the traditional mechanisms of direct citizen participation in the activities of the local self-government, whose wider application is related to the upcoming amendments to the Referendum and People's Initiative Act, the author focuses on public debate and public hearings and elaborates on other equally important mechanisms of civic participation in performing local level activities: consultations, public meetings, interviews, information requests, petitions, surveys, proposals, electronic communication, social networks etc. The author concludes that these mechanisms indirectly contribute to transparency as the second main pillar of good governance.

**Bojan Blagojević**, LL.M., Attorney-at-law of the Bar Association Niš, submitted the paper titled *„Legal Protection Against Administrative Silence"*. The paper examines a traditional administrative procedure law issue of administrative silence, which occurs when an administrative body fails to respond to the a party's request. The author focuses on two main approaches in resolving such a legal situations: first, when the administrative body is considered to have rejected the party's request (negative silence) and, second, when the party's request is considered to have been adopted (positive silence). The author analyzes the practical consequences that such legal solutions lead to, with reference to various cases that had their epilogue in the judgments of the Administrative Court of the Republic of Serbia. The author concludes that the normative regulation of this institute should be additionally strengthened in

order to prevent possible abuses and to contribute to the development of the rule of law and citizens' trust.

Last but not least, we would like to extend our appreciation and gratitude to our distinguished reviewers whose professional attitude to double-blind peer review has significantly contributed to the quality of this scientific journal.

**Editor-in-Chief**

Prof. Dejan Vučetić, LL.D.

Niš, 15<sup>th</sup> December 2021