

ORGANIZATION AND ADMINISTRATIVE TASKS OF THE ADMINISTRATION IN THE FIELD OF TOURISM

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Abstract

Administrative activity, in addition to the classic ones, includes more and more non-authoritative activities, and their effectiveness largely depends on the organization of the administration, distributed at different levels of territorial and political organization. The constitutional framework implies that the establishment of the system in various areas of the economy is in the competence of the state, while the autonomous provinces and local self-government units have certain competencies. Legal identification and standardization of administrative affairs and tasks in the field of tourism should be such that it does not endanger the freedom of private initiative, but do provide protection of the public interest. The analysis of the constitutional and legal framework includes the system of distribution of competencies in the field of tourism, the nature of administrative affairs and organizational forms of their implementation in the Republic of Serbia and a comparative review.

Key Words: *administration, tourism, jurisdiction, decentralization*

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Introduction

The activity of public administration is increasingly covering various areas of the economy. There is a public interest in each of them, but its realization is not necessarily related to authoritative activity, as a classic form of manifestation of public administration, but broader goals are achieved through numerous non-authoritative activities that it performs. The development of various branches of the economy is increasingly becoming the goal and subject of public engagement and development work is

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becoming predominant within the administrative activities in certain areas, such as tourism. Public engagement represents the institutionalized role of state bodies and bodies of lower territorial-political units in various fields, both from the normative and executive, as well as from the development and professional aspect. In addition to the intention to regulate an increasing number of issues in this area through law, to establish a system and ensure its functioning, most public affairs in the field of tourism belong to administrative activities, which include authoritative (executive) and non-authoritative affairs. Monitoring the situation, planning, taking care of public services, development and professional affairs as substantive, mostly non-authoritative affairs of the administration, are becoming a prerequisite for sustainable development in this area. The number, scope, importance of these jobs and the specifics of the needs they provide, indicate that this is a somewhat more intensive activity of the administration in the field of tourism, which requires appropriate organization at different levels of government. In this example, as an area in which the role of the state is stronger, the tendencies in the modern development of public administration can be confirmed – growth, differentiation, professionalization and reduction of the role of coercion in its implementation (Pusić, 1989).

The economic system in the Republic of Serbia is based on a market economy, free and open market. This form of regulation implies a limited role of the administration in economic activities. However, modern needs and the expansion of the development work of government bodies make this role more visible. In Serbia, as a unitary state, but with asymmetric decentralization, there is a shared competence between different levels of government in many areas of the economy, including tourism. Unlike the competence of the state, which is original, the competence of lower levels is derived from the state's will. Original competencies in various fields, including tourism, are a functional component of the very concept of territorial autonomy and local self-government, which is reflected in many ways in their overall position, from the right to self-organization to the right to own income, cross-border cooperation or protection (Golić & Počuča, 2017, p.770). In addition to the original ones, there is also the possibility of entrusting, delegating the tasks and competencies of state administration to lower levels. The delegation improves the effectiveness of carrying out these tasks, with the caveat that it's necessary to ensure the unity of the legal system and economic area, heritage protection, and balanced and sustainable development, as basic constitutional principles. Therefore, complex and multiple relations are established between state administrative

bodies and bodies of lower territorial units, including supervision and cooperation. The scope of decentralized and entrusted tasks is statutory category and it is subject to change, so it is necessary to consider the line of separation between them and the legal regime to which they are subject.

Constitutional framework for the distribution of competencies in the field of tourism

The Constitution of Serbia divides competences in the field of tourism between the Republic, autonomous provinces and local self-government units. In addition to the general competence to determine and conduct policy, which includes policy in certain areas of social life, such as tourism (Article 123), the Constitution stipulates that the Republic is responsible for the system of performing certain economic activities and sustainable development (Article 97). In addition to the principles of economic regulation based on market economy, freedom of entrepreneurship and independence of economic entities, which is the framework for the functioning of the economic system (Article 82), bearing in mind that they may be in the function of tourism development, as relevant constitutional issues it can be stated that natural resources and goods of general interest are in state ownership, and the law regulates the manner of their use (Article 87). The Republic takes care of balanced and sustainable regional development (Article 94) and consumer protection (Article 90). Among the rare obligations established by the Constitution is the one according to which “everyone is obliged to preserve natural rarities and scientific, cultural and historical heritage, in accordance with the law. The Republic, autonomous provinces and local self-government have a special responsibility for the preservation of heritage” (Article 89). This provision has multiple meanings; it suggests the direction of legislative policy (in the function of protection of special goods and values), legal regulation of issues and division of competencies.

The Autonomous Provinces regulate issues of provincial importance in certain areas explicitly enumerated in the Constitution, “all in accordance with the law.” Those areas include tourism. The law determines what these issues are. The province is not responsible for regulating the system or conducting policy in the field of tourism, but for issues that the legislator deems to be of provincial importance (Decision of the Constitutional Court, No. IUz-353/2009 of 10 July 2012). Provincial competencies include both normative and executive aspects, and the right to establish one's own bodies (Marković, 2015, p. 453). The right of citizens to provincial

autonomy and local self-government, which includes activities in the field of tourism, as the original competence, is subject only to the control of constitutionality and legality, not expediency (Article 12).

Municipalities and cities also have original competencies in the field of tourism. They take care of the development and improvement of tourism, crafts and catering; adopt and implement programs to encourage local economic development, undertake activities to maintain and attract new investments (Article 20). In addition to the competence to adopt development programs, which include the field of tourism, take measures and direct funds towards its development, the original competence includes various organizational, supervisory and professional tasks.

Although there is a divided competence in the field of tourism, the most important tasks belong to the Republic (state's administration bodies). Administrative tasks are, primarily, reserved for the ministries, as administrative organs. All state administration tasks are not, however, performed only by state administration bodies. Certain tasks of the state administration can be entrusted or delegated by law to other entities, primarily provincial and local bodies, which in that case perform them as entrusted (Lončar, 2014, p. 266). Delegation is defined in legal theory either as a form of decentralization (Marković, 2015), or as a form of special deconcentration, which is also referred to as "covert decentralization" (Pusić, 1989). In this context, decentralized activities are considered to be activities in the original competence of autonomous provinces and local self-government units, which often include the normative aspect, and are not only in the competence of administrative bodies. Provincial and local government bodies are formed to perform primarily administrative tasks from the original competence of a given level. However, when entrusted to them by law, they can also perform certain tasks of state administration, including those in the field of tourism. Differentiation into original and entrusted tasks of decentralized units is of special importance, because the affiliation of administrative activities in the field of tourism to some of them determines the legal regime to which they are subject. "The legal regime determines the manner of performing these tasks, organization, subject and scope of supervision over the performance, financing, establishment of cross-border cooperation, which is especially related to the normative aspect of their performance and protection instruments."(Golić & Počuča, 2017, p. 772).

Affairs and organization of state administration in the field of tourism

The affairs and organization of the state administration are regulated by law. The Law on State Administration regulates its system, affairs and organization, the Law on Ministries establishes ministries and other state administration bodies, and determines their scope, while the laws governing certain areas or certain issues more precisely determine the affairs of state and other levels of government organization. The Republic distributes administrative affairs between different levels by law, determining their nature and the legal regime that arises from it, taking into account the constitutional principles on the position of decentralization units. The most important tasks of the administration are reserved for the state administration.² The main bodies of state administration are ministries. Depending on the number and importance of tasks, the ministry is established for state administration affairs in one or more interrelated areas (Kulić, 2017). Other administrative bodies are bodies within ministries and special organizations (for professional and related administrative affairs). The determination of the legislator for a smaller or larger government, and the importance of a certain area of social life in a particular country determine the number and structure of ministries. As issues of a political nature, they do not necessarily mean greater or lesser efficiency, costs or administrative apparatus. By law, the tourism department is united with the trade and telecommunications departments. In comparative law, different combinations of departments are represented, where the tourism department, with less independent existence, is integrated with the departments related to the economy, economic relations, and less often the environment. Also, it is possible to organize activities in this area in another organizational form (agency, secretariat), especially if professional activities are predominant. Its connection with trade, due to the similarity of business, direction and connection of public policies in these areas is not uncommon, which could not be claimed for telecommunications. The Ministry of Trade, Tourism and Telecommunications “performs state administration tasks related to: tourism development strategy and policy; integrated planning of tourism

² The Law on State Administration defines the tasks of state administration: „1) participation in shaping the policy of the Government; 2) monitoring the situation in the areas within its scope; 3) execution of laws and other regulations (enact regulations, decide on administrative matters, keep records, issue public documents and undertake administrative actions); 4) inspection supervision; 5) taking care of public services; 6) development activities (encouragement and guidance); 7) other professional affairs.”

development and complementary activities; development, determination and sustainable use of tourist space and tourist destinations; tasks of special importance for tourism development; categorization of tourist places; implementation of incentive measures and provision of material and other conditions for tourism development; promotion of tourism in the country and abroad; taxes, fees and penalties in tourism; property and legal affairs in tourism; improving the value system and competitiveness of tourism products; tourism market research and tourism information system development; conditions and manner of performing the activities of travel agencies; catering activity; hunting, tourism and nautical activities, as well as the provision of services in tourism; arranging, maintaining, equipping and providing services to public ski resorts, spas, theme parks and public baths; inspection in the field of tourism” (Article 9). The list of tasks in this law shows that most of them are development tasks, with a significant representation of planned, professional (market research, competitiveness) and operational. Classic administrative affairs (executive affairs) are mostly inspections. Within this complex ministry the sectors for tourism and tourist inspections are formed as the basic internal units. The ministries³ whose scope is indirectly important for the developments of tourism are the Ministry of Culture (a specific connection concerns the protection of cultural heritage) and the Ministry of Rural Care, whose scope does not fall into the classic administrative affairs (nurturing tradition and preserving cultural and historical content of rural areas). This may lead to the conclusion that the future of tourism is based on the affirmation of certain traditional values, especially cultural and historical heritage, to which the community should contribute.

The Law on Tourism, as a system and basic law, also determines the tasks of the administration. The Ministry participates in shaping the Government's policy by preparing regulations, proposing strategies or other measures within its scope adopted by the Government. As a condition for successful tourism development, the Law envisages integrated planning, which includes the adoption of the “Tourism Development Strategy, and the implementation of the Strategic Master Plan, Strategic Marketing Plan and Tourism Product Development Program” (Article 5). Also, at the proposal of the Ministry, the Government declares a tourist space.

³ The Ministry of Economy, which is responsible for the administrative affairs of general economic development, the status of economic entities and investments, is responsible for all areas of the economy, from which, according to the principle of specialization, ministries for special areas, such as agriculture, transport and tourism.

Within the executive affairs, the ministry adopts bylaws (rulebooks, orders, instructions) which, on the basis of legal authorization, regulate certain issues in more detail. The Minister prescribes: more detailed conditions for the categorization of a tourist place and the type of data that are recorded in the Tourism Register; display of tourist signage; ranking and changing the license category of tourist organizations; various issues regarding the amount and conditions of the travel guarantee, its conditions, the amount of the deposit, conditions that must be met by the travel organizer; records of mediation contracts, travel programs, sold tourist trips, issued travel guarantees, data entry into the central information system; more detailed requirements to be met by the destination management company and the professional congress organizer; the manner of arranging the mutual relations between the travel organizer and the intermediary, as well as the relationship with the traveler; taking the professional exam of a tourist guide and tourist companion; issuance, validity, form, content of the certificate and identification of the tourist guide and tourist companion, etc. Within the executive affairs, the Ministry also decides on administrative matters, keeps public records, and issues public documents. By an administrative act, it decides on the categorization of tourist places. In the second instance, as an appellate body, it decides on the decision of the Tourism Registrar, which issues a license to perform certain tourist trips. The Ministry revokes the license of the travel organizer, decides on the appeal against the decision of the Business Registers Agency on the registration of intermediaries and on the appeal against the decision of the tourist inspector. The Minister forms a commission for taking the professional exam for a tourist guide and tourist companion, after which they are issued a certificate and ID and keep records of tourist guides.

Development task is one of the most important tasks of the state administration bodies in the field of tourism, the importance of which is contributed by the situation caused by the pandemic, economic crisis, but also other unforeseen circumstances that are a regular companion of modern development. These tasks include adopting or proposing measures to direct and encourage development, and the use of financial resources for these purposes. The budget of Serbia provides special funds for encouraging and directing the development of tourism. The Minister makes a decision on the transfer of earmarked funds from the budget of the Republic, i.e. concludes an agreement on the use of incentive funds. Within the founding rights, the Government, at the proposal of the Ministry, appoints and dismisses members of the management and supervisory board, and the director of the tourist organization, as a public service,

whose main role is to promote tourism and coordinate activities of tourist organizations. The Ministry supervises the implementation of the Law on Tourism. It supervises the work of holders of public authority (local government, tourist organization, companies) who are entrusted by law with the performance of state administration tasks. Inspection supervision is performed by the Ministry through tourism inspectors.

Provincial administration affairs in the field of tourism

The justification of territorial autonomy consists in the specificity of a certain part of the territory, predominantly of national or historical character, which is regularly followed by economic criteria. The right of narrower territorial units to exercise legislative power, i.e. the right to independently perform certain tasks in areas where there is certain specificity, is necessarily strengthened by appropriate instruments of influence on the situation in those areas. Tourism, having in mind the geographical, historical, cultural and economic characteristics of the Autonomous Province of Vojvodina within Republic of Serbia that includes, is an area in which there are special regional interests. Administrative tasks in the field of tourism are by their nature suitable for a higher level of decentralization. Several legally non-binding documents have been adopted in Europe aimed at political support for strengthening the regional level of government and creating minimum common holders of such a level of government, such as the Community Charter on Regionalization (European Parliament, 1988) and the Declaration on Regionalism in Europe (Assembly of European regions, 1996), which explicitly suggest that the competences at the regional level also include issues in the field of tourism (Đulabić, 2006). This is confirmed by the analysis of the status of the comparable autonomous units in comparative law, such are the regions in Spain and Italy, autonomous units in Denmark, Finland, Portugal or the United Kingdom. In each of them, there are significant competencies in this area. It is similar with territorial units that do not have classical territorial autonomy, but have competencies of a regional character, as is the case with regions and departments in France, provinces in the Netherlands, and duchies in Poland (Font, et al., 1999; Caperchione & Zuffada, 2003; Vučetić, 2012; Pejić, 2007).

Constitutional principles on the competence of the autonomous provinces are elaborated by the Law on Determining the Competence of the Autonomous Province of Vojvodina. This Law regulates the issues of provincial importance within the scope and areas prescribed by the

Constitution, including the tourism, but also the tasks entrusted to AP Vojvodina, and in that respect it has the character of an omnibus law. Instead of defining the tasks delegated to AP Vojvodina through certain laws in the areas in which the Autonomous Provinces have competencies, this is done through a single act, which is also the subject of criticism, given that the entrusted tasks are part of the entire state affairs and competencies (Markovic, 2015; Milkov, 2009). The original tasks are mostly organizational, planning and development by its character. After the Constitutional Court declared a large number of provisions of the Law unconstitutional, the Law continued its existence, and no new law was passed, which presents its huge deficiency. By unconstitutional provisions, competencies greatly exceeded the constitutional concept of territorial autonomy, envisaging the competence of the province to conduct policy in certain areas and regulate the system of some economic activities, which are the competencies of the Republic (Lončar, 2009). The need for a new law was reflected in need to provide an adequate measure and level of task of provincial importance in the decentralization system established by the Constitution (Golić & Počuča 2017, p. 773). Tourism, having in mind the geographical, economic and cultural specifics of Vojvodina, is an area in which there may be special, regional needs and interests, and a true need for decentralization. Given that the Province has the authority to plan its own development, all the resources on which it would be based, including tourism, represents provincial interest of special importance. With regard to the distribution of competencies, it is therefore necessary to adequately regulate it.

According to the Law on Determining Competences (Article 23), AP Vojvodina has certain competencies, which include four related activities. “AP through its bodies, in the field of tourism, catering services, spas and health resorts, in accordance with the law: 1) regulates the planning and development of tourism for the territory of AP Vojvodina, in accordance with the Tourism Development Strategy of the Republic of Serbia; 2) adopts the Tourism Development Strategy of the Autonomous Province of Vojvodina, in accordance with the Tourism Development Strategy of the Republic of Serbia, as well as programs for its implementation; 3) propose to the Government an act on the proclamation and determination of tourist space on the territory of AP Vojvodina; 4) propose a member of the Commission for categorization of tourist places; 5) establish the Tourist Organization and other organizations for the promotion and development of tourism; 6) regulate the use of mineral and thermal waters, climatic

resources, may establish spas and health resorts, in accordance with the Tourism Development Strategy of the Republic of Serbia” (Article 23).

Among administrative affairs and tasks, development and organizational affairs dominate. Having in mind that certain tasks are entrusted to the holders of public authority (state actors) by law (Tourist Organization, Agency for Business Registers), the province is entrusted only to organize the passing of the professional exam for local tourist guide and tourist guide for Vojvodina. However, this is not a classic administrative work - the application of regulations in undisputed individual situations, which are legally marked as executive (Tomić, 2016, p. 54). The policy of tourism development is determined by the Republic. However, through the right to adopt strategic documents and tourism development programs, the role of decentralized units in its creation and implementation is ensured. Lower level planning documents must be in line with national documents, thus ensuring a unified planning system. The provincial authorities may determine the means of support for the implementation of development policy, depending on their financial capabilities. In that regard, the amount of 3/7 of the provincial budget funds for capital expenditures, defined by the Constitution, could be partly determined for projects in the function of the development of the tourist capacities of the Province.

One of the basic rights of the autonomous provinces is the right to independently regulate their own bodies and services - their organization, competencies, elections and, within the parliamentary system (Petrov & Simović, 2018, p. 365). This right is the broadest in the regulation of the provincial administration. It is functionally determined by the original tasks, with the provincial administration, in addition to the original ones, performing the entrusted tasks of the state administration. The tasks of the provincial administration in the field of tourism are performed by the Provincial Secretariat for Economy and Tourism. These are the tasks of preparing acts for the Assembly or the Provincial Government, which “regulate and ensure balanced regional development in the field of economy; regulate issues of provincial importance in the field of tourism; regulates tourism planning and development; adopts a tourism development strategy; proposes the proclamation of tourist space on the territory of AP Vojvodina, proposes a member of the commission for categorization of tourist places; proposes the establishment of organizations for the promotion and development of tourism and exercises founding rights over them; regulates the use of mineral and thermal waters, and climatic resources; determine the plan and program of balanced

economic development; arrange fairs and other economic events of provincial importance” (*Provincial Assembly Decision on Provincial Administration, Article 43*). Also, the Secretariat in this area performs executive, professional, development and supervisory tasks regarding provincial regulations.

Local government affairs in the field of tourism

The right to local self-government in its material component includes issues in the field of tourism which are placed in the original competence of municipalities, cities and the City of Belgrade by the Constitution and the Law on Local Self-Government (Golić & Počuča, 2017). The wording of this competence in the Constitution includes primarily the executive aspect and means that they are not authorized to enact regulations in this area, but to deal directly with tasks and activities related to tourism (Milkov, 2013, p. 71). However, they also include some planning and development tasks - the adoption of local economic development programs and strategic documents. The acts they can adopt in this area have an implementing character. The constitutional concept, therefore, prescribes and implies the competence of all level of government, where the role of local self-government includes "administrative affairs and narrow government power" (Petrović, 2003). Competences in the field of tourism are found in the systems of local self-government of almost all European countries (Vučetić, 2012). However, the nature of these competencies differs. Sometimes they include normative ones, and somewhere includes only administrative or development activities, which are the least common content of local competencies in this area. The Law on Local Self-Government envisages the possibility for municipalities and cities to perform certain tasks of inspection supervision, if they are entrusted with that by a special law (Article 22). The prescription of such a possibility depends on the legislative policy and approach, which should keep in mind the ability of local authorities to react more effectively in case of irregularities in the work of supervised entities.

The Law on Tourism stipulates that local units adopt a tourism development program, in accordance with strategic documents, with the opinion of the Ministry. They can establish a destination management organization that can be entrusted with the management of tourist space. Also, they can entrust the manager of the tourist area with the contract related to the arrangement, use and protection of construction land and coordination tasks on maintaining communal order and cleanliness in the

tourist area. The proposal of categorization of a tourist place also comes from local units. Organizational rights include the right to establish a local tourism organization or may entrust its affairs to another legal entity. The local self-government takes care of the display of tourist signals, prescribes the program, manner and conditions of taking the professional exam for local tourist guides and organizes its taking, issues a certificate of passing the exam. As trusted tasks, it keeps records of local tourist guides.

The organizational independence of local self-government is relatively limited. The Law on Local Self-Government regulates the system of its bodies, in which independence refers only to its administration. "The municipal administration is formed as a single body, and administrations for certain areas can be formed in units of over 50,000 inhabitants" (Article 53). However, this case is not common, because a single organization seeks to ensure a higher level of harmonization of administrative tasks. Organizational units (secretariats, sectors, departments and divisions) as well as special organizations are formed within the unified administrations, depending on the specific needs and possibilities of the local community. In terms of organizing work in the field of tourism, there are various combinations, where it is associated with related areas of the economy, with internal units of different ranks (sector, department). In addition, through inter-municipal cooperation, local units can integrate their original and entrusted tasks. They have the right to establish joint bodies, services, companies (including the establishment of regional tourism organizations), through which they can concentrate local affairs and reduce the negative effects of asymmetric decentralization. In Europe, this possibility is widely used in the Netherlands, Belgium, France, Finland (Hulst & Van Montfort, 2007). The development of cross-border cooperation contributes in particular to the development of tourism. It is also supported within the EU regional policy, assisted by special funds and significant financial resources (Počuča et al., 2018).

The relationship between administration bodies of different levels in performing activities in the field of tourism

The nature of the tasks performed by decentralized units determines the relations they establish in relation to them between state administration bodies, on the one hand, and provincial and local administration, on the other hand. In matters within the original competence of decentralized units, the powers and competencies of central bodies are aimed at ensuring constitutionality and legality. Significantly broader and more significant

powers and competencies have been established in the case of entrusted tasks, characteristic of the relationship between higher and lower administrative bodies (Milkov, 2010, p. 31). Supervisory powers can effectively influence the performance of entrusted tasks. They also include supervision over the legality and expedience of work – efficiency, economy and expedience (Tomić, 2016, p. 164). The nature of the entrusted tasks justifies these powers - although their performance is entrusted to decentralized units, they are still state affairs, in respect of which state bodies retain responsibility, finance them.

Decentralized activities in the field of tourism, according to the Constitution are not subject to control of the expediency of their implementation (Article 12 of the Constitution). In executing these tasks, a relationship of cooperation and information may be established. On the other hand, with regard to them, the autonomous province and local self-government units have a number of special rights, from the right to appeal to the Constitutional Court in case they are violated by an individual act or action of a higher level, to the right to initiate constitutional and legality conformity process when injuries occurred through a general act (Dimitrijević & Vučetić, 2011). Due to the possibility of joint use of tourist potentials in border areas, the right of decentralized units to cross-border cooperation is of special importance, which includes the right to conclude interregional agreements as general provincial acts that can regulate certain issues. In their conclusion, therefore, the assembly of the decentralized unit must participate. In addition to a certain place in the hierarchy of general acts, they must, according to the Constitution, be "in accordance with the foreign policy of Serbia" (Article 181). Although the Government of the Republic determines and conducts the policy, the law does not stipulate the obligation to obtain its consent when concluding provincial agreements on interregional cooperation.

There is no hierarchical relationship between state bodies and bodies of decentralized units in the performance of their tasks within the original competencies. State administration bodies have powers that protect constitutionality and legality, even the conformity with the relevant statute, but they are of an initial nature. With these powers, state administration bodies cannot influence the meritorious performance of decentralized activities. When it comes to local government's' original competencies, the state Government may, at the proposal of the competent ministry, suspend their general act and initiate a procedure for assessing constitutionality and legality before the Constitutional Court. The possibility of suspending the

execution of provincial regulations is not within the competence of the executive bodies, but there is a possibility of initiating proceedings to assess the constitutionality or legality before the entry into force of the general act of the province, and it is the power of the Constitutional Court to postpone entry into force (Pajvančić, 2009, p. 241). The specific case, accompanied by additional supervisory powers of the state bodies, refers to the situation of non-enforcement of provincial regulations. If its body does not execute the general act passed within its scope, the competent ministry shall order it to take the measures necessary for the execution of the general act within a maximum of 30 days, and it may determine that another provincial body executes the general act, or it can decide to take over execution of the act itself for no longer than 120 days, if the measures imposed by the ministry are not taken. In that case, the Ministry is obliged to raise the issue of the responsibility of the head of the provincial body.

With regard to entrusted tasks in the field of tourism, the general supervisory powers established by the Law on State Administration (Article 47) apply. The competent Ministry in conduction of supervision may“1) request reports and performance data; 2) determine the state of execution of tasks, warn of irregularities and determine measures and deadlines for their elimination; 3) issue instructions; 4) order the undertaking of activities that it deems necessary; 5) initiate the procedure for determining responsibility; 6) directly perform some work if it assesses that the law or other general act cannot be performed differently; 7) propose to the Government to take the measures to which it is authorized” (Golić & Počuča, 2017, p. 781). These powers confirm the hierarchical relationship in terms of entrusted tasks that can influence their performance. The hierarchical relationship between the state and lower levels of government in terms of entrusted tasks arises from the above powers, because they can be used to influence the performance of those tasks. The Ministry also has the powers provided for in qualified situations of non-performance or improper performance of the entrusted tasks. It is obliged to directly perform the entrusted task if its non-performance by the non-central (non-state) administrative body could cause harmful consequences for the life or health of people, the environment, the economy or property of greater value. The most important power is that “if, despite multiple warnings, the non-central entity does not start performing the entrusted task or does not start performing it correctly or in a timely manner, the Ministry may take over the execution of the work, for a maximum of 120 days” (Article 56).

Certain regulations may be enacted in the performance of entrusted tasks. Therefore, supervisory powers related to them are envisaged. When the law entrusts him with the authority to pass regulations, the non-central administrative body is obliged to obtain the opinion of the relevant ministry on its compliance with the Constitution and the law, prior to publication. The Ministry is obliged to explain possible objections and a proposal on how to harmonize this regulation with a higher legal act. In case the proposal is not acted upon, the ministry is obliged to propose to the Government to annul or repeal that regulation, if it is not in accordance with its general act. If, on the other hand, it is not in accordance with the Constitution or the law, the ministry is obliged to propose to the Government to suspend its execution of the regulation and to initiate a procedure for assessing constitutionality or legality before the Constitutional Court.

Conclusion

In tourism as a market economy activity, where private initiative, openness and free competition predominate, the classic role of the state remains minimal. Nevertheless, the public interest and its modern understanding impose the appropriate role of the government, which will find various manifestations in the future, but always contain the creation of conditions for its development. From the competence of state administration bodies, it can be concluded that this role will increasingly include development, planning and inspection, rather than authoritative activities or activities that would limit private initiative in favor of public engagement. With the specific role of different levels, it is necessary to provide a harmonized planning system. The necessity of the protective role of the administration through inspection supervision, licensing of certain activities and keeping public records is part of a broader tendency of protection on the market, where consumers, environment, heritage, competition appear as protective objects.

The distribution of competencies between the Republic and lower levels of government in the field of tourism stems from unitary nature of Republic of Serbia, which is characterized by asymmetry and decentralization. The local self-government mainly has administrative competencies, alongside with narrow range of issues that fall within the "government" with limited ability to act normatively and participate in tourism policy-making, while territorial autonomy implies a higher level of specificity and competencies. The measure of provincial competencies as a legal issue can fluctuate, to a

level that would not exceed the constitutional framework of "issues of provincial importance". The constitutional concept of decentralization implies that within the unified system and policy in the field of tourism, a number of tasks, including the primary regulation of certain issues, can be decentralized, primarily with regard to AP Vojvodina. Also, it is necessary to encourage municipalities and cities to cooperate as much as possible, and develop cross-border cooperation, which would facilitate access to financial funds, reduce costs, improve experience in fulfilling the development role in tourism and development planning in general, and contribute to better use of tourism potential and improving tourism offers. Local self-government development activities in this area must be in the function of strengthening their role in the field of economic development. State support for the realization of local development functions in the future can contribute to reducing the negative effects of asymmetric decentralization and pronounced uneven development.

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