

THE POSITION OF THE INDIVIDUAL  
IN A MODERN LEGAL SYSTEMS





INSTITUTE OF COMPARATIVE LAW

# THE POSITION OF THE INDIVIDUAL IN A MODERN LEGAL SYSTEMS

Editors:

Marko Novaković

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## FOREWORD

An individual's status in the legal system has changed through the centuries. The adoption of the first international conventions on human rights has improved the attitude of the state towards its citizens. Even though human rights are guaranteed by the international legal documents, in practice they are often threatened by a careless relationship of some institutions acting on behalf of the state or international community. The authors of the manuscripts presented in this Collection of Papers examine the status of the individual in contemporary legal systems. The efficient and full-scale protection of human rights is conditioned primarily by the cultural, historical and legal heritage of a country. Therefore, for a more comprehensive understanding of the protection of human rights in contemporary society, of great importance is the fact that authors from eight different countries are dealing with this topic: the United States, Italy, Latvia, Slovakia, Poland, Russia, France and the Republic of Serbia, which is reflected in a special quality of this Collection of Papers.

Nowadays, in order to protect human rights more efficiently, it is necessary not only to harmonise national regulations with international standards, but also to improve the practice of national and international institutions. The papers published in this Collection of Papers contain recommendations for the improvement of national regulations aimed at increase of government's accountability and efficient protection of human rights in practice. The authors of the papers have the same goal, but different approach present in their research. This is certainly due to the fact that they come from different countries, and therefore both cultural and historical circumstances, as well as legal systems, are different.

The authors in their papers analyse the application of the national regulations governing the status of foreign nationals through the analysis of court judgements; they also analyse how the legal personality of an individual is affected by the legal, political and historical circumstances; they analyse the attitude of the authorities towards individuals based on the case-law from their country; they examine why an individual should have a legal personality in the international law; they analyse the positions of legal science on the status of an individual in the international law, their status in times when the threat of terrorist attacks is present in France; they deal with the status of an individual in relation to the right to water in accordance with the international legal standards; they analyse the possibility of exercising the right to a fair trial in the context of the new regulations in Poland; they cover some contemporary aspects of the institute of citizenship in the context of the international law and national law of Russia; they analyse the manner and procedure of punishment of individuals by international criminal courts through the evaluation of the work

of the International Criminal Tribunal for the former Yugoslavia; they analyse the possibility and the level of achievement of the individual's right to access information of public importance through the example of the Republic of Serbia; they give recommendations for a more efficient prevention of criminal liability of civil servants with a special reference to the regulations of the Republic of Serbia and deal with the loyalty of the international civil servants of the United Nations.

The analysis of the status of an individual in contemporary legal systems presented in this Collection of Papers provides the researchers with an opportunity to exchange experience and ideas at the international level in order to improve the human rights protection. We sincerely hope that it will be useful for the improvement of regulations and practices both at the national and international level. The efficiency and manner of human right protection call for a continuous analysis. Consequently, we believe that this Collection of Papers should represent only one step towards the future international scientific cooperation for the purpose of sharing ideas and experience in this particular field.

Director of the Institute of Comparative Law and Editors