

# CHAPTER 7





# LEGAL FRAMEWORK FOR MANAGEMENT, PROTECTION AND PRESERVATION OF CULTURAL HERITAGE IN THE REPUBLIC OF SERBIA

**Dragan Traparić<sup>1</sup>**

**Abstract:** The subject of this scientific work is the legal framework for the protection, preservation and improvement of cultural heritage, which is realized at different levels: international and national, criminal law and misdemeanor law, legal as well as sub-legal and in accordance with the aforementioned as the subject of this paper, legal frameworks of importance for the protection and preservation of cultural heritage in the Republic of Serbia were considered. Within this paper, the legal regime for the protection of cultural heritage was analyzed, certain shortcomings of existing domestic solutions were pointed out with the aim of initiating their possible changes and improvements in accordance with world trends in the field of cultural heritage protection in general.

**Keywords:** *Cultural heritage, legal protection, preservation and improvement*

## 1. Introduction

The right to cultural heritage and cultural goods in general represent today a significant part of human rights. The connection between human rights and cultural heritage we can see in numerous international legal acts. For example The Universal Declaration of Human Rights adopted in 1948 in Article 22 says that Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality (Universal Declaration of Human Rights 1948, artc. 22).

<sup>1</sup> Provincial Secretariat for Culture, Public Information and Religious Communities, Novi Sad, e-mail: [dragan.traparic@gmail.com](mailto:dragan.traparic@gmail.com)

According to *Dr Fiona Wong E Chiong, Lecturer at the Department of Art, Design and Media, School of Arts, Sunway University* "Cultural heritage is considered an invaluable resource and a cultural legacy of a people, nation, and country received from the past, brought to the present, and carries on to the future. It connects members of human society as a whole, as one." (BusinessToday, web article: The Importance in Preserving Our Cultural Heritage, text can be found at: <https://www.businessToday.com.my/2022/03/12/93591/>).

Zeljko Lezaja, in his doctoral dissertation "*Protection of cultural heritage in international law*" (2016: 33) says that Cultural heritage is described in the 1968 UNESCO Recommendation on the Preservation of Cultural Properties Endangered by Public and Private Works as "the product and testimony of various traditions and spiritual achievements of the past and, therefore, a basic element of the identity of the peoples of the world". The same author says that the term Cultural Heritage appears for the first time in the name of a convention in 1972, when the Convention on World Cultural and Natural Heritage was adopted Zeljko Lezaja (2016: 38).

The most significant feature World Heritage Convention (1972) is that it links together in a single document the concepts of nature conservation and the preservation of cultural properties. The Convention recognizes the way in which people interact with nature, and the fundamental need to preserve the balance between the two. In Article 4, the concept of cultural heritage is given a new meaning, when it is said that each member state "recognizes that its duty primarily includes finding, protecting, conserving. Cultural heritage is undeniably an integral part of every individual's life. We are witness the presence of cultural heritage every day, because cultural heritage is everywhere around us. Cultural heritage includes archaeological sites and churches and monasteries and various buildings, castles, paintings, books, written works, etc. The word heritage implies something inherited from previous generations. We can freely say that Cultural heritage is, the way of life of people (behavior, ideas, works and handicrafts) that is passed from one generation to another. Completely identical definition we can see in scientific work, „Preservation of Cultural Heritage: The Strategic Role of the Library and Information Science Professionals in South East Nigeria" of co authors Ekwelem, Okafor & Ukwoma (2011), they wrote that culture is a term used by social scientists for a way of life. Every human society has a culture. Culture includes a society's arts, beliefs, customs, institutions, inventions, language, technology, and values. Culture produces similar behaviour and thought among most people in a particular society. This definition of culture is adopted by Linton (1945) who says: the culture of a society is the way of life of its members; the collection of ideas and habits which they learn; share and transmit from generation to generation (World

Book Encyclopedia, 2004). A people's cultural heritage, therefore, is their way of life and, in a broad sense, their traditional behaviour including the ideas, acts and artifacts which are passed on from one generation to another. (Ekwelem, Okafor & Ukwoma, 2011: 3)

Republic of Serbia adopted cultural property law back in 1994, this law was published *Official Gazette of the Republic of Serbia* no 71/1994. Among other things, this law regulated issues of importance for archival science, museology, old and rare books, immovable cultural property and cinematography, and at the same time it also specifically regulated every area of cultural property protection. Since 1994, when this law was adopted, the social and political circumstances in Serbia have changed significantly. There was a change in the Constitution, the name of the state has also been changed, these are the reasons why The Parliament of the Republic of Serbia adopted a new law on cultural heritage back in 2021.

This new law simultaneously defines cultural heritage, types of cultural heritage, determines the objectives of protection and preservation of cultural heritage, the Strategy for the Protection and Preservation of Cultural Heritage in the Republic of Serbia, types of cultural heritage, valuation of cultural heritage, determination of cultural assets, registration in the register and maintenance of the register of cultural goods, intangible cultural heritage and records of goods that enjoy prior protection. In accordance with the current legislation in the Republic of Serbia, cultural heritage is defined as a set of resources, material and immaterial, inherited from the past, recognized as a reflection and expression of continuously evolving values, beliefs, knowledge and traditions, created by the interaction of man and space over time. Cultural heritage can be tangible cultural heritage and intangible cultural heritage. (The Law on Cultural Heritage, 2021)<sup>2</sup>

Bearing in mind the enormous importance of cultural heritage both for each country individually and for humanity as a whole, special importance is attached to their protection. The Republic of Serbia, attaching great importance to the protection of cultural heritage for the purpose of its protection, enacted a whole series of regulations, both those that are strict by their nature, and special ones aimed at the possessive arrangement of a certain heritage that is of immeasurable importance, such as the Law on Reconstruction cultural and historical heritage and encouraging the development of Sremski Karlovci are attributed to the general conditions for the restoration of cultural and historical heritage and for encouraging development on the territory of the municipality of Sremski Karlovci. (Law on the restoration of cultural and historical heritage and encouraging the development of Sremski Karlovci, 2021).

<sup>2</sup> "Official Gazette of RS", No. 129/2021, Article 3, Paragraph 1, Item 1 defines the term "Cultural heritage"

We were able to understand the importance of preserving cultural heritage after the war in Syria, when the ancient city of Palmyra<sup>3</sup> was destroyed in the war conflicts. Under the List of World Heritage in Danger are also Serbian monasteries in Kosovo and Metohija. (UNESCO, List of World Heritage in Danger, text can be found at: <https://whc.unesco.org/en/danger/>)<sup>4</sup>.

## **2. The legal framework of cultural heritage protection in the legal system of the Republic of Serbia**

### **2.1. Protection of cultural heritage within the national legislation**

Legal protection of cultural property is defined as “part of the legal process of the system of legal norms and legal evaluations created with the aim of preserving the substance of the material aspect of the cultural continuity of a given society. (Milunović, 2001: 222). The protection of cultural heritage, through the prism of legal regulations, creates a legal framework that ensures the prote-

<sup>3</sup> Palmyra, ancient city in south-central Syria, 130 miles (210 km) northeast of Damascus. The name Palmyra, meaning “city of palm trees,” was conferred upon the city by its Roman rulers in the 1st century CE famous for its well-preserved Greco-Roman ruins, has been a UNESCO World Heritage Site since 1980.

In May 2015 the extremist group known as the Islamic State in Iraq and the Levant (ISIL) took control of Palmyra. Because ISIL had previously demolished and looted archaeological sites under its control, there was considerable fear that monuments in Palmyra would be destroyed as well. In August 2015 ISIL released a series of photos that appeared to show the Temple of Baal Shamen being demolished with explosives. In early September the United Nations released satellite photos showing that Palmyra’s main temple, the Temple of Bel, had also been demolished. In March 2016 the Syrian army retook Palmyra from ISIL, with support from Russian and Iranian forces. (Britannica, text can be found at: <https://www.britannica.com/place/Palmyra-Syria>)

<sup>4</sup> The four edifices of the site reflect the high points of the Byzantine-Romanesque ecclesiastical culture, with its distinct style of wall painting, which developed in the Balkans between the 13th and 17th centuries. The Dečani Monastery was built in the mid-14th century for the Serbian king Stefan Dečanski and is also his mausoleum. The Patriarchate of Peć Monastery is a group of four domed churches featuring series of wall paintings. The 13th-century frescoes of the Church of Holy Apostles are painted in a unique, monumental style. Early 14th-century frescoes in the church of the Holy Virgin of Ljevisa represent the appearance of the new so-called Palaiologian Renaissance style, combining the influences of the eastern Orthodox Byzantine and the Western Romanesque traditions. The style played a decisive role in subsequent Balkan art.

ction and preservation of cultural heritage. In this way, through legal regulations, objects of cultural heritage are protected from destruction because they represent evidence of the existence, organization and functioning of society and the state. In the Republic of Serbia, there are seventeen regulations that regulate the protection of cultural heritage and cultural assets. Among the regulations, the following legal regulations can be singled out as the most relevant for the protection of cultural assets and cultural heritage:

1. Law on culture (Published in the Official Gazette of the RS, Nos. 72/09 of 3 September 2009, 13/19 of 19 February 2016, 30/16 of 23 March 2016 - Corrigenda, 6/20 of 24 January 2020, 47/21 of 10 May 2021 and 78/21 of 3 August 2021),
2. Law on Cultural Heritage (Published in the Official Gazette 181/21),
3. Law on museum activity Published in the Official Gazette of the RS, Nos. 35/21 of 8 April 2021 and 96/21 of 8 October 2021,
4. Law on Archival Material and Archival Activities (published in "Official Gazette of RS", no. 6/2020) <sup>5</sup>,
5. Law on library and information activity (Published in "Official Gazette of RS", no. 52/2011 and 78/2021),
6. Law on Reconstruction cultural and historical heritage and encouraging the development of Sremski Karlovci (Published in Official Gazete n.o. 52/21),
7. The Law of the Matica Srpska Society,
8. Law on old and rare library materials,
9. Law on the preservation of the cultural and historical heritage of the Holy Monastery of Hilandar Published in Official Gazete n.o. 94/2021.

Awareness of the need to protect cultural heritage and cultural assets in general in the modern Serbian state, appeared very early back in 1844, when the Decree on the Protection of Ancient Monuments was passed, which was issued by Prince Aleksandar Karađorđević on February 22 (9) 1844, at the suggestion of the then head of the Ministry of Education, writer and lawyer Jovan Steria Popović

<sup>5</sup> Law on Archival Material and Archival Activities published in "Official Gazette of RS", no. 6/2020, came into force on February 2, 2021. The Law has introduced new, more demanding obligations in comparison with the previous relevant law from 1998. All the entities that create archival material and documentary material are subject to these obligations; that means in particular: companies, entrepreneurs and persons performing a registered business activity territorial autonomy bodies and local self-government units, institutions, etc. However, despite the Law having entered into force more than a year ago, in practice, there are still many doubts regarding the specific obligations that the Law has introduced for the creators of archival material and documentary material. The fact that the deadline for the adoption of an important bylaw for the implementation of this Law (Rulebook on the Form of the Archive Book) was delayed, has certainly contributed to that issue, as well as the insufficient public awareness of the introduced legal concepts.

(Serbian newspaper, no. 14/1844). Among other things, this decree prohibits the demolition of old cities, in order to preserve the monuments of antiquity as intact as possible. This act is one of the first acts of its kind in Europe (Brguljan, 2006: 127). The Kingdom of Serbia is a signatory to the Hague Conventions on the Laws and Customs of War on Land in 1899 and 1907, which also contain two principles of protection of certain cultural assets in the event of an armed conflict. In the Kingdom of Yugoslavia, there was no special law on the protection of cultural monuments, however, there were several other regulations and laws that in whole or in part regulated this matter as well.

After the Second World War, in 1945, the Decision on the Protection and Safeguarding of Cultural Monuments and Antiquities was adopted, followed by the Yugoslav Law on the Protection of Cultural Monuments. How to recognize and recognize the property of monuments is described in the law from 1945, it actually regulates the work of institutions that deal with the issue of protection, and establishes the path from recognition, through proposals, to the valorization and declaration of monuments protected by the state (Co-authors on Cultural property today - value and meaning, Institute for the Protection of Cultural Monuments, Belgrade, 2017: 27).

Constitution of the Republic of Serbia as the highest legal act prescribes that Everyone shall be obliged to protect natural rarities and scientific, cultural and historical heritage, as well as goods of public interest in accordance with the Law. The Republic of Serbia, autonomous provinces and local self-government units shall be held particularly accountable for the protection of heritage (Article 89.)

With the adoption of the Law on Cultural Heritage in 2021, the prerequisites for the creation of a legal framework that should ensure the complete protection and preservation of cultural heritage and cultural assets have been met.

This law establishes a legally regulated and organized system of protection and preservation of cultural heritage through discovery, collection, research, documentation, study, evaluation, protection, preservation, presentation, interpretation, use and management of cultural heritage Article 1 of Law on Cultural Heritage<sup>6</sup> (2021). This Law also specifies a new category called intangible cultural which means practices, representations, expressions, knowledge, skills, as well as instruments, objects, artifacts and cultural spaces connected with them, which communities, groups and in some cases individuals recognize as part of its cultural heritage. Cultural heritage is passed down from generation to generation, communities and groups recreate it depending on the environment, their interaction with nature and history, giving them a sense of identity and continuity. In this way, they promote respect for cultural diversity and human creativity (Article

---

<sup>6</sup> "Official Gazette of RS", No. 129/2021



3, paragraph 1). Immovable cultural heritage is a part of tangible cultural heritage that consists of immovable properties, their groups, parts or remains, and which are assumed to have, or which have been determined by the evaluation process, in accordance with the law, to have cultural, social, historical, archaeological, ethnological, anthropological, technical and industrial, artistic, artistic - craft, architectural construction and construction - constructive, spatial (urban or rural) and scientific value and the value of originals, unique or antiques, while movable cultural heritage is defined as part of material cultural heritage consisting of movable objects, their groups, parts or remains which are assumed to have or which, in accordance with the law, have been determined to have cultural, social, historical, archaeological, ethnological, anthropological, technical and industrial value, artistic, artistic - craft, scientific and original, unique or antique value. Movable cultural heritage, according to its types, consists of museum material, archival material, old and rare library material and film and other audiovisual material (Article 3, paragraph 1, point 3) and 4) of the Law on Cultural Heritage. The Law on Cultural Heritage in Article 4 proclaims that everyone has the right to use cultural heritage under equal conditions, for the purpose of participation in cultural life, enjoyment, education, scientific research and progress or other benefits arising from it, as well as to contribute to its enrichment and protection and preservation, in accordance with this law, as well as that the right to accessibility and access to cultural heritage can be limited only for the purpose of protecting the public interest, the rights and freedoms of others, and that everyone has an obligation to respect cultural heritage. The Republic of Serbia ensures the protection and preservation of the cultural heritage located on its territory and takes care of the protection and preservation of the cultural heritage located abroad, if it is of importance for its history, art or culture, in this regard the Law explicitly prescribes that cultural property, property that enjoys prior protection and property under prior protection must not be damaged, destroyed, nor can its appearance, property or purpose be changed without the consent of the competent protection institution in accordance with the law (Article 9).

The Law on Cultural Heritage makes a distinction between tangible and intangible cultural heritage. Thus, the Law stipulates that tangible cultural heritage consists of immovable cultural assets, movable cultural assets, assets that enjoy prior protection and assets under prior protection, and this type of cultural heritage includes immovable cultural assets, cultural landscapes, spatial cultural-historical entities, cultural monuments, archaeological sites, famous places, as movable cultural assets. The law classifies museum and archival materials, film and other audiovisual materials, old and rare library materials.

A significant novelty of the new Law on Cultural Heritage is the broader definition of the term tangible cultural heritage, which includes the cultural landscape, and defines this term as an area that was created as a result of the interaction between culture and nature, that is, people and their natural environment.

Cultural landscape reflects the evolution of human society and settlements over time, ways of sustainable land use, conditioned by the limitations and characteristics of the natural environment, as well as successive social, economic and cultural influences and a specific spiritual relationship to nature (Article 15 of the Law).

The Autonomous Province of Vojvodina takes special care of the protection of historical entities in the area of the APV. For example, in Novi Sad, the reconstruction project of the Almaški kraj an urban neighborhood of the city of Novi Sad, was recently presented to the public. (11.8.2023., The city and the province together on new projects, official web presentation of city of Novi Sad, text can be found at: <http://www.novisad.rs/grad-novi-sad-i-pokrajina-zajedno-i-u-novim-projektima>).

Almaški kraj is one of the older parts of Novi Sad, and in June 2019 it was declared a cultural and historical asset. One of the most important historical projects in Novi Sad, the development of Almaški kraj, received the prestigious award from the New York media company Architizer, A+Award for the project in the Unbuild Landscape category (11.8.2023., The city and the province together on new projects, official web presentation of city of Novi Sad, text can be found at <https://gradskeinfo.rs/resenje-za-almaski-kraj-dobilo-nagradu-respektabilne-njujorske-kompanije-foto-03-06-2023/>).

It is very important to mention one significant novelty that the law foresees, which refers to the discovery of archaeological cultural heritage. in accordance with the provisions of Article 31 of the Law on Cultural Heritage ("Official Gazette of RS", No. 129/2021), which came into force on January 6, 2023, a finder who accidentally discovers elements of archaeological heritage, i.e. an excavation from of the country, i.e. remove an asset from the water that enjoys prior protection, he is obliged to inform the competent protection institution or the ministry responsible for internal affairs about it immediately, and at the latest within 24 hours. The finder has the obligation to act with special care, in order to prevent damage or impairment of the properties of discovered elements of archaeological heritage, i.e. goods that enjoy previous protection, as well as their removal from the Republic of Serbia or their release into internal or international circulation. The finder of the object may be entitled to a monetary reward, if the discovery did not occur during excavation in the framework of construction or any other type of work for which it is necessary to obtain a special approval or permit, i.e. if the discovery did not occur at an already registered archaeological site or archaeological site,

in which case the discovered elements of the archaeological heritage must be handed over to the competent institution of protection and without the right of redemption. The amount of the reward is determined by the protection institution to which the object is given for safekeeping. An archaeological site is a part of the space on the surface of the land and in the ground, in caves and under water, which contains the remains of individual buildings, complex building units and other objects, constructions and their parts, burial units and necropolises, hoards, movable objects, anthropological, paleontological and geological material, as well as the entire stratigraphic context in which they are found, and the provisions of art. 112-114. of the Law on Cultural Heritage ("Official Gazette of RS", no. 71/94, 52/2011 - other laws, 99/2011 - other laws, 6/2020 - other laws and 35/2021 - other laws and 129/2021 - other law - hereinafter: Law) stipulates that the excavation and research of an archaeological site is carried out by a scientific institution or a protection institution, in accordance with the Law. Archaeological excavation and research of an archaeological site is approved by the Ministry responsible for cultural affairs, and approval can be issued to a scientific institution or a protection institution if it has a project on the research of an archaeological site, appropriate professional staff, equipment and provided funds for research and implementation of measures to protect the site and findings.

## **2.2. Special regulations aimed at protecting particularly important cultural heritage**

Sremski Karlovci, in the history of the Serbs, is a city that had a huge historical role and importance. There are numerous cultural and historical monuments in this city, it was the seat of the Karlovac Metropolitanate, but also the epicenter of the Serb struggle for autonomy within the former Habsburg Monarchy. The first written traces of Sremski Karlovci appear as early as 1308. The current name of this town was mentioned for the first time in the manuscript Otačnik of the Krušedol monastery in 1532.

After the First Migration of Serbs in 1690, Sremski Karlovci became one of the candidates for the center of Serbian archbishops. However, it was only after the Third Church Privileged Electoral Assembly, in 1713, that it was decided that they would become the new metropolitan center, which was previously located in the Krušedol Monastery, while Karlovci was the seat of the diocese. Thus becoming the spiritual center of the Serbian people under the rule of the Habsburg Monarchy, Sremski Karlovci gained new momentum in development ( Dimić, 2006: 17).

The Great Viennese War from 1683 to 1699 between the Ottomans and Christian Europe - the Holy Roman Empire, Russia, the Republic of Venice, Poland and Lithuania, ended with the peace signed in Sremski Karlovci and is considered one of the most significant in the history of the old continent. For the first time in history in Sremski Karlovci, a round table was used for negotiations, and a separate entrance was built for each signatory. The negotiations lasted 72 days, during which the representative of the Republic of Venice died and he was buried in the courtyard of the chapel, as National Geography writes (National geographic, 11.8.2023, text can be found at: <https://nationalgeographic.rs/istorija-i-kultura/zanimljivosti/a23141/sto-za-kojim-su-svi-ravnopravni.html>).

Metropolitan Stratimirović also founded the seminary in 1794, the second oldest in the world (after the Kiev seminary).

During 1805, until the end of 1806, Vuk Stefanović Karadžić studied in Karlovci to read Serbian and German.

In Karlovci, the famous Blagovestanski sabor was held in 1861, organized because of Vienna's decision to, by establishing a compromise with the Hungarian aristocracy, finally determine the territorial integrity of Hungary, and therefore abolish the voivodship, Serbian Vojvodina and the Banat of Tamiška. The Parliament presented proposals and conditions under which this area will be integrated with Hungary.

The unification of Serbian Orthodox dioceses was organized at the First Conference of Orthodox Bishops on December 31, 1918 in Karlovci. The unification of the churches was proclaimed and the Serbian Patriarchate was established.

The official announcement of the SPC was held in the patriarchal palace in Karlovci on August 30, 1920. Belgrade became the seat of the church, while the residence temporarily remained in Karlovci until 1936.

Thousands of pages can be written about the historical and cultural significance of Sremski Karlovac, but I believe that at this point we must mention the unjustly forgotten and unfortunately little-known Serbian nobleman and diplomat of the Russian emperor to whom even Vivaldi dedicated an opera Sava Vladislavić Raguzinski.

During the 18th century, Sava Vladislavić became a secret adviser to Emperor Peter the Great and "his right hand". He was most successful as a diplomat - he demarcated the Russian and Chinese empires, actively participated in the military operations of the Russian Empire and realized the signing of peace with Turkey<sup>7</sup>. Sava received the title of count in 1725 from Empress Ekaterina, before he was sent on a mission to China - to negotiate the border between the two empires. Sava Vladislavić sent books to the area north of the Sava and Danube rivers, then

<sup>7</sup> BBC. 11.8.2023., text by Nataša Anđelković, BBS journalist can be found at: <https://www.bbc.com/serbian/lat/srbija-59775344>

the first primers and grammar books arrived in Sremski Karlovci, where they began to be used in the first schools that were founded. A little later, again at the request of the Vladislavić, Peter the Great sends teachers, one of them was Emanuel Kozačinski, who was a well-educated nobleman of Polish origin, who came to Karlovci in 1733, and soon the Slavic-Latin school started working. In Karlovci, there is still a monument to Sava Raguzinski, and right next to it is a monument to the Russian general Peter Wrangel, who lived in the 20th century, but was fatefully connected to Vladislavić. If it wasn't for Vladislavić, there wouldn't be Wrangel and Pushkin, and few people know that ", points out Dimić, author of the book "Serbian-Russian relations during the 18th century". In other words, Sava drew the Russian emperor's attention to the Serbs and the Balkans.

The people of Sremski Karlovci paid their respects to another forgotten and extremely important person only recently General Đorđe Stratimirović, was born in Novi Sad back in 1822, and was a prominent military commander of Serbian volunteers in Hungary and the first president of the Main Board of the Serbian People (1848/1849).

Stratimirović died in Vienna, where he was buried, and after 113 years, his wish to rest in his homeland was fulfilled, so in Sremski Karlovci in September 2021, with high military and church honors, the general's remains were stored in the port of the Presentation of the Blessed Virgin Mary monastery in Karlovac, and a year later a magnificent monument was erected to him in the portico of the church of the Holy Apostles Peter and Paul in Sremski Karlovci, the work of sculptor Dejan Zdravković (Radio television of Vojvodina, 30.6.2023, A monument to leader Đorđe Stratimirović was discovered in Sremski Karlovci, on Serbian: у Сремским Карловцима откривен споменик вожду Ђорђу Стратимировићу.<sup>8</sup>

The need to create a unique legal framework in order to restore the unique heritage of Sremski Karlovac, led to the adoption of the Law on the Restoration of Cultural and Historical Heritage and Encouraging the Development of Sremski Karlovac "Official Gazette of RS", number 52. One of the goals of adoption this Law was to ensure and encourage the restoration and protection of heritage in Sremski Karlovci. Restoration of the cultural-historical heritage of Sremski Karlovac, in the sense of this law, is considered research, rehabilitation, conservation, restoration, revitalization, presentation and use of cultural-historical heritage; protection, arrangement and improvement of natural assets and the environment; communal equipment, i.e. renovation and construction of supporting infrastructure, with the aim of sustainable development of the local community (Article 2). The provisions of Article 6 of the above-mentioned Law stipulate that cultural assets will be restored in Sremski Karlovci within the framework of the spatial cul-

<sup>8</sup> Text can be found at: [https://www.rtv.rs/sr\\_lat/vojvodina/srem/u-sremskim-karlovcima-otkriven-spomениk-vozdu-djordju-stratimirovicu\\_1353518.html](https://www.rtv.rs/sr_lat/vojvodina/srem/u-sremskim-karlovcima-otkriven-spomениk-vozdu-djordju-stratimirovicu_1353518.html)

tural-historical unit that has been established as an immovable cultural asset of exceptional importance.

Article 9. determines the method of providing funds for the restoration of the cultural and historical heritage and encouraging the sustainable development of Sremski Karlovac, while the provisions of Article 10 determine in more detail the method of using the name, name and image of a protected cultural asset or a recognizable part of a monumental complex in the area of Sremski Karlovac, the method obtaining approval, the method of determining the amount of the fee, supervision over production and putting it into circulation and the method of disposing of the funds collected on this basis. In addition to Sremski Karlovac and the Hilandar Monastery, as one of the most important Serbian medieval monasteries, it was founded by the Grand Prefect Stefan Nemanja and his son Rastko on the ruins of the old monastery that used to be there, and is protected by a special law in a special way.

Starting from the fact that the Hilandar Monastery is on the UNESCO<sup>9</sup> World

<sup>9</sup> UNESCO is the leading agency, putting substantial efforts into the protection of international cultural heritage and property in times of peace and armed conflict (Logan S.W. 2016:439). UNESCO (<https://en.unesco.org/>), a specialized UN agency for education, science and culture, was founded in 1945. UNESCO, in its 75-year history, helps the development and availability of quality education for all, connects scientific and intellectual cooperation, protects cultural heritage and encourages intercultural understanding, cares about the protection of freedom of expression, but also about the protection and preservation of the environment and emphasizes the humane values of the world in which we live. UNESCO advocates the implementation of policies that contribute to sustainable social, environmental and economic development. The Republic of Serbia has been a member of UNESCO since December 20, 2000. SFRY was part of the Organization's pioneering work as a member from March 31, 1950, when it founded its first national commission for UNESCO. The Republic of Serbia actively participates in the work of the Organization, is committed to the principles of pluralism, depoliticization, cultural diversity, tolerance and dialogue, which is continuously demonstrated by its actions in the Executive Council of UNESCO, of which it is a current member, in the term of 2019-2023, and as a member of the narrower body, the Bureau of the Executive Council 1. Of special importance for the Republic of Serbia is the protection of the total Serbian cultural heritage in Kosovo and Metohija, on whose territory there are 458 immovable cultural assets, of which 61 are assets of exceptional importance for Serbia. There are 1,300 churches and monasteries in Kosovo and Metohija, which constitute the first-class cultural heritage of the Serbian people. What distinguishes these cultural monuments from others is that they are alive, ie. services are held in them, they have their own owners and their own priests, and therein lies the complexity of their protection. In UNESCO, Serbia advocates for the prevention of increasingly frequent attempts to rewrite history and take over cultural heritage motivated by political reasons and aspirations. After the pogrom in 2004, the first Donor Conference for destroyed and damaged monuments in Kosovo and Metohija was organized under the auspices of UNESCO (2005). The Council of Europe, the European Union and other international organizations participated in the restoration of the monument, according to a special program proposed by UNESCO. In accordance with the Convention on the Protection of the World Cultural and Natural Heritage, which it signed, Serbia undertook to take care of the world heritage on its territory, among which are four monuments in Kosovo and Metohija, which were inscribed on the List of World Heritage in Danger in 2006.

Heritage List. It has an inestimable value for Serbian historical heritage and is one of the most important centers of Serbian culture and spirituality, with the aim of realizing the intellectual and moral solidarity of humanity, as a means of building lasting peace.

The provisions of Article 3, paragraph 1, item 1 of the aforementioned law stipulate that the Republic of Serbia provides support and assistance to the preservation of the cultural and historical heritage of the Hilandara monastery by undertaking activities and implementing programs through its competent authorities related to: preservation and nurturing of historical, religious and cultural traditions of the Hilandara monastery, monitoring the condition, research, presentation and interpretation of movable and immovable cultural and historical heritage in the Hilandar monastery and monitoring of works on that heritage, restoration and reconstruction and other protection measures of existing buildings, construction of new buildings of the Hilandara monastery, conservation, restoration and other measures to protect other historical and cultural heritage in the Hilandar monastery (frescoes, icons, manuscripts, etc.), as well as the own activities of the Hilandar monastery and the Endowment of the Holy Hilandar monastery aimed at improving the conditions of preservation, ongoing maintenance and presentation of the heritage, as well as on the sustainable development of the Hilandar monastery, while the provisions of point 2) stipulate that, through its competent authorities, it participates in the organization of celebrations of significant dates from the history of the Hilandar monastery and performs other tasks of importance for the preservation of the tradition and cultural-historical monuments of the Hilandar monastery.

The name, name and image of the cultural and historical heritage and assets of the Hilandara monastery for commercial purposes on the territory of the Republic of Serbia can only be used by the Hilandar monastery, i.e. the Endowment of the Holy Monastery of Hilandara, and other persons only with the approval of the Hilandara monastery (Article 7).

Churches and religious communities are the owners of specific cultural assets, a large number of monasteries and churches are also on the UNESCO world heritage site, such as the Sopoćani Monastery, which was built by the Serbian king Uroš I Nemanjić at the end of the sixth decade of the 13th century, the Đurđevi Stupovi Monastery, which was founded by the founder of the Nemanjić dynasty, Stefan Nemanja built shortly after his accession to the throne (1170-1171), which makes this monastery one of the oldest Serbian monasteries, the Church of the Holy Apostles Peter and Paul is the oldest active temple in Serbia, the original seat of the Bishopric of Raška and the oldest monument of church architecture in Serbia, then the Monastery Studenica has been on the UNESCO World Heritage List

since 1986. and thus the legislator should pay special attention to them. The protection of religious cultural heritage should have a special importance in terms of legal regulation, since religious identity and the exercise of religious and religious rights represent the foundations of human values. The lack of legal regulation can cause big problems, as we have witnessed in previous years, the lack of provisions on the ownership of these certainly significant assets can lead to big problems, as we witnessed during the adoption of the Law in some of the neighboring countries.

### **2.3. Criminal legal protection**

Criminal Code (Official Gazette of the RS, No. 85/2005, 88/2005 - ispr., 107/2005 - ispr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 i 35/2019) prescribes special protection of cultural assets. For example Article 204. paragraph 3. of Criminal Code of the Republic of Serbia proclaims that The penalty specified in paragraph 1 of this Article shall also be imposed to a perpetrator of the offence of theft, regardless of the value of a stolen item, if a stolen item is a cultural resource, i.e. a resource that enjoys previous protection or a natural resource or a stolen item represents a public device for water, sewage, heat, gas, electrical or other energy or system of public transport and communications devices, i.e. parts of the devices. Further in text in Article 207. paragraph 4. Law prescribes that If the value of embezzled goods, or the embezzled goods thing represents a cultural asset as well as goods with previous protection, exceeds the amount of one million five hundred thousand dinars, the offender shall be punished with imprisonment of one to eight years and a fine. a special criminal offense is provided for in the article 221a, whoever takes or exports abroad or brings to Serbia a cultural resource or a resource that enjoys prior protection, without prior approval of authorized authority, shall be punished with imprisonment of six months to five years, If the criminal offense specified in paragraph 1 of this Article is committed against a cultural resource of exceptional or great importance, the offender shall be punished with imprisonment of one to eight years.

Perhaps the most controversial case of misappropriation of cultural property in history is the case of the Elgin marbles - columns from the Athenian Acropolis. While some sources claim that the theft took place, others claim that this is not true. In any case, the entire artistic public is familiar with the case of the futile attempts by Greek state and private institutions to return the Ionic columns from the Parthenon, a temple from the ancient era, which are still in the British Museum to Greece. Between 1799 and 1803, these columns were legally purchased by the



British ambassador to the Ottoman Empire, Thomas Bruce, known as the seventh Earl of Elgin, and sent to Great Britain. They are located in the British Museum and represent its most valuable exhibits. Many famous people joined the fight to return the pillars to Greece, but these efforts remained without results. (Britanica, 11.8.2023, Elgin Marbles-Greek sculpture, text can be found at: <https://www.britannica.com/topic/Elgin-Marbles>, also official web page of British museum, The Parthenon Sculptures: The Trustees' statement, text can be found at: <https://www.britishmuseum.org/about-us/british-museum-story/contested-objects-collection/parthenon-sculptures/parthenon>).

Here are some interesting court cases, the second-instance court finds that it is well-founded in the appeal that the first-instance verdict in terms of the aforementioned qualifying circumstances, that the stolen items represent cultural property (13 decorations were taken from the church building - decorations, monuments and medals, the property of the damaged church) or not, considering that the Law on cultural property prescribed what constitutes a cultural property, that cultural property be entered in the register cultural assets that are public, so the court was obliged to obtain information from the competent institution as to whether the said relics represent cultural assets.

However, it is important to point out that in a situation where the court determines that the defendant has committed a criminal offense in such a way that there are all the elements of two forms of the same criminal offense, which are of the same gravity with regard to the prescribed punishment, namely aggravated theft by breaking and entering, and if confiscated thing cultural property, since each of these legal qualifications represents an independent criminal act, it cannot be considered that there is a confluence of those two criminal acts, but there is only one act, because the protected property was only violated once and a prohibited consequence was achieved, so the first-instance court is obliged to determine the qualification in the repeated proceedings, after the factual situation has been correctly and completely established, according to what is decisive and dominant for the qualification of the criminal act, and the other grounds established at that time may have an influence on the decision on criminal sanction. (Decision of the Court of Appeal in Kragujevac, Kž 867/2019 dated 26.11.2019. year)

## **2.4. Administrative law and cultural protection**

Kalemegdan is certainly one of the most significant cultural and historical complexes in our country. There are many cultural monuments on Kalemegdan, declared a cultural asset of great and exceptional importance, for example on Ka-

lemegdan there is the Belgrade Fortress declared a cultural monument of exceptional importance on the other side of Kalemegdan there is also the Monument of Gratitude to France (Decision no. 3/12 from 5.2.1965. and 3/23 from 5.6.1965), Veliki Kalemegdan, Tomb of National Heroes on Kalemegdan, Art Pavilion "Cvijeta Zuzorić", Mali Kalemegdan 1, while the place where the keys were handed over in 1867 was declared a famous place (Decision no 860/4 from 27.12.1968).

On February 12, 2021, the Administrative Court issued a verdict annulling the Ministry's decision to issue a construction permit to JP "Skijališta Srbije" for the performance of preparatory works for the construction of the gondola station "Kalemegdan" due to failure to apply the Law on Environmental Impact Assessment ( hereinafter: Law on impact assessment) within the unified procedure for issuing acts for the construction and use of facilities regulated by the Law on Planning and Construction (Judgment of the Administrative Court 7 U 6063/19).

This procedure is very important for practice because the Administrative Court concluded that the association that initially filed the Lawsuit as an association that protects the collective and public interest is actively legitimized as a party to the procedure and has the right to review the decisions of the administrative authorities, by initiating an administrative dispute before competent court. Referring to Recommendation Rec (2004) 20 of the Committee of Ministers to member states on judicial review of administrative acts dated 15.12.2004. year, which recommended to the member states of the Council of Europe that judicial control of the administration should be available to natural and legal persons with regard to administrative acts that directly affect their rights or interests, with the fact that the member states are encouraged to examine whether access to the administrative court should open to associations and other persons and bodies authorized to protect collective interests or the interests of the local community. The European Court of Human Rights acted in this direction when, in the case of *Lerablije v. Belgium*, it denied the right of access to the administrative court to a non-profit association whose activities are aimed at protecting the environment in several municipalities in Belgium, in connection with the challenge of the legality of issuing a building permit for the construction of a plant for waste collection. In the explanation of the judgment cited above, it is further stated that, bearing in mind all the aforementioned and cited regulations, as well as that the protection of immovable cultural assets and their protected environment, as goods of general interest, enjoys prior protection and on the basis of regulations on environmental protection, the interested party the public that claims that there has been a violation of rights in the protection of cultural immovable property has the right to a review procedure before the court in an administrative dispute, with the aim of refuting the material and procedural legality of any individual administrative act.

This means that the plaintiff is actively legitimized in the sense of the provisions of Article 11, paragraph 1 of the Law on Administrative Disputes to file a lawsuit for the annulment of the contested decision, because he believes that the administrative act violated an interest based on the law.

This practice of the court shows how cultural heritage can be protected by regulations governing environmental protection, as well as regulations governing spatial planning and administrative procedures.

## **2.5. International rules as an integral part of domestic law**

International conventions ratified by the national assembly are an integral part of domestic law

Once it is ratified at the international level, the Convention may automatically become part of national law. In other words, the Convention would be directly enforceable by national courts and other implementing authorities.

The General Conference of UNESCO adopted on 16 November 1972<sup>10</sup>, also known as The World heritage convention, was ratified in our country by the Law on the ratification of the convention on the protection of world cultural and natural heritage, its ratification law was adopted by the Parliament of Socialist Federal Republic of Yugoslavia, published at "Official Gazette" no. 56 back in 1974, from that moment on, this convention is an integral part of our domestic law. It is extremely important to note that only countries that have signed the World Heritage Convention, pledging to protect their natural and cultural heritage, can submit nomination proposals offsite link for properties on their territory to be considered for inclusion in UNESCO's World Heritage List.

Convention concerning the Protection of the World Cultural and Natural Heritage for the first time, put forth the principle that the world's heritage belongs to all humanity, and responsibility for the safeguarding of heritage sites and handing them down to future generations is not just a matter for the particular country in which such sites happen to be, but also for the entire international community. Convention considers the damage of any cultural property or heritage in a region to be an impoverishment, to international cultural heritage. further, what is also important to note is that this concession proclaims the protection of cultural property and heritage as an essential responsibility of all nations.<sup>11</sup>

<sup>10</sup> The General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris from 17 October to 21 November 1972, at its seventeenth session adopted this international convention

<sup>11</sup> UNESCO 1972, *supra* note 153 (Article 6 of the UNESCO Convention 1972 endorses cooperation among all states and recommends that it is the duty of the entire international community to protect the world heritage).

As defined by the WHC, cultural heritage includes monuments, groups of buildings, and/or sites which are of outstanding universal value from the historical, artistic, scientific, or anthropological point of view. Natural heritage includes physical or biological formations, and/or geological or physiographical formations or natural sites constituting the habitat of threatened species, all of which would be of outstanding universal view from the scientific, conservation, or natural beauty point of view. (Article 1, and Article 2 of convention).

This Convention is extremely important due to many conflicts in the former Yugoslavia as well as to the most recent armed conflicts in the Middle East region, because The 1972 Convention establishes the World Heritage Committee and World Heritage Fund to protect and rehabilitate cultural property and heritage in times of danger, particularly in armed conflict (Article 8, 15).

Convention also proclaims that if a cultural property or heritage site is adversely affected or damaged owing to an armed conflict in the region, then the World Heritage Committee of UNESCO also provides assistance in the form of training, scientific expertise, and financial assistance for the rehabilitation of the affected cultural property. (Article 11, 22, 23). Also in accordance with Article 11 the Committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of "List of World Heritage in Danger", a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary and for which assistance has been requested under this Convention. I mentioned how significant this is in the introductory chapter of this paper, when I pointed out that Serbian monasteries in Kosovo and Metohija were declared Under the List of World Heritage in Danger.

Assembly of the Republic of Serbia ratified two important international documents on the protection of cultural heritage: 1) UN Convention on the Preservation of Intangible Cultural Heritage from 2003 and 2) Convention of the Council of Europe on the Value of Cultural Heritage for Society from 2005. (better known as the Faro Convention). In doing so, the concept, content, characteristics and role of cultural heritage in general, the method, procedure and conditions of its preservation, as well as the system and organs of protection are defined. In this way, an obligation has been set for our state authorities to implement international standards in this area into the legal and social system of the Republic of Serbia as soon as possible by adopting appropriate legal regulations. The office is told about the importance of these two conventions, about their individual solutions, as well as about the system of international legal (universal and European) and domestic legal protection of cultural heritage.

Among the most significant conventions is certainly the Convention for the protection of Cultural Property in the Event of Armed Conflict, 1954 (UNESCO,

The Hague 1954) and its 1954 and 1999 Protocols. This convention and its two protocols include principles for protecting cultural property during all kinds of armed conflicts, wars, and territorial occupations. Article 1 of the Hague Convention mentions archaeological sites, artistic objects, and similar artifacts as cultural property (Article 1), Articles 2 and 3 recommend that all contracting parties apply full protection to cultural property within their territorial limits during times of peace and conflict. In the Article 4 of convention we can find extremely important proclamation and recommendation that the contracting state parties not only protect cultural property in their own territorial limits but also respect the cultural property and heritage within the territorial limits of other states that are contracting parties to the convention.

A significant element of this Convention is that this convention also recommended that states ensure that cultural property is protected from any kind of theft, loot, or embezzlement. The Hague Convention also recommends applying "special protection" to cultural property during armed conflicts (Article 8). Unfortunately, in the past twenty years, many countries around the world were involved in war conflicts, and we had the opportunity to see how this convention is not respected. Civilized humanity was stunned by the destruction churches and Monasteries in Kosovo and Metohija, ancient city in Syria, Iraq<sup>12</sup>, Libya<sup>13</sup> and in the Middle East. Even special resolutions of the UN failed to prevent the destruction of cultural assets. The United Nations Security Council adopted resolution 1483, back in 2003 while the operation in Iraq was going on. This resolution proclaims that coalition parties not only ensure the protection of Iraqi cultural heritage and cultural property but also return the cultural property that had been illicitly removed from Iraq's National Library and National Museum since 1990. In order to preserve the world heritage, it is not enough to just pass conventions and laws, but to act actively. I am of the opinion that the international community must react decisively when the destruction of world cultural heritage is underway.

---

<sup>12</sup> "The destruction of cultural heritage in Mosul is being carried out by Daesh in a planned and systematic manner". "By the end of May 2016, 41 buildings of historical value in Mosul were verified to have been either ruined or completely razed.(RASHID International e.V, *Institute for Ancient Near Eastern Archeology*, Ludwig-Maximilians-University of Munich, page 8, text accessed 18. August 2023, and text can be found at: <https://www.ohchr.org/sites/default/files/Documents/Issues/CulturalRights/DestructionHeritage/NGOS/RASHID.pdf>. In the same text on page 10 we can find an information that "the ruination of Islamic period architecture in Mosul has fatal and irreversible consequences both for world cultural heritage and for Mosul's urban integrity".

<sup>13</sup> The rebellious civil war against the Qaddafi regime in Libya resulted in massive plunder to cultural property (Francioni Francesco, Gordley James, *Enforcing international cultural heritage law Oxford University Press* 2013:73)

## Conclusion

Protecting cultural heritage is economical, as well as historical and also a cultural process (Ekwelem, Okafor & Ukwoma, 2011: 1). As we already say in this work Every human society has a culture. Culture includes a society's arts, beliefs, customs, institutions, inventions, language, technology, and values.

Bearing in mind that cultural heritage represents something that belongs to humanity as a whole, its protection is very important, so we can dare to say that its protection is one of the most important legislative actions. We can see that the legal protection of cultural heritage is significant in Serbia, which was recognized very early on, because as stated earlier in this paper, Serbia had one of the first regulations of its kind on the soil of the European continent. Due to the exceptional importance of the protection of cultural heritage, we have seen that a whole series of legal regulations regulate the protection of cultural heritage, and that it is almost impossible to protect them with only one regulation.

On the basis of only a few processed cases in which we talked earlier in this paper about the theft of cultural works, and their destruction, we see that the establishment of a legally regulated and organized system of protection and preservation of cultural heritage is one of the imperatives of every society, every country and community. The destruction of cultural assets in Serbia on the territory of the Autonomous Province of Kosovo and Metohija not only deserves harsh condemnation, but also harsh punitive politics. The unique regulation of the system of valuation and determination of the value of tangible and intangible heritage, the determination of cultural assets, as well as the comprehensive regulation of the system of protection of cultural heritage through the prism of protection within one legal order and system is of immeasurable importance for society as a whole.

However, for the protection of cultural assets, it is not enough just to pass regulations, it is more necessary to comprehensively promote the value of the protection of cultural heritage through various projects of support, financing, and raising awareness among citizens.

The autonomous province of Vojvodina allocated a total of 78 million dinars for projects in the field of protection and preservation of cultural heritage. This year, 49 million dinars were allocated for the protection and preservation of cultural heritage for 60 projects, while 24 million dinars were allocated for 76 projects in the area of traditional folk creativity of Serbs. For the procurement of books for public municipal and city libraries, five million dinars were given for 39 projects (Radio television of Vojvodina, 11.8.2023, 78 million dinars from the Province for projects to protect and preserve cultural heritage, on Serbian.<sup>14</sup>

<sup>14</sup> Text can be reach at: [https://rtv.rs/sr\\_ci/vojvodina/novi-sad/78-miliona-dinara-od-pokrajine-za-projekte-zastite-i-ocuvanja-kulturnog-nasledja-audio\\_1451737.html](https://rtv.rs/sr_ci/vojvodina/novi-sad/78-miliona-dinara-od-pokrajine-za-projekte-zastite-i-ocuvanja-kulturnog-nasledja-audio_1451737.html)

However, what is certainly worrying is a phenomenon characteristic of the modern era, which is the general disinterest of the new generations in cultural heritage. So, a worrying question is justifiably raised to whom will be left the cultural heritage that represents the heart and soul of a nation living in a certain territory, and the question arises as to who will guard this national treasure in the coming years. In a study by the Institute for the Study of Cultural Development “Why do young people feel better with culture”, it was shown that 80 percent of them spend their free time without culture, eight percent are actively involved in cultural activities, and only 0.3 percent of the respondents regularly visit cultural institutions. (O radio, 11.8.2023. Young people in and around culture, on Serbian Mladi u i oko kulturetext can be found at: <http://oradio.rs/sr/vesti/info/tema-mladi-u-i-oko-kulture-2419.html>)

Similar results were obtained by the 2013 Ninamedia survey on the position and needs of young people, conducted on respondents aged 30 to 65. As many as 68 percent of the “parental generations” believe that young people do not participate sufficiently in cultural activities, and approximately the same number of respondents say that cultural content is unavailable to young people and that they do not know and respect the culture of others in the environment. In 2010, Zagorka Golubović and Isidora Jarić came to the conclusion in the book “Culture and Transformation of Serbia” that the current trend among young people is that culture can be done without. With that, we all need to raise awareness about the importance of protecting cultural assets not only through legal and sub-legal regulations, but also through reviving collective awareness about the importance of preserving national cultural heritage.

The appellate court in one another case finds that the above-mentioned appeal indicates that an expert in the mechanical profession is not authorized to give an opinion on whether something is a cultural asset or not, given that the Law on Cultural Assets (“Official Gazette of the RS”, no. 71/94, 52 /2011, 99/2011) in Article 2 it is prescribed what constitutes a cultural asset, and in Article 6 that cultural assets are registered in the register of cultural assets which are public, and that the court could obtain data from the competent institution that manages the register of cultural assets whether the listed busts represent cultural property. The question is whether this attitude would be sustainable today, bearing in mind that the Law on Cultural Heritage clearly defines that cultural property is determined by the act of determination from Article 41 of the Law on Cultural Heritage.

Our criminal code prescribes and especially criminal act named as destroying Cultural Heritage Whoever in violation of international law in time of war or armed conflict, destroys cultural or historic monuments or other objects of culture or religious facilities or institutions or facilities intended for the arts, sciences, edu-

cation or humanitarian causes, or orders such acts committed shall be punished by imprisonment of three to fifteen years, If the offence specified in paragraph 1 of this Article results in destruction of a cultural facility or institution enjoying special protection under international law, the offender shall be punished by imprisonment of five to fifteen years (Article 383).

In the Republic of Serbia, certainly one of the most famous cases of theft of works of art is certainly the case of theft from the Museum in Novi Sad. At the beginning of 2006, two robbers robbed the City Museum in Novi Sad before noon and took four paintings worth several million euros. Stevan Krstić, spokesman for the Novi Sad police, said that two armed robbers, with "phantom" hats on their heads, broke into the Museum, tied up two employees who were on duty at the Museum, stole the paintings and fled. Well-informed sources claimed that the stolen Rubens canvas was definitely not an original (the "Death of Seneca" painting is in a Madrid museum), and that Rembrandt's "Portrait of the Father" could be the real one. However, that painting is not yet valued as a Rembrandt work because it lacks the much-needed expert evaluations, but it certainly has great value.<sup>15</sup> I will mention two more criminal acts provided by our law Unauthorized Performing of Archaeological Works (Article 353a) Whoever performs unauthorized archaeological excavations and researches, shall be punished with imprisonment of up to three years and fined, If the criminal offence specified in paragraph 1 this Article, is committed on archaeological or other immovable cultural resource that enjoys previous protection, or archaeological or immovable cultural resource is devastated, or a resource that enjoys previous protection, or during the performance of these works is used equipment or device for detecting and the finding of archaeological objects, shall be punished with imprisonment of six months to five years and fined. The objects originated from the criminal offence specified in paragraphs 1 and 2 this Article shall be seized. Desecration of a Grave Article (354) Whoever without authorisation digs out, demolishes, damages or defiles a grave or other place where a deceased person is buried, shall be punished with a fine or imprisonment of up to three years. The penalty specified in paragraph 1 of this Article shall also be imposed to whoever without authorisation demolishes, damages or removes or defiles a gravestone or other monument to the deceased. If the offence specified in paragraphs 1. and 2. of this Article establishes elements of a more serious offence, the offender shall be punished for that offence.

---

<sup>15</sup> More about thefts in Museums in Novi Sad, but also about thefts in Museums in which their employees participate Jelena Vilus, Legal protection of cultural property, Belgrade 2007, 18–19



## References

1. Universal Declaration of Human Rights adopted in 1948. Retrieved from: <https://www.un.org/en/about-us/universal-declaration-of-human-rights> Accessed: August 10, 2023.
2. Wong E Chiong, F (2022), The Importance in Preserving Our Cultural Heritage, Retrieved from: <https://www.businesstoday.com.my/2022/03/12/93591/>, Accessed: August 17, 2023
3. Ležaja, Ž. (2016). *Protection of cultural heritage in international law* (Doctoral dissertation), Belgrade: Faculty of Political sciences
4. UNESCO. (1972). Convention Concerning the Protection of the World Cultural and Natural Heritage. Paris. Retrieved from: <https://whc.unesco.org/archive/convention-en.pdf> Accessed: June 30, 2023.
5. The Law on Cultural Heritage. (2021). *Official Gazette of RS*, 129/21.
6. Ekwelem, V.O., Okafor, V.N., & Ukwoma, S.C. (2011). Preservation of Cultural Heritage: The Strategic Role of the Library and Information Science Professionals in South East Nigeria. *Library Philosophy and Practice* (e-journal). 562. Nsukka: University of Nigeria.
7. Britanica, Palmyra, Syria, Retrived from: <https://www.britannica.com/place/Palmyra-Syria>, Accessed: August 10.2023.
8. UNESCO, List of World Heritage in Danger, Retrived from <https://whc.unesco.org/en/danger/>, Accessed: August 10.2023
9. Law on the restoration of cultural and historical heritage and encouraging the development of Sremski Karlovci (2021). *Official Gazette of RS*, 52/21.
10. Milutinović, D. (2001). A short theoretical introduction to the legal protection of cultural property, *Heritage*.
11. Law on culture. (2009). *Official Gazette of RS*, 72/09, 13/16, 30/16 - Corrigenda, 6/20, 47/21 and 78/21.
12. Law on Cultural Heritage (2021). *Official Gazette of RS*, 129/21.
13. Law on museum activity. (2021). *Official Gazette of the RS*, 35/21 and 96/21.
14. Law on Archival Material and Archival Activities. (2020). *Official Gazette of RS*, 6/20.
15. Law on library and information activity. (2021). *Official Gazette of RS*, 52/11 and 78/21.
16. *Serbian newspaper*, no. 14/1844
17. Brguljan, V. (2006). *Monument Law*. Republic Institute for the Protection of Cultural Monuments. Belgrade.
18. *Cultural property today - value and meaning*. (2017). Institute for the Protection of Cultural Monuments, Belgrade.
19. Law on Cultural Heritage. (2021). *Official Gazette of RS*, 129/21.

20. Grad Novi Sad (December 22, 2022). Grad Novi Sad i Pokrajina zajedno i u novim projektima. Retrieved from: <http://www.novisad.rs/grad-novi-sad-i-pokrajina-zajedno-i-u-novim-projektima> Accessed: June 19, 2023.
21. Gradske info. (June 3, 2023). Rešenje za Almaški kraj dobilo nagradu respektabilne njujorške kompanije. Retrieved from: <https://gradskeinfo.rs/resenje-za-almaski-kraj-dobilo-nagradu-respektabilne-njujorske-kompanije-foto-03-06-2023> Accessed: August 11, 2023.
22. Opština Sremski Karlovci. Retrieved from: <https://sremskikarlovci.rs/istorija/> Accessed: June 19, 2023.
23. Dimić, Ž. (2007). *Sremski Karlovci*. Novi Sad: Platoneum.
24. Logan S. William, Cultural Diversity, Heritage and Human Rights, in the ashgate research companion to heritage and identity 439, 439 (Peter Howard & Brian Graham eds., 2016).
25. National Geographic. (August 24, 2018). Retrieved from: <https://nationalgeographic.rs/istorija-i-kultura/zanimljivosti/a23141/sto-za-kojim-su-svi-ravnopravni.html>, Accessed: June 30, 2023.
26. Anđelković, N. (January 11, 2022). Srbija, istorija: Sava Vladislavić Raguzinski – srpski plemić i diplomata ruskog cara kome je Vivaldi posvetio operu. *BBS News na srpskom* Retrieved from: <https://www.bbc.com/serbian/lat/srbija-59775344> Accessed: June 25, 2023.
27. RTV (June 30, 2022). Retrieved from: [https://www.rtv.rs/sr\\_lat/vojvodina/srem/u-sremskim-karlovcima-otkriven-spomenik-vozdu-djordju-stratimirovicu\\_1353518.html](https://www.rtv.rs/sr_lat/vojvodina/srem/u-sremskim-karlovcima-otkriven-spomenik-vozdu-djordju-stratimirovicu_1353518.html) Accessed: June 11, 2023.
28. Britannica. Elgin Marbles – Greek sculpture. (2023). Retrieved from: <https://www.britannica.com/topic/Elgin-Marbles> Accessed: July 27, 2023.
29. The British Museum. The Parthenon Sculptures: The Trustees' statement. Retrieved from: <https://www.britishmuseum.org/about-us/british-museum-story/contested-objects-collection/parthenon-sculptures/parthenon> Accessed: August 10, 2023.
30. Vilus, J. (2007). Legal Protection of Cultural Property. *European Center for Peace and Development*.
31. Decision of the Court of Appeal in Kragujevac, Kž 867/2019 dated 26.11.2019. year.
32. Previously protected by the Decision of the Department for the Protection and Scientific Study of Cultural Monuments at the Art Museum no. 1108 of 2.12.1946. Decision of the Institute no. 290/4 dated 31.5.1965, and as a cultural asset of exceptional importance, the Decision on the determination of *Official SRS Gazette*, 14/79.
33. Decision no. 3/12 from 5.2.1965. and 3/23 from 5.6.1965.
34. Decision no 860/4 from 27.12.1968.
35. RASHID International e.V, *Institute for Ancient Near Eastern Archeology*, Ludwig-Maximilians-University of Munich, page 8, text accessed 18. August 2023, and text can be found at: <https://www.ohchr.org/sites/default/files/Documents/Issues/Cultural-Rights/DestructionHeritage/NGOS/RASHID.pdf>

36. Francioni Francesco, Gordley James, *Enforcing international cultural heritage law Oxford University Press* 2013:73
37. RTV (June 8, 2023). Retrieved from: [https://rtv.rs/sr\\_ci/vojvodina/novi-sad/78-miliona-dinara-od-pokrajine-za-projekte-zastite-i-ocuvanja-kulturnog-nasledja-audio\\_1451737.html](https://rtv.rs/sr_ci/vojvodina/novi-sad/78-miliona-dinara-od-pokrajine-za-projekte-zastite-i-ocuvanja-kulturnog-nasledja-audio_1451737.html) Accessed: August 7, 2023.
38. Mihaljević, I. (November 9, 2015). *Mladi u i oko kulture*. Retrieved from: <http://radio.rs/sr/vesti/info/tema-mladi-u-i-oko-kulture-2419.html> Accessed: August 3, 2023.

