THE ROLE OF PARTY PATRONAGE IN POPULIST CAPTURE OF PUBLIC ADMINISTATION: EVIDENCE FROM SERBIA[*]

Jelena Jerinić

Riassunto: L'articolo analizza l'influenza delle agende populiste sulle riforme della pubblica amministrazione nell'ultimo decennio, con particolare attenzione ai Balcani occidentali, assumendo il caso della Serbia come caso di studio. Muovendo principalmente dalla definizione di populismo elaborata da Cas Mudde e richiamando ulteriori approcci sviluppati nell'ambito degli studi sulla pubblica amministrazione, il contributo esamina se determinati modelli di riforma possano essere qualificati come *populisti*.

L'articolo colloca la pubblica amministrazione all'interno dei più ampi processi di regressione democratica, evidenziando la politicizzazione del servizio civile, la centralizzazione del potere esecutivo e l'indebolimento dei meccanismi di controllo e di accountability. Esso intende colmare una lacuna nella letteratura comparata di diritto amministrativo e di pubblica amministrazione, che si è concentrata prevalentemente sulle dimensioni costituzionali e politiche, trascurando la sfera amministrativa. Attraverso un approccio giuridico-dottrinale, l'articolo analizza la prassi di nomina di alti funzionari ad interim in Serbia durante il governo del Partito Progressista Serbo. Si sostiene che il cambiamento istituzionale non sia avvenuto mediante riforme legislative formali, bensì tramite un'applicazione selettiva dei quadri normativi vigenti, contribuendo così all'erosione dello Stato di diritto.

[*] This article has resulted from the research conducted during a research stay at the University of Salento as a part of the PNRR-TNE International Mobility Programme: Assessing the Impact of Constitutional Crises on Security (IMP-ACCTS) project (Project proposal TNE23-00057 – CUP B61I24000450006). The research was conducted in close collaboration with prof. Ubaldo Villani-Lubelli from the University of Salento. The two articles published in this issue of the journal are the result of joint research efforts.

Parole chiave: Populismo, riforma della pubblica amministrazione, regressione democratica, politicizzazione del servizio civile, Serbia.

Abstract: This article analyses the influence of populist agendas on public administration reforms during the past decade, with a particular focus on the Western Balkans, taking a Serbian example for a case study. Drawing primarily on Cas Mudde's definition of populism, and engaging additional approaches developed within public administration scholarship, it examines whether specific reform patterns can be identified as characteristically populist. The article situates public administration within broader processes of democratic backsliding, highlighting politicisation of the civil service, executive centralisation, and weakening of oversight and accountability mechanisms. It addresses a gap in comparative administrative law and public administration literature, which has largely focused on constitutional and political dimensions while neglecting the administrative sphere. Using a legal-doctrinal approach, the article analyses the practice of appointing high-level acting senior administrative officials in Serbia during the rule of the Serbian Progressive Party. It argues that institutional change has occurred not through formal legislative reform, but through and selective application of existing legal framework, contributing to rule-of-law erosion.

Keywords: Populism, public administration reform, democratic backsliding, politicisation of the civil service, Serbia.

1. Introduction

The main theme of this article are populist tendencies in public administration reforms during the past decade in Europe, and more specifically in the Balkan region, focusing on Serbia. It summarily presents the relevant literature on the topic (predominantly in the fields of administrative law and public administration, but touching upon other fields, such as constitutional law, political science or economy), with a view towards further research, focused primarily on the Balkan countries.

Leaning on Mudde's definition of populism,[1] but also employing other definitions which have been more closely associated to the research of public administration, the article starts by identifying and describing known aspects of influence of populist agendas on public administration, be it in the form of actual public administration reforms or (non)application of existing legislation.

In doing so, it is first necessary to identify what specific measures are a result of a populist agenda or can actually be put into relation to participation of populist actors in government. The existing literature shows that populists are more easily identified as such when still out of power, but that it is not without challenges to try to delineate the measures undertaken by them once in government from measures which could be undertaken by any other (liberal) government.[2] In other words, are there measures in public administration reform that can be identified as populist and not only taken by a populist government or by a government in which populists are taking part? This gets complicated when populism is combined with authoritarianism, as is the case in some countries of the Western Balkans, including Serbia, which is used here as a showcase. This article does not delve extensively into these dilemmas but rather leans on cases already identified elsewhere in existing and vast literature, using the most influential definitions of populism.

The article singles out party patronage as one of the features of populist government agendas already identified in literature and, using a legal approach, describes a case from Serbia concerning appointment of high-level civil servants. It provides an analysis of existing legislation and the practice of appointments in the period from to 2020 to 2025, during which the Serbian Progressive Party had absolute control over the executive and the public administration. The Serbian case will show that rather than exercising legislative changes, the populists in power chose to "bend the rules" to achieve their end, also benefiting from the fact that the general backsliding in the rule of law works in their favour.

The next chapter provides some definitions of populism, as well as a basic overview of literature specifically targeting influence of populist policy agendas on organisation and functioning of public administration, as well as some links between populism and democratic backsliding.[3] The third chapter

[1] C. Mudde, 'The populist zeitgeist', in *Government and Opposition*, 4 (2004) 541–563.

[2] E.g. see James, T. S., 'Democracy, public administration, and democratic backsliding', *Policy Studies*, (2025) 1–26, who recognises that not all reforms are acts of democratic backsliding.

[3] See Bermeo, N., 'On Democratic Backsliding', *Journal of Democracy*, 1(2026) 5-9, who provided a a critical framework for understanding how democracy erodes in the modern era. Her central thesis is that while "classic" forms of democratic collapse (like military coups) are declining, they are being replaced by subtler, more "vexing" forms of backsliding that are harder

goes further in exploring specific forms of influence on public administration, which have already been identified in academic literature, while the fourth focuses on Serbia. In the fourth chapter, the author provides a background on the current state of affairs in Serbia and offers a case illustrating only one mechanism of establishing party patronage in the highest levels of public administration. In the concluding chapter, the author summarises the findings of this review article and offers directions for further research.

2. Definitions and existing literature

The most commonly cited definition of populism comes from Cas Mudde, first published in 2004 in the now famous article *The Populist Zeitgeist.*[4] Mudde presented a rather simple construction of the term containing three elements: the people, the elite and the general will. Being a "thin-centred ideology", populism can easily be combined with other ideologies, from both sides of the political spectrum. It sees the society to *be ultimately separated into two homogeneous and antagonistic groups, 'the pure people' versus 'the corrupt elite', and argues that politics should be an expression of the volonté générale (general will) of the people*.[5]

Many authors, including Mudde, recognise that populism can be both right and left.[6]

Additionally, populist strategies are sometimes employed by actors (political parties, movements or individuals[7]) who cannot be entirely defined as populist and are seen as borderline cases.[8] Following a similar line of

to detect and resist. She defines democratic backsliding as "the state-led debilitation or elimination of any of the political institutions that sustain an existing democracy."

[4] Mudde. See also Mudde, C., Kaltwasser, C. R., 'Studying populism in comparative perspective: Reflections on the contemporary and future research agenda', *Comparative Political studies*, 13(2018) 1667-1693; Mudde, C. and Kaltwasser, C.R. (2017), *Populism: A very short introduction*. Oxford University Press; and Müller, J.W., 'Reflections on populism', *Constellations*, 4(2014) 483-493; or Müller, J. W. *'What is populism?* (Pennsylvania 2016).

[5] Mudde.

[6] As originally noticed by Mudde, populism as an ideology rarely exists in isolation, but together with other "host ideologies" (see Mudde & Kaltwasser 21 or Verbeek B. & Zaslove A., 'Contested Issues Surrounding Populism in Public and Academic Debates', *The International Spectator*, 2(2019), 1-16, who give examples of "borrowed ideologies").

[7] Populism is found not only among traditional political actors - political parties and individual politicians, but also civil society and social movements, as well as within the general population (often referred to as *dormant populism*, see Verbeek & Zaslove 5). Examples include the *Occupy Wallstreet* or the *Tea Party* movements in the United States, the Spanish *Podemos* or the *Nuova Destra* in Italy.

[8] In 2019, during Trump's first mandate, Verbeek and Zaslove saw him as "half-populist" and find other examples "shown as populist but are not", such as the Brexit movement or Mark Rutte, former Dutch Prime Minister. In addition, they identify a „difference between being

argumentation Gardbaum's conceptual framework distinguishes between political and structural populism based on their relationship to the existing constitutional order. He describes political populism as a regime that employs populist rhetoric and policies while largely remaining within the inherited democratic framework, even if it frequently challenges or erodes the informal norms that sustain that system. Conversely, structural populism represents a more fundamental departure, characterized by a deliberate and systematic assault on the foundational architecture of constitutional democracy. Rather than merely navigating the existing system, structural populists seek to dismantle its core values and essential elements to achieve a permanent systemic transformation.[9]

Most of the existing literature relies on Mudde's definition, but some point to other definitions as more suitable for the research of populism from specific perspectives. For instance, Michael Bauer introduces Mansbridge and Macedo's definition, as more suitable for public administration research.[10] These two scholars distinguish between core elements (similar to Mudde, the moral battle of the people against the elite), which fit all cases of populisms, regardless of host ideology or territory, but then distinguish additional features, which they treat as non-core and frequently correlated. These include: the people's homogeneity and exclusivity, direct rule, and nationalism, as well as a single leader, vilification of vulnerable out-groups, and impatience with deliberation.[11] Bauer finds this influential upon which steps a populist government will undertake towards public administration.[12]

A tremendous volume of literature on populism and populist parties and movements has been developed during the last couple of decades, primarily in political science.[13] The relationship between populism and democracy is most

---

populist and being close to the people", often demonstrated through *demoticism*, or the use of popular language of the common people. See Verbeek & Zaslove 4.

[9] Gardbaum, S., 'The Counter-Playbook: Resisting the Populist Assault on Separation of Powers', *Columbia Journal of Transnational Law,* 59 (2020) 1-64.

For Gardbaum, the US under Trump and Bolsonaro's Brazil belong to the political type, while Hungary, Venezuela, Turkey and Poland represent structural populism.

[10] Bauer, M. W., 'Public Administration Under Populist Rule: Standing Up Against Democratic Backsliding', *International Journal of Public Administration* 15 (2024) 1019-1031.

[11] Mansbridge, J. & Macedo, S. 'Populism and democratic theory', *Annual Review of Law and Social Science*, 1(2019) 59–77.

[12] Bauer 1021. In this, he quotes Muller (2016) that the populists' aim is to "rewrite the operational manual of the state in their favour".

[13] For an overview see e.g. Peters, B. G., & Torfing, J., 'Theoretical Framing of Public Administration Research'. *International Journal of Public Administration*, 5–6(2025) 306–320. Also, Christensen, T. & Laegreid, 'Future Deirections of Public Administration Research – Addressing Fundamental Issues and Questions', *Journal of Public* Administration, 5-6(2025) 299-

often analysed as a national level phenomenon, and very often in the context of democratic backsliding,[14] but recently a growing body of research on populism's local dimensions is emerging, since centralisation and top-down command and control by the central government has been identified as one of the effects of populism to public administration.

However, attempting a more balanced view, some also identify that populism, particularly when advocated from the opposition, can have positive potential impacts, such as shaking up traditional party systems and giving voice to the unrepresented and improve political responsiveness. However, when populists are in power, this evaluation often receives a different perspective.[15] Analysing the impact populism can have on the democratisation process Mudde and Kaltwasser stress that this primarily depends on the political power, i.e. a clear difference can be drawn between populists-in-opposition and populists-in-power. While in opposition they typically advocate for more transparency and more democracy, but once they come to power, they tend to adopt a more strategic relationship with democratic norms, frequently using plebiscitary tools like referendums to bypass institutional constraints and entrench their own authority.[16]

When it comes to legal scholars, populism has so far been tackled mostly by constitutionalists,[17] but very few by administrative law scholars. As said,

---

305; Peters, B.G., Torfing, J., 'Theoretical Framing of Public Administration Research, *International Journal of Public Administration,* 5-6(2025) 306-320; Verbeek & Zaslove; Bauer; Peters, B. G., & Pierre, J. 'Politicisation of the public service during democratic backsliding: Alternative perspectives', *Australian Journal of Public Administration*, 81(2022), 629–639.

By the way, Bauer claims that research on the influence of populism to public administration came about in bigger volume with Donald Trump coming to power in 2017.

[14] Some authors equate or put into a direct link populism and democratic backsliding (even though Mudde is reserved in that respect). See e.g. Peters, B. G., & Pierre, J., 'Politicisation of the public service during democratic backsliding: Alternative perspectives.' *Australian Journal of Public Administration*, 81(2022) 629–639; James; or Lotta, G.S, Piotrowska, B. & Raaphorst, N., 'Introduction "Street-Level Bureaucracy, Populism, and Democratic Backsliding', *Governance* 37 (2024) 5–19.

[15] Verbeek & Zaslove (2019), 8-9. On the other hand, they also point to potential influence on policies of mainstream parties, for instance in the field of migration. On the other hand, Mansbridge and Macedo (2019) find that the core elements of populism can be good for democracy, but that the associated characteristics appearing under different circumstance are often dangerous. In their words "populism in opposition can be good for democracy, while populism in power carries great risks."

[16] Mudde & Kaltwasser (2018) 93-94.

[17] Among the most cited works by constitutional law scholars are: Tushnet, M. & Bugarič, B., 'Populism and Constitutionalism: An Essay on Definitions and Their Implications', *Cardozo Law Review* 42(2021) 2345–2393; Walker, N., 'Populism and Constitutional Tension', *International Journal of Constitutional Law*, 2 (2019) 515–535; and Blokker, P., Bugarič, B. & Halmai, B.,

most of the study of influences of populism on public administration comes from political scientists and study of public administration sciences. Even among those, there is an obvious literature gap. For example, as Bauer rightly recognises, the research in public administration has begun examining how democratic bureaucracies change under illiberal populist governments, identifying concerning transformation patterns and offering concepts to analyse them. However, the debate is fragmented - it uses diverse theoretical approaches and relies heavily on case studies from a small number of countries (whom he calls the "usual suspects"). As a result, existing research does not yet provide a solid empirical understanding of the patterns, causes, and consequences of bureaucratic change under populist rule.[18] Much of the literature remains exploratory and often relies on implicit normative assumptions, for example assuming that populist governments intentionally dismantle policies (especially environmental policies, which are the most covered in the existing literature) without fully considering alternative explanations. This can lead to populism being too quickly linked to bureaucratic or policy dismantling. Additionally, the debate rarely considers comparative administrative traditions**,** even though differences in state structures, bureaucratic cultures, and legal systems likely shape both populist strategies and bureaucratic responses. Thus, the research would benefit from grounding such analyses in established frameworks from comparative public policy and institutional change (e.g., policy dismantling, institutional drift, conversion).

In that vein, this research was undertaken with a view of starting to fill the gap in the existing comparative administrative law and public administration literature concerning the influence of populist government agendas on public

'Introduction: Populist Constitutionalism: Varieties, Complexities, and Contradictions', *German Law Journal* 20(2019) 291–295.

[18] Bauer 1025. According to Bauer, the three most usual suspects include Hungary, the United States and Brazil, which may be explained by the "boldness" of their leaders, who did not leave "doubts about their intentions and expressed openly plans to transform their states and bureaucracies, thus eliciting probably more resistance as well as more intellectual attention." Interestingly enough, he mentions Serbia (alongside Poland and Italy), for being unjustifiably left out, almost jokingly explaining this by the fact that „other populist leaders [in these countries] seem to have been more diplomatic and less outspoken and thus have received much less academic attention."

Similarly, for case studies from Central and Eastern Europe (namely Hungary, Slovakia and Poland) see Drapalova, E., 'Thorns in the side: Strategies of populist parties against local public administrations', *Governance* 37(2024) 83-99.

Bauer also rightly notices that research is not only limited in the geographical sense, but also in terms of and ideological and policy preference, i.e. not much on left-wing populism (Bauer 1025).

administration and its consequences to the ensuing constitutional crisis, particularly in the countries of the Western Balkans, starting from Serbia. Usually analysed through constitutional and democratic theory, these reforms also pose security risks by weakening public institutions, undermining the rule of law, and exposing the state to corruption, mismanagement, disinformation, and foreign interference.

Some of the developments in public administration which go hand in hand with the processes of democratic backsliding seen across Europe include politicisation of the public service, (re)centralisation trends, as well as weakening oversight and accountability. When it comes to democratic backsliding, academic discussion has focused more on political institutions and the courts and less on the influence on public administration. Administrative law literature has still not addressed these issues in a systemic manner, although country case studies (including Italy) and those covering individual aspects of public administration, have been published during the past couple of years. The gap is particularly visible in respect of Eastern European countries, including the Western Balkans and Serbia, with sporadic contributions dedicated to issues such as party patronage.[19]

Even though populism is at times identified with authoritarianism, it would be wrong to place an equation mark between the two. Yes, many authoritarian regimes are also led by populists, but not all populists are authoritarian. Also, in the context of public administration, even though the latter seems less frequent, examples can nevertheless be found on either side.[20]

3. Populists and the public administration

Even though usually originating in opposition, as criticisers of the ruling elites, populists often come to power - on their own or as part of wider coalitions. As Verbeek and Zaslove have noted, even though populist governments are expected to be short-lived, populist parties are regular participants in governments and few of these governments were actually short-lived. In other words, they „do not seem to be punished, neither by coalition partners nor the electorate" and populism as a strategy permits incorporation

[19] E.g. Tomić, S. & Pavlović, D., 'Blatant, not Latent: Patronage in Top-Level Appointments in Serbia', *NISPAcee Journal of Public Administration and Policy*, 1(2023), 181-209; or Meyer-Sahling, J. H., Schuster, C., & Toth, F., 'Civil service politicisation and party patronage in the Western Balkans: a way of life in public administration?'. In Peters, B.G., Knox, C., Panizza, F., Larraburu, C. R., Staroňová K. (Eds.), *Handbook of Politicization and Political Patronage* (Cheltenham 2025) 278-295.

[20] James 18-19 on one hand gives examples of Turkey and Brazil, where the erosion of electoral conditions could have led to erosion of public's empowerment through good public administration, whereas he finds improvement in administration quality in India and China.

of mainstream parties as part of the playing field.[21] Similarly, Gardbaum notes that populist politics and parties remain on the rise in many parts of the world.[22]

When it comes to Italy, researchers have identified several populist political parties which participated in governments since 1994 until the present – from radical right, to liberal, to the so-called maverick parties which combined elements of other types of parties (including *Lega Nord, Popolo della Liberta* or the *Five Stars Movement*).[23]

This article poses the question what happens when they are in the position to employ reforms in public administration? Does their participation in government dominantly affect public administration and in what direction?

While the politicisation of public bureaucracy is not uncommon, even in well-established civil service systems,[24] populist regimes take it a step further - often replacing career civil servants with so-called loyalists, justified under the pretext of ensuring effective governance. [25] Populist tactics align well with executive aggrandisement and vertical centralisation.[26] Expanding the powers of the executive – especially on the central level – is recognised as a recurring pattern. This includes centralisation of public administration structures and resources,[27] as well as limiting local autonomy in different ways.

---

[21] Verbeek & Zaslove 10-14.

[22] Gardbaum, *op. cit.*

[23] Verbeek & Zaslove. See also: Zaslove, A., *The Re-Invention of the European Radical Right: Populism, Regionalism, and the Italian Lega Nord* (Montreal 2011); Bickerton, C. J., & Invernizzi Accetti, C., 'Techno-Populism' as a New Party Family: the case of the Five Star Movement and Podemos. *Contemporary Italian Politics* 2(2018) 132–150; DiMascio, F., Natalini, A., & Ongaro, E., 'Resilience without resistance: Public administration under mutating populisms in office in Italy'. In Bauer, M. W., Peters G., Pierre, J., Yesilkagit, K. & Becker, S. (Eds.), *Democratic backsliding and public administration: How populists in government transform state bureaucracies* (Cambridge 2021) 47–74; Orsina, G., 'Genealogy of a Populist Uprising. Italy, 1979-2019', *The International Spectator*, 2(2019) 50-66; Dennison, J. & Geddes, A., 'The centre no longer holds: the Lega, Matteo Salvini and the remaking of Italian immigration politics', *Journal of Ethics and Migration Studies*, 2(2022) 441-460; Coletti, P., 'Democratic backsliding: populism and independent regulatory authorities in Italy during the Conte and Meloni governments', *Policy Studies*, 2025.

[24] E.g. in the German civil service system, higher levels of public administration host career bureaucrats with party allegiance.

[25] See Peters & Pierre.

[26] James 14 explains that populist could try to take away power from bureaucracies to put it in the hands of "the people". In that respect, political values and support for the centralisation of power and low confidence in bureaucracies and other state bodies may facilitate such strategies.

[27] Bauer, M. W., & Becker, S., 'Democratic backsliding, populism, and public administration', *Perspectives on Public Management and Governance*, 1(2020) 19–31.

Expansion of executive powers is often underpinned with weakening of accountability mechanisms[28] and oversight over public administration, as part of the executive, primarily by independent institutions (such as the ombudsperson, independent audit and similar), but in some cases even judicial oversight and parliamentary scrutiny are loosened.

In terms of legal mechanisms applied by populist governments to that end, they can take the form of constitutional amendments, central-level or delegated legislation, or administrative practices carrying novel interpretation or application of existing rules. In this article particular attention is paid to more informal strategies of "rule-bending" and the selective application of existing legal frameworks, particularly from the perspective of democratic backsliding.

Bauer recognises varying patterns of populists' interaction with public administration including capture, dismantling, sabotage, or forms of incremental reform of the bureaucracy. This can depend on the robustness of the administrative order and on varying ideological positions of populists towards the role of the state (i.e. interventionists or *laissez-faire*).[29] However, examples from practice have shown that populists prefer to employ direct control over state administration rather than to generate policy change or change legislation.[30]

When it comes to politization of public administration, which is the main focus of this article, researchers have noticed that even though politization was not invented by populists, they have their own, different version of populism.[31] They lack trust in the civil services and its willingness to implement the populist project, which is often the reason why they replace career public servants with loyalists (as we will see is the case in Serbia, as well), suggesting that neutrality (typical for merit-based civil service systems) can be an impediment to effective governance.

In addition to that, populists often advocate unconventional solutions for governance problems and therefore desire more committed personnel. Having in mind the contemporary public administration and civil service systems, this goal can be achieved in three ways: by filling political appointments; by

[28] See Wood, M., Matthews, F., Overman, S., & Schillemans, T. 'Enacting accountability under populist pressures: Theorizing the relationship between anti-elite rhetoric and public accountability', *Administration & Society*, 2(2022) 311–334.

[29] Bauer 1022.

[30] Bauer gives examples from the environmental field, such as Trump's reform of the EPA and Bolsonaro's deforestation control. Similar examples of capture in the field of environmental protection can also be identified in the Western Balkans, e.g. in relation to building mini hydro plants or mining.

[31] Peters & Pierre 630.

creating parallel structures and by attempt to change the law. Even though some political appointments can prove to be effective,[32] and can even bring about more democratic accountability, they are viewed as forms of political patronage and can lead to loss of autonomy of civil servants which become culpable for mistakes and could even be scapegoats. Research has also seen an increase in the use of special advisers (or SPADs), as a generally legally allowed method of influencing public administration.

4. The case of Serbia: acting senior civil servants

To illustrate the influence of the current government in Serbia on public administration in a specific form of party patronage, this article outlines its practice of appointing acting senior civil servants across the state administration during the period of at least five years (for which accurate data is available).

As a prior issue, coming back to the dilemma posed in chapter 2, on the relationship between populism and democratic backsliding or even authoritarianism, we need to address the question is the current Serbian government populist, authoritarian or both and how does that reflect on the state of public administration reforms?

Over the past 20 years, Serbia's standing in the Varieties of Democracy (V-Dem) indices has transitioned from a promising post-authoritarian democracy to a prominent example of autocratization. After reaching a peak Liberal Democracy Index (LDI) score in 2008, the country began a steady decline that accelerated significantly after 2012. By 2013, V-Dem noted a "backsliding into authoritarianism" driven by deteriorating electoral integrity and restrictions on media and civil society. This downward trend culminated in Serbia being reclassified from an electoral democracy to an electoral autocracy in 2020—making it the first country in the Western Balkans to be firmly placed in this category. As of the 2024 and 2025 reports, Serbia remains one of the world's "top ten autocratizers", with its LDI score reflecting a collapse in judicial independence, freedom of expression, and the quality of the electoral process.[33]

In tandem with its democratic decline, Serbia's performance in the Corruption Perceptions Index (CPI) by Transparency International has deteriorated significantly, reaching a 20-year low in the most recent 2025 report. Similar to V-dem, after showing gradual improvement following the

[32] *Ibid.* Refer to examples from Latin America.

[33] Nord, M. et al. *Democracy Report 2025: 25 Years of Autocratization – Democracy Trumped?* (Gothenburg 2025). All V-dem annual reports are available at https://www.v-dem.net/publications/democracy-reports/.

2000 political transition - peaking in 2013 - the country has entered a period of steady erosion. Here, also, Serbia has fallen to the bottom of the Western Balkans region for the first time, now ranking lower than neighbours like Bosnia and Herzegovina and Albania. Besides weakening of independent oversight bodies, reasons are found in non-transparent public procurement, and a lack of judicial follow-through on high-level corruption cases.[34]

During the past decade, in academic literature, especially in political science, Serbia has become somewhat of a poster child for state capture.[35] Additionally, several authors have identified the ruling regime as populist.[36] Before coming to power, the now ruling Serbian Progressive Party based its programme on populist messages - tackling anti-corruption and demanding accountability of the powerful elite, abolition of overnumbered state agencies, giving voice to the people.[37]

However, the question if the measures introduced by the governments dominated by this party so far (basically from 2012 until the present) were populist in their entirety remains open. Some authors have raised doubts to that respect, since they found that in some areas, such as direct foreign investment, these measures do not match those typical for populist regimes.[38]

---

[34] Transparency International, *Corruption Perceptions Index 2025* (2026).

[35] See e.g. Stojanović Gajić, S., & Pavlović, D. 'State capture, hybrid regimes, and security sector reform', *Journal of Regional Security*, 2 (2021); Bieber, F., 'Patterns of competitive authoritarianism in the Western Balkans' In *Rethinking 'democratic backsliding' in central and Eastern Europe* (Routledge 2020) 95-112. Solveig, R. & Wunsch, N., 'Money, power, glory: the linkages between EU conditionality and state capture in the Western Balkans', *Journal of European Public Policy* 1(2020) 41-62.

[36] See, e.g. Spasojević, D., 'Balancing on a pin: Serbian populists, the European Union and Russia.' In Ivaldi. G. & Zankina E, *The Impacts of the Russian Invasion of Ukraine on Right-wing Populism in Europe* (Brussels 2023); Zulianello, M., & Guasti, P. (2024, February 6). *From radical to mainstream: the ruling populists in Serbia*. The Loop. [Link: https://theloop.ecpr.eu/from-radical-to-mainstream-the-ruling-populists-in-serbia]

[37] Spasojević, D., 'Riding the Wave of Distrust and Alienation – New Parties in Serbia after 2008'*, Politics in Central Europe* 1(2019) 139–162 or Spasojević, D., 'Transforming Populism–From Protest Vote to Ruling Ideology: The Case of Serbia', In Beširević, V. (Ed.), *New Poltics of Decisionism* (The Hague 2019) 125-140; Stojiljković, Z. & Spasojević, D., 'The Populist Zeitgeist in 'Pro-European' Serbia', *Politička misao / Croatian Political Science Review* 3(2018) 104–128; Stojić, M., *Party Responses to the EU in the Western Balkans: Transformation, Opposition or Defiance?* (Palgrave Macmillan Cham 2018); Ugarković, U., 'What Is Parliamentarism to Populists? The Populist Redefinition of the Concept of Parliamentarism in Parliamentary Debates in Post-Milošević Serbia', *Redescriptions: Political Thought, Conceptual History and Feminist Theory*, 2(2023) 147–164.

[38] See e.g. Tomić, S. & Dragićević, O., 'An Unusual Marriage of Deregulation and Populism: The Case of Regulatory Politics in Serbia', SocArXiv 3zt62_v1 (Center for Open Science 2025).

The case presented here concerns only one aspect of the regulation and management of public administration is analysed, in view of its politization, and that is the recruitment and appointment of senior civil servants.

Party patronage not a novelty in Serbia and has been present in public sector employment for decades, but the practice introduced in the recent period demonstrates a particular form of rule-bending or selective application of legislation with an end in creating an order of loyal senior officials across the entire state administration.

In 2005, Serbia introduced a merit-based civil service system, tailored according to models from developed European democracies.[39] The Law on Civil Servants sets among its principles the legality, impartiality and political neutrality of civil servants (Article 5).[40] By this law, senior civil servants are appointed by Government for a five-year term, and can be appointed again, upon fulfilment of conditions set by law, including adequate education and work experience, based on an internal or external call for applications. The five-year period should secure that the appointments do not coincide with every change in government.

Amendments of the Law in 2014 introduced the possibility for the appointment of acting senior civil servants by exception, for a maximum period of six month. The acting civil servant has to fulfil all the conditions for the post, but the appointment is conducted without a call for applications (Article 67a).

In 2022, *Transparency Serbia (TS)* came out to the public with information on how the Serbian government has systematically violated laws governing the appointment of senior civil servants by extensively using temporary "acting" (in Serbian, *vršilac dužnosti*, or *v.d.*) appointments instead of filling positions through legally required public competitions. According to their analysis the then outgoing government led by Ana Brnabic issued 1,258 decisions appointing acting officials in less than two years, covering 290 individuals, and about 77–78% of these decisions were not according to the current Law on Civil Servants because the same people were repeatedly appointed for three-month terms even though the law allows such appointments only once.[41]

---

[39] Lilić, S., *Administrative law in Serbia* (Belgrade 2022) 176-177.

[40] Law on Civil Servants (*Official Gazette of the Republic of Serbia*, No. 79/2025, 81/2005, 83/2005, 64/2007, 116/2008, 104/2009, 99/2014, 94/2017, 95/2018, 157/2020, 142/2022, 13/2025, 19/2025, 109/2025 and 9/2026).

[41] Nenadić, N., 'Ništavo vršenje dužnosti, probuđeno tužilaštvo i sud kojem „nije jasno"', *Peščanik*, 2022, https://pescanik.net/nistavo-vrsenje-duznosti-probudjeno-tuzilastvo-i-sud-kojem-nije-jasno/?utm_source=chatgpt.com

The title of the article translates as: *Invalid acting duty, the awaked prosecutor's office and the court which "does not get it".*

The practice effectively allowed the government to maintain political control over senior administrative positions, since acting officials can be replaced at any time without justification. Transparency Serbia also highlighted other irregularities, such as retroactive appointments in which officials were formally appointed to posts starting on dates that had already passed.

Additionally, TS's report revealed an unusual case in which the Republic Public Prosecutor's Office—prompted by an initiative from Transparency Serbia—challenged one such appointment in court, but the Administrative Court had still not issued a ruling after 15 months and refused to provide access to key documents about the proceedings. The court's procedural responses have been interpreted as potentially obstructive and possibly aimed at hiding the fact that the government may not even have responded to the lawsuit.[42]

The findings which covered the period from 2020 to 2022 pointed towards widespread reliance on acting appointments, which combined with weak transparency and slow or evasive judicial oversight, undermines the professionalization and legality of Serbia's public administration.

New data, covering the period up to 2025, show the practice was continued.[43] Out of a total of 1258 appointments on acting positions, only 274 were conducted according to the law (for the duration of three to six months), while the rest (or 78%) were not according to legal requirements concerning the duration of appointments (due to the fact that the same people have been appointed to the same acting position several times) or that the appointments have been found retroactive.

Similar findings to those of TS have been publicised by other watch-dog civil society organisations,[44] as well as noted in reports of the European Commission on progress towards accession to the European Union, although the percentage of questionable appointments is somewhat smaller than that reported by TS, but still significant.[45]

---

[42] Ibid.

[43] Data acquired by courtesy of Transparency Serbia, available on file with the author.

[44] Đinđić, M. & Mihajlović, M., *The Neverending story of senior civil service depoliticisation in Serbia* (Centre for European Studies, Belgrade 2023), https://cep.org.rs/en/publications/the-political-grip-on-the-civil-service-in-serbia-does-it-matter-still-and-to-whom/

[45] E.g. the 2025 report reads as follows: "Regarding senior civil servants, the lack of transparency in appointing candidates recommended by the High Civil Service Council and legal compliance remain issues of serious concern. Most managerial posts (62% as of September 2025) are still occupied by acting appointments. Moreover, most acting managers are not civil servants, despite there being a legal provision against such appointments. It is crucial to secure clear political will and sufficient resources to run competitions for managerial positions and to monitor the phasing-out of the high number of acting managers to urgently reduce the excessive

Maintaining the same people in acting position ensures their loyalty and undermines both the political neutrality and autonomy in decision-making. Even though the practice is not in accordance with the law, in the way that it uses a legal possibility, but does not respect the time-limits set by it and, possibly the provisions relating to qualifications of the appointed officials, there is no record that such a practice has been challenged before the courts by the very acting officials or other part of the civil services as such (e.g. by career civil servants otherwise eligible for senior appointments).[46] In that sense, the strategies suggested by some researchers against populist influence on public administration, such as resistance or professionally trained bureaucrats who could act a firewall[47] are not applicable to the Serbian situation thus far.

5. Conclusions: What's law got to do with it?

The Serbian case demonstrates that populist influence on public administration does not always require formal legislative overhaul. Instead, the ruling Serbian Progressive Party has utilized informal strategies and selective application of existing legal frameworks to achieve its goals. By operating within possibilities generally allowed by the law, but disregarding its crucial aspects (namely, the limitation of duration of appointments), as well as the spirit of the law - specifically through the systemic use of "acting" appointments—the government has successfully bypassed merit-based requirements intended to ensure a neutral civil service. In that sense, the rule of law is being eroded through "rule-bending", demonstrating not only the populist character of the ruling regime, but also its democratic backsliding tendencies.

By maintaining this practice during a prolonged period of time, the regime has succeeded in cultivating a loyalist bureaucracy since some senior civil servants have been in acting position for years, their appointment systematically prolonged every three or six months. The primary mechanism

number of senior civil servants in acting positions." (European Commission, *Serbia 2025 Report*, SWD(2025)755final, 27) https://enlargement.ec.europa.eu/document/download/6e68ce26-b95b-48e1-921a-c60c12da8f00_en?filename=serbia-report-2025.pdf

Similar references can be found in the Commissions reports for previous years.

[46] The possibilities of this practice being challenged by other actors who cannot demonstrate an immediate personal legal interest, in the form of an *actio popularis* or a similar legal remedy available to those who would want to call upon a general or a public interest in this matter are extremely limited within the Serbian administrative law framework. On that see e.g. Jerinić, J., 'In the name of the public: Representatives of collective and wider interest of the public in administrative matters in Serbia', *Pravni zapisi*, 2(2020) 504-531.

[47] E.g. see James 15-16.

of this capture is the institutionalization of party patronage. By keeping senior officials in a permanent state of "acting" status, the executive ensures their absolute loyalty, as these individuals can be dismissed at any time without justification. This practice effectively transforms career civil servants into political instruments, dismantling the "firewall" of professional bureaucracy that should ideally resist populist overreach.

The data from 2020 to 2025 highlights a clear correlation between the decay in public administration realised through selective application of the law on civil servants and broader democratic backsliding. Serbia's transition from an electoral democracy to an electoral autocracy, as noted by V-Dem, is mirrored in the public administration's loss of autonomy. The weakening of oversight mechanisms and the lack of judicial follow-through on illegal appointments suggest that the state is no longer merely influenced by populism but has undergone a process of state capture.

Returning to Gardbaum's framework, the Serbian case appears to have moved beyond mere political populism - which operates within democratic norms—toward structural populism. By systematically undermining the foundational architecture of the merit-based civil service and centralizing executive power, the regime is seeking a permanent transformation of the state apparatus. This points towards the need to further explore the field of public administration, particularly from the legal perspective, which has been largely neglected in legal literature, both in Serbia, but also in the wider region of the Western Balkans. Future academic research could cover other cases showing how captured systems allow for misapplication of existing rules and how populism functions when it is imbedded into the functioning of a captured state – where it is not always possible to distinguish between populist strategies and outright unlawfulness.

jelena.jerinic@pravnifakultet.edu.rs
Union University Belgrade