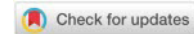


# TOWARDS ESTABLISHING THE AUXILIARY POLICE IN THE REPUBLIC OF SERBIA

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**Abstract:** Ensuring public safety is a fundamental task of the police. To carry out certain police duties, in addition to engaging the regular (professional) police force, it is often necessary to engage a larger (additional) number of personnel and resources. The nature and scale of contemporary security challenges, risks, and threats require that, alongside the police, other social actors — including citizens — take on a more active role in ensuring both their own safety and the safety of others. One of the mechanisms for achieving this is the establishment or existence of a reserve or auxiliary police force. The experiences of certain countries show that there are various models or forms of auxiliary police, which differ primarily in their purpose, role, and degree of integration within the overall police system. In the Republic of Serbia, in addition to the police, other actors also participate in maintaining public safety — such as the municipal police (a specialized body established within certain units of local self-government) and private security services. One possibility that includes the involvement of citizens in carrying out certain police tasks is their engagement through the auxiliary police, which may be formed in accordance with the Law on Police from 2016. The concept of auxiliary police is a kind of successor to the institution of the so-called reserve police force, which was regulated by the Law on Internal Affairs from 1991. After that law ceased to be in force, the formation of the auxiliary police was initially governed by the Law on Police from 2005, and later by the aforementioned 2016 Law. The detailed conditions for the formation of the auxiliary police were regulated by specific regulations adopted pursuant to these laws. Currently, within the legal framework of the Republic of Serbia, there is no regulation that would regulate in more detail the establishment of an auxiliary police force, and therefore, no such force exists at present. In this context, the paper will include a critical analysis of the aforementioned regulations, with the aim of proposing certain *de lege ferenda* solutions that would create the legal basis for the formation of an auxiliary police force.

**Keywords:** *public safety, policing, police, auxiliary police.*

**Field:** Social Sciences (Security and Law)

## 1. INTRODUCTION

Although the core functions of the police are similar across most nations, they are not identical in substance, given that the scope and content of police activities are significantly influenced by the specific social and political system of each individual country (Marković, 2009: 356). The contemporary trend in most states, including the Republic of Serbia, is the rationalization of public administration, primarily involving a reduction in the number of employees. This process, however, has certainly not been accompanied by a decrease in the workload, at least regarding the police force. On the contrary, the volume of tasks is constantly increasing under regular circumstances, and particularly within emergency (crisis) situations.

The most critical issues concerning the organization and jurisdiction of the police are regulated by law, which constitutes a fundamental characteristic of the rule of law. The specific nature of police activities, as compared to other public administration bodies, necessitates a specialized organizational structure, which further requires distinct legal solutions (provisions) regarding police organization. The fact that police officers are armed, specially equipped and trained, and vested with police powers that may restrict the freedoms and rights of citizens must, alongside other factors, be taken into account during the organizational process (Jugović, 2013b: 243-244). To this should certainly be added the specificities regarding centralization and decentralization as models of police organization (Jugović, 2014). Furthermore, the diversity of the required organizational units within the police is influenced by the very diversity of police functions. The variety of organizational units within the police force is more extensive than in other state administration bodies, particularly in comparison to those entities that perform only a one function (Miletić & Jugović, 2019: 92).

Over the past few decades, all contemporary systems of national and public security have undergone significant reforms. At the beginning of the 21st century, this reform process in the Republic of Serbia led to substantial conceptual innovations, particularly regarding the implementation of public security. One such innovation was the introduction of the auxiliary police concept by the Law on Police

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of 2005. The auxiliary police is a specific legal successor to the so-called reserve force of the Ministry of Internal Affairs (MUP), which had been introduced into the legal order by the Law on Internal Affairs of 1991. This institution was retained in the Law on Police of 2016 as an available option for the police force, with the specific conditions for the formation of the auxiliary police to be regulated by a Government regulation. Nevertheless, today—ten years after the adoption of the law - the relevant regulation that would enable the formation of the auxiliary police force still does not exist within the Serbian legal order. Namely, the Regulation on Service in the Auxiliary Police was adopted in late 2016, only to be abolished in early 2017. It is also noteworthy that the formation of the auxiliary police was envisaged by the Draft Laws on Internal Affairs of 2021 and 2022, which were subsequently withdrawn. Taking the aforementioned into account, our objective is to critically examine and describe the concept of the auxiliary police, as well as to conduct an analysis of the regulations that have governed and currently govern the issue of auxiliary police formation in Serbia. In doing so, we will specifically highlight *de lege ferenda* proposals, aimed at improving future legal activities in this field.

## 2. CONCEPTUALIZATION OF THE AUXILIARY POLICE

The fundamental task of the police is to achieve an optimal state of public security. This is accomplished through the daily engagement of regular police units and officers. However, in certain security-threatening conditions affecting the state, society, and its citizens, a need arises for the increased mobilization of a large number of police officers. In such situations, the functioning of the state and its institutions can occasionally be impeded. Circumstances in which the functioning of the state-legal system may be hindered can arise due to various factors that, to a greater or lesser extent, lead to a crisis in the operability of the legal and state system (Simović & Žekavica, 2012: 284). These extraordinary circumstances in the Republic of Serbia were particularly pronounced in the preceding period. Some instances include: the catastrophic consequences of floods in 2005 and 2014, migrant crises and the breach of state border security (notably during 2015 and 2016), and the COVID-19 pandemic in 2020 (which resulted in the declaration of a state of emergency). These circumstances were particularly burdensome when it came to police work. In such scenarios, fulfilling police tasks requires—in addition to the deployment of the regular (professional) police force—the engagement of a significant amount of additional personnel and resources. This new security reality has necessitated, among other things, a higher degree of interdependence between civilian and military actors, as well as the increased utilization of the military to supplement civilian resources during various crisis situations. This is particularly relevant in the context of relieving the burden on police forces when they are unable to fulfill their traditional roles (Jeftić & Mandić, 2020: 277). For instance, during the 2020 pandemic, the Serbian Armed Forces provided significant assistance to the police in the Republic of Serbia. The aforementioned clearly indicates the necessity for a certain reserve or auxiliary police force as a specific form of resilience and preparedness of the state security system for crisis situations.

Even during the performance of regular activities, the regular police force often proves insufficient for addressing standard (more frequent yet lower-risk) security issues. These regular security matters are managed through the execution of standard police tasks, such as foot patrols, mobile patrols, operational activities, and the protection of specific individuals and facilities (Stevanović & Stajić, 2015: 346; Subošić & Stevanović, 2023: 91). Even under such conditions, the regular police force may be assisted by the so-called reserve or auxiliary police (auxiliary officers). As such, members of the auxiliary police can be considered members of the police force in a broader sense; however, in a narrower sense, this term refers exclusively to police officers as permanent employees of the police service (Subošić & Kekić, 2008: 358).

Regarding the composition of the auxiliary police, the key question is who can (or should) constitute its force. The answer typically points to citizens as the key stakeholders of security in any society. Indeed, the auxiliary police represents a specific form of cooperation between the police and the citizenry (Jugović, 2013a: 146). Involving citizens in policing serves as a mechanism for strengthening public trust in the police and enhancing its legitimacy, as well as increasing its overall efficiency. However, one must remain cognizant of the fact that partnerships between the police and citizen volunteers are characterized by a high degree of integration of tasks and responsibilities, along with a high level of trust, where boundaries often become blurred and porous (Lofstrand Hansen & Uhnoo, 2020: 950). Furthermore, there are diverse motivations - such as confronting challenges, self-improvement, acquiring new skills, networking, enhancing personal employment prospects, helping others, contributing to a better society, and gaining a deeper insight into police work - that drive citizens to join the auxiliary police in a voluntary capacity (O'Connor, D. T., et al., 2021: 159-161).

The experiences of certain developed countries indicate diverse conceptual and terminological

approaches to defining the auxiliary police, resulting in terms such as volunteer police, auxiliary police, reserve police, and the like. These terms are often used interchangeably and encompass officers who may possess all or only selected police powers and who may or may not perform full policing functions. This is exemplified by the situation in the United States. In New York, the term 'auxiliary police officers' is utilized, whereas in Los Angeles, the term 'volunteer reserve officers' is preferred. This variation is primarily rooted in differing approaches to their powers, authority, work obligations, and the specific tasks they perform. A similar distinction exists in the United Kingdom, where a difference is made between 'police support volunteers' and 'special constables.' In England and Wales, volunteering in the police service is carried out by individuals who receive no remuneration, while special constables possess the same powers as regular police officers and may undertake a wide spectrum of duties (excluding, however, the carriage of firearms) (Wolf & Jones, 2018: 9-10). What these systems share in common is that the auxiliary police is composed of citizens who perform policing tasks on a voluntary and unpaid basis.

Taking all of the aforementioned into account, the auxiliary police could be defined as a legally regulated, planned, and organized voluntary engagement of specific trained citizens in the performance of (all or selected) policing tasks and duties, involving the application of (all or selected) police powers, either without remuneration or with financial or other compensation. Similarly, police volunteers are defined as „an individual who works directly for a government entity and is authorized with lawful powers for the prevention, investigation, and prosecution of criminal activity and the preservation of public order, and who provides this service without an imposed requirement and without significant remuneration for his or her services.“ (Wolf & Jones, 2018: 9).

Given the diversity of police functions and organizations, the specific characteristics of various national police systems, and the varying motivations for joining the auxiliary police, several classifications of the auxiliary police can be established based on different criteria. Thus, according to the powers vested in them, they can be categorized as: auxiliary officers with full police powers, those with limited powers, or those with no police powers. Based on the method of recruitment, there is voluntary enrollment or mandatory/obligatory service (based on the mobilization of specific categories of trained citizens). According to the degree of mobilization, it may be general or partial mobilization. Regarding previous security-related experience, members may include those with professional backgrounds in security (former or retired members of the police, military, other state security forces, or private security) and those without prior security experience. By the type of tasks performed, they are divided into operational-technical (security) tasks and non-security (typically administrative) tasks. In terms of training and qualification levels, a distinction is made between general and specialized auxiliary units. Depending on the circumstances requiring their deployment, they may be engaged in regular circumstances (due to increased workload) or extraordinary circumstances (resulting from a declared state of emergency, disaster, or war). Finally, based on the jurisdiction of deployment, they may operate at the national, regional, or local level, etc.

### **3. THE LEGAL FRAMEWORK OF THE AUXILIARY POLICE IN THE REPUBLIC OF SERBIA: PAST AND PRESENT**

The institution of the reserve force of the MUP was introduced into the legal order of Serbia, as a federal unit of the Federal Republic of Yugoslavia, by the Law on Internal Affairs (ZoUP) of 1991, which, with subsequent amendments and additions, remained in force until 2005. The police were understood to be a collective of police members (authorized police officers and members of the reserve force), classified according to relevant functional criteria into numerous organizational units of the MUP (Stevanović, 2013: 149).

In accordance with the ZoUP 1991, it was stipulated that, in the event of an imminent threat of war or a state of war, the MUP would be replenished by military conscripts assigned to the MUP reserve force; furthermore, only conscripts meeting the legally prescribed requirements for employment within the MUP could be assigned to the reserve force (Article 27). Furthermore, the ZoUP 1991 provided the Minister of Internal Affairs with the authority to summon individuals from the reserve force to perform specific peacetime tasks of the MUP, particularly for the prevention of activities aimed at endangering the security of the Republic, preventing the disruption of public order or restoring it when disturbed on a large scale, and providing assistance in cases of general danger caused by natural disasters. Such individuals are engaged for as long as security reasons necessitate. During their engagement in peacetime tasks, members of the reserve force possess the rights and obligations of authorized police officers and are issued official identification. Additionally, these individuals are entitled to health, pension, and disability insurance benefits under the same conditions as authorized police officers of the MUP (Article 28). Members of the reserve force are required to undergo training and capacity building for the execution of

MUP tasks by attending training programs organized by the MUP. During the performance of peacetime tasks and during training sessions, in addition to the compensation established for time spent on military exercises, these individuals are entitled to the difference up to the amount of the salary established for the positions to which they are assigned (Article 29).

From the aforementioned, it is evident that during this period, the system was based on a mobilization principle applicable exclusively to military conscripts, specifically those who met the requirements for employment within the MUP. These individuals could be deployed both in cases of an imminent threat of war or a state of war, as well as during peacetime under various threatening circumstances that undermined national and public security. Once engaged, these individuals possessed all the rights and obligations of authorized police officers. Furthermore, they were mandatory required to undergo training and capacity building for the execution of assigned tasks.

The beginning of the 21st century marked a period of extensive socio-political, economic, and security system reforms. In alignment with changes regarding military conscripts, the Law on Police of 2005 (ZoP 2005) abolished the police reserve force and established the legal conditions for the potential introduction of an auxiliary police (Articles 191-192). The auxiliary police represent a novel institution in our legal system, replacing the former police reserve (Jugović, 2013a: 146). As such, it is founded on entirely different premises compared to the preceding period. The fundamental difference between the former reserve force and the current auxiliary police lies in the fact that the reserve force was based on the principle of mandatory service (applicable to military conscripts), whereas the auxiliary police is based on the principle of voluntarism (the interest of citizens in serving within the auxiliary police) (Miletić, 2009: 369).

ZoP 2005 (Article 191, Paragraph 1 and Article 14) regulated that the MUP may establish an auxiliary police force to perform policing tasks in cases where it is necessary to compensate for the deployment of a large number of police officers for: 1) the execution of high-security-risk tasks; 2) natural and other disasters; 3) securing the state border; 4) other cases where internal security is severely threatened; and 5) preparation for operations during a state of emergency or a state of war. The types of policing tasks that the auxiliary police may perform certainly justify its existence, especially considering the necessity of engaging a vast number of police officers in such situations. In this manner, upon the occurrence of legally prescribed situations, regular police forces can rely on so-called 'standby forces' (Miletić, 2009: 370), which constitutes the very essence of the auxiliary police concept.

Furthermore, ZoP 2005 stipulated that candidates for the auxiliary police must meet the specific requirements for employment within the MUP, as prescribed by Article 110. In addition, retired police officers up to the age of 60 are eligible to participate in the auxiliary police. The deployment of the auxiliary police for the performance of policing tasks is decided by the Minister, upon the proposal of the Director of Police (Article 191, Paragraphs 2 and 3). In accordance with the ZoP 2005 (Article 193, Paragraph 1, Item 4), the Government adopted the Regulation on Service in the Auxiliary Police and the Rights and Duties of Auxiliary Police Officers (Uredba 2006). The Uredba 2006 distinguishes between a 'candidate for an auxiliary police officer' and an 'auxiliary police officer.' A candidate for the auxiliary police is an individual undergoing training for the execution of tasks within the auxiliary police force, with the provision that basic training lasts at least three months, during which a contract is concluded with the candidate. During basic training, candidates are not authorized to exercise police powers independently. Conversely, an auxiliary police officer is an individual who is not in a permanent employment relationship with the MUP and who concludes a contract for voluntary service in the auxiliary police. A voluntary service contract may be concluded with a candidate for an auxiliary police officer who has successfully completed basic training, as well as with a retired police officer up to the age of 60. The contract for voluntary police service is concluded for a minimum period of five years. Auxiliary police officers attend advanced and supplementary training organized during their voluntary service. While undergoing training and performing policing tasks, auxiliary police officers wear police uniforms with distinctive insignia indicating their affiliation with the auxiliary police (Uredba 2006, Articles 2 and 3).

Upon completion of training, an auxiliary police officer may exercise all police powers during their deployment for the execution of policing tasks. An auxiliary police officer may be engaged for a period of up to one month within the same calendar year. During the period of engagement, they possess the rights and duties established by the Uredba 2006, in accordance with the corresponding rights and duties of police officers as prescribed by the ZoP 2005. Given the possibility that an auxiliary police officer may also be an employed individual, the law stipulates that an employer may not terminate the auxiliary officer's employment contract during their engagement, nor may the employer impose conditions on the regulation of their contractual relations with the MUP. Conversely, the auxiliary police officer is obligated to return to work for their primary employer no later than two working days after the termination of their engagement

in the auxiliary police. The police force maintains records of both candidates and auxiliary police officers (ZoP 2005, Article 192). Despite the relatively good regulatory framework of the auxiliary police institution during the observed period (from 2005 to 2016), no auxiliary police force was actually formed.

The ZoP 2016 envisaged nearly identical security conditions under which the MUP may establish an auxiliary police force, consistent with the ZoP 2005. The auxiliary police may be formed to perform policing tasks in cases where it is necessary to compensate for the deployment of a large number of police officers for: 1) the execution of high-security-risk tasks; 2) natural and other disasters; 3) securing the state border; and 4) other cases where internal security is threatened. Exceptionally, the auxiliary police may also be engaged when there is a mutual interest between the MUP and a local self-government unit, based on specific agreements (ZoP 2016, Article 249, Paragraphs 1 and 2). The aforementioned provision represents a significant innovation, emphasizing the role of the local self-government (community) in the realization of security.

When deployed, members of the auxiliary police are subject to the application of the provisions of the ZoP 2016 concerning the rights and duties of police officers. Decisions regarding the deployment of the auxiliary police for the performance of policing tasks are made by the Minister, upon the proposal of the Director of Police. Further conditions for candidate selection, the rights and obligations of auxiliary police members, training, methods of engagement, and the organization and operation of the auxiliary police were regulated by the 2016 Regulation on Service in the Auxiliary Police (ZoP 2016, Article 249, Paragraphs 3–5). The model of auxiliary police engagement based on the principle of voluntarism was retained, while the prescribed method for candidate application was a public competition announced by the MUP. Exceptionally, it was stipulated that the Minister of Internal Affairs could (in accordance with requirements) engage individuals in the auxiliary police without a public competition, provided they had completed basic police training, the Secondary School of Internal Affairs, the Higher School of Internal Affairs, the Police Academy, the Academy of Criminalistic and Police Studies, or other individuals meeting the criteria prescribed by the regulation (Uredba 2016, Article 4, Paragraphs 1 and 3). This provision granted significant discretionary powers to the Minister, who was permitted to assess 'in accordance with requirements' whether the exhaustively listed persons, and particularly 'other individuals,' could be engaged in the auxiliary police. Setting aside the fact that individuals who have completed specific levels of police education belong within the regular police force rather than the auxiliary police, the question arises as to who these 'other individuals' might be.

The Uredba 2016 limited the number of individuals who could be engaged in the auxiliary police. The total number of auxiliary police members could not exceed 15% of the total number of systematized positions for uniformed authorized police officers. Interestingly, the age limit for auxiliary police members was defined by the Uredba 2016 itself rather than by law, which constitutes a significant oversight of the ZoP 2016. Specifically, the Uredba 2016 stipulated that individuals eligible for the auxiliary police—in addition to meeting general requirements for employment in state bodies and specific MUP requirements—must be unemployed, between the ages of 18 and 50, and possess at least a four-year secondary education (Article 3, Paragraph 2 and Article 5). We can observe that the Uredba 2016 restricted the pool of candidates solely to the 'unemployed,' unlike the previous ZoP 2005. While this move was pragmatic in terms of incentivizing engagement, it deviated from the core principle of voluntarism. Overall, the definition of these requirements constitutes a matter that should have been regulated by law, leaving only 'more detailed conditions' to be determined by a regulation. Due to public pressure resulting from these issues, the Government adopted a Regulation on the Termination of the Regulation on Service in the Auxiliary Police in early 2017. The repealed Uredba 2016 remained in force for only seven days. Since then, no regulation has existed in the legal order of Serbia to further regulate the formation of the auxiliary police, which aligns with public statements made at the time indicating that such a force would not be established (Miletić, 2024: 308).

#### 4. CONCLUSION

Through an analysis of the legal framework that governed and currently governs the institution of the auxiliary police (specifically the ZoP 2016), it can be concluded that the model of forming an auxiliary police based on the principle of voluntarism has not taken root in the practice of the Republic of Serbia. Considering specific historical circumstances, cultural heritage, and legal tradition, the question arises as to whether it is justified to base such a significant police component exclusively on the principle of voluntarism. The existence of auxiliary police is most prominent in countries with a highly developed civic consciousness regarding the need for public security. Furthermore, the need for an auxiliary police is pronounced in states whose capacities - both personnel and material - are limited while security demands

are increasing, which is undoubtedly the case with Serbia. Various crisis situations in our region in the preceding period attest to the necessity of establishing such a force. To achieve this, it is essential to work more extensively on strengthening cooperation and partnership between citizens and the police, particularly in the domain of establishing mutual trust.

Furthermore, in the forthcoming period, it may be prudent to reconsider the fundamental principles underpinning the concept of the auxiliary police, particularly in light of the early 2026 announcement regarding the adoption of a new Law on Internal Affairs. In this regard, the possibility of re-establishing the auxiliary/reserve police based on the mobilization principle - similar to the model under ZoUP 1991 - warrants serious consideration. Following recent announcements by high-ranking state officials concerning the reinstatement of mandatory military service, we might anticipate a return to a model wherein military conscripts once again constitute a portion of the auxiliary police force. Beyond conscripts, it is essential to look toward other societal entities whose characteristics, level of training, equipment, and numerical strength make them viable candidates for the auxiliary police. Specifically, the private security sector should be considered, especially given that it already functions as a collaborative partner with the police in emergency situations (Lončar et al., 2019), crime prevention (Radivojević & Stajić, 2025), and the protection of critical infrastructure (Radivojević, 2019; Marković, 2025).

In a state governed by the rule of law, it is essential that the fundamental aspects of such a police force's existence in modern conditions are regulated by law and further elaborated through bylaws. The key issues that must be legally addressed include: the principles underpinning the auxiliary police concept (voluntarism or obligation); the specific security situations and conditions under which such personnel can be deployed; the specific police tasks and duties to be performed by auxiliary officers; the requirements candidates must meet for engagement (age, psychophysical ability, employment status, prior experience in security agencies); the knowledge and skills candidates must possess, as well as their training and further professional development; the method and authority responsible for candidate selection; the authority responsible for the decision on their deployment; and the rights and duties of individuals engaged in the auxiliary police (the exercise of police powers - specifically the use of means of coercion—the carrying of official identification and uniforms, compensation for engagement, protection of data confidentiality acquired during service, etc.). It must be noted that there is no single, universal model for the organization and functioning of auxiliary police. Therefore, it is necessary to objectively and comprehensively assess the experiences of other countries, alongside existing needs and capacities, before deciding on an optimal model that will be acceptable to our state and society.

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