LEGAL PROTECTION IN PUBLIC MONETARY MANAGEMENT: SOME GENERAL THOUGHTS WITH AN EXAMPLE OF SERBIAN FRAMEWORK[1]

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Abstract
The subject of analysis in this paper is to determine the features of the legal protection procedure in the segment of public monetary management as a *sui generis* subsystem of public administration defined and implemented by the central bank as the supreme monetary institution and guardian of the monetary sovereignty of each state. In this sense, the first part of the paper points out the concept and features of the modern monetary order and the normative regulation of public monetary management, which aims to protect monetary stability as a public good. In contrast, the second part of the paper points out the specific way of implementing the active and passive process capability of the central bank in monetary disputes that represent a new type of administrative dispute in which the court decides on the legality of central bank measures or in which they require legal protection from the influence of other authorities. The subject of particular attention is the identification and functional analysis of the mechanism of legal protection in the domain of monetary management in Serbian monetary law to recognize the axiological matrix of existing solutions *de lege lata* and make concrete guidelines *de lege ferenda*, taking into account the fact that the procedure is in the function of protecting the rights of citizens to a safe and solid currency, the right to the monetary credibility of the domestic banking system and the preservation of living standard.

Keywords: *central bank law, public monetary management, monetary law, monetary stability, monetary credibility, lex monetae.*

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1. Introduction

The *ratio legis* of the legal regulation of socio-economic relations initiated, advocated, expanded, and nurtured by the central bank is reflected in preserving monetary stability, a fundamental value in monetary legislation. Preserving monetary order in globalized economic relations is associated with numerous challenges, one of which stands out as coordinating the cooperation of agents located at different levels of state organization and management responsible for its preservation. Also, many challenges for monetary stability are caused by financial system changes in extraordinary circumstances contextualized by the global economic crisis (2007) and pioneering technological innovations in finance, which provoked reform in every model of government (Bajakić, Beroš, Grdović Gnip, 2021, p. 8).

Although there is no generally accepted definition of monetary order in the theory of monetary law, it is expected to refer to it as a system that relies on state prerogatives arising from monetary sovereignty and which, in the conditions of international monetary cooperation, intertwine (sometimes even collide) through instruments of soft monetary law coordination such as interstate agreements that establish rules of conduct for monetary policymakers in a global environment (Gold, 1979). This "multijurisdictional" competence and collision in the field of monetary stability, which appears simultaneously as a national and global public good, requires an inevitable trade-off between the interests of actors of national and supranational monetary management (Guiseppe, Tonolo, 2022, pp. 499-500). As the benefits of public goods almost always exceed the borders of the state territory where it is located, cooperation with international organizations and other states must be established because spontaneous management, deprived of international discourse and benchmarks, at some point acquires an erosive potential against already achieved results. The monetary system as a subsystem of the economic system is no longer just a matter of indigenous internal state interest because monetary autarky as a form of economic self-sufficiency is a relic of the past or, if it still exists in some monetary jurisdiction does not function to protect the right of citizens to have a solid and respectable currency, and in our opinion, becomes an expression of monetary ignorance that does not contribute to effective and efficient monetary cooperation.

The legal protection of monetary stability and cooperation at the global level was also confirmed in the Vienna Convention on Contractual Obligations. The diversity of interests and wishes expressed in this Convention explains why there is a particular imbalance in the current regulation because monetary stability always *per se* implied and renounced some "national" characteristics in the sphere of monetary policy. In crises, all states are faced with another phenomenon in the field of public goods, which requires the determination of priorities in the protection and guarantee of public goods, also known as parification, which gives new dimensions to the already complex technique of management, because parification must be justified by valid reasons acceptable to the majority of members of the social community. The term public goods

were developed by Paul Samuelson in the 1950's, linking it to the national form of state action. However, by the end of the 1990's, the concept of public goods gained a global dimension, so public goods are increasingly viewed as a value that is equally important to all to the members of the international community and are shaped by an international consensus (Viterbo, 2012, pp. 11-16). Success in guaranteeing monetary stability depends on the extent and scope of collective legal actions undertaken by international monetary and financial organizations, where in the field of International and European monetary law, there is an indisputable influence of the International Monetary Fund (IMF), Bank for International Settlements (BIS), World Bank (WB) and European Central Bank (EBC). Of course, the meaning of international financial agreements and financial regulations as a result of the normative activity of states and international organizations is aimed at the legal shaping of the mechanisms of the state's economic behavior in concrete international situations, where the approach to managing that behavior can be based on harmonization (as in the case of the EU), reciprocity measures and (or) facing the fact that lonely and different economic systems (uninterested) in integration will always exist and finding legal solutions (in the form of exclusion clauses) that minimize their harmful effects (undermining) on the flows and results of joint economic integration (Norton, Phil, 1996, pp. 3-13).

2. Some General Remarks About Central Bank Legislation in Public Monetary Management

In analyzing the subject of Central Bank Law, we must consider that it developed through the disintegration process from the Monetary Law in a particular way. Still, the relationship between these two branches of law exceeds the "traditional" relationship between general and special branches of law (adopted and developed decades ago in theory of law textbooks), which reflects the sophisticated nature of Central Banking Law, which is genuinely "new" in the absolute sense of the word in the national and international legal academy.

In the broadest sense of the word, Central Bank Law can be understood as a totality of legal norms governing the organizational structure, mandate, tasks, and functions of the highest monetary institutions (Gortsos, 2020: p. 5). Initially, the central bank's main task was to provide monetary order stability through price stability. Still, over time, its tasks have evolved, become more complex, and connected with financial stability and prudential supervision (especially in ECB modus operandi). As the name suggests, it is a law created and applied by the ECB. Still, the genesis of its definition (in the way it is encountered in practice today) is also related to the contribution of other community institutions, national subjects, and other participants who helped shape the subject issue more precisely. The coordination of national monetary policy and legal protection of a single currency were conditions for successfully implementing EU monetary legislation and confirming the ECB as the highest monetary authority (Gordon, 2022: 254-257). Still, in terms of emerging private digital money and rapid progress in the development of monetary and financial

innovations, the supreme position of the ECB over euro issuing seems shaken (Freitag, Omlor, 2020, pp. 74-75). Indirect or direct participation of national and community subjects in the macroeconomic dialogue in the EU centralized monetary policy coordination (occasionally or permanently) had a decisive influence on the legal justification of the new ECB competencies regarding crises. Still, it contributed to a more concise application of the existing rules in regular situations. In *our opinion*, the "vitality" of ECB law norms is ensured by the dynamism of the dialogue in which all supranational and national actors participate. This is the best proof of a real and logical need for such legal solutions contained in central bank legislation. Also, this means that monetary norms are current, necessary, and valuable, that they compel academic thinking and polemics, re-examine their purpose and significance in society, and question meaning for the individual, and thus the practical justification of their existence and application. Such rules, which are the result of previous thoughtful discussions, are the most realistic possible ones with a high degree of expediency because they go through a unique prism of "intellectual triage and the test of time" and are then translated into concrete monetary legal tools with a high degree of transparency and democratic legitimacy.

The participation of a wide range of subjects in the macroeconomic dialogue is important in the context of better clarification of the monetary strategy tasks conducted by the central bank in a legally valid manner that is also understandable to all citizens, which means that the dialogue is in the function of the greater transparency (*lex certa)* of monetary legal regulations, which in globalized social and economic circumstances becomes imperative. Greater transparency is crucial for citizens (in this place in the role of monetary habitats, i.e., persons living in the territory of the state that applies its monetary regulations) to respect and appreciate certain dispositions in legal norms if they need to understand them wholly. Therefore, in the legal regulation of monetary relations, the rule of *ignorantio legis nocet, ignorantio legis non excusat* cannot apply, because all people cannot understand monetary norms. So, the primary addressees of monetary norms are not physical persons because their primary task is to regulate monetary finances. Still, indirect addressees of all legal norms are the citizens who feel the legal consequences and ultimately bear the burden of applying such measures, which is best seen in credit policy when commercial banks give loans.

3. Position of the (European) Central Bank in Public Management

The legal subjectivity of central banks is highly developed and specific, which is not surprising considering its role in the international monetary order. Since the initial years of its establishment, the ECB's institutional structure has continuously developed and adapted to current events on the monetary scene, both in terms of formal and essential elements. The mentioned greatly influenced the evolution of its competencies, which in the first years of the

Union was built based on classic monetary positions on what the central bank's tasks are and how its operations should be organized to the modernization of classic postulates with new functions from the field of fiscal and other segments of general economic policy (Eckes, Dambrosio, 2020, pp. 10-17).

The ECB's competence in creating soft monetary legislation is of inestimable importance for the science of contemporary monetary law because its factual effect in legal traffic is far from the usual linguistic meaning of the attribute "soft" contained in the generally accepted classification of legal acts. The guidelines, instructions, measures, announcements, understandings, and programs applied by the ECB represent indispensable factual material for filling legal gaps in EMU primary regulations that any other type of legal source cannot replace. The primary monetary legislation was not successfully implemented during the crisis due to its rigidity and excessive formalism that would allow it to change and adapt to the newly created circumstances (which did not exist at the time of writing the solution contained therein), but also the problem of harmonizing the work and behavior of the various entities participating in its adoption. The ECB, through its actions in moments of crisis management, showed its readiness to include the problem of social cost in its programs and thereby realize its operations in a "more humane way" and the entire concept of EU monetary policy to provide the much-needed "human component" that gives justification for the economic categories contained in legal instruments and ennobles with a kind of spirit. The humanization of monetary policy can be seen in the broader context of citizen perceptions of public administration during the COVID-19 outbreak, where all public institutions had to deal with many challenges in reviewing their capacity since current knowledge and practices could not easily handle crisis circumstances (Kayaci, 2022, p. 186).

Speaking about the judicial assessment of the ECB decision's legality (as well as of central banks in general), we must emphasize that in practice, the critical legal concept that stands in the assessment of the legality and control of each act is the standard of review (Zilioli, 2019, pp. 23-24). Its content resembles a legal standard, so the specific content and meaning depend on the situational framework and current circumstances (otherwise inherent, like monetary disputes, especially in critical economic moments). Still, in most cases, it refers to the court's readiness to consider the substance itself in the decisions and acts of public administration bodies. In the theory of ECB law, we can distinguish between *two forms* (models) in which the mentioned standard appears, namely as an *intrusive model* and a *differential model* (Eskridge, Baer, 2019, pp. 1082-1083). According to the first model, the court is ready to engage in a comprehensive review of the decision's legal basis and review the issue of their compliance with acts of higher legal force, both in the formal and material sense. When applying the differential method, the court does not engage in such in-depth legal analysis (its consideration of the subject decision is purely formal). Of course, even in the case of a differential approach, the court must consider the decision's legality through the prism of the principle of legal continuity and the protection of already acquired rights (retention).

Still, the intensity of the revision is present at a lower level than in the case of applying the intrusive model. This is very important to point out because the meaning of the term differential in the case of judicial review of central bank acts cannot be brought under the umbrella of its linguistic interpretation but means of (to put it euphemistically) judicial control of reduced intensity and narrower corpus, which of course does not diminish its importance in practice and contribution to the legal academy. Moreover, this approach is beneficial because, due to its work, the court must refrain from delving into the merits of every central bank decision, nor is it necessary. Consequently, the differential approach can be put in an *ex-ante* filtering function of the central bank's decisions to classify them (conditionally speaking) into those that are undisputed in terms of their legal nature and basis or more or less disputable viewed from specific formal or material legal benchmarks.

The concept of judicial review of monetary legal acts is always connected with the understanding of the central bank's discretionary rights (let's not forget that it is the guardian of the monetary sovereignty delegated by the state), as well as with the circumstances of the specific case (the concept of the purpose and justification of judicial review is diametrically different when the act of the central bank arose as a reaction to an event in the monetary system that needs to be controlled - for example, a specific currency movement or inflation, and quite different when it comes to a more general (abstract) act that is not based on an event that took place or is taking place at the moment of the adoption of that central measure banks). If the central bank measure were created to prevent a harmful impact on monetary flows, the court would be much more involved in the monetary legal analysis, and the differential approach would give way to an intrusive model. Analyzing the previous practice of the European Court of Justice (ECJ) in resolving both monetary disputes, we can notice that the mechanisms explained above are a way to determine who bears the final responsibility for the monetary policy actions. Considering the upheavals in the EMU, we must be aware of the fact that in the analysis of monetary legal disputes, a certain balance must be made in terms of building a solid relationship and sustainable future communication between the court and public administration bodies, where the court must remain independent and impartial in its clarification disputed issues. It cannot be expected that the holder of judicial power always and at every moment knows how to control the work of the supreme monetary legislator. Still, there is a real and logical need to acquire specialized skills that must be set within a clearly defined and planned continuous process (monetary education of lawyers). Considering the differences between the European continental and Anglo-American legal systems, the court's handling of monetary disputes can differ significantly. Thus, for example, German courts show a far more radical approach in assessing the legality of public administration bodies than the actions of courts in other EU countries, which is a consequence of the values embedded in the principles of the legal order itself, which is confirmed in the precise positions of the Federal Constitutional Court towards non-standard and

standard ECB monetary measures (which may not even be in line with the ideology of fiscal federalism that Germany insisted on so much when considering the potential development path of the EMU).

The procedural legitimation of the central bank was strongly manifested in the conditions of complex and dynamic political and socio-economic circumstances (especially the debt and pandemic crisis), which in practice coincided with the adoption of new institutional models of macroeconomic management aimed at strengthening the entire economic system of the member countries (cases of European Stability Mechanism legality and the application of outright monetary transaction). Until the debt crisis (2012) outbreak, the procedural legitimization of central banks had a more sporadic character. It was limited to the consequences of inadequate macroeconomic dialogue with other community institutions, primarily with the European Commission. With the adoption of new economic governance, there is also a significant redefinition of the basic principles of European monetary law (primarily in the area of the scope of the *lex monetae* in monetary traffic, the extraterritorial application of monetary sovereignty, and non-compliance with the provisions on collective responsibility for public debt) which caused far-reaching monetary disputes. By analyzing these cases, we can observe the best confirmation of the institutional, functional, and financial independence of the supreme EU monetary institution.

In monetary disputes, the request for an assessment of constitutionality and legality suffers from certain limitations, which the ECJ also confirmed in its decision regarding legal compliance with the ECB's measures on bonds purchasing on the secondary financial market (OMT program).[2] Although it might seem that ECJ's decision in the OMT case represents another confirmation of the tendency of community institutions to try to expand their competencies through the provisions of secondary legislation. In this particular case, the behavior of the ECB was not contrary to the requirements of primary monetary legislation and only represented a new way of manifesting its competence in crisis conditions aimed at preserving the assets of the EMU. Such action follows the principle of proportionality value. It is determined by the monetary targets, which in a broader view are in the function of achieving sustainable economic development, and where the fear of not knowing the objectives of the monetary policy can be replaced by strengthening the macroeconomic dialogue between the ECB and other public institutions. Otherwise, in consideration of administrative disputes in which the legality of the decisions of state regulatory agencies and bodies is resolved, in the majority of initiated cases, the court decides in favor of state agencies, which over time have become a typical example of the so-called intelligent organizations that learn from their own mistakes in the field of public management. In that process, these organizations have become superior in their work to other public authorities, which means that their actions represent an excellent example of the more successful actions of different bodies (Bajakić, Kos, 2016, pp. 23-34).

[2] Case C-62/14, Peter Gauweiler and Others v. Deutscher Bundestag, June 16, 2015.

4. The Role of the National Bank of Serbia in Financial Service Protection Mechanism

As the supreme monetary institution, the National Bank of Serbia (NBS) is autonomous and independent in performing entrusted functions. In line with other monetary institutions, the NBS's primary goal is to achieve and maintain price stability. Without questioning the achievement of its primary goal, it must contribute to preserving and strengthening the financial system's stability and providing support for implementing economic policy programs per the principles of a market economy.

Based on the functions of the leading central banks, the NBS today performs various functions, which need to be more definitively complete and may change over time. Thus, the NBS performs the following functions: 1) establishes and implements monetary and foreign exchange policy; 2) manages foreign exchange reserves; 3) determines and implements, within its jurisdiction, activities and measures to preserve and strengthen the stability of the financial system; 4) issues banknotes and coins and manages cash flows; 5) regulates, controls and improves the smooth functioning of payment transactions in the country and abroad, 6) issues and revokes banks' operating licenses, controls the creditworthiness and legality of bank operations and performs other tasks in accordance with the law regulating banks; 7) issues and revokes licenses for the performance of insurance activities, controls this activity, i.e. supervises its performance, issues and revokes authorizations for the performance of individual activities from the activity of insurance and performs other activities, in accordance with the law regulating insurance; 8) issues and withdraws licenses for the performance of financial leasing activities, supervises the performance of these activities and performs other activities, in accordance with the law regulating financial leasing; 9) issues and revokes operating licenses and licenses for the management of voluntary pension funds from companies for the management of voluntary pension funds, supervises this activity and performs other duties, in accordance with the law regulating voluntary pension funds; 10) issues and revokes payment institutions' licenses for the provision of payment services, and electronic money institutions' licenses for the issuance of electronic money, supervises the provision of payment services and the issuance of electronic money, and performs other tasks, in accordance with the law regulating payment services; 11) performs tasks of protecting the rights and interests of users of services provided by banks, insurance companies, financial leasing providers, voluntary pension fund management companies, payment service providers and electronic money issuers in accordance with the law; 12) determines the fulfilment of the conditions for initiating restructuring procedures of banks, i.e. members of the banking group and carries out these procedures, decides on the instruments and measures to be taken in the restructuring and performs other tasks related to the restructuring of banks, in accordance with the law regulating banks; 13) issues and revokes payment system operators' licenses for the operation of this system, supervises their operations and performs other tasks,

in accordance with the law regulating payment services; 14) issues and revokes authorizations for foreign exchange operations, controls exchange and foreign exchange operations and performs other operations, in accordance with the law governing foreign exchange operations 14) performs operations established by law or by contract for the Republic of Serbia without jeopardizing independence and independence as and other tasks within their jurisdiction (Law on National Bank of Serbia 2003).

The National Bank of Serbia is the supreme monetary institution in Serbian monetary law. It protects citizens (users) in the financial services domain as the supreme monetary authority. The mechanism of legal protection is determined by flexibility, orderliness, a well-branched scheme of conditions, procedures, and phases aimed at creating a credible, fair, and balanced monetary system on an altruistic basis (with an individual in the centre of the protection by providing solid and stable currency and secure and fair financial services). The normative framework of legal protection in which the NBS participates (in a more or less direct or indirect form) and concerns the submission of objections and complaints from the users of financial services (in the broadest sense of the word) includes the provisions of the Decision on the procedure for objections and complaints from users of financial services on the objection of a legal entity and the bank's action on that objection (2019), Decision on the procedure on the objection of the user of the insurance service (2021) and Decisions on how to protect the rights and interests of users of services provided by voluntary pension fund management companies (2019).

In the segment of providing legal protection that concerns the advertising of financial services, the authoritative legal source is the Decision on closer conditions for advertising financial services (2019), while in the area of guaranteeing the effective interest rate, it is the Decision on the conditions and method of calculating the effective interest rate and the appearance and content of the forms that are delivered to the user (2021). In the issue of payment accounts, the provisions of the Decision on a payment account with essential services, as well as the NBS Recommendation (2022) regarding the interest rates that would replace the reference interest rates that cease to be valid (CHF LIBOR and EONIA) are applied, while of all the mentioned types of legal protection must, without question, comply with the NBS Instructions on data electronic submission.

In circumstances where citizens believe that certain rights and interests have been potentially violated in dealings with a commercial bank, an insurance company, a financial leasing provider, a voluntary pension fund management company, a payment service provider, or an electronic money issuer, that is, if one of the aforementioned financial institutions does not adhere to good business practices - the NBS advocates the approach of directly addressing a specific financial institution as a precondition that precedes its intervention when the process of direct negotiation does not yield the desired results. Given that many problems can be solved quickly. Simply by directly addressing the financial institution, in this way, the work

of the supreme monetary authority is relieved in circumstances when the engagement of its potential is not necessary, which is the case in the conditions of an increasingly complicated and dynamic range of jobs and tasks in the countenance of monetary management and prevents the congestion effect. Suppose the financial institution does not answer after that, or the user is dissatisfied with the proposed solution. In that case, the user can send a complaint (objection) about the commercial bank's operation to the NBS. To protect the principles of legality, the NBS ensures the protection of rights and interests through a *comprehensive review* of the submitted letter and, if necessary, can also conduct a *mediation* procedure.

Financial services users can notify the NBS in writing form (i.e., file a complaint/objection) only if they previously addressed the concrete financial institution, which did not decide on the complaint within 15 days from the day it received the complaint (exceptionally, there is the possibility of extending this period for additional 15 days, with the obligation of the financial institution to submit a notification of the reasons which influence this delaying). If the financial institution has assessed that the objection is unfounded, and when no agreement has been reached at the proposal of the financial institution, the fastest and easiest way to submit a complaint or objection to the NBS is to fill in the appropriate *electronic form*, which can be accessed from the home page of the National Bank of Serbia website by selecting the proper link. Suppose the user submits a complaint in a*n accessible form*. In that case, it must contain information that enables identification of the user - name, surname, and address (for legal entities that include business name, registered office, registration number, and name and surname of the legal representative) and for the financial institutions business name and registered office). Besides that, it is necessary to submit a complaint addressed to the financial institution, the financial institution's response (if provided), a brief description, i.e. the reasons for submitting the complaint and what is requested by the complaint and other documentation based on which the allegations from the complaint can be evaluated. The financial service user who found his interest to be hurt user should file a complaint within *six months* from the date of receipt of the financial institution's response or the expiration of the deadline for submitting that response, except in the case of a complaint by legal entities (as loan beneficiaries) about the actions of banks, when that deadline is *three months.*

Users of financial services in the complaint submitted to the NBS must briefly describe the content of the disputed relationship, the time and place of its occurrence, and attach the financial institution's response if there is any. For the NBS to be able to act sufficiently, the law stipulates that the description should be such that it clearly and simply explains the problem that has arisen in doing business with a specific financial institution so that the NBS, after a complaint from a financial institution, would take particular measures in to protect the values and assets of the monetary system. The NBS renders its ruling within *three months* from the date of receipt of the

complaint/objection, and in more complex cases, that deadline can be extended by a maximum of three months, of which it regularly informs the parties in the proceedings.

The principle of efficiency and effectiveness, which are the basis of the public administration management concept, also finds its place in monetary and banking finances, not only in public finance. There are *alternative ways* of resolving disputes where the NBS acts as a mediator. A proposal to start a mediation procedure can be submitted before filing a complaint (objection), during its consideration, and after the end of that procedure if the parties are not satisfied with the course and results of the initiated procedure. The mediation procedure is carried out exclusively with the consent of both parties without compensation (which does not exclude the costs of travel, accommodation, and unpaid leave from work), who have a deadline of 15 days to respond to the call for mediation).

To bring the meaning of the justification of the existence of monetary management closer to citizens, the NBS, following the example of monetary institutions in comparative monetary legislation, has its own Information Centre where people can get basic information about banking services, as well as old foreign currency savings, banks in bankruptcy, replacement of damaged and out-of-circulation money, sale of jubilee money, exams for acquiring the title of the authorized actuary, exams for intermediaries, i.e. representatives in insurance, as well as the conditions for obtaining a license to carry out information about membership in a voluntary pension fund, exhibitions and seminars at the NBS and opportunities employment. The list of information is not exhausted here, which best proves the thesis that the domestic monetary legislator, first of all, places the monetary system in the function of usefulness to ordinary citizens, which is very important to note considering the earlier practice and the abandoned ideas about central banks as untouchable institutions whose work seems abstract and very distant from the everyday life.

On the other side, when it comes to the tort liability of the NBS, it has traditionally been limited to liability for damage that bank employees may cause through their work. It is interesting that during the last amendments to the law on the work of the NBS, a provision was introduced that provided for the exclusion of the objective responsibility of the bank, its bodies, and employees in the imposition of the principle of subjective responsibility, which effectively made it impossible for injured persons to receive compensation for damage caused by the illegal actions of the domestic central bank. On that occasion, the applicant of the constitutional complaint pointed out that on occasion where the constitutional rights of potentially injured persons were seriously confirmed, who (if the provision above had remained in force) would have been obliged to prove intent or gross negligence for the occurrence of damage when deciding in the National Bank of Serbia, which is against the principle established in Article 35 of the Constitution of the Republic of Serbia.

Otherwise, the level of engagement of the NBS in procedures for providing legal protection to users of financial services is best demonstrated by the fact that in the period from January 1 to June 30, 2021, 1,393 complaints

from users of financial services were very successfully processed and resolved, of which 62.3 percent related to the actions of banks, 37.3 percent to the actions of insurance companies, 0.2 percent to the actions of providers of financial leasing, and 0.1 percent to the actions of payment institutions and voluntary pension fund management companies (NBS, 2022). As stated in the report of the National Bank of Serbia, out of a total of 868 solved user complaints about the behavior of banks, the most significant number related to loans - 58.8 percent, payment accounts, and services - 24 percent, and payment cards -13.2 percent. In the mentioned period, 685 complaints against commercial banks were unfounded, while 183 were founded. Regarding complaints against insurance companies, 519 user complaints were resolved in the first six months, with the most significant number related to auto liability - 35.6 percent and accident insurance - 19.7 percent. If we analyse the complaints about the work of insurance companies, we can find that 400 were unfounded, while 119 complaints were found. The most significant number of objections to the actions of insurance companies in the observed period related to auto liability - 36.7% and insurance for the consequences of an accident - 17.7%. From January 1 to September 30, 2022, 96 proposals for mediation were received to resolve the disputed relationship between the financial user and the insurance company, and the parties in the mediation process accepted 26 joint proposals. In the observed period, 40 mediation procedures were conducted to resolve the disputed relationship between the user and the insurance company. An agreement was reached between the insurance company and the beneficiary in 13 completed mediation procedures that were performed before the National Bank of Serbia. Also, in five procedures, the parties agreed on a peaceful dispute resolution, which is solid proof of NBS's active and suitable role in disseminating mediation benefits among the public.

5. Conclusion

Monetary legislation has the characteristics of a *sui generis* legal source, which arise from the central bank's actions to protect monetary order and stability as a public good. In today's globalized circumstances, the central bank is one of the main subjects of the monetary order and supreme monetary legislator, which builds, preserves, and improves legal certainty and transparency with its broad regulatory authority. Its tasks, in that sense, are not only limited to maintaining price stability and inflation control but also to performing the role of financial user protector when it acts as a mediator, supreme interpreter, and judge in public monetary management. The normative framework of legal protection in modern monetary management is, therefore, efficient and purposeful because compared to the preservation of monetary stability as a more abstract and unknown concept to citizens, the central bank appears as the guardian of their immediate financial interests in this process, thereby contributing to their right to have a solid and stable currency, strengthening citizens' trust in monetary institutions (which includes commercial banks), their work credibility and care for the people everyday

needs. Also, the provisions on tort liability in the work of central banks confirm the importance of the rule of law in central bank affairs. This means that the absence of privileged public administrations that are not responsible for mistakes shall not be tolerated, and the central bank is no exception. In the transition over the last nine decades, the National Bank of Serbia has significantly improved the transparency and credibility of its operations and brought the complex regulations to get its work more understandable and closer to the citizens, setting itself up as a protector bank and supreme monetary institution from which they can receive efficient and free legal protection (where the large number of completed procedures confirms mentioned). Today, the NBS provides efficient and sustainable legal protection in connection with various financial services on the market, with the tendency to constantly improve. In that sense, NBS acts not only as a bank of all banks but also as a bank of people, perfecting the transformation of its administration on a more humane basis to preserve social and individual welfare and living standards.

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