The Pseudo-Technical Purge

Serbia's "Mrdić Laws" and the Re-Engineering of the Justice System

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In January 2026, Serbia adopted a package of amendments to core judicial statutes, informally labelled the "Mrdić laws", that together recalibrate key elements of the country's prosecutorial and judicial framework. While the legislative drafting of the package is formally technical and several political actors, including the law's namesake MP Mrdić, have framed it as primarily efficiency-oriented, the surrounding political discourse and the institutional context in which the reforms emerged suggest a more contested underlying rationale. In substance, the amendments introduce structural changes whose cumulative effect is likely to weaken the operational autonomy of Serbia's specialised anti-corruption prosecution and to further entrench hierarchical control within both the judiciary and the prosecution service. The reforms have already triggered visible resistance within the Serbian legal community, including public statements, professional appeals, and protest actions by prosecutors, judges, and civil society actors. The timing of the reforms is particularly salient, as they unfolded alongside a deeply contested election process for the High Prosecutorial Council, marked by repeated voting and open factional divisions within the prosecution service.

At the centre of the reform lies the restructuring of the Public Prosecutor's Office for Organised Crime (TOK), including mechanisms enabling the large-scale reassignment of prosecutors currently handling politically sensitive cases. Yet the significance of the legislative package cannot be understood by examining the TOK provisions in isolation.

The "Mrdić laws" illustrate a contemporary mode of rule-of-law erosion in which formal guarantees of independence remain textually intact and outwardly suggest only cosmetic adjustments, even as the functional capacity of key institutions is deliberately weakened. The Serbian case illustrates how targeted restructuring, rather than overt dismissal, can operate as an effective technique of prosecutorial and judicial neutralisation, exemplifying one of the many *legal cheating* strategies that have come to define Europe's rule-of-law backsliding over the past decade.

The legislative package: scope and architecture

The reform package amended statutes central to the organisation of the Serbian judiciary and prosecution service. The amendments target interlocking domains: the prosecutorial governance framework, the judicial organisational structure, and the civil service regime applicable to justice-sector personnel.

Uglješa Mrdić, Chair of the National Assembly's Committee on the Judiciary, Public Administration, and Local Self-Government, stated that the adoption of the package of judicial laws would only be the first step in returning what he described as a "hijacked judiciary" to the state and the people of Serbia. He said that the reforms would no longer be governed by, in his words, "alienated centres of power under foreign control."

The legislative process itself drew criticism. The reforms were adopted through an expedited procedure, omitting the type of inclusive expert deliberation typically expected for structural judicial reforms.

Several of the adopted solutions conflict with applicable international standards and, more specifically, risk undermining the trajectory set by the 2022 constitutional reforms. The 2022 reforms were designed within the EU accession framework to depoliticise the judiciary and prosecution service by reducing direct political influence over appointments and dismissals, thereby encouraging greater self-governance within the justice system. Against that

baseline, the current legislative package risks reversing these developments, illustrating how the European model of judicial self-governance may itself become vulnerable to abuse where hierarchical powers of chief prosecutors and court presidents facilitate tighter internal control over rank-and-file judges and prosecutors.

The Centre for Judicial Research (CEPRIS), a Serbian judicial policy think tank, identified several highly contested elements of the reform. These include abolishing the High Prosecutorial Council's commission responsible for reviewing objections to mandatory prosecutorial instructions, requiring ministerial consent or approval for prosecutorial international cooperation, and reassigning appointment competences for the Special Prosecutor for High-Tech Crime. Further concerns include the possibility of additional mandates for court presidents and acting high chief prosecutors, potentially enabling certain incumbents to extend their tenure and preserve hierarchical influence over judges and prosecutors; and the establishment of a new ordinary court and prosecutor's office in Belgrade, which may reshape territorial jurisdiction and the distribution of politically sensitive cases. Taken together, these developments will effectively dilute the functional safeguards that the 2022 constitutional amendments sought to strengthen.

The effects of the amendments are highly asymmetrical. While formally system-wide, the reforms disproportionately affect the institutional stability and personnel continuity of specialised prosecutorial bodies, most notably the TOK.

The functional core: restructuring the TOK

The most consequential element of the reform concerns the large-scale reassignment of prosecutors currently serving in the Public Prosecutor's Office for Organised Crime (TOK). This intervention would be significant under any circumstances. In the present Serbian context, however, it acquires particular constitutional salience because the TOK is not a routine specialised body: it currently carries the burden of some of the most politically sensitive proceedings in the country, including cases directly implicating senior public officials and politically exposed figures.

Under the new framework, a significant number of prosecutors assigned to the TOK are required to return to the previous posts that they held before the TOK was established decades ago, without their consent and within a short transitional window. Formally, this does not constitute a dismissal. Prosecutors remain in service and retain their status. Yet the functional impact is far more disruptive. Complex organised crime and corruption investigations rely on continuity, accumulated case knowledge, and stable investigative teams. According to the Statement of the Collegium of the Public Prosecutor's Office for Organised Crime, abrupt personnel turnover risks fragmenting prosecutorial strategy, delaying proceedings, and creating procedural vulnerabilities precisely in those cases where institutional robustness is most needed.

The current case portfolio of the TOK underscores why personnel discontinuity matters. The office handles high-level corruption cases and, among other matters, pursued the investigation into Culture Minister Nikola Selaković in the "General Staff" case. It is also responsible for investigating corruption charges in the fatal canopy collapse at the Novi Sad railway station in November 2024, a focal point of public outrage and a catalyst for sustained protests against the government, with widespread suspicion that systemic corruption in major infrastructure projects has contributed to the tragedy. Restructuring a specialised prosecutorial body while it is handling politically sensitive investigations risks blurring the line between neutral administrative reform and functional interference.

This mechanism represents a paradigmatic example of neutralisation through reassignment. Rather than directly removing prosecutors, an approach that would trigger visible international scrutiny and citizens' outrage, the legislature has opted for a formally lawful restructuring that nonetheless can still produce effects functionally comparable to a partial institutional purge.

Officially, the reforms are justified as measures to improve efficiency and coherence and to address

perceived dysfunction within specialised prosecutorial bodies. Yet, considering the politically sensitive environment and the nature of the cases they currently handle, the reforms carry clear hallmarks of subverting the rule of law.

Formal compliance and functional erosion

One of the most striking features of the "Mrdić laws" is not merely their formal restraint but their sustained insistence on ostensibly technical adjustments that, in practice, significantly recalibrate the balance of power within the justice system.

Contemporary rule-of-law erosion increasingly operates through compliance-preserving subversion: maintaining the outward form of independent institutions while altering their internal operating environment to reduce their competencies effectively. The Serbian reforms fit squarely within this emerging pattern.

EU conditionality and the problem of grey-zone reforms

The European Union has already expressed concerns over the amendments, framing them as a potential step backwards in Serbia's accession trajectory. Yet the episode also exposes the structural limits of existing rule-of-law monitoring frameworks.

EU conditionality mechanisms focus heavily on formal legal compliance: constitutional guarantees and statutory alignment with international standards on paper. They struggle to identify reforms that preserve formal guarantees while effectively eroding operational independence. The Serbian case thus reinforces the need for rule-of-law assessment tools that assess institutional reforms more functionally and can detect institutional neutralisation by design. It simultaneously underscores the structural limits of a centre–periphery model of EU rule-of-law promotion that privileges formal convergence over functional scrutiny.

The Venice Commission is said to prepare its opinion on the reform package, which will hopefully provide a more granular analytical framework for assessing the cumulative impact of these changes on the functioning of the Serbian judiciary.

Institutional re-engineering and the changing logic of capture

The "Mrdić laws" illustrate the evolving grammar of rule-of-law erosion in contemporary hybrid regimes. Rather than openly dismantling prosecutorial independence, the Serbian legislature has pursued a more calibrated strategy: targeted restructuring, hierarchical consolidation, and large-scale personnel reshuffling.

Individually, many of the amendments can be presented as technical or efficiency-driven. Taken together, however, they stand to substantially erode the continuity and specialised capacity of Serbia's anti-corruption prosecution at a particularly sensitive political juncture with potentially far-reaching implications for the country's political trajectory.

For observers of democratic backsliding, the lesson is increasingly clear: today's most consequential threats to prosecutorial and judicial independence rarely come through overt dismissal or formal constitutional overhaul. Instead, they materialise through calibrated institutional redesign that preserves legal form while shifting the underlying distribution of power.

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