

CONSULAR FUNCTION IN THE CONTEXT OF THE VIENNA CONVENTION

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Abstract

The paper contains a comprehensive overview of the essential determinants of consular law, consular functions, as well as an analysis of administrative law elements used during the performance of consular duties. It is stated that there are certain problems in the application of the law of the receiving state, which the sending state is obliged to respect. The principles and norms of administrative law and administrative procedure of the receiving state are difficult to apply in their entirety due to the need for speed of procedure, especially where the exercise of certain property or status rights of citizens of the sending state is at stake. In this regard, the paper states that according to the Vienna Convention on Consular Relations of 1963, there are certain diplomatic and political competences and functions of consular duties, while a part of the functions relate to purely formal-legal functions. The paper approaches the analysis of benefits, privileges and immunities in a completely new way, with the conclusion that the degree of privileges for persons performing consular duties is really high, that they to a certain extent help to perform consular duties both economically and efficiently, but also that in certain cases they violate the criteria of rights and freedoms that the receiving citizens have, and that there are privileges that can be turned into abuse. As one of the possible points of abuse, the paper accepts the possibly unconstitutional and illegal actions of the sender, with the aim of disrupting the stability of the recipient state. Despite this, the conclusion of the work is that consular law should be developed in the context of the intentions set by international conventions on consular relations and affairs.



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1. INTRODUCTION

Although there have been numerous elements of the development of diplomatic missions throughout history, it can be said that the structure and functions of diplomatic or consular functions are relatively permanent and have not been fundamentally changed or modified much. The mid-20th century was of crucial importance for the functions of diplomacy and consular affairs, when a certain codification of customary norms occurred and diplomatic law was conditionally established as an integral part of international public law. During that period, from 1961 to 1975, conventions were adopted and entered into force that legally shaped the previous practice and needs of diplomatic affairs in the global context (Dašić, 2013). What is particularly important is that the adoption of conventions regulating diplomatic relations and diplomatic activity also regulated consular affairs in a more concrete way, in a way that specified and partially determined the manner and conditions for their implementation. On the other hand, it is a kind of unification of administrative procedures by which certain documents are obtained or certain rights are exercised on that basis. That is why the conventions helped administrative procedures because until then, a special administrative procedure was conducted in the work of consular bodies that did not have legal sources, so according to a principle of subsidiarity, the norms of general administrative procedure were applied, which are acceptable from a general theoretical point of view, but which in some types of procedures, with regard to procedures and deadlines, greatly slow down the processes of adopting administrative acts and undertaking administrative actions for diplomatic bodies. During the history of diplomatic relations and consular relations and affairs, and especially during the 20th century, diplomatic and consular law developed as newer branches of law. It also defined its subject of study and they were defined as concepts. Diplomatic and consular law is understood as a set of all provisions of international law that relate to the rights and duties of states in relation to diplomatic relations,

functions, privileges and immunities of diplomatic missions and diplomatic staff, as well as other members of diplomatic missions (Pašić, 2008). From such a definition of the term diplomatic and consular law, one can understand the international community's effort to regulate relations, situations and processes established between states in international legal relations with general norms and to regulate these issues in a more concrete, codified and unified way with legal norms. For this reason, especially in the last century, a series of bilateral and multilateral treaties and eventually conventions on diplomatic and consular relations were adopted. This was facilitated by the rapid progress of civilization and IT technology, especially the need to ensure a greater flow of people, goods and capital. It is important to note that the character of consular affairs is determined by the very meaning of the term diplomatic and consular relations. In this sense, diplomatic relations mean official relations between states. The establishment of diplomatic relations should be distinguished from the establishment of diplomatic missions in states with which diplomatic relations exist, because diplomatic relations can exist even if permanent diplomatic missions have not been established between the states in question. The establishment of diplomatic relations requires the mutual consent of the respective states, as well as the establishment of their permanent diplomatic missions, as stipulated in Article 2 of the Vienna Convention on Diplomatic Relations (Pičuljan, 1999). In addition to the aforementioned legal prerequisites for the functioning of consular offices, or for the performance of consular duties, there are other legal acts that are a material source of law. These are regulations on property relations, inheritance law, compulsory law of the receiving and sending states. It is particularly necessary to know and apply administrative procedure in terms of principles and procedural legal actions and procedures that are carried out during the performance of consular duties. Consular duties, unlike diplomatic duties, are characterized by the fact that they are of a specific administrative or legal nature. Therefore, a necessary condition for the consular function is

the application of the norms of international law, the norms of the receiving state and the norms of the sending state, depending on the legal matter that is in the process before the consular office. For the purpose of the research, the scientific and research subject of the work was defined, which includes the historical and ontological dimension of the international legal institution of the consulate and consular law, with a special focus on the codification and adoption of the Vienna Convention on Consular Relations, as well as other documents regulating the area of consular law, the general legal conceptual and content-functional structure of consular affairs, the international legal treatment of the consular function, the normative determination of the structure and functions of the consular function in the Vienna Convention on Consular Relations, and fairness of law in the context of the Vienna Convention on Consular Relations. The aim of the work is to highlight and point out all important relevant legal theories and factors of a legal and political nature, the structure of legal institutions of consular functions and consular affairs and social implications, as well as the specifics and legal position, roles and functions of consular affairs, noting that the problems of the consular office and affairs, to a lesser or greater extent, occur in an identical way in all states. The work presents general legal theoretical knowledge, positive legal solutions as well as some practical experiences in the realization of consular functions. The basic research goal is to determine in a scientifically objective manner the nature, legal determination, form and functions of consular offices and consular affairs in the context of the Vienna Convention on Consular Relations, in order to provide a contribution to the scientific understanding of the problem, i.e. the acquisition and deepening of scientific theory on the essential issues that scientific thought deals with when it comes to consular law, as well as to include research and analysis of indicators of the completeness and adequacy of the provisions of the Vienna Convention on Consular Relations. According to the complexity of the subject of the work, its complexity and multidimensionality, for its explanation there is a need for a functional, structural, deductive, inductive and systemic,

ethological approach. Based on the topic, the subject of the work and the stated goal and tasks of the work, the following hypothetical assumptions were made: that the Vienna Convention on Consular Relations contributed to the process of strengthening consular relations, the role, mission and functions of consular missions and in a certain way influenced the unification of procedural legal actions and procedures that are carried out in the conduct of administrative procedures within the framework of consular affairs; that through its historical origin and development, the consular function has retained its properties and function and that, despite numerous weaknesses, due to its ideological and theoretical strength, it has remained an integral part of international public law in all states in the world; that the fundamental role and mission of consular affairs is in administrative and professional-legal affairs that are aimed at protecting the rights of the sending citizen in relation to the legal system of the receiving state; that there is a polyvalence of the consular function, in terms of the work that consular offices perform in accordance with the law of the receiving state and the work that consular departments perform in the application of the legal system of the sending state.

2. CONCEPT, ORIGIN AND DEVELOPMENT OF THE CONSULAR FUNCTION

In order to better understand the function and organization system of the consular function, it is necessary to approach it from its ontogenetic point of view, that is, to determine the patterns of origin, primary function and historical development of the consular function, including the factors that determined what kind of model the consular function will be in a certain time. In this direction, it is important to determine the very meaning of the concept of consular functions, both etymologically and substantively. Consular functions had different specific values in their origin and their social influence had completely different elements, in particular, that for many years the consular function was beyond the reach of international public law. International public

law was established only during the 19th century, and in the 20th century it acquired the necessary dimension that corresponds to the requirements of international economic and political relations. Legally and logically, it is an indisputable fact that the consular function is an integral part of the functions of international law, that it is determined by legal norms of a public law character and that its understanding is impossible without first accepting the viewpoint of international law in general, and especially of diplomatic-consular law and finally of consular law itself. The concept of consular law is extremely complex and intricate. Its understanding is influenced by a number of determinants of a legal and political nature, and consular law is both an integral part of diplomatic law and its specifics (Omerović, 2025). In this context, it is necessary to reveal the origin and constellations of diplomatic law, from which consular law also emerged. Diplomacy is accepted in its basic meaning as the management of international relations through negotiations. The terms diplomacy and diplomat have been in general use since the 18th century, and etymologically the word diplomacy derives from the Greek word *diploma*, which means document, but also the meaning of paper that was folded. The emergence of modern diplomatic services occurred after the division of the Roman Empire in 395, and it developed rapidly only from the mid-17th century, and then certain ideas and requirements were formed when it came to the diplomatic function. In its origin and functions, the diplomatic function had a number of functions, and was heterogeneous because it was treated differently in some states. However, during the 18th and 19th centuries, diplomatic and consular functions crystallized, and after that, during the 20th century, with the development of international law, there was also the codification of diplomatic and consular law and, of course, the unification of procedural legal norms governing the organization, functions and obligations of consular bodies. The definition of the term diplomatic functions and diplomatic law most often includes the definition of the term consular law (Đorđević and Mitić, 2000). Diplomatic law is primarily defined as a part of international

public law, and then as a legal branch, which consists of rules that regulate diplomatic and consular relations in the international community. These are the relations between states, and between states and international organizations. Legal theory considers these rules to be the earliest and most authentic source of public international law (Avramović, 2006). Throughout history, it happened that groups of independent states maintained relations in a kind of coexistence. In such situations, special customs were formed about their mutually established different relationships, and over time these relationships turned into customary norms and unwritten rules. The functional meaning of the term diplomacy is also found as an instrument that protects national interests, ensures the implementation of a certain policy, influences public opinion in other states and in the international community as a whole. It is necessary to know that the concept of diplomacy is much broader than administrative tasks, which in this context are performed in a state for the citizens of another state. What characterizes diplomatic relations is the fact that they are established even in the war relations of some states and function independently of whether there is a state of war or not. These relations take place and are established through the competent bodies of the state government or international organizations, which carry out certain diplomatic missions. In its basic meaning, consular law is a set of international legal rules that govern the relations of consular missions, their rights and duties in relation to the consular service, its activities and consular bodies. Accordingly, consular law regulates consular rights, obligations and responsibilities and consular relations, their establishment and content, and the activities of the bodies that exercise them. In this sense, consular law is an expression of international public law's efforts to regulate relations between consular bodies and the functions they have in a concrete way. Requests for such functions of consular law followed only in recent times. The problems of the legal position of foreigners, the fluctuation of capital and labor force and the need to improve economic relations in the world conditioned the tendency of almost all states in the world to have

a uniform way of regulating certain types of international relations, and the act of their codification and unification. This was also the reason for the development of consular law and its establishment as a subject dealt with by international public law. Until the adoption of the Vienna Convention on Consular Relations, the usual norms of international law were valid. It should be noted that the Vienna Convention on Consular Relations itself stipulates that relations between states that are not its signatories will be established relatively normative relations, either through bilateral agreements, contracts, or through the application of norms of customary international public law (Degan, 2006). From this, it can be concluded that there is a pronounced tendency for consular functions and consular relations to undergo codification, and it is especially important that they be unified in order to enable the realization of the human rights of foreigners and the economic efficiency of all states through an unimpeded or the simplest system of flow of goods and capital between states.

2.1. Consular function

Consular missions are mainly focused on the authority of immediate affairs for the citizens of the state they represent. Basically, the consular function has an administrative legal character and belongs to the domain of public law. During the history of diplomacy, the consular function established certain rules that were primarily the subject of legal theory and legal science, and then consular law was formed. In its definition, consular law defines its content and subject of study. From the determination of the content of consular law, it follows that it is a set of legal rules that regulate consular relations, their establishment and content, and the activities of the bodies that implement them. After the establishment of consular law, there followed a series of bilateral treaties and multilateral agreements on consular affairs, and finally, in the middle of the 20th century, there followed conventions that regulated consular relations in a general way, which until then were mostly uniform and somewhat unified, and consular affairs were performed with the application of

customary norms. For this purpose, the bearers of consular functions are consular offices, namely the consulate general, consulate, and vice consulate or consular agency, as well as diplomatic missions. In accordance with the Vienna Convention on Consular Relations, consular functions include the protection of the interests of the sending state and citizens in the receiving state, within the framework of international law or a bilateral agreement between the receiving state and the sending state, with the provision that the sending state's laws apply to the sending state's citizens and that the consulate must take care of them (Dimitrijević, 2007). The consular function also includes promoting the development of relations between the sending state and the receiving state, the character of which is more of a political nature, but in a certain sense, the consulate's activities specifically support the development of economic and trade relations. The consular function also has the role of collecting information and providing information about the receiving state, which is slowly losing its effect due to the development of digital technologies and the availability of information. The consular function also consists in the performance of direct administrative and professional services, which consular departments provide to their citizens who have the status of a foreigner in the receiving state, that is, to citizens of the receiving state who want to travel to the sending state on various grounds, in which performance the principles and procedural-legal actions of administrative law and administrative procedure are applied. Most often, this refers to the issuance of personal documents and visas. The consular function also refers to the provision of various types of assistance, most often advisory, for persons who are from the sending state and want to perform some legal action, such as the conclusion of a contract, transfer of ownership, inheritance rights, trade, business relations and the like. Consular functions also include certification of appropriate documentation, statements, photocopies of documents, mediation of obtaining documents from registry offices and the like. In this sense, the Vienna Convention on Diplomatic Relations limits this right and the consular function and binds it to the domestic

regulations and jurisdiction of the receiving state. Consulates also provide information on heirs and perform certain representation services in inheritance relations, within the framework of the legislation of the receiving state (Micu, 2020). The consular function also includes the protection of the interests of minors and other legally incompetent persons, in certain cases the obligation to carry out the procedure for appointing guardians and assuming certain rights and obligations, on behalf of minors or persons deprived of legal capacity, who have certain rights and obligations in the receiving state. Its role is also to participate in the procedure for taking measures to ensure appropriate representation before the courts or other bodies of the receiving state, in order to protect the rights and interests of its citizens, when they cannot defend their rights and interests in a timely manner, as well as all other functions that the sending state entrusts to the consular office, and are not prohibited or not opposed by the receiving state.

2.2. Consular relations

An essential category of consular relations is consular capacity, which refers to international legal legitimacy exclusively of the state, and not of other international legal entities. The sending state needs the prior consent of the receiving state for the purpose of opening consular offices, their headquarters and scope of work, as well as the appointment of consular officials. International law, as well as the Vienna Convention on Consular Relations, does not stipulate reciprocity of consular relations, which means, for example, that the sending state, in order to open a consular office, does not have to grant this right to the receiving state beforehand. The Vienna Convention on Consular Relations stipulates that for the consent to establish diplomatic relations between two states, consent for the establishment of consular relations is also required, unless otherwise stipulated by a bilateral agreement between the two states. As a presumption, tacit consent is sufficient for the establishment of consular relations. The issue of breaking consular relations between states is also specific. The Vienna Convention on Consular Relations provides that the termination of diplomatic

relations does not automatically mean the termination of consular relations, which can therefore exist in all their functions, regardless of the existence of diplomatic relations between states (Berković, 1995). This is possible given the character and functions of diplomatic relations, unlike consular ones, and it should be taken into account that diplomatic affairs are political in nature, and the condition for their existence is the establishment of good political relations between two states. In contrast, consular affairs have a legal administrative character and can be carried out in accordance with legal systems regardless of the value component. In this regard, the function of public international law is very important. Consular relations between two states cease in cases where both the receiving and sending states agree to this and sign an agreement on the termination of consular relations with clearly defined elements of the termination of consular relations; upon the outbreak of war between the receiving and sending states, because the state of war prevents the smooth performance of consular affairs, and it can be assumed that the need for them has rapidly decreased due to the war; and if there is a loss of international subjectivity, because consular, as well as diplomatic, relations can only be established between internationally recognized states. In the event that one state, whether the receiving or sending state, loses international legal subjectivity, it is automatically considered unable to establish consular relations. There is no doubt, and what follows from the Vienna Convention on Diplomatic Relations, that consular relations are almost assumed between all states in the world, and that this is an international legal standard. In this sense, the Vienna Convention on Diplomatic Relations states that since ancient times consular relations have been established between nations, which indicates that the status of consular representative is an integral part of customary international law and that the assumption is that there is a willingness in all states to establish consular relations, which is an attitude that does not apply to diplomatic missions. The Vienna Convention, in addition to codifying the norms of consular law and unifying certain consular procedures in a certain way, brings the status of consular officials closer to that

of a diplomatic representative, thus making it clear how important consular relations and consular affairs are for the international community. Considering that a significant part of human rights is realized through consular affairs, by affirming consular relations and affairs, the Vienna Convention makes a move in the direction of strengthening the position for the realization of human rights. In performing consular duties, sending states may, depending on their needs and possibilities, as well as the norms of international public law, have different forms of performing consular duties in the receiving state. A consular office is the most adequate body for performing consular duties. Consular offices, in any variant, do not perform political duties or duties related to relations with the government or one of its ministries of the receiving state. Unlike a diplomatic representative, who represents his state in the receiving state, a consular official does not represent his government towards the government of the receiving state. This means that he has no diplomatic significance or function, but has predominantly non-political functions. Consular offices perform administrative duties for citizens who are foreigners in the receiving state. Globally speaking, these most often concern status issues of citizens of the sending state, then tasks of representing citizens of the sending state and tasks of a different nature. The duties of consular missions do not have diplomatic significance, but only certain non-political functions in accordance with the Vienna Convention on Diplomatic Relations and other acts of international public law. Regardless of the category of consular officials, whether they are career consular officials or honorary consular officials, they must perform specific tasks of an administrative-professional nature and fulfill obligations in accordance with the regulations and deadlines established in the regulations for the implementation of a special administrative procedure. Consular officers have special treatment in consular offices. These are persons who perform administrative-professional or general tasks of a consular or other nature in the consular office. It should also be noted that the notification to the Ministry of Interior of the receiving state must also be made in the case of

family members of the head of the consular office. The notification must state the exact date of arrival or departure of family members of the head of the consular office (Berković, 1995). Consular relations are part of international public law and are based on the type, character and content of relations between states. In relations between states, the norms of international law, customary norms, which have arisen in the course of history, are applied. Legal science, especially international law and with it consular law, has determined the general legal principles of international law that are contained in international law (Lapenda, 2007). On the basis of these principles, the legal principles of relations between states have been singled out, which directly or in a certain sense indirectly affect consular relations and consular affairs. Although there are general legal principles, principles of international law, as well as special principles, which exist in every legal branch and discipline dealt with by international public law, through the relatively short history of international law, principles have crystallized that affect consular relations and consular affairs to a certain extent. They are to a lesser or greater extent connected with consular relations and consular functions. Their application and compliance is mandatory for both the receiving and sending states.

2.3. Privileges, immunities and privileges of consular staff

The Vienna Convention on Consular Relations regulates privileges and immunities in order to contribute to the promotion of friendly relations between states, regardless of the differences in their constitutional and social systems. The purpose of privileges and immunities is not to create preferential treatment for individuals, but to ensure the effective performance of the functions of consular posts. The premises of the mission are inviolable, as are the archives and documents of the mission, while the personnel, during the performance of their duties, are protected by the receiving state, with the aim of enjoying personal inviolability and the impossibility of being subjected to arrest or detention. Consular officials and consular officers are not subject to the jurisdiction of the judicial and administrative

authorities of the receiving state for acts committed in the performance of consular functions, but not in the case of civil lawsuits initiated on the basis of a contract concluded by a consular official or consular officer (Berković, 1995). In today's modern world, the importance of diplomatic and consular functions is becoming increasingly pronounced, and in this sense, there are numerous academic works that deal with issues of diplomatic and consular rights, although they all mainly rely on sources of law of persons performing diplomatic and consular duties. In order to analyze the diplomatic-consular rights and privileges, it is necessary to consider what all the obligations are in the context of the performance of diplomatic and consular duties performed by the person, i.e. which rights derive directly from legal sources, and which have essentially been established over a certain time, as customary rules, which results from the basic function of diplomacy.

Based on the obligations and tasks of the diplomatic-consular mission, a number of legal and factual situations arise with defined or undefined legal or customary status and authorizations of persons who perform these tasks on behalf of diplomatic-consular missions. It is an established opinion that these are jobs of special state interest and that the people who perform them are especially trustworthy. Thus, there are privileges enjoyed by persons who perform important tasks for the state, and which arise not only from the fact that these are tasks of special interest, but also because certain legal and factual prerequisites need to be created for this type of tasks so that the persons performing them can perform them as quickly and efficiently as possible. That is why these people must be given certain social privileges that they can use in the context of the aforementioned principles of efficiency and speed. Therefore, according to the aforementioned status and procedural rights, it can be concluded that the members of the diplomatic-consular mission are in a special, relatively privileged position and that they are granted greater rights compared to the local population. Legal theory especially accepts the issue of not being subject to the legislation of the

host country, which can be a reason for certain practical abuses to a considerable extent. In addition, from a security point of view, the complete inviolability of transcripts, communications and apartments inhabited by persons working in diplomatic consular missions, along with a number of other factual situations, which can be used in a negative way by persons working in diplomatic bodies, seems controversial. In order that there would be no absolute freedoms in the granting of privileges that could affect the security of the host country, the Vienna Convention also provided for certain deviations from these absolute rights. Accordingly, the privileges and immunities of the diplomatic and consular missions, those related to the work of the mission, and the privileges and immunities of the members of the consular mission differ. In addition to the privileges of the mission and its work, such as the inviolability of premises, protection of archives and documents, immunity of means of transport, inviolability of residence, and freedom of communication, the privileges and immunities of the members of the consular mission should be mentioned, namely the inviolability of the person, immunity from jurisdiction and freedom of movement. In any case, it is necessary to appreciate the fact that the Vienna Convention made clear distinctions between the holders and types of privileges granted by it, and that it distributed them accordingly, all with the aim of a better and more efficient organization of the consular mission.

2.4. The significance of the Vienna Convention on Consular Relations in the context of the fairness of the rights and position of foreigners

It is generally known that the process of codification and unification of norms, both substantive and procedural, is of crucial importance for the functions of consular law. In this context, the enactment of the Vienna Convention on Consular Relations and other international legal acts, which regulate the organization and work of consular offices, consular affairs, and the rights and obligations of consular employees, represented a great advance in the direction of normalizing relations that until then were governed by the principle of customary

law. Legal norms codify customary norms and establish the manner of relations between the receiving and sending countries. The features of the Vienna Convention on Consular Relations are indisputable, especially in two segments, for the codification and unification of the norms of customary international public law, which refers to consular law, and strengthening the legal position of foreigners in the context of creating more favorable conditions for legal predictability and legal certainty of foreigners. While the first feature of the Vienna Convention on Consular Relations can be said to fall within the domain of real and expected processes, from the perspective of public international law, the second feature can also be classified in the area of philosophy of law and the fairness of law. If we treat the fairness of law from a formal perspective, then the Vienna Convention can be said to be fair because, by codifying and unifying consular relations and consular law, it contributed to the establishment of legally established relations and, in a necessary manner, regulated the relations between the receiving and sending states, the organization, working methods and functions of consular offices and the rights and obligations of consular officers and the head of the consular office. The Convention thus introduced a formalized order that, although it existed in a procedural sense, these norms were unwritten or were fragmentarily established in the customary law and practice of many states. In terms of content, the Vienna Convention, by establishing a normative order in the field of consular relations, has contributed to creating conditions for the exercise of the rights of foreigners who, as citizens of the sending state, find themselves in the receiving state, where they need to exercise certain rights. These are a number of rights in the domain of property-legal relations, family relations, inheritance rights and rights based on administrative and civil proceedings. For these reasons, the establishment of the Vienna Convention in international public law is a significant contribution to the fairness of law, and it is a certain contribution to the fairness of law, while respecting the dimensions of the exercise of human freedoms and rights. (Subašić and Čupurdija, 2015).

CONCLUSION

The paper pointed out the essential elements and factors that determine the consular function and highlighted the norms of the Vienna Convention on Consular Relations, as a fundamental legal act for the organization and functioning of consular offices. Also, the paper presents a critical overview of the effects of privileges and immunities, which the officers and heads of consular offices have. One can hardly talk about the balance of arguments for or against, because in the end, the only stronger argument for the existence of the institute of privileges and immunities was an extralegal, not a legal argument, that is, the very existence of privileges to a certain extent discredits legality and law. The paper also confirmed the hypothesis that the Vienna Convention on Consular Relations, which led to the codification of customary norms of international public law, contributed to the process of strengthening consular relations, the role, mission and functions of consular missions and in a certain way influenced the unification of procedural legal actions and procedures, which are carried out in the conduct of administrative procedures within the framework of consular affairs. Special hypotheses confirmed the general hypothesis, and in the segments they treat, they confirmed that through the historical origin and development, the consular function has retained its properties and functions, and despite numerous weaknesses, due to its ideological and theoretical strength, it has remained an integral part of international public law in all states of the world. The conceptual foundation of the existence of the consular function is a humane goal, derived from the legal theory of natural law and the human freedoms and rights based on it. In most states there are consular representations of other states, sending offices, and as such, they are an integral part of the foreign policy system of every state in the world. The adoption of the Vienna Convention on Consular Relations specified the organization, organization and competences of consular offices, and therefore it can be concluded that the fundamental role and mission of consular affairs is in administrative and professional-legal affairs, which are aimed at protecting the rights of the

sending citizen in relation to the legal system of the receiving state. The Vienna Convention on Consular Relations, as a fundamental act, regulates the content of powers, conditions, manner, procedure and procedures to be followed in the process of issuing certain acts or undertaking certain legal actions in favor of exercising the rights of the sender's citizen in the receiving state. Such procedures and the notification procedure serve the purpose of creating strict procedural rules and preventing dysfunctions in the field of consular relations between the receiving and sending states. For the relative stability of the performance of the consular function, the existence of privileges and immunities is necessary, which results from the character of consular duties, which should not be restricted. This particularly refers to freedom of movement, non-punishment for minor traffic violations, freedom of communication and immunity from criminal law with certain limitations. Emphasized privileges can sometimes, to a certain extent, produce a feeling of inequality among people before the law, and in the modern world they lose their meaning and utility value. The existence of polyvalence of the consular function is present, both in terms of the tasks that consular offices perform in accordance with the law of the receiving state and the tasks that consular departments perform in the application of the legal system of the sending state. Polyvalence also applies to numerous branches of law that are used in the work of consular offices, such as family law, property law, inheritance law, compulsory law, and especially administrative law and administrative procedure. The most important thing is that when obtaining documentation and when issuing certain certificates and certificates for citizens of the sending state, the provisions of the law on administrative procedure must be directly applied. In the process of drafting individual legal acts and the process of undertaking certain factual actions of consular affairs, the Vienna Convention on Consular Relations is applied in the function of justice of law, which arises from the fact that it has codified the norms of international public law that relate to consular law. It follows from everything that, thanks to the Vienna Convention

on Consular Relations, today we have codified norms of consular law from the point of view of their immediate application and unified actions and procedures of consular bodies, as well as that today's model of consular law is adequate to the needs of all states in the world. Unlike the diplomatic function, which derives its foundation from the politics of interstate and international political relations, the consular function is in the service of the immediate realization of the freedoms and rights of citizens. This can be especially noted for the rights of foreigners in a state. It remains to be seen what further impact the Vienna Convention on Consular Relations will have, especially if we take into account the changes taking place in the field of administrative law and models of electronic and modern administration. It is necessary to consider the possibility that some consular, namely administrative functions, in accordance with the already started practice of concluding reciprocity agreements, be relocated from the receiving state to the sending state and vice versa. This would mean the gradual abolition of some consular functions. Like all social processes, the consular function is subject to changes over time, and it can rightly be assumed that a more pronounced scientific and lay critical reception of the model of consular affairs and consular offices and their social and interstate effects will soon follow, and that legal science, and especially Consular Law, will be challenged to determine the future of the consular function and the model established by the Vienna Convention on Consular Relations.

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