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RESEARCH OF CORRUPTION IN THE REPUBLIC OF SERBIA

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Abstract: *In the functioning of the state and society, there are phenomena that, unequivocally, cause damage and have a multidimensional character. One of such phenomena is corruption. As a negative phenomenon in various social activities, corruption is recognized in all countries, and the fight against this deviation calls for zero tolerance. However, it is evident that despite the declarative commitment to eliminate corruption, corruption is actually getting stronger, which in addition to direct damage, primarily of a material nature, leads to a weakening of the reputation of the state in international relations.*

This paper was initiated by the data published by Transparency International on corruption for the year 2021, from which it can be seen that the Republic of Serbia has fallen several places on the scale of countries in the world. This paper is an attempt to determine the attitude towards corruption in the Republic of Serbia, as well as the attitude towards this scourge on the part of the wider public. The paper used the results of the research on the attitude of the public towards corruption in the Republic of Serbia, in which the author of this paper participated. The research was carried out for the needs of the Agency for the Prevention of Corruption. Also, the paper analyzes the attitude towards corruption as a security threat in the strategic documents of the Republic of Serbia.

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The aim is shown by certain data from the research on corruption in Serbia. The methods we have used include content analysis and immediate field research. The starting point of the research is the following: corruption is a security threat definitely widespread in Serbia, and research into this deviation is absolutely justified.

Keywords: Republic of Serbia, corruption, threat.

INTRODUCTION

Although it cannot be reliably determined when corruption first appeared and was mentioned as a term in the vocabulary, the fact is that this phenomenon has been known since ancient times, so that some authors claim that it is as old as civilization, which they illustrate with numerous examples (Božić, Nikač, 2018: 359-360).

Etymologically, the word corruption comes from the Latin word *corruptio*, which in translation means corruption, depravity, debauchery, bribery, bribing, spoiling, rotting, decomposition, forgery (Vujaklija, 1980:472). Over time, the problem of corruption began to be addressed both in theory and practice, so that we come across definitions of this term in legal regulations, as well as in various social activities and in science. Thus, Nikač claims that the definitions of corruption can be divided into moral, legalistic, sociological and others, and that there is also a division into legal, sociological and others (Nikač, 2015:32-38).

The aim of this paper is to analyze the theoretical definition of corruption and its perception in the public, as well as to describe its manifestation in the Republic of Serbia, and the ways to combat this scourge.

In accordance with the established goal, the methods of content analysis, comparative method and examination method prevail in this paper.

1. DETERMINATION OF CORRUPTION

Given its prevalence, the definition of corruption can be found in national legislations, views of international organizations and institutions, as well as in theoretical papers.

Joseph Nye (Joseph Nye) says that corruption is: "Behavior that deviates from the formal obligations of public office, or directly violates the relevant rules, due to the acquisition of material or status advantages" (Nye, 1967:417). Vito Tanzi, who is often quoted in the literature, says: "Corruption exists if there is a deliberate violation of the principle of impartiality when making decisions in order to appropriate some benefit for oneself or a related person" (Tanzi, 1995). Suzana Rose-Ackerman approaches corruption from a pragmatic perspective and says: "If a bribe is offered, it means that there is a belief that the corruptor will appropriate the rent, the economic profit from which he will pay the bribe, and if the bribe is accepted, it means that he is superior to the one who has received a bribe, or part of that corrupt business, or is unable to supervise the behavior of his (corrupt) subordinate in an appropriate manner" (Rose-Ackerman, 1988).

Using numerous theoretical works, the World Bank and Transparency International gave their definition of corruption, which is very often used in practice. Thus, according to the definition of the World Bank, "corruption is the abuse of a public position for private gain" (Božić, Nikač, 2018:362). Transparency International defines corruption in a similar way, only that instead of a public position, corruption is tied to public powers: "corruption is the abuse of trust in public powers for private benefit" (Nikač, 2009:408-424). The stated definitions of corruption by the World Bank and Transparency International, translated into mathematical form, have the pattern given by Klitgaard, McClain-Abroa and Paris: "corruption is power (monopoly) plus discretion minus responsibility" (Forca, 2021).

$$\text{CORRUPTION} = \text{POWER (monopoly)} + \text{DISCRETION} - \text{RESPONSIBILITY}$$

Foreign and domestic legislation also deal with the definition of corruption. Thus, according to the Civil Law Convention of the Council of Europe, "corruption includes any act related to seeking, giving, offering, or receiving, directly or indirectly, a bribe or any other illegal benefit, as well as the possibility of obtaining such a benefit" (Civil Law Convention on Corruption CoE, 1999: art.2). On the other hand, in domestic legislation, corruption is defined in the following way: "corruption is a relationship that arises from the use of an official or social position or influence in order to obtain an illegal benefit for oneself or another" (Act on Prevention of Corruption, 2021: Art. 2.t. 1.).

For a more complete understanding of corruption, it is necessary to distinguish the terms that appear as its forms, and are stated both in theory and in normative acts:

"Bribery is a payment for the acquisition of a benefit that does not belong to the recipient, such as a fixed amount, percentage or business contract or some other kind of service in kind provided to an official in order for him to undertake certain actions or to refrain from undertaking certain actions. actions in the performance of their official duties. This is one type of bribery; it is an illegal secret payment in exchange for a service rendered" (Council of Europe, 2015),

"Embezzlement is also a form of corruption; it is the theft of (public) funds by a person entrusted with certain powers. Unlike other forms of corruption, embezzlement requires only one person - a thief" (Ibid).

"Favouritism (cronyism) is a process that results in unfair and improper distribution of state resources. Favoritism (cronyism) means giving official positions or privileges to friends and relatives regardless of their qualifications. It can be a form of corruption when powers are misused for individual gain" (Ibidem).

"Nepotism is a special form of favoritism that includes relatives, members of the immediate or extended family" (Ibid).

"Extortion, like embezzlement, is a form of corruption in which only one party benefits. Racketeering is the most common form of extortion" (Ibid).

"Trading in influence means a situation in which a public official or a person in an official position who enjoys certain powers, such as a judge, exchanges with a member of the public some benefit that does not belong to him (Ibid).

1.1. Causes of corruption

Numerous causes of corruption are found in the literature, but the division into internal and external prevails. "The internal factors of corruption concern the personality of the perpetrators and are observed in the context of the relationship to the act (motives, motivations, character of the person, tendencies and habits). The external factors of corruption are mostly environmental and by their nature political, social, institutional, legal and economic" (Božić, Nikač, 2018).

When it comes to the economic causes of corruption, numerous authors consider them dominant, both in underdeveloped and developing countries and in the most developed countries. As the most significant in this group of conditions, Božić and Nikač state: "poverty, unemployment, dubious privatizations during ownership transformation, monopoly position on the market, corrupt behavior of large transnational companies, non-compliance with market laws and state interference in market flows" (Ibid).

When it comes to the legal causes of corruption, Božić and Nikač quote Begović and Mijatović and say: "Legal causes are closely related to political and economic causes and refer to the absence of the rule of law and the absence of the rule of law." At issue are inadequate legal regulation of important areas of social life, disharmony of the legal system, excessive normativism, weaknesses in the functioning of legal institutions, undeveloped control function and lack of responsibility, existence of conflicts of interest and debatable competence of state bodies" (Ibid).

At the end of this analysis, the institutional causes of corruption are highlighted. That group of causes is directly related to the inefficient functioning of state institutions, that is, the weakness of the state organization. Primarily, it is about the crisis of institutions, or the non-existence and non-functioning and lack of transparency in their work. In this sense, Božić and Nikač say: "The discretionary right of the decision-making body is present to a large extent, which puts legal solutions established by the positive legislation of the state in the background." A particularly difficult problem relates to the connection between individuals from the state apparatus and organized criminal groups. Furthermore, politicization in the work of the state administration and other government bodies is highlighted, which affects the reduction of citizens' trust in the institutions of the system. In this context, there is also the lack of motivation for the work of civil servants and non-compliance with ethical standards, which directly affects the appearance of corruption, illegal and unprofessional behavior of civil servants. An important institutional cause of recent date is public procurement and complex procedures, as one of the potential causes of corruption in the public sector" (Ibid).

Referring to other domestic authors, Božić and Nikač include the following as other causes of corruption: "customs, tradition, morality, crisis of marriage and family, interpersonal relations, religion, changed value system and special social conditions" (Ibid).

1.2. Corruption as a security threat

The attitude towards corruption as a security threat in our strategic and legal regulations has a different approach. Namely, according to the National Security Strategy of the Republic of Serbia from 2009, corruption is explicitly identified as a challenge, risk and threat to security, where it is stated: “Corruption threatens the fundamental values of society and leads to a decline in trust in state institutions, making it difficult to implement essential reforms, slowing down the process transition, economic development, inflow of foreign investments and integration processes and to the destabilization of conditions in the country and the region” (National Security Strategy, 2009:11).

The fact is that in the National Security Strategy of the Republic of Serbia from 2019, corruption is not explicitly recognized as a threat to security. In the public debate on the Draft Strategy, conducted in 2018, the question was raised - why is corruption not recognized as a threat to security? In the explanation of such a strategic determination, the Ministry of Defense, as the holder of the Draft of that document, informed the public as follows:

“The objection proposing to define corruption separately as a threat to the national security of the Republic of Serbia was not accepted, bearing in mind that integration into the EU is defined as one of the national interests of the Republic of Serbia, and that the Progress Report of Serbia (April 2018) states that “...corruption is still widespread in many areas and continues to be a serious problem”, that this is evidenced by other reports, as well as that the very draft of the Strategy emphasizes that endangering national interests is considered a threat to the security of the Republic of Serbia, and corruption certainly threatens both national interests and security. In this regard, we point out that corruption is recognized in the draft of the Strategy as part of other challenges, risks and threats that can have a significant impact on security (it is not dealt with separately), however, bearing in mind that the view of the current situation is cited as an argument for the aforementioned objection for the sake of which extensive planning measures are being undertaken in the Republic of Serbia, and that the National Security Strategy is a document that provides a projection for a longer period of time, the objection was not adopted” (Forca, 2022).

Considering the above, corruption remains a criminal phenomenon, that is, it is recognized as one of the types of criminality in our country. Namely, according to the regulations of the MUP, the types of crime are: Total crime, Organized crime, General crime, Economic crime, Corruption, High-tech crime and Environmental crime (Strategic assessment of public security, 2017).

1.3. Legislation on corruption

Legislation on corruption has an international and national character, the most important regulations of which are shown in Table 1.

INTERNATIONAL	NATIONAL
UN Convention against Corruption (UNCAC)	Law on Criminal Procedure
UN Convention against transnational organized crime (UNCATOC)	Law on the Organization and Competence of State Authorities in Suppression of Organized Crime, Terrorism and Corruption
Criminal Law Convention on Corruption (Council of Europe)	Law on the Protection of Participants in Criminal Proceedings
Civil Law Convention on Corruption (Council of Europe)	Law on Confiscation of Property Derived from Criminal Offences
	Law on Prevention of Corruption
	Whistleblower Protection Law
	National strategy for the fight against corruption

Table 1: Legislation on corruption (Source: Edited by the author)

According to the data in Table 1, we can see that in legal practice, four international regulations (two of the UN and two of the Council of Europe) and eight regulations of a national nature are most often used. Of the eight national regulations, seven are laws and one is a strategy. A more detailed analysis of the aforementioned regulations would require a much wider proctor than one article. In this sense, as common to all regulations, it can be pointed out: 1) that they define corruption as an illegal (criminal) act, 2) that the fight against corruption is an international and national obligation, 3) that they define corrupt acts that are subject to sanctions, 4) to indicate the way to prevent and oppose corruption and 5) to suggest (international) or sanction (national) the commission of an act of corruption.

2. RESULTS OF CORRUPTION INVESTIGATION IN THE REPUBLIC OF SERBIA

Corruption as a phenomenon in the Republic of Serbia is the subject of various types of research and opposition, which have an official (formal) and informal character.

2.1. Official data on corruption in the Republic of Serbia

Information from official state institutions, such as the Ministry of Internal Affairs, the Ministry of Justice, the Agency for the Prevention of Corruption and others, can be considered as official indicators of corruption in the Republic of Serbia. From those sources, we will show more recent data.

In the second Strategic Assessment of Public Security for the period 2022 - 2025 (the first was published in 2017), and based on the Strategic Analysis for the period 2017 to

2020, eight key security problems in the field of crime and misdemeanors were identified, which ranked according to the degree of risk and threat to:

- 1) Prevention and Suppression of Organized Crime (SOCTA) - high risk,
- 2) Prevention and suppression of corruption - high risk,
- 3) Prevention and suppression of terrorism and violent extremism that leads to terrorism - moderate risk tending to high risk,
- 4) Prevention and suppression of criminal acts and misdemeanors committed in public space ("street crime") - moderate risk tending to high risk,
- 5) Prevention and suppression of endangering the safety of road users - moderate risk that tends to high risk,
- 6) Prevention and suppression of domestic violence - moderate risk tending to high risk,
- 7) Prevention and suppression of violence at sports events and schools - moderate risk i
- 8) Prevention and suppression of irregular migration - moderate risk (Strategic assessment of public security, 2021).

In the aforementioned Strategic Assessment of Public Security from 2021, based on the analysis of corruption for the period 2017-2020, it is stated:

"In the observed period (2017-2020), 765 criminal charges were filed against 2,066 perpetrators due to the 2,110 criminal acts with elements of corruption discovered, of which 1,128 persons were deprived of their liberty or police detention was applied. The total damage was 8,419,372,541.39, while the illegal property benefit was 8,730,581,246.28. In the structure of criminal acts, abuse of official position (282), bribery (228), abuse of the position of a responsible person (221), as well as money laundering (295) predominate. Corrupt criminal acts were registered in health institutions, social welfare institutions, educational institutions, judicial authorities, among employees of customs services and other state authorities and public companies, while a trend of increasing irregularities with financial resources from the EU Pre-accession Assistance Instrument (IPA funds) was observed. " (Strategic Assessment of Public Security, 2021).

The Ministry of Justice has published data on criminal acts of corruption in the Republic of Serbia for the year 2020. The data are grouped into two reports: 1) Statistics of corrupt criminal acts Special department for highly organized crime and 2) Statistics of corrupt criminal acts special department for corruption. Given that they directly relate to corruption, in this paper we will present the corrupt criminal acts in the Republic of Serbia for the year 2020, which were provided by the Special Department for Corruption:

- The total number of reports of corrupt acts in 2020 is 7,455, of which there are pending reports from earlier periods (4519) and reports in 2020 (2936);
- 2322 Decisions on dismissal of criminal charges were passed;
- 306 indictments and 6 direct indictments were brought;
- 189 investigations were ordered to be initiated based on reports;
- A total of 470 persons were accused;
- 82 persons were sentenced to prison terms, and 128 persons were sentenced to probation (Ministry of Justice, 2021).

For the purposes of this paper, it is important to show how corruption in the Republic of Serbia is seen by the European Commission, which every year submits an official Report on progress towards the EU. In that report for 2021, it is stated:

“Serbia has achieved a certain level of preparedness in the fight against corruption. Limited progress was made during the reporting period. When it comes to the prevention of corruption, the Group of States of the Council of Europe for the fight against corruption (GREKO) has concluded that its recommendation on the Agency for the Prevention of Corruption has been satisfactorily fulfilled. This recommendation referred to the need for an appropriate degree of independence and financial and human resources, as well as the expansion of the Agency’s competence. Serbia has yet to adopt a new strategy for the fight against corruption and the accompanying action plan and to establish an effective coordination mechanism for the operationalization of the goals of the policy of prevention and suppression and for the effective resolution of corruption issues. The number of indictments and first-instance verdicts for high-level corruption has further decreased compared to previous years. Serbia should increase its efforts to address these shortcomings and improve the prevention and suppression of corruption” (European Commission, 2021).

2.2. Results of informal investigations of corruption in the Republic of Serbia

As we have already stated, numerous foreign and domestic non-governmental agencies deal with corruption in the Republic of Serbia. For the purposes of this paper, we will present the results of two surveys: 1) Transparency International and 2) Research Center for Defense and Security - RCDS from Belgrade.

2.3.1. Research Transparency International

The annual Corruption Perceptions Index (CPI), which was started in 1995, is probably the best-known example. The CPI ranks countries according to perceived levels of corruption, as determined by expert assessments and public opinion polls.

From 1995 to 2011, the CPI used a scale of zero to ten, where zero indicated the most corrupt and ten the least corrupt country. In the last CPI that used that scale, published in 2011, New Zealand, with a score of 9.5, was the least corrupt country in the world. Somalia, as in previous years, along with North Korea, was rated as the most corrupt country, receiving a rating of one. Since 2012, Transparency International has been using a new, improved methodology, trying to remove some of the criticisms leveled at it over the past years. To clearly indicate that it rejected the previous methodology and to avoid the impression of comparability of the new scale with the “old”, the TI organization now uses a scale from 0 to 100 (Council of Europe, 2015).

Table 2 shows the results of the Transparency International survey for 2021, which were published on January 25, 2022 (Transparency international, 2021).

RANK	COUNTRY	SCORE 0-100	NUMBER SURVEYS
Top ranked countries			
1	Denmark Finland New Zealand	88	8
4	Norway Singapore Sweden	85	7 9 8
The lowest ranked countries			
180	South Sudan	11	5
178	Syria Somalia	13	5 6
Ranking of surrounding countries			
41	Slovenia	57	10
63	Croatia	47	10
64	Montenegro	46	5
87	North Macedonia	39	7
96	SERBIA	38	8
110	Bosnia & Herzegovina	35	7

Table 2. Ranking of countries by CPI for 2021 (Source: <https://www.transparentnost.org.rs/index.php/sr/istraivanja-o-korupciji/indeks-percepcije-korupcije-cpi> (17.02.2022))

In the CPI 2020 Report, Serbia was ranked 94th out of 180 countries in the world (it shared that position with seven countries: Brazil, Ethiopia, Kazakhstan, Peru, Sri Lanka, Suriname and Tanzania). This is a drop of eight places compared to 2011. The report on Serbia for 2021 indicates that Serbia fell another 2 places compared to 2020 and is now at 96, and the CPI was compiled on the basis of 8 reports, in which data were used:

- FH (Freedom House, Nations in Transit) 2021,
- BF (Bertelsmann Foundation) Transformation Index 2022,
- EIU (Economist Intelligence Unit) 2021,
- GI (Global Insight Country Risk Ratings) 2020,
- PRS ICRG (Political Risk Services International Country Risk Guide) 2021,
- WEF (World Economic Forum, Executive Opinion Survey) 2020,
- WJP (World Justice Project Rule of Law Index) 2021 i
- Varieties of Democracy Project 2021.

In the descriptive part of the CPI 2021 for Serbia, it is stated:

- The absence of progress in the perception of corruption, indicated by the CPI year after year, is a clear indicator that there is no such progress in reality, and at the very least, that any progress is not visible to outside observers.
- Serbia is still considered a country where the level of corruption is high, it is in the lower half of the world list, with an average score below the global average and far below the average of our continent. Although there have been essentially no

significant changes in the ratings since 2008, Serbia has seen a decline in the list, as other countries are progressing.

- Citizens of Serbia also have the impression of a high prevalence of corruption, which emerges from the results of research conducted on a national sample (e.g. research conducted within the framework of the USAID project for responsible government), although the fluctuations in the perception of corruption are significantly greater in those researches (Transparency International, 2021).

The main problems of the fight against corruption in Serbia, according to Transparency International, are:

- Extra-institutional power of political parties and individuals, which is reflected in the work of the entire public sector,
- Violation of preventive anti-corruption laws, as a result of the absence of “political will” or a clearly expressed political will not to apply the law (e.g. access to information, public companies, public administration),
- Insufficient capacity of authorities that supervise and control the implementation of the law; discretionary powers in determining the subject of the audit,
- Incomplete legal framework (necessary amendments to many laws and stronger constitutional guarantees) and violation of legal certainty through the adoption of contradictory or unclear provisions in regulations, “authentic interpretations” of laws, regulations adapted to private interests, unequal treatment of courts in similar situations and the like,
- There is no learning based on discovered cases of corruption and discovered patterns of corrupt behavior,
- Insufficiently transparent decision-making process and inability of citizens to influence their content i
- Unnecessary procedures and state interventions that increase the number of situations in which corruption can occur (Transparency International, 2021).

2.3.2. Defense and Security Research Center research

For the needs of the Agency for the Prevention of Corruption, the Research Center for Defense and Security - ICOB from Belgrade, in 2021, implemented the project and research “Public against corruption”. The research was carried out using the method of examination, techniques - surveys, in the field and via the Internet. The field survey included 1,200 respondents in 12 cities, while the online survey included 3,000 respondents².

In this paper, we will present only a part of the answers to the 14 questions contained in the survey, and those answers that were obtained in the field.

To the question: How familiar are you with corruption in the Republic of Serbia, the answers were received (Graph 1):

² The second author of this paper was a scientific advisor and consultant in the research and led its methodological part, and FPSP students were researchers in the field.

- a) I am familiar to a great extent -289 (24%)
- b) I am partially familiar - 577 (48%)
- c) I am not sure -162 (14%)
- d) I think that I am not familiar enough - 143 (12%)
- d) I am not familiar at all - 29 (2%)

Therefore, the respondents' familiarity to a large extent and partially amounts to about 72%.

Graph 1. Respondents' familiarity with corruption in Serbia (Source: RCDS, 2021).

To the question: To what extent, in your opinion, is corruption represented in Serbia, the respondents answered as follows (Graph 2):

- a) Very many - 576 (48%)
- b) A lot -382 (32%)
- c) Can't estimate -213 (18%)
- d) Little -23 (2%)
- d) Very little - 6 (0%) (obtained 0.5%).

Therefore, 80% of the respondents believe that corruption is very much or very prevalent in the Republic of Serbia.

Chart 2. Respondents' views on the prevalence of corruption in the Republic of Serbia (Source: RCDS, 2021)

One of the questions was for respondents to rate (from 1, the least to 5 the most) the prevalence of corruption in certain industries in Serbia. The views of the respondents are given in Table 3.

Ranking of the obtained results:		
1.	Inspection services	4,247
2.	Customs	4,233
3.	Executive (Government)	4,213
4.	Employment	4,197
5.	Judiciary	4,194
6.	Police	4,190
7.	The media	4,177
8.	Health care	4,133
9.	Private business	3,675
10.	Education	3,363
11.	Armed Forces	2,677

Table 3. Rank of corruption in the Republic of Serbia, according to respondents' views (Source: RCDS, 2021)

Thus (Table 3), the respondents believe that the most corrupt institutions in Serbia are: inspection services, customs and executive power, and the least corrupt is the Serbian Army.

Part of the question related to the collection of data on how much the respondents have encountered corruption in practice, whether they know how to report corruption and whether they would report corruption. About 65% of respondents answered that they met one or more orimers in practice, while 20% stated that they had no direct knowledge of corruption in their local environment. At the same time, 39% of respondents pointed out that they were asked for a bribe several times, while 14% pointed out that it was done only once.

The results of the research are very indicative, which speak about the awareness of the respondents to report corruption and whether they would report it. Only 25% of respondents answered that they know how and to whom to report corruption, while 75% believe that they do not know or are not sure.

Part of the respondents who pointed out that they would not report corruption, cite as reasons (Graph 3):

- a) Because I am afraid of the consequences that may occur - 60 (24%)
- b) Because I don't know who to turn to - 31 (17%)
- c) Because it would not change anything - 131 (59%).

Graph 3. Reasons why respondents would not report corruption (Source: RCDS, 2021)

It is indicative that the largest number of respondents (59%) answered that they would not report corruption, because it would not change anything.

Although the *Public Against Corruption research* had a general character, the basic conclusion of the conducted research, which is worrisome, can be formulated as follows: **In the minds of citizens, there is an attitude about the prevalence of corruption in the Republic of Serbia, but they would not report it, because nothing will change.**

CONCLUSION

Corruption is a widely spread phenomenon in all spheres of social activity, both in underdeveloped and in the most developed countries. As such, corruption is designated as a criminal offense that is a threat to national security. In the Republic of Serbia, according to the latest regulations, corruption is determined as a criminal offense, while it is not explicitly stated as a threat to security, but is included in the existing threats, primarily organized crime.

The Republic of Serbia, from a formal point of view, makes efforts to fight corruption at all levels and in all activities, according to the principle of "zero tolerance". However,

according to domestic and foreign official and unofficial indicators, the fight against corruption in the Republic of Serbia has not yielded the expected results.

The fight against corruption requires extensive measures and a general consensus in changing citizens' awareness, education, but also decisive measures to ensure that the existing regulations to prevent corruption are applied consistently or innovated more effectively.

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