

Faculty of Business Studies and Law
“Union - Nikola Tesla” University, Belgrade, Republic of Serbia

**INTERNATIONAL JOURNAL OF ECONOMICS
AND LAW**

Volume 14, No. 40
April 2024

Belgrade, Republic of Serbia, 2024

Published by:

Faculty of Business Studies and Law, Belgrade, Republic of Serbia, 3 times a year

For publisher:

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ISSN 2683-3409 (Online)

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Since July 2017, the magazine is present in ERIH PLUS and HEINONLINE bases.
Pursuant to Article 14 of the Rulebook on Categorization and Ranking of Scientific Journals,
the International Journal of Economics and Law is in category M23.

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FOREWORD

When we launched our magazine fourteen years ago, we desired to bring together scientific ideas about economics and law, areas that can not be separated and that are equally important for the development of society as a whole. At the same time, we thought about the need to critically observe and overcome both these two types of public activities of people. We wished that there would be controversy on the pages of the magazine because we expected that there would be more cognitive light and that there would be less misunderstanding on the way we chose.

The mission of the magazine is also the intention to present and appreciate the reach of both domestic and foreign experiences, all due to the critical theory of influence.

Over the past fourteen years, we have made great efforts not to succumb to the temptation to direct the concepts and institutions of economics, law and management from the last century.

We have long noticed that there is a variety of solutions for managing the economy, law, management..., for technologies in these areas. Through our journal, we made them available to the public, both scientific and professional, to meet the changes and, why not, to create them.

In the choice of content, we were guided by the knowledge that there are many elements to which economics, law and management must pay attention. Some of them are economic convergence, information-communication technologies in business, deformation of market competition, challenges of transnational and virtual corporations to domestic companies, and creating images, and brands...

Large social changes also bring new activities that are expanding and bring about market deregulation and foreign investment. Changes bring a new environment, new hierarchical levels, and new responsibilities, and bring us into contact with new people or with the same people in new roles. All this leads inevitably to the creation of a competition of scientific explanations. In this game, our advantage should be this magazine which will also be an incentive for the spread of scientific thought and diversity in the fields of economics, law and management.

For this reason, we are starting to index the journals in foreign databases, to expose the boundaries for disseminating our information and knowledge. In the following period, we want to be visible to the broad scientific public.

In achieving this intention, we count on, in addition to the experienced scientific staff, also on the scientific youngsters, PhD students from the scientific disciplines covered by our journal. It is our supply for the future - the filigree design of researchers for a new era of knowledge and the critical and constructivist observation of reality.

We invite you to join us and give your contribution in spreading scientific dialogue.

Editor-in-chief
Emeritus professor Života Radosavljević

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Received:
Accepted:
Corresponding author:

UDC: 364-5(497.11 Beograd)
Review paper
March 20, 2024
March 28, 2024
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ORGANIZATIONAL AND MANAGEMENT STRUCTURE IN CENTERS FOR SOCIAL WORK: CASE STUDY - CITY CENTER FOR SOCIAL WORK BELGRADE

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Abstract: *The original concept of the social work institution has justified its name not only through providing direct social services to users and their families, but also through initiating and organizing various activities in local communities. This affirmative role of the centers for social work has contributed to quicker adoption of legal recommendations. Further development and organization of professional work in the centers for social work have been crucial in the realization of the stipulated functions. Since 1981, these centers have assumed the entire mediation process between spouses, and recently they have also included working with refugees and their families. Having in mind the pronounced crisis, it is necessary to introduce new methods and processes of work for the social service to function more efficiently. The centers for social work are increasingly becoming key institutions that provide support not only in the resolution of traditional social problems, but also in facing new challenges such as digital inequality, mental health, family violence and other forms of social crises. Such extension of activities also requires continued improvement of social workers' capacities, adjustment of the work methodology and establishment of cooperation with other relevant institutions in order to respond adequately to increasingly complex needs of the users of social work services.*

The paper elaborates the fact that the centers for social work, due to technical, technological, economic, migrant and other changes, show that changes in the organization and functioning of their services are also justified. Apart from individual work with users and their families, it is also necessary to protect more individual users of social protection and to determine common reasons, besides personal ones, which have led to the need for protection and the application of social action at the level of local and broader communities. Moreover, it is necessary to affect the causes leading to a certain social issue and to prevent its further expansion. The analysis points to the need for strengthening professional and organizational capacities in the centers for social work, taking into account the increasing number of users and the scope of work. This includes a larger number of professional workers (social workers, psychologists, pedagogues), having in mind the newly-introduced authorities and increased complexity of jobs. There is an evident staff turnover in the centers for social work, partly due to the natural fluctuation caused by retirement, but also due to other reasons, which aggravates timely action and task performance within the legally prescribed deadline.

Keywords: organization, management, social work, community care, social problems.

1. ESTABLISHMENT AND DEVELOPMENT OF THE CENTERS FOR SOCIAL WORK

The methodological-methodic concept of social work in the first centers for social work has justified its name because they have become the centers not only for achieving the direct social protection of the users and their families, but also the initiators and organizers of various activities in the municipalities. The affirmative activity of the first centers for social work accelerated the provision of the recommendation of the Federal Assembly which supported the establishment of the centers as professional services where social protection is achieved by applying social, psychological and pedagogical work (Milovanović, Krgović, 1998, p. 5).

The activity of the centers for social work has directed professional workers towards the application of social work in organizing the community and advisory work. Legal jobs were still performed by the management bodies responsible for social protection jobs. Such situation prevailed until 1968, when a legal possibility was stipulated for these centers to take over the application of the administrative procedure, to decide about citizens' rights in obtaining social protection. At that time, all theoreticians and practitioners believed that the unification of the legal method with social, psychological and pedagogical work would ensure a new view of the professional work development in the centers (Bernard, 2021).

A question arises regarding the organization of professional work in the centers for social work. The realization of certain legally stipulated functions and the application of all the functions and methods of social, psychological, pedagogical, legal and sociological work depend on the organization of professional work (Russell, 2017, pp. 137-144).

The main conditions for the functional organization of professional work in the centers are (Milosavljević, 1984):

- a) adequate presence of professional workers of all profiles by the established criteria. The minimum condition is that there is a social worker, a legal expert, a psychologist and a pedagogue in every center. Their number increases proportionally to the number of inhabitants in a specific municipality, the pronounced presence of social problems, demographic characteristics of the population and the size of the region.
- b) Each of the legally stipulated functions of the center is realized in a certain organizational form of professional work.
- c) Organizational form of professional work are expert groups, expert teams, expert committees, the expert council and the expert panel.
- d) The criteria for forming expert groups are the center's functions and the classification of the users by age into children, youth, adults and elderly persons.
- e) The criteria for forming expert teams are categorial (by types of problems) and the territorial approach.
- f) Coordinators are appointed for expert groups and expert teams, whose responsibility is to make their work efficient for users.
- g) In the developed countries, triage is introduced in the centers.
- h) In the realization of social protection, the family is the unit of the service.
- i) Organization of professional work should enable uniform application of individual social work, group social work and social work in organizing the community within the center.

The entire reconciliation procedure of spouses was transferred onto the centers for social work in 1981. In the past years, the centers also included working with refugees and families which accepted refugees. In the periods of extreme crises, it is necessary to introduce new measures of work and to create new business processes in the functioning of the social service (Stepanović, 2023).

In studying social policy in the conditions of the society transition (and the social policy itself), it is impossible to avoid an exceptionally significant segment which will constitute the link between economic and social policies and which will test in the best way the validity of the theoretical-empirical model of social policy, i.e., market economy within which social policy will find its full meaning and justification. It is well-known that social policy and market economy are mutually exclusive because they are based on diametrically opposite principles and relations. That is why the role of social policy is extremely important not only from the perspective of amortization, alleviation of social problems generated by market economy (protective function of social policy), but also because of ensuring social development and progress (developmental and organizational function of social policy) (Beresford, 2019). The crucial question regarding social policy that should be explored at the beginning of the 21st century is the manner of reconciling seemingly irreconcilable opposites, what methods, means and instruments to use for harmonizing the protective and developmental functions of social policy in the market economy conditions (Babović, 2010).

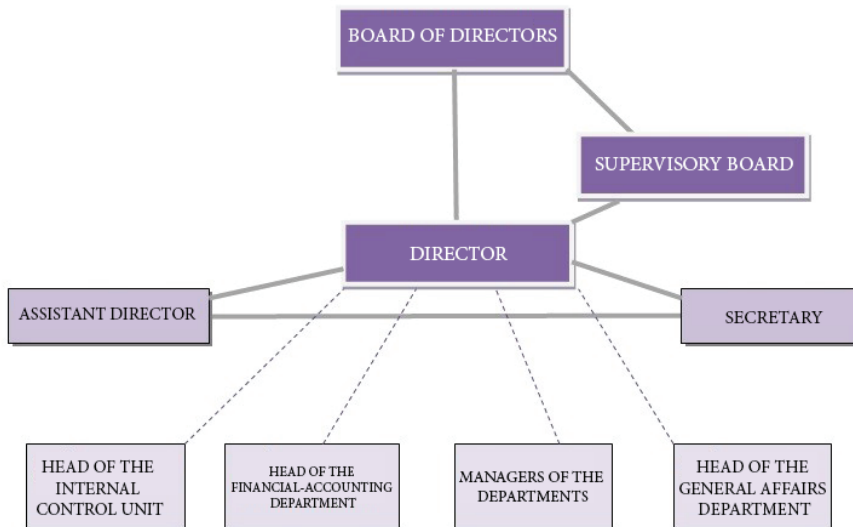
2. CITY CENTER FOR SOCIAL WORK BELGRADE (model of organizing and functioning)

The City Center for Social Work in Belgrade is one of the institutions within the social protection system whose role is to provide help and support (legal, social, material, psychological-advisory, mediational and psycho-therapeutic) to families and individuals in overcoming and resolving problems.

The activity of the City Centre is social protection, social work and family-legal protection, while its performance is regulated by the Law on Social Protection, the Family Law, the Criminal Code, the Law on the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles, the Law on Mediation, the Law on Misdemeanours, the Law on Financial Support for Families with Children, the Decision on the Rights in Social Protection of Belgrade and the bylaw entitled “Intervention Protection Measures for the Most Disadvantaged Citizens of Belgrade”.

All of us may need services of the center for social work in a certain period of our lives. Professional workers – social workers, psychologists, pedagogues, special pedagogues, legal experts, sociologists and andragogues – are legally obliged to assist all the citizens who need help and support: children, youth, adults and elderly persons, persons with disabilities, persons with problems in family relations and with family violence, and materially disadvantaged persons (Reamer, 2013, pp. 163–172). The City Center for Social Work in Belgrade is a trustworthy institution whose professional employees in resolving diverse life problems start from the necessity of respecting fundamental human rights, as well as specific needs of each family and individual. In its work, the City Centre cooperates with other state institutions (courts, the Ministry of Internal Affairs, schools, healthcare institutions etc., as well as with non-governmental and humanitarian organizations (City Center for Social Work Belgrade, <http://gcsrbg.org/o-nama/>).

In our paper we will present the organizational structure of the City Center for Social Work Belgrade (see Chart 1) (City Center for Social Work Belgrade, http://gcsrbg.org/pdf/INFORMATOR_O_RADU%202017.pdf).

Chart 1. Organizational scheme of the City Center for Social Work in Belgrade

(source: <http://gcsrbg.org/o-nama/>)

Until the establishment of the City Center for Social Work, this social function was performed by the municipal centers for social work. The first municipal center for social work in the territory of Belgrade was established in the Municipality of Palilula in 1956, with the main task of following the development of social problems in the territory of the municipality, the family-child relations and to help them in resolving personal and family problems. By the early 1960s, the centers for social work were established in all the municipalities of the City of Belgrade, and in all the suburban municipalities during the period 1969-1976.

The City Center for Social Work included all the municipal centers for social work, the Marriage and Family Counseling Center (established in 1985) and the Institute for the Study of Social Problems, which ever since its establishment (in 1958) has had the status of the developmental-research institution within the social protection system of Belgrade (City Center for Social Work Belgrade, <http://gcsrbg.org/o-nama/istori-at/>).

3. CASE STUDY: ORGANIZATION AND MANAGEMENT OF HUMAN AND SOCIAL RESOURCES IN THE REPUBLIC OF SERBIA

In our paper we will use the results of the research of human resources management in the centers for social work in the Republic of Serbia, in order to get a better insight into the management of the centers for social work. The aim of this research is to obtain the best possible picture of the functioning of the centers for social work.

The existing organization and management system is analyzed so as to use this comprehensive and in-depth analysis for drawing concrete conclusions and suggestions for the improvement and functioning of the centers for social work.

The study has been conducted on the representative sample of the employees (professional workers and managers) in the centers for social work in the Republic of Serbia.

The key analytical activities performed within the preparation of this study are:

- Analysis of work place systematization in the centers for social work,
- Analysis of the process of filling the vacancies in the centers for social work,
- Analysis of work processes in the centers for social work.
- Analysis of decision-making in the centers for social work,
- Analysis of the work of the centers for social work in relation to the population.

The Questionnaire for professional workers contains 61 close-ended questions and 2 open-ended questions, while the Questionnaire for managers contains 59 close-ended questions and 2 open-ended questions.

Apart from socio-demographic data, the questionnaires also contain items which examine different segments of the center's functioning, such as working conditions, work organization, organizational climate, delegation system, decision-making and education of employees. The questionnaire of the interviewers' assessment of the conditions and work processes was completed by the employees during the visit to the center for the purpose of obtaining the best possible insight into the general conditions of work and technical and material equipment, as well as into the cooperativeness of professional workers and managers.

In order to get a uniform and standardized procedure of collecting relevant data, a network was formed of additionally trained and experienced interviewers, permanent associates of the Center for Applied Psychology. The interviewers' task was to visit all available centers for social work and to take the completed questionnaires which will be subsequently processed in detail through the use of standardized statistical methods ((Human and social resources management in the centers for social work in the Republic of Serbia, with the presentation of the applied research methods and results of the conducted analyses of the current state, 2019, p. 4).

It may be concluded that the employees in the centers for social work were quite cooperative, communicative and willing to participate in the research. The research sample included 569 respondents of both genders, of different age structure, with a broad range of their working tenure in the center for social work, as well as with a different level of hierarchical positions they hold. The research covered the centers for social work in the whole territory of the Republic of Serbia.

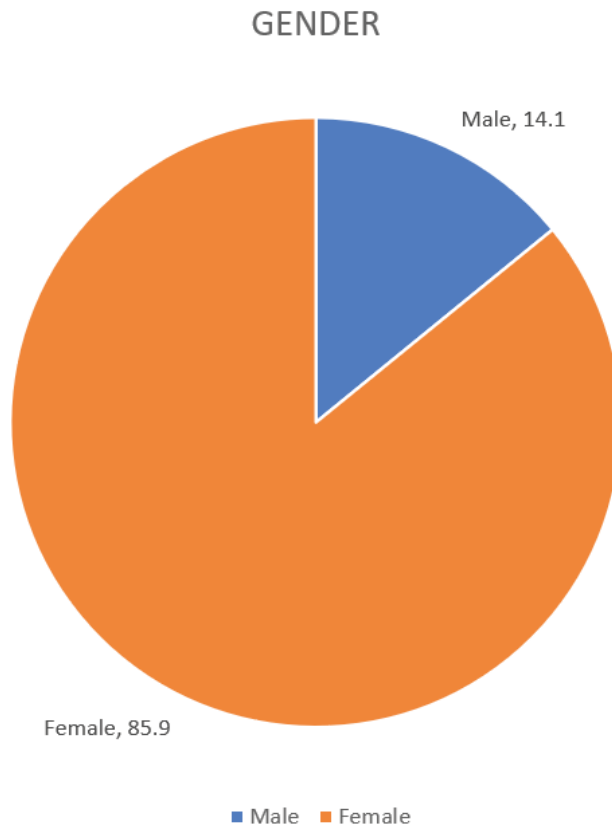
As far as the number of the employees is concerned, 4 categories of the centers for social work were distinguished in the research (Human and social resources management in the centers for social work in the Republic of Serbia, with the presentation of the applied research methods and results of the conducted analyses of the current state, 2019, p. 4):

- 1) large centers with more than 25 employees accounting for 21% in the sample;

- 2) medium-large centers with 16-25 employees, accounting for 10% in the sample;
- 3) medium-size centers with 6-15 employees, which are the most represented in the sample (43%); and
- 4) small centers with up to 5 employees, accounting for 26% in the sample (Chart 2).

It can be concluded from the research that there is a large gender inequality among the employees.

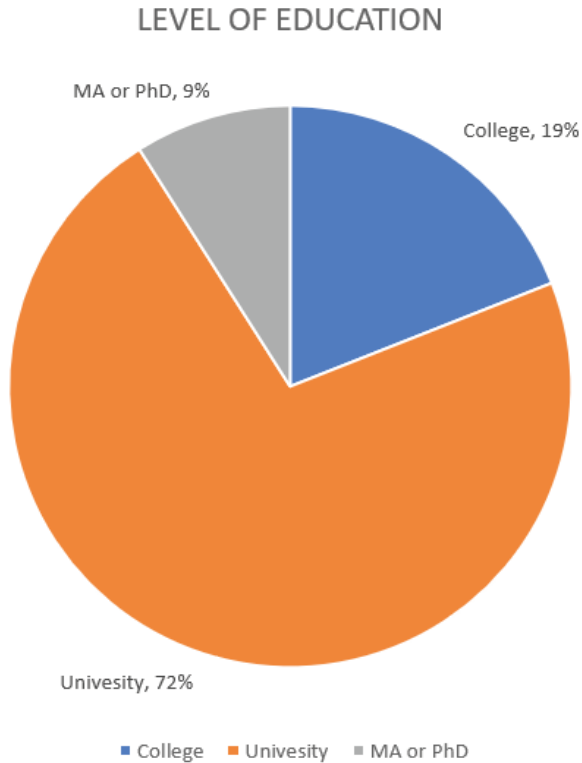
Chart 2. Gender structure of the employees in the social institutions in the Republic of Serbia.



(source: https://www.minrzs.gov.rs/arhiva-internet-prezentacije-2019/files/upravljanje_ljudskim_i_socijalnim_resursima_u_centrima_za_socijalni_rad_u_republici_srbiji.pdf)

Furthermore, what can be found in the research is that there is a high level of the educated staff. We can see that the employees with a university degree account for 83%, those with a college degree account for about 7%, while 10% of the employees in the centers for social work have a master, MA or PhD degree (See Chart 3).

Chart 3. The employees' level of education in the centers for social work.



(Source: https://www.minrzs.gov.rs/arhiva-internet-prezentacije-2019/files/upravljanje_ljudskim_i_socijalnim_resursima_u_centrima_za_socijalni_rad_u_republici_srbiji.pdf)

Considering rather extensive legal regulations, and for the purpose of perceiving the actual situation taking into account the legal framework and competences, available resources and needs of end users, i.e., the situation in the field, in cooperation with the Ministry of Labour, Employment, Veteran and Social Policy, documents were collected which unified certain segments of activities and competences of the centers for social work. Therefore, the following documents have been processed for the purpose of the harmonization with the needs and potential modifications:

- Review of competences and characteristic jobs of the centers for social work (internal document important for the assessment of the actual situation and the existing capacities by the established needs);
- Norms for the professional workers of the centers for social work in the period 2012-2017;

- Work place systematization in the centers for social work;
- List of regulations referring to the functioning of the centers for social work.

By examining the submitted documentation in this stage, the subjects of work were identified in the subsequent stages regarding the organization of human and social resources in the centers for social work.

The focus is placed on the following aspects:

- Rather extensive and complex list of authorities of the centers for social work in relation to the existing resources (primarily human resources, which was concluded on the basis of the obtained norms for the employees);
- Inadequate work place systematization because the obtained documentation does not contain either the organizational structure or subordination, which limited the analysis of relations and systems of decision-making;
- Absence of a service for human resources that would deal with these resources in line with the principles of good practice and standards, as well as their implementation and application (Human and social resources management in the centers for social work in the Republic of Serbia, with the presentation of the applied research methods and results of the conducted analyses of the current state, 2019, p. 11).

CONCLUSION

A conclusion is drawn that it is necessary to strengthen professional and organizational capacities in the centers for social work. This primarily refers to increasing the number of professional employees (university degree, educational profile: social worker, psychologist, pedagogue), having in mind that an increased number of clients and larger scope of work have been recorded within the relevant competences.

Moreover, according to the data obtained from the employees in the centers for social work, work is becoming more complex also because some of the jobs that were until recently within the authority of other institutions, have now been transferred into the authority of the centers for social work, while, at the same time, the structure and the number of the employees in the centers for social work have remained the same.

Concurrently, there is an outflow of the staff from the centers for social work based on several reasons (natural fluctuation due to retirement, leaving the centers for social work for other reasons...), which continually aggravates timely acting and realization of the stipulated jobs within the legally stipulated deadline.

At the same time, no significant activities have been recorded at the level of the realization of job advertisement procedures for the receipt of new employees. Namely, the data base of the Human Resource Management Service of the Government of the Republic of Serbia has not recorded a single job advertisement for the needs of the centers for social work ever since 2013 (Human and social resources management in the centers for social work in the Republic of Serbia, with the presentation of the applied research methods and results of the conducted analyses of the current state, 2019, p. 13).

In the organizational framework of the centers for social work it is necessary to strengthen professional capacities. In addition, there is increasing complexity of the work and new phenomena, such as migration at the moment, while the structure and number of the employees remain the same.

For several decades, industrially developed countries have attracted the workforce from underdeveloped countries. After the Second World War, many people migrated to the developed countries of Europe because of being unable to find employment in their own countries.

During the past decade, new migration centers for migration were established, while international migration included part of the population affected by numerous changes in the world geopolitical order.

It was the disintegration of national states that particularly resulted in significant population mobility. Therefore, the conflict accompanying the breakup of some countries led to evident and substantial flows of refugees, asylum seekers and displaced persons, which put migration problems to the very top of the UN agenda. However, this situation demands better monitoring systems in order to quantify international migration (Čekerevac, 1999, 334).

In conclusion, we will distinguish several groups of problems: complex administration, scope of work increased on a large scale (the number of clients is constantly on the rise, while the number of employees is not changed; a large number of difficult clients; poor working conditions; poor material situation; insufficient technical equipment).

REFERENCES

1. Babović, M. (2010). *Social Policy Challenges, Social Policy, Family and Children in Serbia at the turn of the 20th and 21st centuries*. Beograd, Institut za političke studije, centar za socijalnu politiku.
2. Beresford, P. (2019). *Public participation in health and social care: Exploring the co-production of knowledge*, *Frontiers in Sociology*.
3. Bernard, C. (2021). *Intersectionality for Social Workers: A Practical Introduction to Theory and Practice*, London, Routledge.
4. Čekerevac, A. (1999). *Comparative and International Social Policy*. Beograd, Linea, p. 334.
5. Milosavljević, M. (1984). *Social Security in the Self-Management Society*. Beograd, Zavod za udžbenike i nastavna sredstva. [In Serbian]
6. Milovanović, M. & Krgović, T. (1998). *Areas of Social Work*, Beograd, Linea, p. 5.
7. Reamer, F. G. (2013). Social Work in a Digital Age: Ethical and Risk Management Challenges. *Social Work* 58 (2): 163–172.
8. Russell, A. (2017). *Competent solidarity: the alternative for professional social work*. *Aotearoa New Zealand Social Work*, 29(2), 137–144.
9. Stepanović, S. (2023). *Pedagogical Psychology*, Beograd, College of Social Work.

Websites:

- City Center for Social Work Belgrade. <http://gcsrbg.org/o-nama/>, Retrived: 20.02.2024.
- City Center for Social Work Belgrade. http://gcsrbg.org/pdf/INFORMATOR_O_RADU%202017.pdf, Retrived 20.02.2024.
- Human and social resources management in the centers for social work in the Republic of Serbia, with the presentation of the applied research methods and results of the conducted analyses of the current state, (2019). https://www.minrzs.gov.rs/arhiva-internet-prezentacije-2019/files/upravljanje_ljudskim_i_socijalnim_resursima_u_centrima_za_socijalni_rad_u_republici_srbiji.pdf, Retrived 21.02.2024.

Received:
Accepted:
Corresponding author:

UDC: 34(497.6)
Review paper
March 15, 2024
March 29, 2024
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LEGAL CHARACTERISTICS OF THE RESTRUCTURING PROCEDURE IN THE REPUBLIC OF SRPSKA

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Abstract: *Restructuring is a rather extensive and specific legal institute. In everyday speech, it means to rearrange something. In the legal sense, restructuring can be understood in many ways. In the economic sense, it is about technical-technological changes within the business entity. In the second context, restructuring is any form of change within a business entity, while in the third context, it is a status change specified by business regulations. In addition to the above, restructuring is possible in bankruptcy proceedings, i.e. before the grounds for bankruptcy have been established, then simultaneously with the initiation of bankruptcy proceedings and later through a specified plan by which the debtor will be restructured in a way that even though the grounds for bankruptcy have been met and bankruptcy is started, and the debtor will stay in economic life. The purpose of this paper is to give an explanation of and key differences between all the institutes above. In this paper, we will also make suggestions about the need for a clear demarcation in terms of understanding restructuring, so as not to create doubts in the legal and economic life of the Republic of Srpska.*

Keywords: *The Republic of Srpska, restructuring, status changes, law, debtor, bankruptcy.*

INTRODUCTION (STYLE: HEADING 1)

When a business entity wants to achieve economic expansion, such as “conquering” new markets, they resort to various forms of restructuring/reorganization. In legal and economic theory and literature, it is noticeable that restructuring is most often connected to mergers or acquisitions, which results in the external growth of a business entity, i.e. the acquisition of ownership of another business entity (Mašić, et. al. 2010). Namely, when we talk about acquisitions, we mean corporate management (Isaković, S. 2011). In

terms of positive - legal regulations, status changes that encourage the growth of business entities are mergers and acquisitions. Restructuring in its general sense is understood as a measure that a business entity will undertake. First of all, the measure can be of a financial nature through recapitalization, when the company will increase its financial power by bringing in fresh capital, or will take on debt by taking a loan from a commercial bank, issue securities, transfer claims to basic roles, etc. Another possibility is organizational changes. These are status changes, management changes in the business entity and, finally, technical - technological changes. Management changes imply that the business entity introduces a production chain for new products, which is usually conditioned by new technologies in this process (Marković - Bajalović, D. 2011). On the other hand, certain authors divide all these changes, which imply restructuring, into a status change or an organizational change in a business entity, while others are those that are by nature of obligation law. The first ones mentioned are those that are specified and legally determined by economic regulations in a certain country, and the others, as the name itself suggests, are obligatory - legal. This does not mean that only the mentioned regulations are directly applied, but other indirect legal regulations also come into consideration. On the other hand, other legal regulations, such as bankruptcy or financial consolidation regulations, allow the business entity to restructure, even if the bankruptcy grounds are met. Not all bankruptcy reasons apply equally to both of the aforementioned legal institutes. In the continuation of this paper, we will elaborate on the institutes above in terms of restructuring, as well as the terminology used to denote these institutes.

1. THE GOAL OF THE PAPER

In this paper, the goal is to explain the term restructuring in the context of economic and other subsidiary legal regulations, both theoretically and practically. At first glance, the term restructuring seems clear and sufficient to explain any form of change in a certain business entity. However, the problem arises when we use it in certain stages in the context of valid legal institutes. We are talking here about the changes in the sense of restructuring as organizational changes aimed at expanding activities, conquering new markets, monopolistic agreements, or restructurings that are applied in pre-bankruptcy proceedings, restructuring in bankruptcy, etc.

2. METHODOLOGY

In this paper, restructuring will be determined in different stages of application in the context of valid legal institutes. In this context, the method of synthesis and comparative analysis will be used, which will observe the mutual differences and the conformity of the restructuring by the legal regulations in the Republic of Srpska. The descriptive method will ensure the nomothetic characteristic of this institute. In this paper, we will use the statistical method, as well as the method of induction and deduction.

3. RESTRUCTURING IN THE CONTEXT OF ECONOMIC LAWS

Mergers or takeovers of business entities represent an inherent part of the growth strategy that enables business entities to strengthen their position on the market. Synergy achieved through merger or takeover procedures provides access to a new market as well as resources, and the outcomes of success or failure are of crucial importance not only for the business entity or several of them that are included in the process, but also for the entire economic activity in a certain country (Filipović, D. 2012). In proceedings when economic entities merge or join, stakeholders, as well as holders of shares of the companies included in the proceedings, receive stock or shares in the successor company that will issue them or they can be paid in a monetary amount in relation to the collective nominal value of the follower company's shares. A merchant can perform economic activities, i.e. some of the activities that are economic by their characteristics, which is actually the activity that is specified as such in the regulation on the classification of activities. The framework that determines economic activities is limited by production, trade in goods and the provision of services on the market. In economic life, completely new forms of activity appear directly. Accordingly, business entities are often in a situation to restructure. It is possible to define the economic and legal reasons for the status change of economic entities, which are carried out based on the decision of the highest body in the economic entity. The reasons are to increase competition on the market, because, for example, the subject is empowered through the procedure, but other motives are also possible, such as monopolistic agreements (Jašarević, M. 2023). From the procedure itself, it cannot be inferred or assumed that the business entity wants to achieve the above, i.e. to control a certain economic space on the market. Economic motives, status change procedures have the meaning of gathering capital or focusing on the competitive ability of a business entity on the market. Positive - legal regulations determine status changes that are important for concentration, and not the dispersion of capital that is inexorably linked to mergers and acquisitions (Gorenc, V. 1988). When status changes are carried out, then there is a universal succession of assets of economic entities, which does not liquidate the entity. Restructuring of business entities has the intention of achieving changes in the capital structure, changes in operational characteristics, and changes in ownership. Mergers and acquisitions are programs for decomposing economic entities, and they are used practically in order to achieve their restructuring. Essentially, this type of change in the corporate sense is connected with a change in the business strategy of economic entities (Gorenc, V. 2001). The most common motive for changes in the status of mergers of business entities are: reduction of inefficient operations, change of development strategy and better use of resources of business companies. Many acquisition procedures look good on paper. However, no matter how attractive the acquisition offer is, the value will have an effect only after the acquisition. The results of Slehton's research, which was conducted out of 218 merger or acquisition procedures, suggest that for successful mergers or takeovers, strategic complementarity between the successor and the acquired company is necessary.

On the other hand, research by Kim and Finkelstein, which included 2,204 takeovers by commercial banks in the USA, suggests that similarities in the strategies involved in the transaction are important for business success after a merger or takeover.

4. TERMINOLOGY

In order to give a conceptual definition of the institute of restructuring/reorganization, it is important to determine the etymological meanings of this legal institute. The term restructuring corresponds to the term reorganization, which derives its existence from the Latin language and in translation has meanings such as rearrangements or restructuring of a certain economic or other organization. In addition to the above, "rehabilitation" is also used for the legal marking of this term, and regardless of that, in the linguistic sense, all the aforementioned refer to restructuring, i.e. they represent what is defined as restructuring in our legislation. For example, in the Macedonian legal system, restructuring in bankruptcy is determined as a voluntary act of the debtor, which is undertaken for the purpose of protecting business activities as well as for the purpose of settling the claims of bankruptcy creditors (Mitrovska, D. 2007). Also, the concept of rehabilitation is equally in use, and later in this paper we will see that one of the possible restructuring plans is also called a rehabilitation plan. Restructuring as a legal institute was legally transplanted from Anglo-Saxon law into the domestic legal system. In its conceptual designation, it is regulated materially - by legal regulation, but it is defined too broadly, in such a way that it can be understood ambiguously. First of all, we mean procedure, application and legal determination. Restructuring in pre-bankruptcy and bankruptcy proceedings is connected with the plan, which includes all those measures or methods that are necessary to be undertaken for the entity in the context of its survival. In this way, in a broader definition, restructuring can be understood as the survival of a business entity on the market, but also in other ways, such as the expansion of activities and economic growth. In the continuation of this work, we will shed light on all the possibilities of restructuring.

5. FINANCIAL RESTRUCTURING IN THE LIGHT OF PRE-BANKRUPTCY PROCEEDINGS

In the Republic of Srpska, a law was passed that regulates the pre-bankruptcy procedure, i.e. it is left a possibility for a legal entity to be restructured in a single procedure. It is specific in a way that it is carried out out of court in order to enable the continuation of business, but in the manner that a judicial body does not participate in the procedure, i.e. no restructuring plan is proposed. In legal theory, the question arises whether this form or model of restructuring represents a certain form of uncertainty of the law writer, because this form of restructuring is provided for by a special law? The goal of restructuring is the option of rescuing a business entity that is in business difficulties. In this way, it could recover before it finds itself in bankruptcy proceedings, and the purpose is

to continue its business, i.e. to survive on the market. The question arises whether the introduction of pre-bankruptcy restructuring into domestic legislation was unnecessary, or is it a legally-economically justified institute? In terms of economic laws, in Bosnia and Herzegovina it is possible to carry out restructuring in the framework of which a business entity is restructured through status changes. The Republic of Srpska Bankruptcy Law allows the bankrupt debtor to apply for a bankruptcy plan (restructuring plan), after the bankruptcy grounds have been determined, i.e. after the bankruptcy proceedings have been opened. The confusion in the understanding of terms was introduced by the legislators in both entities, who also use the term restructuring plan for the bankruptcy plan. It would be advisable to use the term “bankruptcy plan” exclusively in the bankruptcy regulations to indicate the plan that can be submitted after the opening of bankruptcy proceedings. In the bankruptcy regulations, there are indications of the possibility of proposing a plan alongside the proposal for opening bankruptcy proceedings - the so-called “pre-prepared restructuring plan”, but also other legal provisions, in terms of the way of implementing this plan, are absent. If this institute is fully implemented in terms of the bankruptcy law, our proposal is to label it terminologically as a pre-prepared plan, so as not to create confusion in its understanding. The legal assumptions related to the content and purpose of the restructuring procedure is to prevent the bankruptcy of the business entity in order to ensure its stability in business. Restructuring has the purpose of enabling effective restructuring at an early stage, but also avoiding bankruptcy proceedings, thereby preventing the unnecessary shutdown of business entities that can be preserved in terms of business operations. In the European Union, since 2013, the action plan has facilitated restructuring conditions and procedures for member countries, and since 2014, a Recommendation on new approaches to bankruptcy and insolvency has been adopted, which suggests the timely initiation of preventive restructuring. The goal of these regulations is to prevent the disappearance of economic entities from economic life (Jašarević, M. 2022).

6. RESTRUCTURING IN BANKRUPTCY PROCEEDINGS - PRE PACK INSTITUTE

In addition to the possibilities mentioned above, in our legal system it is possible for a business entity to be restructured even when it finds itself in bankruptcy proceedings. One of such possibilities is to propose a plan by which the business entity, which is now in the formal legal status of a bankrupt debtor, will try to restructure itself through various means and by applying certain measures. The question arises as to what it is, i.e. what are the legal and economic documents that could be used to do so. First of all, it is a bankruptcy restructuring plan. Namely, the legislator left the possibility for the debtor to submit it, but not at every moment, i.e. only when there are economic, but also legal reasons for the possibility of the bankruptcy debtor being saved or recovered. What is interesting is that it is possible to submit a restructuring plan, of course, when the reasons

for bankruptcy have been established, at the same time as the initiation of the bankruptcy procedure itself. This legal institute is known in comparative law as the pre pack institute. But what does it mean in the context of the implementation of this legal procedure. For now, it does not mean much in the law of the Republic of Srpska, because the legislator left the possibility to implement it, but did not leave any other legal options, the way in which this procedure would be implemented. However, by applying the restructuring plan, it would be possible to carry out the procedure by making a decision of the competent body within the economic entity that it wants to start the restructuring procedure. In this context, the legislator left the possibility that, in addition to the thirteen measures, status changes can also be applied, which is a specific form of restructuring, so that we can say here that it is about bankruptcy restructuring by applying the measures of the economic law in the procedure itself. The specificity of the mentioned institute is that the restructuring is carried out immediately after the adoption and confirmation of the request for the implementation of the bankruptcy procedure. This plan, which in the legal literature is also called pre-prepared, is an effective tool in the restructuring process in a way that does not waste time. This means that costs are reduced, which “results” in bankruptcy, and saving time is also saving money, because society stops sinking into debt. For the above, it is indicative that the company, i.e. its management, has further management rights.

7. RESTRUCTURING AFTER PLAN SUBMISSION

Bankruptcy regulations allow that after the initiation of bankruptcy proceedings, it is possible to propose a restructuring plan with a list of measures that will be applied in order to recover the debtor, i.e. the business entity that has reached bankruptcy. In this way, our legislator left the possibility for the economic entity to be rehabilitated and possibly preserved on the market. On the other hand, we can say that the benefit of this procedure can be multiple. On the one hand, it is to preserve the business entity and thereby partially or completely preserve the jobs of the employees of that entity, and on the other hand, the mere existence of the business entity means that the entity will pay taxes to the state, employ the population and increase competition on the market, but also to strengthen the national economy in that way.

8. TYPES OF RESTRUCTURING PLANS

The most important document in the restructuring process is the plan, which must be feasible. Three types of plans are possible, depending on the goal to be achieved, namely rehabilitation, liquidation and transfer plan. The first of the above specifically specifies the conditions for the continuation of the entity’s business in such a way as to eliminate bankruptcy reasons. The rehabilitation plan is a financial rehabilitation when the subject is freed from economic problems, in such a way that it recovers, and the creditors are settled from the undetermined future income that they will achieve. The business entity

will fully or partially retain management rights, but under a special regime, i.e. control by judicial authorities and administrators in the proceedings. After the restructuring plan has been implemented, the company acquires the right to freely dispose of its assets. The second is the transfer plan, which has the specificity of determining the way in which the property would be transferred to some other persons. It is about property in the possession of the debtor. This plan can be implemented in two possible ways: by selling or by transferring the shares. This type of plan is also possible in status change procedures (Radović, V. 2017). The third liquidation plan is the one according to which the liquidation of the business entity, i.e. the debtor, is carried out. In this context, the question arises, what is the difference between this plan and bankruptcy? Namely, in the bankruptcy procedure, the liquidation plan will not be drawn up, but the difference is also in the method of cashing out the amount covered by the bankruptcy. According to the liquidation plan, the creditors will not be settled from the mass included in the bankruptcy. The measures for the implementation of the reorganization plan can be most generally, from the legal aspect, divided into methods of status changes or organizational changes of the debtor and methods of obligation law content. The methods of organizational changes of the debtor are implemented according to the rules of the law governing the legal position of companies (laws on companies), and the contents of the obligation character are regulated by the Law on Obligations. This is where other laws come into play, depending on the type of relationship regulated by the plan. It is also possible to make a general division from the point of view of the time frame of the effect of certain measures into those that affect the long term and the short term. Also, we can divide the measures into those that directly affect the material and financial position of the debtor (increasing liquidity, reducing liabilities, etc.) and, on the other hand, measures that affect the organization, production program, activity and business activity in general. These divisions are conditional, because a large number of different measures can be said to fall into both categories. Of course, the measures can be divided according to the specific legal or economic business in question (change of debtor-creditor relations, management of property, capital, position of employees, investments, development, production program, etc.). The grouping of measures into certain categories can serve well for the purpose of their easier and simpler presentation and overview of the breadth of the area covered by the restructuring process, but the essence and main advantage is reflected in the great possibility of combining individual measures in order to obtain the best result. Rarely, only one measure or a certain type of measure will be used, but it depends primarily on the specific situation in which the debtor is and on the causes that led to the opening of bankruptcy proceedings. A meaningful combination of measures in the restructuring plan should enable creditors to settle their claims from the income that the debtor begins to realize during the implementation of the plan. It goes without saying that very serious planning is necessary and the most accurate assessment of income and expenditure and the effects that certain measures will have, and all of this makes it a mandatory and integral part of the restructuring plan proposal. Therefore, the possibilities offered by the

restructuring plan will depend on the fact that the bankruptcy trustee, i.e. the debtor will offer, and what the majority of creditors will ultimately accept. Whether the reorganization plan will be carried out depends, first of all, on its content and the proposed measures, which should enable the debtor's continued work. So, the possibility of the debtor's survival and the settlement of the creditors depends, first of all, on the restructuring proposal, i.e. on the measures that are diverse, but they must be justified, i.e. there must be a chance to implement them in the restructuring process. If the measures do not correspond to the factual situation, it is possible to restart the bankruptcy proceedings, after which the bankruptcy of the company is inevitable. For example, in the Montenegrin legal system there are 19 measures with the possibility of proposing others that do not contradict the law. All creditors have the right to vote on the bankruptcy plan and a simple majority is required for its adoption. However, if the reorganization plan is not adopted in the manner prescribed by law, the court remains available to open bankruptcy proceedings against the debtor. As it was said, the enumeration of measures is not exhaustive, because the implementation of other legally permissible measures that may be important for the implementation of the plan, as well as their combination, is allowed.

CONSLUSION

From all of the aforementioned, it can be concluded that restructuring in everyday speech has its multiple definitions. In this work, we have singled out all those that are legally determined as a restructuring procedure. As we mentioned, it can be implemented as any form of change within the entity, but also in relation to other economic entities or the legal position of the entity itself on the market. Financial restructuring involves recapitalization, debt payments and settlement of claims, all with the aim of rescuing a certain business entity that is in trouble and has a certain market perspective. Privatization in a business entity brings capital, technical knowledge, modernization of business and professional internal procedures, and raising the competitiveness of business because the private owner is interested in preserving his invested capital. Through the process of restructuring the obligations of business entities, liquidity and financial stability of the company are established, and the company's liabilities are reduced by a certain amount and the principal amount is increased. The whole process of analysis and proposing procedures for business consolidation and restructuring is carried out on the company's business data, which have been checked through the performed audit. It is possible to restructure obligations by writing off late interest, compensating claims, unblocking accounts with commercial banks, where blocking is an obstacle to obtaining any funds, release of collateral (mortgage on real estate above the amount of the remaining debt, which would ensure the company in the following period the main condition for securing long-term funds from the bank needed for the future development of the business entity). Analogous to that, we said that it is also possible in proceedings that are brought under bankruptcy. These are all those listed above with their specificities. In this paper, we have

given a complete review of all the mentioned models in order to use them in a theoretical or practical sense to dispose of them as befits restructuring.

REFERENCES

1. E. Frankel, (2005) *Acquisitions Basics, The Key steps of Acquisitions, Divestitures and Investments*, New Jersey, page 125
2. Filipović, D. (2012) *The Importance of Changing Strategy for a Successful Takeover of a Company*, Proceedings Collection of the Faculty of Economics in Zagreb, no. 2, page 19 (available at: <https://hrcak.srce.hr/file/137046>)
3. Gorenc, V. (1988) *Commercial Law of Companies*, Zagreb, page 212
4. Gorenc, V. (2001) *Basics of Commercial Law*, Zagreb, page 185
5. Isaković, S. (2011) *Applied Strategies and Growth Models of Small and Medium-Sized Enterprises*, VII Scientific and Professional Meeting with International Participation, Kvalitet, page 261 (available at: <https://www.quality.unze.ba/zbornici/QUALITY%202011/043-Q11-235.pdf>)
6. Jašarević, M. (2022), *Introduction of the Pre-Bankruptcy Restructuring Institute in the Legal System of Bosnia and Herzegovina*, Ekonbiz, page 77 (available at: <http://www.ekonbiz.ues.rs.ba/ojs/article/view/221.html>)
7. Jašarević, M. (2023), *The Role and Importance of European Society - Societas Europea*, Ekonbiz, Bijeljina, page 167 (available at: <http://www.ekonbiz.ues.rs.ba/ojs/article/view/267.html>)
8. Mašić, B. Mašić, S. (2010) *Merger and Acquisition Strategy in the Global Environment*, Singidunum revija, Vol. 6, no. 1, page 181 (available at: <https://plus.cobiss.net/cobiss/sr/sr/bib/170645772>)
9. Marković - Bajalović, D. (2011) *Corporate Organizations*, Pale
10. Mitrovska, D. (2007) *Reorganization of Commercial Companies in Bankruptcy according to the Macedonian Law*, Legal Life, no. 12, page 181
11. Radović, V. (2017) *Bankruptcy Law, Book Two*, Faculty of Law, University of Belgrade,
12. *Bankruptcy Law of the Republic of Srpska* (Official Gazette of the Republic of Srpska number: 16/16),
13. *Bankruptcy Law of Montenegro* (“Official Gazette of Montenegro”, no. 053/16).

Received:
Accepted:
Corresponding author:

UDC: 339.727.22(497.11)
Original scientific paper
March 5, 2024
March 26, 2024
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THE EFFECTS OF INTERNATIONAL FINANCIAL POTENTIAL ON THE ECONOMIC ACTIVITY OF SERBIA

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Abstract: *International financial potential through funds from international creditors and foreign direct investments in Serbia have played an important role since the economic opening to the world after the democratic changes in 2000. A lot of hope was placed in the funds of international financial organizations and FDI as an instrument of economic policy, as a mechanism that can accelerate economic growth and development in an environment with low domestic savings, lead to the replacement of outdated technology and absorb a large number of unemployed people who were losing jobs during the transition, i.e. privatization of inefficient state enterprises. Since 2006, various political structures and Governments have started with a special subsidy program for investments, although it is a program whose effects the majority of the domestic professional public has a negative opinion of. This program is still being carried out with undiminished energy, and politicians are regular guests at ceremonies for the opening of new industrial plants. Serbia and foreign capital have undoubtedly had positive effects on the entire economy of Serbia, including not only the revitalization of already existing former state-owned enterprises through brownfield (such as Fiat Automobili Srbija in Kragujevac) but also the construction of completely new greenfield investments (such as Continental Automotive in Novi Sad). , it seems that they did not fulfill all the hopes and*

expectations that were placed in them. despite a fairly high inflow of international capital, where Serbia is the regional champion measured by foreign direct investment in relation to GDP, the economic growth rate of Serbia is still quite insufficient.

Keywords: *international financial potential, indebtedness, FDI, growth, development.*

INTRODUCTION

More than three decades ago, more precisely in 1990, Serbia's foreign debt amounted to 6.4 billion US dollars, and the GDP was about 20 billion, while the export of goods and services was 7 billion dollars. According to the criteria of the World Bank, the Republic of Serbia was then a low-indebted country based on the quantitative ratio of external debt to GDP and based on the ratio of debt to exports of goods and services (<https://rs.n1info.com/biznis/vreme-javni-dug-srbije>).

Due to the introduction of UN sanctions against the FRY and thus the termination of financial relations by international financial institutions, as well as economic relations with developed countries of the world and the systematic recording of regular and default interest, Serbia's external debt reached 10.83 billion dollars at the end of 2000. Since due to sanctions, war conditions in the immediate environment, inflation and hyperinflation, the disintegration of the country, etc. and lack of investment, the GDP fell below 50 percent and the export of goods and services decreased to about 25 percent of the amount from the above-mentioned 1990, the degree of external debt of Serbia in 2000 was extremely high.

In the period from 2001 to 2006, the Paris Club and the London Club wrote off Serbia's debt of about 4.5 billion dollars, but despite this, the foreign debt grew dynamically, reaching 11.23 billion dollars already in 2002. That is why the expert services of the International Monetary Fund created several scenarios of the sustainability of the foreign debt of the FRY as of 2010. The goal was that at the end of 2010, the external debt would be around 9 billion dollars, because it was expected that the amount of installment repayments would increase in relation to the amount of new debt. Of course, that didn't happen.

The lowest level of public debt was before the global economic crisis, in June 2008, when it dropped to 8,624 million euros. In 8 years, the debt was reduced by an average of 2.02 million euros per month, which means that it was lowered to a minimum of 23.5% of GDP. From mid-2008 to mid-2012, public debt increased to 15.3 billion euros, and its share in GDP doubled to 46.6%. In 48 months, the increase in debt amounted to 6,846 million euros, which was an average of 4.69 million euros per day or 54.3 euros per second. By the end of April 2020, public debt had increased by 9.3 billion euros since mid-2012, which was an increase of 3.28 million euros per day, or 38 euros per second. A little slower than in the period up to the middle of 2012, but the share growth was insignificant, at 52.4%, so this did not seem alarming.

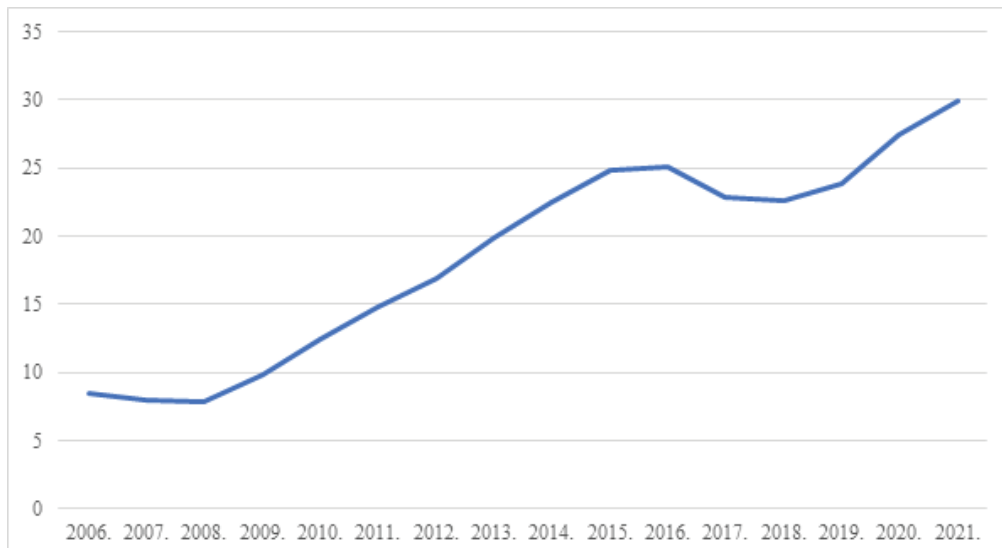
1. ANALYSIS OF THE EFFECTS OF INTERNATIONAL FINANCIAL POTENTIAL ON SERBIA'S ECONOMY

Table 1. The indebtedness of Serbia in the period from 2006 to 2021 in billions of euros

Years	Debt in billion euros
in 2006	8.5
in 2007	8
in 2008	7.9
in 2009	9.8
in 2010	12.4
in 2011	14.8
in 2012	16.9
in 2013	19.9
in 2014	22.5
in 2015	24.9
in 2016	25.1
in 2017	22.9
in 2018	22.6
in 2019	23.9
in 2020	27.4
in 2021	29.9

Source: Compiled by the author according to the Republic Statistical Office of Serbia

Graph 1. Debt of Serbia in billions of euros in the period 2006-2021. years



Source: Republic Institute of Statistics

Based on Table No. 1 and Graph 1, it is clear that in the observed period (2006 to 2021), Serbia's public debt had a mostly upward trend. The lowest level of public debt was at the beginning of the observed period, at the end of 2008 it was 7.9 billion euros. From 2008 and in the following eight years, the debt was constantly increasing and in 2016 it amounted to 25.1 billion euros. In the following year (2017), the debt will be reduced by 2.2 billion euros, and after that the debt will increase again and at the end of 2021 it will reach a record level of almost 30 billion euros.

1.1. The impact of Serbia's borrowing on its economic activity

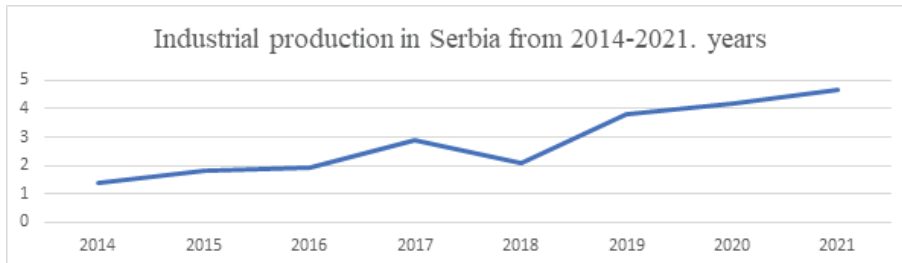
Looking at many macroeconomic indicators, it is noticeable that credit debt has a positive effect on economic activity only if, along with it, there is an increase in investment demand, as well as personal consumption. When the transition period began in Serbia, the credit market was very inactive, as well as a difficult situation when it comes to bank balance sheets, because that period was characterized by uncollectible loans given to state and public enterprises.

The increase in credit activity at that time was visible, but it was important for what purposes these funds were used. If credit growth is a consequence of the need to secure funds for investment financing and working capital needs, this growth is not only not risky, but also welcome for every economy. Otherwise, more intensive credit growth can be a signal of a potential crisis.

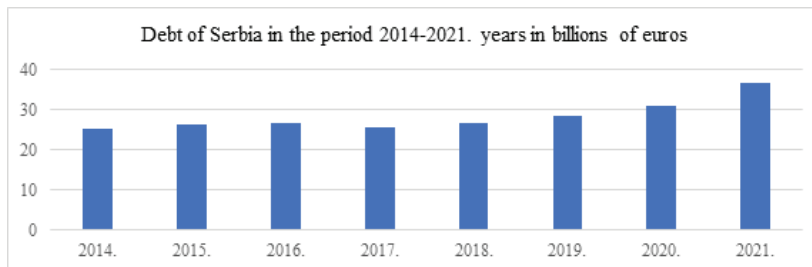
Table 2. Macroeconomic indicators in Serbia in the period from 2014 to 2021

	in 2014	in 2015	in 2016	in 2017	in 2018	in 2019	in 2020	in 2021
Real GDP growth (in %)	-1.6	1.8	3,3	2.1	4.5	4.3	-0.9	7.4
Government spending (in %)	0.9	-3.7	0.0	2.9	3.8	2.0	2.9	2.6
State investments (in %)	13.6	14.0	21.2	-6.3	45.3	30.7	11.0	32.4
Unemployment rate (in %)	20.6	18.9	16.4	14.5	13.7	11.2	9.7	11.0
Nominal wages (in %)	1.4	-0.2	3.7	3.9	6.5	10.6	9.4	9.6
Indebtedness (in billion euros)	25.1	26.3	26.5	25.5	26.7	28.3	30.8	36.5
FDI (in billion euros)	1.6	2.1	2,2	2.6	3.5	3.8	3.1	3.9
FDI (in % of GDP)	1.24	1.80	1.90	2.42	3.16	3.56	2.90	3.62
GDP (in billion euros)	35.4	35.7	36.8	39.2	42.9	46	46.8	53.4
GDP (per capita euro)	4970	5040	5210	5590	6140	6620	6780	7777

Source: Compiled by the author according to the Ministry of Finance of the Republic of Serbia

Graph 2. Industrial production in Serbia from 2014-2021. years

Source : Compiled by the author according to the Ministry of Finance of the Republic of Serbia

Chart 3. Debt of Serbia from 2014 to 2021

Source : Compiled by the author according to the Ministry of Finance of the Republic of Serbia

Based on Table 2 and Graph 3, it can be seen that the indebtedness of Serbia in the observed period (2014-2021) has been constantly growing, which has mostly followed the growth of other macroeconomic indicators. The lowest level of indebtedness was at the beginning of the period (2014) and amounted to 22.5 billion euros, with constant growth reaching the amount of over 30 billion euros in 2021.

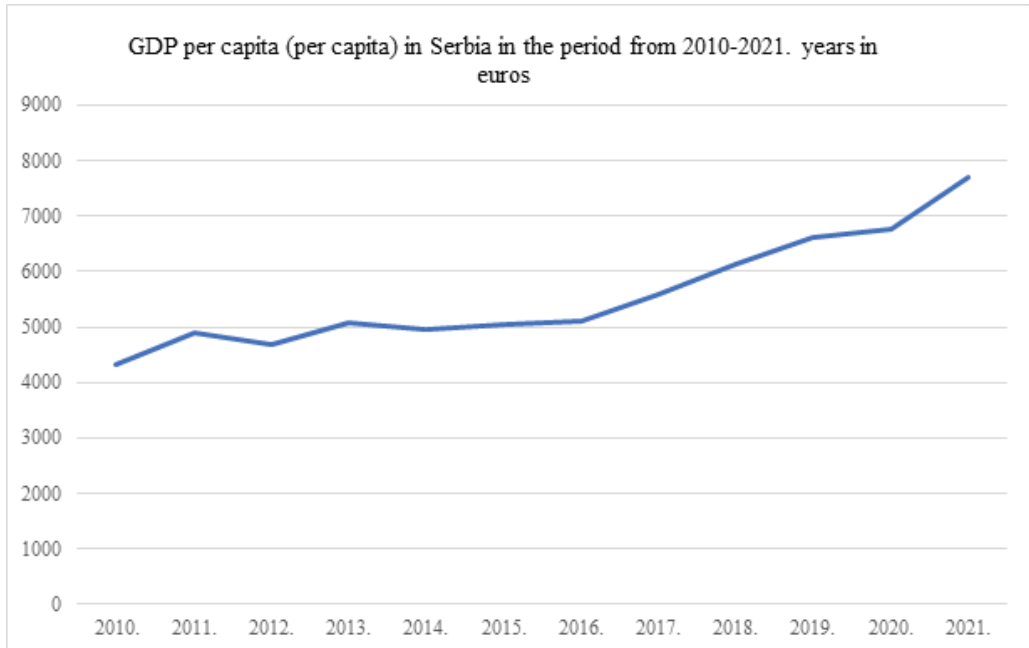
Graph 4. GDP in the Republic of Serbia

Source: Compiled by the author according to the Ministry of Finance of the Republic of Serbia

From Chart 4, it can be seen that the movement of GDP in the period 2010-2021. years had constant growth, which had a very favorable effect on the overall economic picture of the Republic of Serbia. The value of GDP in the observed period ranged from 31 billion euros in 2010 to 53.4 billion last year in 2021, which is an increase of about 70 percent in 11 years. Due to the sustained macroeconomic and financial stability, coupled with timely and comprehensive economic measures implemented by the National Bank of Serbia and the Government, Serbia has achieved a remarkable cumulative real GDP growth of 6.4% over the two pandemic years. This achievement is not only exceptional within Europe but also stands out globally, with few economies managing similar feats. In 2021, Serbia further demonstrated its resilience by attaining a real GDP growth of 7.4%. This growth was primarily fueled by the resurgent service sector, accompanied by robust expansion in construction and industry. Despite the challenges posed by the conflict between Ukraine and Russia, which disrupted global supply chains and impacted prices of essential commodities, Serbia's GDP growth remained strong at 4.4%. This growth was largely driven by the service sectors and industry, underscoring the economy's ability to navigate external challenges while maintaining steady growth.

Given the ongoing uncertainty regarding the conflict's trajectory and duration, coupled with the economic repercussions of escalating energy, food, and primary product prices globally, the GDP forecast for 2022 has been adjusted downward. Initially projected within a range of 4 to 5%, the revised forecast now falls within a range of 3.5 to 4.5%. Despite these challenges, growth in 2022 is anticipated to be driven by increased activity in the service sectors, construction, and industry. However, given the prevailing conditions arising from the conflict between Russia and Ukraine, the risks to the GDP growth projection for 2022 are viewed as predominantly skewed towards a downward trajectory.

The year 2020 witnessed significant contributions from various sectors to the formation of GDP. The manufacturing industry sector took the lead with a noteworthy share of 13.3%, trailed by the wholesale and retail trade and motor vehicle repair sector at 11.3%. Also playing a pivotal role was the real estate business sector, contributing 7.0% to the GDP. Other sectors that made substantial contributions include agriculture, forestry, and fishing, accounting for 6.3% of the GDP, the information and communication sector at 5.4%, and the construction sector also at 5.4%. Observed by aggregates of GDP use, the participation of expenditures for individual consumption of the household sector amounted to 65.5%, expenditures for individual consumption of the state sector 9.9%, expenditures for collective consumption of the state sector 7.6%, gross investment in fixed assets 21.4%, export of goods and services 48.2% and import of goods and services 56.5%. The real growth of gross domestic product in 2021 was 7.5 percent compared to 2020.

Graph 5. GDP per capita

Source: Compiled by the author according to the Ministry of Finance of the Republic of Serbia

In the observed period (2010-2021), that is, in the last eleven years, the GDP per capita followed the state of GDP. It can be seen on the basis of Graph 5 that the GDP per capita has constantly tended to grow and that it has almost doubled for the observed period (11 years). It grew from 2010 at the beginning of the observed period from close to 4,000 euros to 7,777 euros at the end of the period. GDP per capita is a much more precise macroeconomic parameter that shows the state of a country's economy and the quality of life of its inhabitants.

1.2. Foreign direct investments in Serbia

Direct foreign investments have been a prominent topic in Serbian society for the past few years, and even decades, (not only in Serbia but also in all countries of the former Yugoslavia). It is clear that these concepts should be separated, as the concepts of direct foreign investment and the placement of money by international organizations are often "mixed". Foreign direct investment refers to the investment of a foreign person in a domestic legal entity, through which the foreign investor acquires a share or shares in the capital of that legal entity, and in accordance with the law, acquires all other rights based on such investment. Therefore, foreign direct investment means the investment of foreign capital by a resident investor (enterprise) of one country in a resident (enterprise)

of another country in order to achieve common interests. With such an investment, the foreign investor acquires the right to control and manage the company in which he has invested capital. The two largest groups of companies that can be directly invested in are Brownfield and Greenfield. Brownfield investment entails investing in an already existing company, while Greenfield investment involves opening a new company. The names Brownfield and Greenfield can be interpreted as brown land, that is, land on which something already exists, and green land, that is, land on which something is yet to be created. Hence the names with such metaphors. These investments can take several forms: public investments by the state, private investments by individuals or groups, and investments by companies. Basically, all those investments are classified according to the types of investment into the following groups:

- Direct foreign investments (Foreign Direct Investment - FDI)
- Joint investments - joint ventures
- Investment portfolio
- Investing funds through privatization and - Concessions.

Direct foreign investments are a characteristic of modern economic relations and the process of globalization, as they unify international trade in a specific way, that is, the international movement of capital, technology, labor, and factors of production. In this way, foreign direct investments act as a connective tissue between developed and underdeveloped countries, connecting north with south, capital with production, and workforce with new technologies and techniques. Foreign direct investment helps underdeveloped regions, whether they are countries, provinces, districts or cities, to grow economically much faster than would be the case if the same region relied only on its own development potential. Investments minimize the limiting factors of organic growth, such as lack of financing sources, insufficient productivity, insufficient presence in target markets, lack of modern production and service delivery technologies, structural problems of the local economy, as well as poor development policies in the previous period. For local self-governments, new investments can have a special significance because there are examples in Serbia of doubling the number of employees in the economy on the territory of the municipality in a very short period of time through the implementation of just one investment project. The most common reasons for expanding business activities to other countries, whether it is the expansion of production capacities, the relocation of business activities or the acquisition of existing companies abroad, are cited as:

- lower operating costs, mainly in terms of labor costs
- proximity of raw materials needed for production
- avoiding customs and other export costs to target markets
- reduction of transport costs of delivering products to target markets
- gaining experience working in promising markets
- taking over companies that are direct competitors in the target markets or may become so
- acquiring rights over patents and technology owned by companies abroad

- facilitating the development of the company in a better business environment
- avoiding the limiting factors of domestic regulations related to research and development.

When Serbia became a candidate for EU membership on March 1, 2012, opportunities opened up for it to use EU pre-accession funds. Those funds are intended to help candidate countries for EU membership in transforming their institutions and economies, adapting them and bringing them closer to the level of the EU, so that upon entry they would be competitive with the economies of the countries in the European Union. The EU pays special attention to the IPA program, which serves to help local governments achieve the above-mentioned goals and programs for agriculture, i.e. the IPARD programs, which Serbia started using in 2017. The European Union has also signed with Serbia a number of other programs that are successfully used, such as:

- Horizon 2020
- Program of competitiveness of small and medium-sized enterprises - COSME
- Program for employment and social innovation
- Erasmus
- Creative Europe
- Europe for citizens
- European Health Program III
- Fiscalis 2020
- Customs 2020
- European Union Civil Protection Mechanism.

The EU is not the only financier of Serbia's development, there is also the United States of America with its USAID programs and other countries, as well as international financial organizations and transnational companies. Citizens and companies cannot directly apply for funds from the mentioned programs. These funds are placed through state funds, agencies and commercial banks. So, for example, an application for the IPARD program is submitted to the Administration for Agrarian Payments, or an application for one of the entrepreneurship promotion programs can be submitted to the Development Agency of Serbia or the Development Fund.

1.3. A brief history of foreign direct investments in Serbia

Serbia has a long history of dealing with foreign investments, dating back to the late 19th and early 20th centuries. During this period, the mining and energy sector were predominantly owned by Austrian, Hungarian, German, and French capital. Following the Second World War and up until the late sixties, foreign capital entered Yugoslavia under strict governmental control. A period of productivity growth and technological development ensued, lasting until the late seventies, when foreign donations ceased. This halt led to a rapid increase in Yugoslavia's public debt, coupled with a rise in the inflation rate, negatively impacting productivity.

The economy faced significant challenges, including a growing foreign trade deficit and reliance on exporting raw materials while importing finished products. By the late eighties, Yugoslavia's economy was in serious trouble, with a high foreign trade deficit, public debt, and current account deficit totaling 3.7 billion dollars. With borrowing options exhausted, the government had no choice but to pass the Law on Foreign Investments, allowing foreign citizens to start businesses.

Until the privatization of social enterprises began in the nineties, foreign investments mainly took the form of joint ventures, mostly in the processing industry. However, due to the breakup of Yugoslavia and UN sanctions, traditional EU partners could not legally invest in the Federal Republic of Yugoslavia until 1996. After the sanctions were lifted, over 2,800 contracts for foreign investments were signed, totaling over two billion German marks by 1997. Investments during this period also included acquisitions through privatization. The telecommunications sector, food industry, metal processing, and chemical industry were among the dominant sectors for foreign investments.

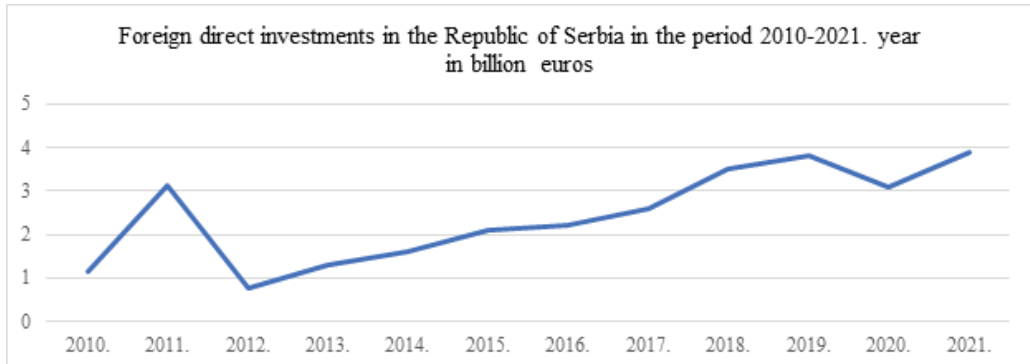
During the NATO bombing, Yugoslavia was isolated from international events and investments until the revolution period when Serbia reconnected with international capital flows. The official reopening for foreign investments and international capital occurred with the passing of the Law on Foreign Investments in 2002, which aimed to equalize the rights and obligations of foreign and domestic investors. The liberalization of customs and the legal framework also led to preferential treatment for foreign capital.

Chart 7. Foreign direct investments in Serbia



Source: Compiled by the author according to the Ministry of Finance of the Republic of Serbia

From Chart 7, it is clearly seen that the year 2002 and the passing of the Law on Foreign Investments was a turning point in the arrival of international capital and significant investment by foreign investors in the Serbian economy. Since then, foreign capital tends to grow until 2006, when it reaches a record level of 4.256 billion euros. In the following year, 2007, foreign direct investments decreased by around 800 million euros and at the end of that year amounted to 3.439 billion euros. And in the next two years, foreign investments will fall, so that at the end of the observed period (2009), it will reach a value of around 2 billion euros.

Chart 7. Foreign direct investments in the Republic of Serbia

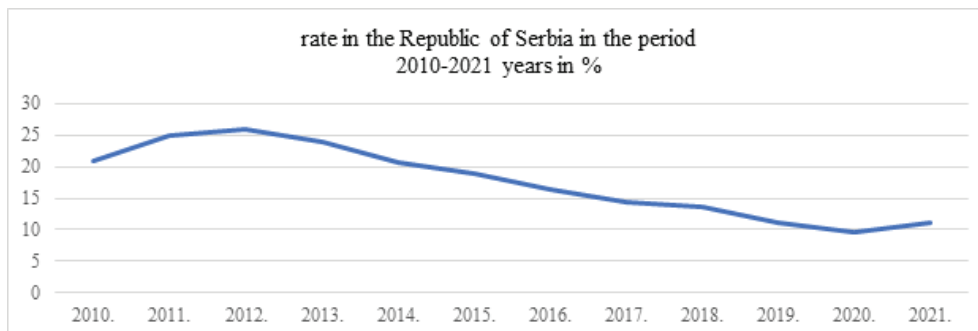
Source: Compiled by the author according to the Ministry of Finance of the Republic of Serbia

In 2010, the downward trend of foreign direct investments in the Republic of Serbia continues, when they reach the lowest level recorded in the previous 6 years. In the following year, 2011, the investment of foreign investors grows and reaches the level of over 3 billion euros, only to have a sharp drop again the following year. From 2012 to the present day, foreign capital has returned significantly to Serbia and has a growing trend to reach nearly 4 billion euros at the end of last year (2021).

Graph 8. FDI in % of GDP in Serbia

Source: Compiled by the author according to the Ministry of Finance of the Republic of Serbia

From Graph 8, it can be seen that the participation of foreign direct investments in the percentage of gross domestic product, in the observed period, followed the entry of international capital into Serbia and that it mostly grew during the entire period, except for 2012, when there was a significant drop.

Chart 9. Unemployment rate in the Republic of Serbia

Source: Compiled by the author according to the Ministry of Finance of the Republic of Serbia

From the previous graph, the trend of the decline of the unemployed can be observed mainly, if we exclude the first two years of the period (2010 and 2011). Since the following year, 2012, the unemployment rate has been steadily falling, and in 2020 it will reach a historic minimum of 7.3%. in the second quarter of that year, the number of employees was 2,844,000, and the number of unemployed was 222,900. At the same time, the employment rate was 48.2%. There were 352,400 unemployed people in Serbia last year, and compared to 2020, that number is higher by 53,200 or 17.8 percent. Last year 2021, 2,848,800 people were employed, and compared to the previous year 2020, that number was higher by 72,100, or 2.6 percent. At the same time, the rate of the population outside the labor force decreased by 2.5% and in 2021 it amounted to 45.3%.

The year-on-year trends in the labor market, characterized by an increase in unemployment and a decrease in the population outside the labor force, stem from the changes brought about by the coronavirus pandemic crisis in 2020. During that year, individuals who were unable to seek or commence work due to virus containment measures were not classified as unemployed according to the International Labor Organization's (ILO) definitions but were instead categorized as part of the population outside the labor force. Therefore, the rise in the unemployment rate from 9.7 percent in 2020 to 11 percent in 2021, coupled with the decline in the population outside the labor force from 47.8 percent to 45.3 percent in the same period, can be viewed as indicators of recovery, indicating a return to pre-pandemic crisis levels. Concurrently, the employment rate increased from 47.1 percent to 48.6 percent.

In 2021, the employment rate among individuals aged 15 and over in Serbia stood at 48.6 percent. The Belgrade region boasted the highest employment rate at 52.5 percent, followed by the Vojvodina Region and the Šumadija and Western Serbia Region, with employment rates of 49.3 percent and 48.7 percent, respectively. The South and Eastern Serbia Region recorded the lowest rate at 43.2 percent. The unemployment rate among individuals aged 15 and over in Serbia in 2021 was 11 percent. At the regional level, the Belgrade Region exhibited the lowest rate at 8.8 percent, followed by the Vojvodina Region

at 9.5 percent and the Šumadija and Western Serbia Region at 12.6 percent. Conversely, the South and Eastern Serbia Region experienced the most challenging labor market conditions, with the highest unemployment rate at 13.6 percent. Additionally, in 2021, the number of employed young people aged 15 to 24 increased by 27,600, or 19.3 percent, while the number of unemployed in the same age group rose by 6,600, or 12 percent, compared to 2020.

1.4. Debt of Serbia

Serbia's total foreign debt at the end of 2009 was about 23 billion euros or 69.9 percent of GDP and accounted for about 194 percent of total exports in that year increased by remittances from Serbian citizens living abroad. In December 2010, the foreign debt increased compared to the same period of the previous year by 790 million euros, while at the end of May 2011, the foreign debt of Serbia amounted to 22.89 billion euros, which is 166.7 million more than in the previous month and 900 million less than at the very beginning of the year. In the period from 2000 to 2009, the external debt expressed in euros grew at an average rate of 7.7 percent, and the trend continued in the following year. The situation improved a little in the first half of the following year.

As can be seen from the following table, the total debt of Serbia in 2009 compared to 2001 increased by as much as 80 percent, which is a lot for a relatively short period of time. According to international financial institutions, at the end of 2009, the debt amounted to 4.9 billion euros, or 21.8 percent of the total debt. In the debt of these financial institutions, the largest share was held by the IMF with 22.3 percent and the IBRD with 24.8 percent. As for the debt and its interest rate structure, most of the debt is linked to EURIBOR (79.5 percent) and a smaller part to LIBOR, and the rest to the US dollar and the Swiss franc. This is a common practice, but also an additional risk factor, if any. in view of the fact that in the coming period, Serbia expected an increase in interest rates on the international money market, and thus an increase in debt servicing costs.

Table 3. External debt of Serbia to creditors in millions of euros for the period from 2010-2020. years

Debt structure	in 2010	in 2011	in 2012	in 2013	in 2014	in 2015	in 2016	in 2017	in 2018	in 2019	in 2020
IMF	163	308	541	730	706	732	185	0	0	2,110	2.4
IBRD	1.65	1.81	1.81	1.81	1.81	1.80	1.61	2.60	1.58	1.23	2.37
IFC	114	153	162	87	87	62	159	199	193	216	210
AND THAT	0	0	161	318	318	395	418	425	461	469	521
EBRD	0	2	42	205	205	295	382	418	584	676	707
EIB	275	55	103	207	207	275	387	518	592	742	874
E U	0	223	224	260	260	273	273	273	273	273	273
EUROFIMA	129	138	142	125	118	136	128	113	114	101	91

Debt structure	in 2010	in 2011	in 2012	in 2013	in 2014	in 2015	in 2016	in 2017	in 2018	in 2019	in 2020
MIB	10	12	0	0	0	0	0	0	0	0	0
EUROFUND	25	27	26	24	21	18	25	22	52	60	58
EFSE	0	0	0	0	0	0	51	62	73	93	103
Government and governmental agencies	4.69	4.92	2.97	3,743	2.71	3.10	2.37	3.28	2.38	2.26	4.44
The Paris Club	4.18	4.29	2.41	2.24	2.21	2.48	1.78	1.72	1.76	1.76	2.86
Other governments	506	626	560	496	494	620	592	559	618	499	576
The London Club	0	0	0	0	793	909	817	729	764	748	844
The London Club	2.44	2.60	2.34	2,190	61	74	55	51	56	60	0
Other creditors	686	971	1.08	1.309	2.18	3.61	6.67	9.69	12.1	12.3	15.87
Kratkor. debt	1.24	1.16	978	844	733	1.27	1.2	1.32	2.42	2.28	3,754
CLEARING	225	207	175	146	134	89	80	72	75	74	86
TOTAL DEBT (billion euros)	14.6	14.6	15.7	16.8	19.1	23.0	24.8	24.7	27.8	29.7	33.6

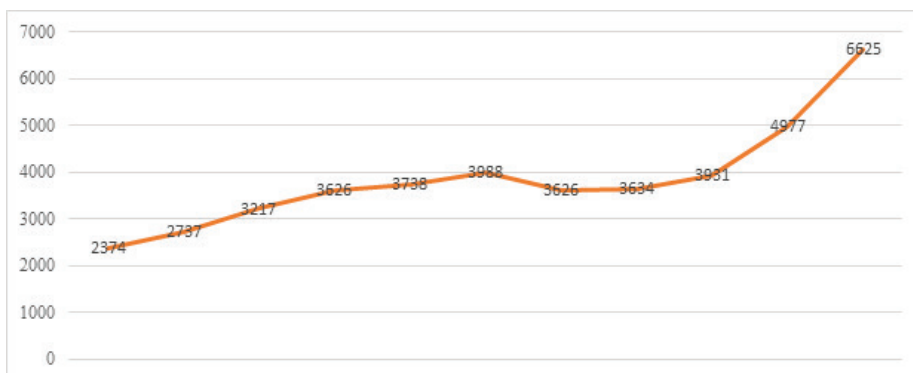
Source: National Bank of Serbia

Table 4. Serbia's borrowing in millions of euros from International Financial Institutions (IFIs) in the period 2010 – 2020

Year	in 2010	in 2011	in 2012	in 2013	in 2014	in 2015	in 2016	in 2017	in 2018	in 2019	in 2020
Debit	2374	2737	3217	3626	3738	3988	3626	3634	3931	4977	6625

Source: Made by the author according to NB

Graph 10. Debt of Serbia in millions of euros with MFIs for the period 2010-2020 .



Source: Compiled by the author according to NBS

Although, in the opinion of many economists, Serbia was significantly indebted in this period, according to the criteria of the World Bank and the IMF, it did not belong

to highly indebted countries. But if this level of indebtedness were to continue in the following period, it would be necessary to take into account the level of indebtedness, as well as to properly settle the assumed obligations.

The share of public sector debt in the total debt in 2010 compared to the end of 2000 was reduced by 49 percent, which is the result of regular repayments, as well as write-off of debt to the Paris and London Club of Creditors and rescheduling of obligations to China and Kuwait. When it comes to the public sector and its borrowing from international financial institutions, which amounts to 2.8 billion euros, the IMF accounts for 1.4 billion, the IBRD 1.3 billion, the European Investment Bank (EIB) 734 million, and 377 million euros to the European Bank for Reconstruction and Development (EBRD).

Of the total foreign debt, the debt of the private sector (banks and companies) amounted to 15.4 billion euros or 62.5 percent. The largest debt is the debt of companies and it amounts to 10.4 billion euros, and this is the result of their indebtedness to banks. And when it comes to international financial organizations, the debts to them are 3 percent of the total external debts of the company, namely to the IFC 83 million euros, to the EIB 10 million and, at most, to the EBRD 223 million euros (Republican Bureau of Statistics).

When we talk about the banking sector, their debt is 4.8 billion euros, which compared to 2008 increased by 779 million euros, as a result of the Vienna initiative (namely, at the meeting in Vienna, which was held at the end of March 2009 under the auspices of chairmanship of the IMF, with the aim of mitigating the consequences of the World Financial Crisis, as well as supporting the Serbian authorities in implementing structural reforms, the headquarters of the largest European banks (Intesa Sanpaolo, Raiffeisen International, Hypo Alpe-Adria, Eurobank EFG, National Bank of Greece, Unicredit, Societe Generale, Alpha Bank, Volksbank International, Piraeus Bank), expressed their desire and determination to continue doing business on the territory of Serbia and pledged to maintain the same level of approved loans in 2009 and 2010 as they had in 2008. representatives of all relevant international financial institutions (World Bank, EBRD, EIB) as well as representatives of the Ministry of Finance of Serbia were present at the meeting, and they all supported the economic reforms of Serbia foreseen within the new arrangement with the IMF.

One of the conditions for the IMF to confirm the new arrangement on the withdrawal of around 3 billion loans by mid-2011 was to maintain the same amount of private debt abroad. In the total indebtedness of banks, the debt to international financial institutions is 463 million euros. In the currency structure of external debt, the euro plays the most significant role with a share of 76.8 percent, followed by the US dollar with 12.1 percent, the Swiss franc 4.9 percent, the Japanese yen 0.5 percent, the clearing dollar 0.3 percent, and all other currencies 5.1 percent.

As is known, external debt is actually the total public and private debt towards all creditors from abroad (governments of other countries, private commercial banks and international financial organizations). According to data from the European Union and the IMF, Serbia is not among highly indebted countries, because at the level of the European

Union, the share of external debt in relation to GDP in 2009 was 129 percent, while in Serbia it was 69.9 percent, from which shows that it is only half of the European project of the EU countries. Only five EU member states have a smaller share in GDP than Serbia (Poland, Czech Republic, Romania, Slovakia and Malta). It is interesting to see that the external debt per capita at the EU level amounts to 75,726 US dollars, while at the same time this amount in Serbia is 4,297 US dollars. The delay in servicing the external debt in 2009, due to the decline in economic activity, the inflow of remittances from citizens from abroad, as well as foreign direct investments due to the World Financial Crisis, Serbia was forced to agree with the IMF on a *stand-by* arrangement, all with the aim of strengthening foreign exchange reserves as and support for structural reforms.

Graph 11.



Source: National Bank of Serbia

If we compare Serbia's borrowing as a percentage of GDP from international creditors in the period from 2001 to 2009 and the period of the following 12 years, it is clearly seen that the percentage is uniform, excluding the year 2001 when the share of external debt in GDP reached historical levels. borders. Already in 2002, the situation changed significantly and showed a constant in the following twenty-year interval.

A rough indication of the scale of nominal convergence in Serbia in the next ten years can be provided by the ratio of the price level in Serbia to the price level in selected transition countries and developed Europe. This table provides an overview of the ratio of the consumer price index in 2010 and 2020, which are comparable using the exchange rate of the respective country against the euro. The year 2010 is the first available year for Serbia, and it was measured by the available data for 2009. The data show that nominal convergence took place during the last four years in Serbia as well as in comparable countries. The data for 2020 includes the exchange rate correction (except for Bulgaria, Slovakia and Slovenia), which, in most cases, including in Serbia, made the comparison more realistic, indicating larger deviations than in 2008.

In the next ten years, Serbia can nominally converge following the path of today's results of transition countries from Hungary through the Czech Republic to Slovakia. Croatia probably still has an overvalued currency. Thus, in 2020, Serbia converged to the price level of Slovakia at that time (70.2%), which means that the dinar increased its value (appreciated) by 31% in ten years, which is below 3% per year.

1.5. The long-term impact of Serbia's borrowing from international monetary and financial institutions

In the form of loans and grants in the last two decades, these international financial organizations have granted very significant funds intended for economic prosperity to underdeveloped countries as well as to the state of Serbia. The approval of these funds to Serbia was conditioned by a positive assessment of the achieved results in the implementation of the economic program supported by the IMF with its financial arrangement. The financial support of these financial institutions was needed all these years, and it is still needed today both for the implementation of economic reforms and for achieving the greatest possible economic growth. It is impossible to imagine the improvement of agriculture, ecology, transport infrastructure, health and social protection, local self-government, development of small and medium-sized enterprises without the use of loans from the IMF, IBRD and other financial organizations.

The main goal of all measures of international financial institutions is to maintain macroeconomic and financial stability in the coming years, which would be reflected in:

- acceleration of EU integration
- reduction of public spending
- low and stable inflation
- encouraging employment, reforming the pension system as well as the health insurance system, reforming the labor market, continuing the privatization process
- expenditures in the budget for capital projects related to infrastructure of state importance

1.6. Relations between Serbia and the International Monetary Fund

The former Socialist Federal Republic of Yugoslavia (SFRY) was among the nations that participated in the Bretton Woods Conference in 1944 and was one of the founding members of the International Monetary Fund (IMF) and the World Bank. The IMF approved 12 stand-by arrangements for the SFRY since its inception. The most significant cooperation with the IMF occurred between 1980 and 1991, during which the SFRY received seven stand-by arrangements totaling 3.5 billion special drawing rights (of which 2.7 billion were utilized).

Yugoslavia signed its first financial arrangement with the IMF in 1949, amounting to 9 million US dollars, and its last one, totaling 460 million special drawing rights, on March

16, 1990. The IMF's Board of Executive Directors declared on December 14, 1992, that the SFRY no longer existed, thereby terminating its membership in the IMF. Additionally, the conditions under which the successor countries (Bosnia and Herzegovina, Croatia, North Macedonia, Slovenia, and the Federal Republic of Yugoslavia) could inherit the SFRY's membership in the IMF were established. The Federal Republic of Yugoslavia accounted for 36.52% of the assets and liabilities of the SFRY in the IMF.

On December 20, 2000, the IMF's Board of Executive Directors retroactively approved the Federal Republic of Yugoslavia's membership, effective from December 14, 1992. On the same day, the Board authorized 116.9 million special drawing rights (approximately 185 million US dollars) to the Federal Republic of Yugoslavia as part of "Emergency Post-Conflict Aid" to support its economic stabilization and institution and administration restoration program. A portion of these funds was used to repay a bridging loan of 101.1 million special drawing rights, which Switzerland and Norway had granted to settle financial obligations to the IMF.

To further support the government's economic program, the IMF's Board of Executive Directors approved a stand-by arrangement of 200 million special drawing rights (approximately 317 million dollars) on June 11, 2001. The withdrawal of funds was contingent on the successful implementation of the agreed-upon stand-by arrangement program. The approved funds were disbursed in four equal tranches. This stand-by arrangement formed the basis for negotiations on debt relief for Serbia and Montenegro with the creditors of the Paris Club. The utilized funds were repaid between March 2004 and May 2006.

Following the successful implementation of previous financial arrangements and the agreed-upon economic stabilization and structural reform program for the period 2002-2005, a three-year financial arrangement titled the "Extended Financing Arrangement" was approved by the IMF on May 13, 2002, totaling 650 million special drawing rights (approximately 1,030 million dollars).

The use of approved financial resources was contingent upon meeting agreed-upon performance criteria and implementing structural measures. Over the course of six half-year program reviews, the total approved funds were disbursed in 12 tranches, with the final tranche being withdrawn in February 2006. Subsequently, following Montenegro's separation and based on the Constitutional Charter, Serbia assumed the legal personality of the former union, becoming an independent state and assuming membership in the IMF and other organizations. This marked the continuation of successful cooperation that persists to this day.

CONCLUSION

Based on the relevant indicators, it is evident that international financial potential has significantly benefited Serbia in several ways. While investors primarily seek profit through capital investment, determining its precise impact on the country's economic development is complex and not easily answered. Alternative development strategies are

guided by varying perspectives on economic growth and capital's role in it. Traditional development theories, prevalent in academic and institutional circles in the latter half of the 20th century, emphasized capital as a direct driver of development. Early economic models directly linked the amount of international capital invested to economic growth.

Millions of dollars of international capital give percentages of gross domestic product growth, and billions of dollars give percentages. In order for an economy, especially an underdeveloped one, to have results in the field of economic progress, the arrival of all forms of international capital is very important, which was also confirmed through the research in this scientific paper, but capital does not mean much if it is not invested in the right way. In order for the market mechanism to function well, an institutional framework of legal certainty and entrepreneurial freedom is needed. We should turn to improving the business environment and develop several benchmarks, indices and rank countries according to various criteria of the quality of institutions and ease of doing business.

It is striking that credit debt mostly affects the construction of infrastructure projects, while international capital in the form of foreign direct investments is related to foreign trade and can be divided into investments that substitute foreign trade, investments that encourage foreign trade, those investments that complement it, and investments which divert foreign trade to the recipient country.

In the future, underdeveloped economies, including the Serbian economy, must work significantly on improving the business environment, neutralizing political risks, improving the work of institutions, and transparency in the use of international capital. In addition to the above, Serbia should direct significant efforts towards improving the business and investment climate, creating an effective institutional framework that will positively influence the attraction of international funds, direct efforts towards priority sectors, the implementation of programs in practice as well as the systemic fight against corruption.

REFERENCES

1. Krugman, P., Obstfeld. (2009) *International economy - theory and politics*, Belgrade, Data status.
2. Jović, D. (2011). *Banking of Bosnia and Herzegovina I*. Laktaši: Grafomark.
3. Miljković, D. (2008) *International Finance*, Belgrade, Faculty of Economics.
4. Čenić-Jotanović, G. (2005). *International economic relations*. Banja Luka: Faculty of Economics.
5. Kovačević, R. (2016) *International Finances*, Belgrade, Faculty of Economics in Belgrade.
6. Kastratović, M. (2005). *International movement of capital*. Belgrade: Finance.
7. Kovačević, R. (2014). *The impact of foreign direct investment on economic growth*. Belgrade, Faculty of Economics.
8. Krugman, P. Obstfeld, M. (2009). *International economics - theory and politics*. Belgrade, Data status.

9. Lazibat, T. Kolakovic, M. (2004). International business in the conditions of globalization. Zagreb. Synergy.
10. Stakić, B. (1996). International financial organizations. Belgrade: Jugoslaviapublik.
11. Folkers-Landan, D. Lindegren, CJ (2001). Toward Framework for Financial Stability. Washington. IMF.
12. Perishin, I. (1988). World financial vortex. Zagreb: Forward.
13. Pelević, B., Vučković, V. (2007). International Economics, Belgrade, Faculty of Economics.

Received:
Accepted:
Corresponding author:

UDC: 343.9.02
343.3/.7
Review paper
March 2, 2024
March 22, 2024
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ORGANIZED CRIME AS A SECURITY THREAT

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Abstract: *Safety, in a theoretical-practical sense, is understood as a state, organization, function and system. As a state, security is valued in an amplitude of values whose poles are: completely safe and completely unsafe. It is a fact that absolute security does not exist, that is, that every security reference object is threatened to a certain degree. For a long time, the only (key) threat to security was war. However, during the Cold War, the concept of security was expanded from purely military to other sectors, such as political, economic, social and environmental. Thus, the security of the reference object can be threatened by a whole corpus of threats, which are basically divided into military and non-military.*

In the last few decades, among the numerous challenges, risks and security threats, organized crime stands out. Although acts of crime are evident, both nationally and internationally, organized crime remains undefined, which makes it particularly difficult to prove. This is also due to the fact that in the various classifications of acts that constitute organized crime, different activities are implied.

In this paper, the state of organized crime is analyzed through selected criminal acts - threats to security, such as human trafficking - trafficking, narcotics trade and arms trade. The aim of the research is to prove that organized crime in the world has been increasing in the last few years.

The work was created as a result of research for teaching purposes, as well as the preparation of the diploma thesis of the first author of this article, which was defended at the Faculty of Business Studies and Law in Belgrade in early 2024.

Keywords: *Organized crime, Trafficking, Arms trade, Narcotics trade.*

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INTRODUCTION

Man has created many goods to make his life easier and better. However, man has also created many means to destroy another man. Thus, as the only conscious being on planet Earth, man is destroying his own species in a very brutal way. The destruction of man - man is not only immanent to physical force/violence. There are many other means and methods that directly and indirectly contribute to the mass suffering and suffering of the population. One such threat is organized crime.

Organized crime is recognized as a criminal act, but also as a security threat in the strategies of all countries of the world. However, the scope of activities that this criminal offense - a security threat includes, and thus its typology in theory and practice, is different.

THE SUBJECT OF THIS PAPER IS ORGANIZED CRIME, VIEWED FROM THE ASPECT OF HUMAN TRAFFICKING - TRAFFICKING, DRUG TRAFFICKING AND ARMS TRAFFICKING.

Preliminarily, in this paper the basic terms have the following meanings:

- *Organized crime*: “commitment of criminal acts by an organized criminal group, i.e. another organized group or its members, for which a prison sentence of four years or a heavier sentence is provided” (*Zakon o organizaciji i nadležnosti državnih organa u suzbijanju organizovanog kriminala, 2003*).
- *Trafficking in human beings - trafficking*: “trafficking in human beings is recruiting, transporting, transporting, hiding and disguising a person, by the threat of force or the use of the same or coercion of various kinds, by fraud, deception, abuse of authority or a difficult position or by giving or receiving money or benefits in order to the consent of a person who has control over another person was obtained, with the aim of exploitation” (*Protokol za prevenciju, suzbijanje i kažnjavanje trgovine ljudskim bićima, 2000*).
- *Narcotics trade*: in the broadest sense, it includes the entire activity of production and distribution of psychotropic substances (drugs) in a way that is prohibited by laws or international conventions.
- *Illegal arms trade*: in the broadest sense, it includes the entire activity of the production and distribution of arms in a way that is prohibited by law or international conventions.

The subject of research in the spatial sense has a broader and a narrower aspect. In a broader sense, the case covers the entire world, while in a narrower sense, the case refers to the Republic of Serbia.

In terms of time, the subject of the research covers the period of the last five years.

The following scientific methods prevailed in the research: content analysis; case study and statistical method.

Structurally, apart from the introduction and conclusion, the work is operationalized in: 1) Research results and 2) Discussion of research results.

1. RESEARCH RESULTS

As research results, we will present an analysis of the general aspect of organized crime and its individual types.

1.1. General aspect of organized crime

Organized crime is primarily understood as a criminal offense. However, in all the security strategies of the countries of the world, that criminal act is also recognized as a threat to security. In this sense, we state how the National Security Strategy of the Republic of Serbia identified organized crime:

„Organized crime represents one of the most significant threats to the security of the Republic of Serbia, especially when one takes into account the intensity of its manifestation and its transnational character. The following forms of organized criminal activity are most prevalent: production and smuggling of psychoactive controlled substances, smuggling and trade in firearms, people smuggling and illegal migration, economic and financial crime in the form of illegal production and trade in excise goods and money laundering, corruption, as well as other less prevalent forms. In this regard, a special security threat is represented by the activities of criminal groups in the south of the Republic of Serbia, primarily due to their connection with the bearers of terrorist, extremist and separatist activities” (*Strategija nacionalne bezbednosti, 2019*).

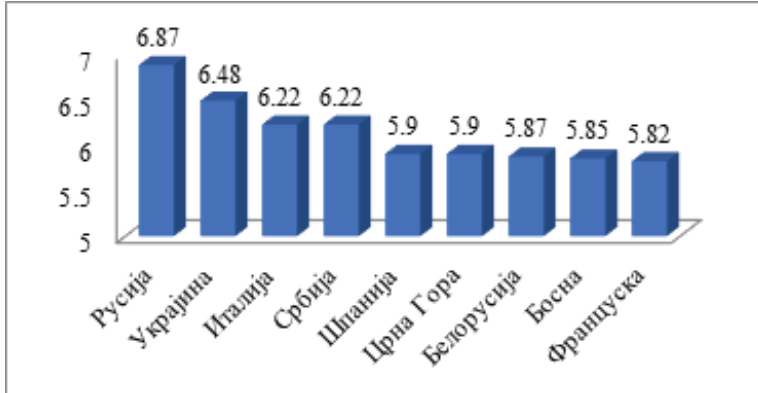
Therefore, the National Security Strategy of the Republic of Serbia recognized organized crime as a transnational threat and determined its forms, which are the most dangerous for the security of our country. And in theoretical sources, when it comes to organized crime, we primarily encounter its transnational dimension. Milo Bošković writes about it:

„Transnational organized crime means international crime, organized criminal activity with foreign elements; more serious forms of delinquency that cross the borders of two or more countries and crimes that the international community is interested in suppressing. Occurrence related to offenses of organized crime, terrorism, forgery, illegal trade and smuggling of weapons and drugs, trade in white slaves, etc. In the sense of criminal law, crimes against international peace and security” (*Bošković, M., 2015:348*).

The Global Initiative to Combat Transnational Organized Crime (GI-TOC), from Geneva, publishes GI-TOC every year for the whole world, and some of its regions. By the way, the Global Initiative consists of over 600 independent experts from the world in the fields of human rights, democracy, criminology and other disciplines. Before directly presenting the ranking of countries by GI-TOC, we note that the Global Initiative Report for 2023 states “that organized crime is constantly increasing and that 83% of the world’s population lives in conditions of high crime” (*GLOBAL INITIATIVE, 2023*).

When it comes to European countries, and according to the GI-TOC for 2023, Russia and Ukraine are in first place in terms of organized crime, and Serbia is also quite high (shares 3rd place with Italy).

Graph 1. Index of organized crime in Europe (Source: Mitrović, A., 2024:17)



The index of organized crime is much higher in countries from other parts of the world, as we can see in Table 1.

Table 1. Index of organized crime for 2023

North and Central America	
Mexico	7.57
USA	5.67
Canada	3.88
Sout America	
Columbia	7.75
Paraguay	7.57
Ecuador	7.07
Brazil	6.77
ASIA	
Myanmar	8.15
Irak	7.13
Avganistan	7.10
Sirija	7.07
Iran	7.03
AFRICA	
DR Congo	7.35
Nigeria	7.28
South African Republic	7.18
Kenya	7.02

(Source: <https://ocindex.net/>, 02.03.2024)

1.2. Human trafficking - trafficking

Human trafficking, as an illegal activity, has been known since ancient times. In contemporary international relations, it manifests itself as a criminal act and a threat to human security, and is especially exposed in the mass migrations of the population in the war-torn areas of the Middle East, Afghanistan, Syria and Africa. According to data from the World Refugee Organization (UNHCR), “in 2022, a record number of people on the run was reached. It is estimated that around 108.4 million people will be forced to migrate in 2022. Of these, about 65% are internally displaced persons, that is, they sought refuge in another part of the country they are from, while about 35% are forced to leave their country. At the same time, the largest number of refugees is from Afghanistan, Syria and Ukraine” (UNHCR, 2023). It is precisely among these people that people smugglers find their source of “business”, which often ends tragically for the refugees.

Within the framework of determining the organized crime index, the Trafficking Index is also determined. That index is the highest in countries affected by wars or conflicts, as shown by the data in Table 2.

Table 2. Trafficking index

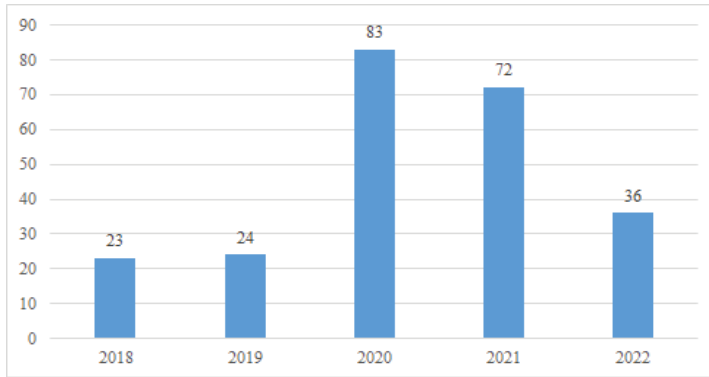
STATE	INDEX
Ukraine, Russia, Moldova	7.50
Belarus, UK, Italy, Spain	7.00
Mexico	8.00
Columbia	8.00
Venezuela, Paraguay	7.50
Afganistan	9.00
Myanmar, Turkmenistan	8.50
Iran, Turkey, India	8.00
Eritrea	9.00
Libya	8.50
Sudan, Ethiopia, Somalia	8.00

(Source: <https://ec.europa.eu/eurostat/statistics>, 02.03.2024)

Since 2015, the Republic of Serbia has been affected by mass migrations from the war-affected areas to the developed countries of the European Union (Balkan route). This was used by people smugglers to illegally acquire financial gains, primarily in the illegal transfer of migrants across the state border.

Graph 2 shows human trafficking in the Republic of Serbia in the period 2018-2022.

Graph 2. Human trafficking in the Republic of Serbia 2018-2022



(Source: Republic Statistical Office, 2022)

1.3. Drug trafficking

Drug addiction is a scourge of the modern world. It is an illegal source for acquiring huge financial resources and enriching a small group of people, while at the same time a threat to human safety and health. As such, drug addiction is recognized as a security threat in all security strategies. In the National Security Strategy of the Republic of Serbia, it is written: “Drug addiction, as an increasingly pronounced social problem, also acquires the character of a security problem and affects the increase in the number of serious crimes” (*Strategija nacionalne bezbednosti, 2019*).

Narcotics trade is one of the most widespread forms of transnational organized crime, in which numerous structures are involved, from the state, through criminal groups, to the end users - a wide population of persons, unfortunately including minors.

„United Nations Information Service: The continued record supply of illegal drugs and increasingly active trafficking networks are compounding global crises that are intertwining and challenging health care and law enforcement responses, says the World Drug Report 2023, which is the United Nations Office on Drugs and Crime (UNODC). According to the latest data, the global estimate of the number of people who inject drugs in 2021 is 13.2 million - 18 percent more than previously estimated. Globally, more than 296 million people used drugs in 2021, an increase of 23 percent over the previous decade. Meanwhile, the number of people suffering from substance use disorders has jumped to 39.5 million, a 45 percent increase over 10 years.” (*UN Srbija, 26.06.2023*).

When determining the Narcotics Trafficking Index, records are most often given on cocaine, marijuana and cannabis (Table 3).

Table 3. Index of drug trafficking, 2023

STATE	INDEX
Columbia	9.50
Afganistan, Myanmar	9.50
Brazil, Venezuela Peru	9.00
Iran	9.00
Maroco	9.00
Mexico	9.00
Italy, Belgium	8.00

(Source: <https://ec.europa.eu/eurostat/statistics>, 27.02.2024)

The most common crime in Serbia is aggravated theft, second is drug trafficking, and third is robbery. According to the statistics of the Appellate Court in Belgrade:

„...the largest number of cases that were resolved by appeal during the previous five years - refers to criminal offenses against property. Aggravated theft takes the first place with a total of 1,847 cases in the five-year period, i.e. since the need for criminal records was established - from October 1, 2016, with a cut-off date of December 31. in 2022. In second place in terms of frequency of criminal acts is “unauthorized production and distribution of narcotic drugs”, with a total of 1,650 cases, while “unauthorized possession of narcotic drugs” is in fourth place with 563 cases. Since separate records are kept for each of these two crimes, it can be concluded that the total number of drug-related crimes (2,213) exceeds the number of serious thefts, which are the most numerous individually. (Politika, 21.03.2023).

1.4. Illegal arms trade

Arms trade is a legitimate and legal activity in relations between states, for which very rigorous international regulations are established. However, arms trade also has illegal flows, which are considered one of the biggest threats to global security. As expected, the biggest problem in the illegal arms trade appears in regions fraught with conflicts, especially those where wars are being waged. In this sense, Ukraine, the Middle East, the Balkans, but also Africa, Central America, are the regions with the highest Arms Trade Index (Table 4).

Table 4. Arms trade index

STATE	INDEX
Ukraine	9.00
Iran	9.00
Libya	9.00
Paraguay	9.00
Afganistan	9.00
DR Congo	9.00
Sudan	9.00

(Source: <https://ec.europa.eu/eurostat/statistics>, 02.03.2024)

According to the special report of the Global Initiative (GI-TOC) for Southeastern Europe, and when it comes to arms trade, it is pointed out that Bosnia and Herzegovina, through which the main route of illegal trade goes, is particularly critical (Figure 1).

Figure 1. Bosnia and Herzegovina main route for arms trade



(Source: Global Initiative, 2023)

2. DISCUSSION OF RESEARCH RESULTS

From the end of the Second World War to the last decade of the last century, in the period named as the Cold War, the key threat to global security was the expected armed conflict between the USA and the USSR, that is, NATO and the Soviet Union. However, that conflict did not occur, because the VU was dissolved and the USSR collapsed. After the Cold War, given that the key threat to security had been removed, the creators of the new world order launched a virile corpus of challenges, risks and threats to security, such as: terrorism, collapsed states, organized crime (trafficking in human beings, drug

trafficking, arms trafficking), pandemics and epidemics of infectious diseases, climate disasters and others (*Forca, 2021*).

No matter how illogical it may seem, the appearance of the above-mentioned challenges, risks and threats to security were mostly contributed by the world powers, that is, precisely those who, ostensibly, fought against those threats the most. The greatest influence on the emergence of new challenges, risks and threats was the effort of the USA to establish a unipolar world order in globalized international relations after the Cold War. In this sense, the USA and NATO intervened armed in numerous countries around the world, on the one hand, and strengthened the neoliberal form of capitalism, on the other hand. All this resulted in the strengthening of terrorism, but also of all other challenges, risks and threats, including organized crime. Therefore, the main cause of the strengthening of organized crime as a threat to global security is the creation of a new world order.

There are numerous approaches to the phenomena that make up an organized criminal, both in theory and in the legal regulations and practice of various countries. Therefore, there is no unity regarding the typology of that type of threat. For this claim, we will cite only the sources that happiness in domestic theory and practice (Table 5).

Table 5. Structure of organized crime

SOURCE	STRUCTURE OF ORGANIZED CRIME
Mićo Bošković, 2002	<ul style="list-style-type: none"> - terrorism, - illegal transfers of weapons, i.e. dual-purpose technology, - the spread of chemical-biological-radiological nuclear and missile technologies to countries that do not have them (proliferation), - irregular emigration, - illegal drug production and trade, - racketeering and money laundering, - computer crime, - contagious diseases, - endangering the environment, поморско пиратство и пљачке бродова.
Strategija nacionalne bezbednosti, 2019	<ul style="list-style-type: none"> - production and smuggling of psychoactive controlled substances, - smuggling and trade in firearms, - human smuggling and illegal migration, - economic and financial crime in the form of illegal production and trade in excise goods and money laundering, - corruption, - other less common forms.

(Source: Editing by the author)

On the other hand, organized crime, by default, is the combination of criminal groups with the authorities, either at the national or international level. In this sense, an organized criminal is very difficult to prove.

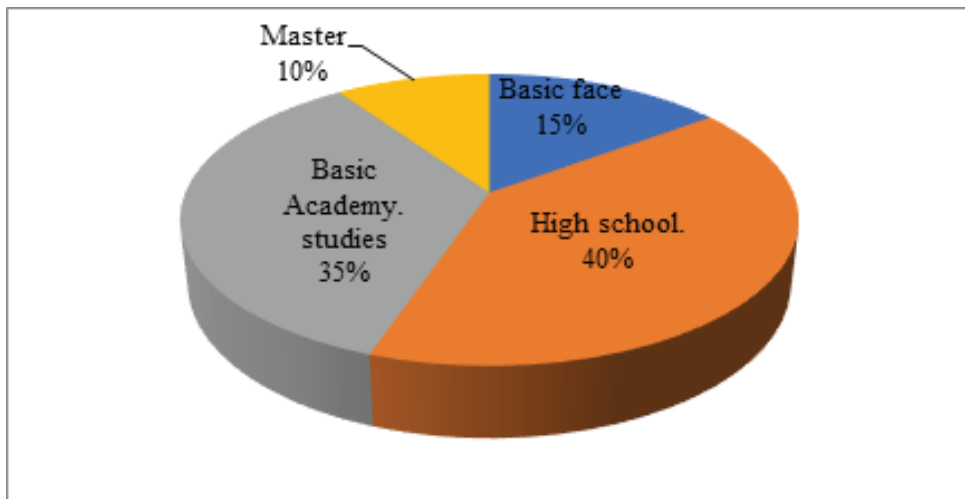
The complexity of the issue of organized crime is also due to the fact that the perpetrators of that illegal act are classified differently. For example, Parezanović scales participants in organized crime into: 1) Organized criminal groups, the lowest aspect; 2)

Criminal associations or organizations, higher aspect and 3) Mafia, as the highest form and level of criminal organization. (Parezanović, M., 2012:21).

Any form (type) of organized crime that we analyze, the primary fact is that it occurs in crisis regions, that is, countries that are burdened with various problems, especially those that are at war or have recently come out of war. Observed in this sense, the characteristic regions for the growth of organized crime are: the Middle East, the Balkans, Africa, West Asia and South America.

The perception of organized crime among the citizens of Serbia is different, as indicated by the research conducted by the first author of the paper in October 2023 on 114 respondents. The educational structure of the respondents is shown in Graph 3.

Graph 3. Educational structure of respondents



(Source: Mitrović, A: 2024:41)

Respondents were offered a set of questions - a statement, with the request to express their opinion on agreement or disagreement (Table 6). At the same time, the Table shows only the final values of statement-agreement: "I completely agree" and "I do not agree at all".

Table 6. Respondents' views on organized crime

FINDING	I completely agree (%)	I do not agree at all (%)
Organized crime is not developed in Serbia	10	43
Organized crime is associated with African countries	40	12
Organized crime targets South American countries	35	8
Human trafficking affects all countries of the world	40	10
Human trafficking affects developed countries	40	12

Criminal groups are more sophisticated than in the past	35	8
Organized crime in Serbia began to develop in the 90s of the last century	32	9
Serbia is successfully fighting organized crime	10	32
The fight against organized crime requires the cooperation of all countries of the world	48	5

(Source: Mitrović., A: 2024:42-47)

CONCLUSION

Security was and remains the basic prerequisite for the survival and development of humanity. The biggest security threat is war, which has been proven countless times in history. However, since wars occur due to conflicts of interest, the root cause of all conflicts in international relations is precisely the conflict of interests of opposing parties.

War and conflicts are fertile ground for the emergence of numerous challenges, risks and threats to security. Organized crime stands out among those threats. No matter what definition and classification of organized crime you take into consideration, the fact is that this threat is strongly developing, globally.

Organized crime primarily develops and strengthens in regions burdened by conflicts and wars. The Balkans, as a region to which Serbia belongs, is a particularly suitable ground for the strengthening of organized crime.

Due to the connection of criminal groups and organizations with authorities, organized criminals are difficult to prove, and therefore even more difficult to prosecute.

REFERENCES

1. Bošković, M., (2002), Transnacionalni organizovani criminal kao ugrožavajući factor bezbednosti, *Kriminalističke teme*, Beograd.
2. Bošković, M., (2015), *Kriminološki leksikon*, Matica Srpska, Novi Sad.
3. Politika, (21.03.2023), *Deset najčešćih krivičnih dela u Srbiji: teška krađa na prvom mestu, slede trgovina drogom i razbojništvo*; <https://www.politika.rs/sr/clanak/543846/Deset-najcescih-krivicnih-dela-u-Srbiji-teska-krada-na-prvom-mestu-slede-trgovina-drogom-i-razbojnistvo>.
4. Eurostat, (2023), *Statistics*, <https://ec.europa.eu/eurostat/web/main/home>.
5. Forca, B., (2021), *Sistemi bezbednosti*, Fakultet za poslovne studije i pravo, Beograd.
6. GLOBAL INITIATIVE, (2022), *The Index*, <https://globalinitiative.net/analysis/ocindex-podcast/>.
7. *Global Organized Crime Index* (2023), <https://ocindex.net/>.
8. Mitrović, A., (2024), *Organizovani criminal kao pretnja globalnoj i nacionalnoj bezbednosti*, Diplomski rad, Fakultet za poslovne studije i pravo, Beograd.

9. Parezanović, M., (2012), *Politički prevrat i terorizam*, Centar za bezbednosne studije, Beograd.
10. *Protokol za prevenciju, suzbijanje i kažnjavanje trgovine ljudskim bićima* (2000), Palermo, Italija; http://www.atina.org.rs/sites/default/files/Protokol_za_prevenciju_i_kaznjavanje_trgovine_ljudima_srp.pdf.
11. Republički zavod za statistiku, (2022), *Punoletni učinioci krivičnih dela, 2018-2022, Statistika pravosuđa, br. 206, LXIX*, 14.07.2022.
12. Strategija nacionalne bezbednosti Republike Srbije, (2019), „*Službeni glasnik RS*”, br. 94/2019.
13. UN Srbija; *Svetski izveštaj o narkoticima UNODC-a za 2023. godinu upozorava na kombinovano dejstvo kriza dok ilegalna tržišta narkotika nastavljaju da rastu*; <https://serbia.un.org/sr/238186-svetski-izve%C5%A1taj-o-narkoticima-unodc-za-2023-godinu-upozorava-na-kombinovano-dejstvo-kriza>.
14. UNHCR, (2023), *Rekordan broj izbeglih i prognanih*, <https://www.dw.com/sr/unhcr-rekordan-broj-izbeglih-i-prognanih/a-65910008>.
15. Zakon o organizaciji i nadležnosti državnih organa u suzbijanju organizovanog kriminala, (2003), „*Službeni glasnik RS*“, br. 39/2003.

Received:

Accepted:

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NATIONAL INTERESTS OF THE REPUBLIC OF SERBIA AND ACCESSION NEGOTIATIONS WITH THE EUROPEAN UNION

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Abstract: *The Republic of Serbia has been an autonomous and independent state since 2006, created in the breakup of the former SFR Yugoslavia. In its foreign policy orientation, Serbia was originally oriented towards Euro-Atlantic integration (NATO and EU). Since 2007, Serbia has proclaimed military neutrality (NON-NATO), and has maintained its strategic commitment to EU membership.*

The European Union was formed in 1992 by 12 European countries. The EU enlargement process is determined by regulations, which are constantly changing. Serbia's accession negotiations with the EU began on January 21, 2014, and after 10 years it is difficult to determine whether they are closer to the end or the beginning.

By the regulations and established procedures for the admission of countries to the EU, additional conditions are constantly being imposed on Serbia, which make its path towards the Union uncertain. The conditions that the EU sets for Serbia are partly in contradiction with the national interests and goals of our country.

This paper analyzes the path of the Republic of Serbia towards the European Union. The goal of the paper is to determine the conditions that Serbia needs to fulfill in order to complete negotiations on admission to the EU. The basic hypothesis from which the work started is as follows: in the accession negotiations with the Republic of Serbia, the European Union sets conditions that are partly compatible, and partly contrary to the national interests of Serbia.

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The work was mostly created as a result of the defended master's thesis of the first author. The master's thesis was defended at the Faculty of Business Studies and Law in February 2024.

Keywords: *European Union, National interests of the Republic of Serbia, Accession negotiations*

INTRODUCTION

The beginning of the disintegration of the former SFR Yugoslavia (1991/1992) coincides with the formation of the European Union (EU). In the disintegration of the SFRY, which is not yet complete, six independent and autonomous states were created, which were the former Yugoslav republics. However, after the NATO aggression against the SR Yugoslavia, in 1999, the UN protectorate over the Autonomous Province of Kosovo and Metohija was introduced on the territory of the Republic of Serbia. The provisional authorities in Kosovo and Metohija unilaterally proclaimed an independent Kosovo in 2008. The leading EU countries before its formation, primarily Germany and Great Britain, supported the disintegration of the SFRY. Also, most of the EU member states recognized independent Kosovo. Thus, out of the current 27 member states of the Union, five of them (Spain, Slovakia, Romania, Greece and Cyprus) did not recognize independent Kosovo.

The Republic of Serbia, after disassociation with Montenegro (2006), opted for membership in the Euro-Atlantic integrations (NATO and EU). However, in 2007, the National Assembly proclaimed Serbia's military neutrality (not NATO), so only European integration remained. Accession negotiations between Serbia and the EU began in 2014, but even after 10 years there is no sign of their completion.

In accordance with the above, the basic question was asked in the research: Why are the accession negotiations between Serbia and the EU taking so long?

In search of an answer to the above question, the national interests of the Republic of Serbia, on the one hand, and the EU accession process, on the other hand, were subjected to analysis.

The research primarily used EU documents (regulations) that regulate the admission of states to the Union, as well as official documents of the Republic of Serbia, which set out its national interests and goals.

The primary methods used in the research were: content analysis and complete induction. Full induction refers to the analysis of all regulations that directly and indirectly regulate Serbia's accession to the EU, as well as all European Commission reports on Serbia's progress towards the Union.

1. ADMISSION OF COUNTRIES TO THE EUROPEAN UNION

Three European integrations that were established by the Treaty of Rome in 1957 are considered the forerunners of today's EU (*The Treaty of Rome, 1957*). Those three integrations are: European Coal and Steel Community; European Atomic Energy Community

and European Economic Community. Those communities were formed by six European countries: France, West Germany, Belgium, the Netherlands, Luxembourg and Italy. Until the formal creation of the EU (1992), six more European countries were admitted to the European Economic Community: the United Kingdom, Denmark, Ireland, Greece, Spain and Portugal. Thus, the EU was formed by 12 European countries (*Forca, Krstić, Stanković, 2023*).

Taking advantage of the situation created after the Cold War, after its formation, the EU embarks on its first enlargement under that name. Thus, in 1995, Austria, Finland and Sweden were admitted and the “EU 15” was created. For the enlargement of the EU in 1993, certain criteria were established, which due to the place of their establishment (Copenhagen) are called “Copenhagen Criteria”: 1) Stability of institutions that guarantee democracy, rule of law, respect for human rights and protection of minorities; 2) A functional market economy, as well as the ability to cope with the pressures of competition in the single market of the Union and 3) The ability to assume the rights and obligations arising from EU membership and community law; adherence to the goals of the political, economic and monetary union (*Ateljević, V., 2016:23*). Two years later, faced with the need for consistent and effective application of European regulations and standards, as well as effective coordination in meeting the criteria from Copenhagen, the EU at the summit in Madrid establishes another so-called administrative criterion (*European Council, 1995*).

After the admission of Austria, Finland and Sweden, and taking into account the disintegration processes after the Cold War, it was the turn of several groups of countries, all of which, except for Malta and Cyprus, are from the “socialist camp”. The first group consisted of the former members of the Warsaw Pact: Poland, the Czech Republic, Slovakia, Hungary, Romania, Bulgaria and Albania, as well as neutral Malta and Cyprus. The second group consisted of the newly formed states in the European part of the USSR, primarily the Baltic states (Estonia, Latvia and Lithuania). The third group consisted of the states created on the territory of the former SFR Yugoslavia. All the mentioned countries were strategically determined for Euro-Atlantic integration, ie NATO and the EU. In this sense, except for Malta and Cyprus, all the mentioned countries that have joined the EU so far, first became NATO members.

The European Union acted in different ways when it came to the admission of countries after 1995. As many analysts note, the new reception became much more complex and primarily had a political dimension. The solution was tried in the so-called “European agreements”, which were signed with the CEE states, Romania and Bulgaria, because Malta and Cyprus signed the association agreements until 1996.

After all EU member states agreed to start accession negotiations with the CEE states, the European Council made such a decision at the meeting in Luxembourg in 1997. Thus, in 1997, negotiations began with Estonia, Cyprus, the Czech Republic, Hungary, Poland and Slovenia, and in 1999 with Latvia, Lithuania, Slovakia and Malta, and “under certain conditions” with Bulgaria and Romania. Namely, the European Commission took the position that Romania and Bulgaria must make more efforts in the field of rule of law, protection of human and minority rights, and in the fight against corruption.

Agreements with eight CEE states, Malta and Cyprus were signed on April 13, 2003 in Athens. In accordance with the current regulations, referendums were held in those countries, which ended with the victory of the EU membership option. Thus, on May 1, 2004, the “bang” of EU enlargement took place, when the 10 mentioned countries were admitted, and the “EU 25” was created. Romania and Bulgaria signed the accession agreement in 2005, and were admitted to the EU on January 1, 2007. This is how “EU 27” was born.

After the “enlargement burst”, only Croatia was admitted to the EU in 2013 (“EU 28”), when “enlargement fatigue” arose. The Commissioner for Enlargement at the time, Johannes Hahn, described the resulting situation as follows: “We have already gone one step further with Croatia, and now, with the candidates, we are going an additional step further.” It is also necessary to have economic maturity. It’s a response to sprawl fatigue. Currently, the population in the EU feels that each new member represents a financial burden. In the future, it must be clear that accession brings benefits to all parties” (*Forca, 2021*).

Using Article 50 of the Treaty of Lisbon, the exit of a state from the EU took place for the first time. This was done by the United Kingdom, which voted „NO-EU“ in the 2016 referendum, and the disengagement was completed in 2020. The Union remained at 27 member states.

1.1. The case of the Western Balkans

The Western Balkans is a geopolitical coin that was launched by the EU at the end of the last century, trying to demarcate the Ural region of conflict and instability. So, first of all, under that coin, new states were created on the territory of the former SFRY, without Slovenia, plus Albania. Therefore, Croatia was originally included in the Western Balkans. After Croatia was admitted to the EU (2013), its place, according to the Union’s point of view, was occupied by the territory of Kosovo, and the acronym was given the name WB6 or WB 5+1.

The “Stabilization and Association Process” - PSP was introduced for the countries of the Western Balkans (SE/E Europe). “PSP represents an elaborated and innovated version of the so-called “regional approach” defined by the European Union after the conclusion of the Dayton/Paris Agreement (end of 1995 and beginning of 1996) towards the countries of the former Yugoslavia and Albania. These were countries that until then had not managed to conclude agreements on association (association) with the EU - “European agreements”, so they could not even be included in the negotiations for joining the Union (*Forca, Krstić, Stanković, 2023*).

The PSP ended with the conclusion of the Stabilization and Association Agreement - SAA. That agreement, in principle (example: Serbia) contained the following areas: general principles; political dialogue; regional cooperation; free movement of goods; movement of workers, establishment of companies, provision of services, capital; harmonization

and application of laws; justice and internal affairs; cooperation policies in various fields, financial cooperation; general and institutional provisions (*Lopandić, D., 2007:61*).

Discussions on the path of the Western Balkans to the EU began in Zagreb in 2000, and essentially at the summit in Thessaloniki in 2003. In the “Thessalonica Agenda” document, further steps to bring the Western Balkans closer to the Union were determined, which included:

- “European partnership” - a mechanism for monitoring and encouraging reforms in the Central Bank in the context of accepting the “acquis” of the EU, i.e. future integration into the EU,
- application of support mechanisms for the harmonization of the legal systems of the WB countries with the EU, which were previously valid for the countries of Central Europe,
- supervision and submission of reports and recommendations of the European Commission on the further direction of harmonization in the WB countries in the form of periodic (annual) reports on the situation in the WB countries,
- “political” and “economic” dialogue,
- gradual inclusion of WB countries in internal, community cooperation programs (about twenty programs, such as Copernicus, Erasmus, Socrates, NT Cooperation Framework Program and others), as well as in some specialized agencies (*Lopandić, D., 2007:41*).

In principle, additional conditions were introduced for the countries of the Western Balkans, in addition to those established by the Copenhagen Criteria and the criteria for the countries admitted in 2004, 2007 and 2013. Namely, the EU’s policy in the WB region was largely connected with issues of security, as well as political and economic stabilization after the Yugoslav conflicts, then the encouragement of “state-building” and state institutions, issues of political conditioning (cooperation with the Hague Tribunal, etc.), incentives for regional cooperation and reconciliation (*Lopandić, D., 2007:44*).

Table 1. The process of association and cooperation of the ZB

EVENT	Albania	Bosnia & Herzegovina	Macedonia	SERBIA	Montenegro
Beginning of SAA negotiations	31.1.2003.	25.11.2005.	5.4.2000.	10.10.2005	10.10.2005.
Initialed agreement	28.2.2006	4.12.2007.	24.11.2000	7.11.2007	15.3.2007
Signed agreement	12.06.2006	16.6.2008	9.4.2001	29.4.2008	15.10.2007
Ratified by					
Signatory state	9.11.2006.	26.2.2009	27.4.2001	22.9.2008	13.11.2007
EU	26.2.2009	21.4.2015	25.2.2004	19.1.2011	29.3.2010.
Came into power	1.4.2009	1.6.2015.	1.4.2004	1.9.2013.	1.5.2010

(Source: Ivana Pešić, 2024:36)

Due to numerous internal and external problems of the EU, and after the accession of Croatia, the Western Balkans “remained under the radar” of the Union when it comes to

enlargement. In this sense, new criteria are constantly being established, as well as specific conditions for the states of the region on the way to the EU. In this sense, the following are characteristic: 1) Berlin Process, 2) EU Strategy for the Western Balkans 2018 and 3) New Model for the Western Balkans 2020.

The Berlin process was created at the initiative of German Chancellor Angela Merkel in 2014, so that after the accession of Croatia, the Western Balkan countries would not lose hope on the European path. The idea was that the projects within the Berlin Process would improve the three dimensions of connection in the Western Balkans: economic, social and political. However, during the annual summits within the Berlin Process, other current issues came up, such as the migrant crisis and others, but there were no results.

In 2018, the European Commission published the Strategy for the Western Balkans - *A Credible Enlargement Perspective for and Enhanced EU Engagement with the Western Balkans* (European Commission, 2018). The strategy (Table 2) was announced as a significant advance on the region's path to the Union, it was even predicted that Montenegro and Serbia could join the EU by 2025.

Table 2. EU strategy for WB

UNIT	NAME OF UNIT	KEY STRATEGY DEFINITIONS
I	Credible enlargement perspective - credible efforts and reforms in the Western Balkans	<ul style="list-style-type: none"> - no country meets the admission requirements - the rule of law - competitiveness of the economy - provision of support - bilateral disputes - application of EU rules and standards - the next steps on the path of the countries of WB to the EU (illustration of the example of Montenegro and Serbia)
II	Credible perspective of enlargement - credible support of the EU	<ul style="list-style-type: none"> - increased support for the rule of law - strengthening engagement in the field of security and migration - support for socio-economic development - increasing connectivity - launch of the Digital Agenda for the Western Balkans - support for reconciliation and good neighborly relations
III	Preparing the EU to welcome new members	<ul style="list-style-type: none"> - institutional issues - securing financial resources for successful accession - communications (strategic)
IV	Conclusions	<p>The six main initiatives that will comprise the Action Plan for the implementation of the strategy, (listed in the previous sections):</p> <ul style="list-style-type: none"> The rule of law Security and migration Socioeconomic development Transport and energy connection Digital agenda Reconciliation and good neighborly relations

(Source: Ivana Pešić, 2024:38)

However, the aforementioned strategy was abandoned very quickly, so that the European Commission already in 2020 published a New model for the region - *Enhancing*

the accession process - A credible EU perspective for the Western Balkans (European Commission, 2020). Instead of the previous 35 chapters for negotiations, the so-called clusters (Table 3), and in addition to the progress of the states, the principle of punishment, i.e. returning to previous positions, if the EU conditions are not met, was established.

Table 3.. Clusters of the new model

1. The basics	23 - Judiciary and fundamental rights 24 - Justice, freedom and security Economic criteria Functioning of democratic institutions Public administration reform 5 - Public procurement 18 - Statistics 32 - Financial control
2. Internal market	1 - Free movement of goods 2 - Freedom of movement of workers 3 - Right of establishment and freedom to provide services 4 - Free movement of capital 6 - Law of commercial companies 7 - Law on Intellectual Property 8 - Competition policy 9 - Financial services 28 - Consumer and health protection
3. Competitiveness and inclusive growth	10 - Information society and media 16 - Tax 17 - Economic and monetary policy 19 - Social policy and employment 20 - Entrepreneurial and industrial policy 25 - Science and research 26 - Education and culture 29 - Customs Union
4. Green agenda and sustainable connectivity	14 - Transport policy 15 - Energy 21 - Trans-European networks 27 - Environment and climate change
5. Resources, agriculture and cohesion	11 - Agriculture and rural development 12 - Food safety, veterinary and phytosanitary policy 13 - Fishing 22 - Regional policy and coordination of structural instruments 33 - Financial and budgetary provisions
6. External relations	30 - External relations 31 - Foreign, security and defense policy

(Forca Božidar, 2020)

All candidate countries continued their journey towards the EU in accordance with the new model. However, the Corona virus pandemic (2020-2021), as well as the beginning of the war in Ukraine (2022), as well as some other reasons, influenced the fact that the countries of the region did not significantly move towards EU membership. Namely, after Russia's aggression against Ukraine, on February 24, 2022. year, and under pressure

from the US, the EU introduced a “shortcut path” for Ukraine, Georgia and Moldova to its membership. This fact affected the resentment of the Western Balkan countries, so that certain concessions were made towards Albania, North Macedonia and Bosnia and Herzegovina. Albania and North Macedonia started the long-awaited accession negotiations, and Bosnia and Herzegovina received candidate status. In this sense, the status of the countries of the Western Balkans on the way to the Union is shown in Table 4.

Table 4. Status of countries on the way to the EU

COUNTRY	STATUS
Albania	Open negotiations in 2022
Bosnia & Herzegovina	Candidate from 2023
North Macedonia	Open negotiations in 2022
SERBIA	Negotiations from 2014
Montenegro	Negotiations from 2012

(Source: Ivana Pešić, 2024:40)

Due to the fact that the Republic of Serbia does not recognize the independence of Kosovo, the previous table does not show data for Kosovo and Metohija (or Kosovo, as the West calls it). However, the fact is that the EU is conducting negotiations with Kosovo on an equal footing with other countries. Thus, Kosovo and the EU signed the Stabilization and Association Agreement in 2016, and in 2023, Kosovo received visa liberalization.

2. SERBIA ON THE WAY TO THE EUROPEAN UNION

The Republic of Serbia has been an independent and independent state since 2006, after the separation from Montenegro. In 2006, the Constitution of the Republic of Serbia was adopted, and Article 1 states: “The Republic of Serbia is a state of the Serbian people and all citizens who live in it, based on the rule of law and social justice, the principles of civil democracy, human and minority rights and freedoms and belonging to European principles and values”. (*Ustav Republike Srbije, 2006: Član 1*).

In foreign policy orientation, Serbia was oriented towards Euro-Atlantic integrations, that is, towards NATO and the EU. However, in 2007, the National Assembly adopted the Resolution, in which point 6 proclaims military neutrality, or non-NATO. Thus, since 2007, Serbia has been strategically committed to EU membership.

Although the activities of EU membership negotiations began during the time of the Federal Republic of Yugoslavia and the State Union of Serbia and Montenegro, their intensity increased after Serbia became an independent and independent state. Key activities on Serbia’s path to the EU are shown in Table 5.

Table 5. Serbia on the way to the EU

	ACTIVITY	DATE
1.	The “Framework Agreement” was signed with the Federal Republic of Yugoslavia	November 2000
2.	The Federal Republic of Yugoslavia included in the Stabilization and Association process	November 2000
3.	The EU has decided that Serbia and Montenegro will negotiate separately only in the trade area, while the DZ SCG will remain united in the political area.	December 2004
4.	After the dissolution of the SC SMN (2006), the Stabilization and Association Agreement with the Republic of Serbia was initiated	November 2007
5.	The Stabilization and Association Agreement with the Republic of Serbia was signed	April 2008
6.	Visa liberalization has been introduced for all countries of the Western Balkans	November 2009
7.	The Republic of Serbia submitted an application for EU membership	29. December 2009
8.	The Stabilization and Association Agreement with the Republic of Serbia entered into force	1. September 2013
9.	Accession negotiations between Serbia and the EU have begun	21. January 2014
10.	First two chapters open (32 and 35)	14. December 2015
11.	Open Chapters 23 and 24 (crucial in negotiations)	18. June 2016
12.	Chapters 5 and 25 open	13. December 2016
13.	Chapters 20 and 26 open	27. February 2017
14.	Chapters 7 and 9 open	20. June 2017
15.	Chapters 6 and 30 open	11. December 2017
16.	Chapters 13 and 33 open	25. June 2018
17.	Chapters 17 and 18 open	10. December 2018
18.	Chapters 5 and 25 open	26. June 2019
19.	Chapters 4 open	10. December 2019
20.	35 negotiation chapters replaced by 6 clusters (New model). Although not conditioned to it, Serbia agreed to the New Model of Accession Negotiation	February 2020
21.	CLUSTER 1 is open	22. June 2021
22.	CLUSTER 4 is open	14. December 2021

(Source: Ivana Pešić, 2024:42)

Therefore, the negotiations between Serbia and the EU practically stopped in 2021. Therefore, it is an opportunity to write about Serbia as a “special case” among the Western Balkan countries.

2.1. Serbia as a special case

Although the EU and Western countries treat the region of the Western Balkans as “special”, i.e. neuralgic, Serbia is a case in itself in that area. We will give a little more information about that position of Serbia, without going too far into history.

At the beginning of the disintegration of the SFR Yugoslavia (1991), Germany and Great Britain, as members of the EC, because the EU had not yet been formed, supported

the secession of Slovenia and Croatia and were the first countries to recognize them as independent states. The formed EU (1992) continued to support the disintegration of the SFRY, but fell under the influence of the USA and NATO.

The Dayton Peace Agreement of 1995, concluded in the American federal state of Ohio, marked the end of the war, primarily in Bosnia and Herzegovina, but also in Croatia. However, the breakup of the SFR Yugoslavia was not over. Riots and armed rebellion in Kosovo and Metohija followed. With the intention of punishing Serbia for all the processes since 1991, the USA and NATO, under the pretext of preventing a humanitarian disaster, on March 24, 1999, carried out an aggression against FR Yugoslavia. It is the first time in history that NATO intervenes outside the North Atlantic area, without the mandate of the UN Security Council, contrary to the provisions of Article 5 of the Treaty on the Formation of the Alliance, but also contrary to the constitutions of the member states. (*Forca, 2021*).

Exactly 13 of the Alliance's 19 members took part in NATO's aggression against FR Yugoslavia. The following did not participate in the aggression: 1) Poland, the Czech Republic and Hungary, which were admitted to NATO two weeks before the aggression, 2) Luxembourg, because it does not have an army and air defense, 3) Iceland, because it does not have its own armed forces and 4) Greece, for political reasons. Of the 13 NATO members that attacked FR Yugoslavia, nine of them were also EU members.

After the NATO aggression on the FRY, the UN Security Council adopted Resolution no. 1244, by which the UN mission - UNMIK was established in Kosovo and the coalition multinational forces - KFOR were deployed. In addition to the UN mission, Western countries, led by the USA and leading EU countries, openly supported Kosovo's move towards an independent state. Thus, in 2008, the temporary authorities in Kosovo and Metohija proclaimed independent Kosovo. That independence was recognized by a large number of countries in the world, including 22 EU member states. Independent Kosovo was not recognized by: Spain, Slovakia, Romania, Greece and Cyprus.

Logically, Serbia did not recognize independent Kosovo and through the UN General Assembly sent a question to the International Court of Justice in The Hague: "Is the decision of the temporary authorities in Kosovo to proclaim independence against international law?" In 2010, the International Court of Justice made a negative decision, meaning that the act of the temporary authorities in Kosovo and Metohija is not against international law (*Forca, 2021*). By the resolution of the General Assembly of the UN, the issue of Kosovo and Metohija was transferred to the competence of the EU, which is the "second defeat" of Serbian politics at that time (*Ibid*).

2.2. Serbia's national interests and the path to the EU

Since 2012, there has been a change of government in Serbia in elections. The victory was won by the Serbian Progressive Party and its coalition partners. In this sense, the negotiations between Belgrade and Pristina were initiated in Brussels, under the monitoring of the EU, and in 2014, Serbia started accession negotiations. The period of 10

years is particularly significant in relation to the comparison of the national interests of the Republic of Serbia and the negotiation process with the EU.

For the first time in official documents, Serbia defined national security and national interests in the 2019 National Security Strategy. National security is defined as follows: “The national security of the Republic of Serbia is the objective state of protection of its national values and interests from all forms of threats, and the subjective sense of security of the citizens of the Republic of Serbia” (*Strategija nacionalne bezbednosti, 2019:1*). Therefore, the focus of national security is national values, interests and goals. The relationship to national values, interests and goals was also defined for the first time in the mentioned strategy from 2019 (Table 6).

Table 6. National values, interests and goals of the Republic of Serbia

NATIONAL VALUES	NACIONAL INTERESTS	GOALS
freedom, independence, peace, security, democracy, rule of law, social justice, human and minority rights and freedoms, equality and equality of citizens, tolerance, transparency, solidarity, patriotism and a healthy environment	<ol style="list-style-type: none"> 1. Preservation of sovereignty, independence and territorial integrity; 2. Preservation of internal stability and security; 3. Preserving the existence and protection of the Serbian people wherever they live, as well as national minorities and their cultural, religious and historical identity; 4. Preservation of peace and stability in the region and the world; 5. European integration and membership in the European Union; 6. Economic development and overall prosperity i 7. Preservation of the environment and resources of the Republic of Serbia. 	33 goals, that is, each national interest is operationalized into 3 to 6 goals

(Source: Forca Božidar, 2023)

The path of the Republic of Serbia towards the European Union is partly in opposition to established national interests, and partly compatible with them. We will prove this through: 1) The negotiations between Belgrade and Pristina and 2) The European Commission’s report on Serbia’s progress towards the EU.

2.2.1. Negotiations between Belgrade and Pristina

Negotiations between Belgrade and Pristina under EU monitoring have been taking place since 2011. In those negotiations, certain agreements were signed or verbally adopted, which should contribute to a legally binding agreement on the normalization of relations. At the same time, it remained unclear when it appears and what the provision on “legally binding agreement on the normalization of relations” means. According to

some sources, that provision was established by German Chancellor Angela Merkel back in 2012 (Pešić, I., 2024:46).

What “truly binding agreement” means is first glimpsed in the Agreement on the First Principles of Normalization of Relations”, signed in Brussels in 2013, known as the “Brussels Agreement” (Vlada Srbije, 2013). That agreement consists of 15 points. The first 6 points of the Brussels Agreement refer to the formation of the Union of Serbian Municipalities (USM) in Kosovo, while the other points refer to the reform of the police, the judicial system and elections, as well as energy and telecommunications. Also, and what caused the biggest controversy in the domestic public of Serbia, is the clause (item 14) that the “parties” will not block or encourage others to block the other party’s progress on its way to the EU. Namely, the word “side” in part of the Serbian public was interpreted in such a way that it refers to two countries, i.e. that Serbia, by signing the Brussels Agreement, practically recognized the independence of Kosovo (Pešić, I., 2024:45).

The second signed agreement is the Agreement on the Community of Serbian Municipalities, signed in Brussels in 2015. In this agreement, the character of the future USM is specified in 22 points. There were very different opinions and attitudes about the 2015 Agreement on the USM. While part of the public in Serbia expressed satisfaction and even euphoria (“we won with 5:0”) with what was achieved, Albanian experts from Kosovo considered that such an agreement was impossible, because there is no such provision in the Constitution of Kosovo, i.e. that it establishes “third level of government” (between republican and local). Therefore, the key problem was the question of the jurisdiction of the USM, which Albanian politicians in Kosovo said could have the level of a “non-governmental organization” and would not allow the “creation of the Republika Srpska” in Kosovo. (Pešić, I., 2024: 47).

In the period of very unsuccessful negotiations regarding the normalization of relations between Belgrade and Pristina, until 2022, a German-French “paper” appears “suddenly”, which after some time becomes the official EU proposal for the normalization of relations between Belgrade and Pristina. The fact is that this proposal received strong support from the USA, which may also indicate where it (really) came from.

This agreement refers to the “negotiating parties”, which many analysts refer to as the negotiating states. Particularly indicative for Serbian analysts is Article 4 of the Agreement, which explicitly states (Pešić, I., 2024):

Article 4

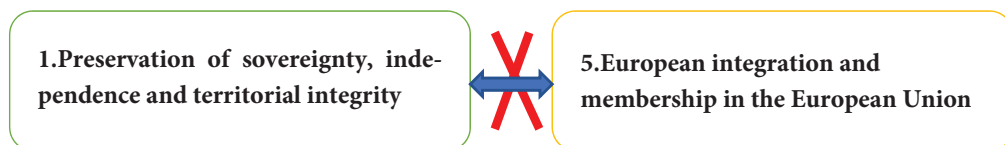
„The parties will proceed on the assumption that neither can represent the other in the international sphere, nor act on its behalf.

Serbia will not oppose Kosovo’s membership in any international organization“.

The High Representative of the EU for Foreign Affairs and Security Policy, Josep Borel, publicly pointed out that the negotiators (Vučić and Kurti) agreed on all the provisions of the Agreement and that it is being implemented. The President of Serbia Vučić himself

has repeatedly emphasized that strong pressure is being exerted on Serbia to recognize an independent Kosovo. In addition, President Vučić has repeatedly emphasized that Serbia will never recognize Kosovo's independence or consent to its membership in the UN. However, Western politicians claim that Serbia is not asked to recognize Kosovo de iure, but de facto.

If we now compare the stated national interests of the Republic of Serbia and the EU accession process, we see that the two interests are in complete disproportion:



2.1.2. Reports of the European Commission on Serbia's progress

In the previous text, we stated that every year the European Commission prepares a document called the "Progress Report", which refers to every country in the Western Balkans (including Kosovo). Although those reports have been compiled since 2005, in this paper they are taken from 2019. The reason for this is the fact that Serbia only established its national interests in 2019. On the other hand, if we look at the clusters and negotiation chapters in the accession negotiations, on the one hand, and the national interests of Serbia, on the other hand, then we can see a direct match in the following areas: 1) Rule of law, rights of national minorities; 2) Foreign policy and security; 3) Economy and 4) Environment.

The European Commission's assessment of Serbia's progress in the reports from 2019 to 2023 is given in the following text.

1) The rule of law and the rights of national minorities

In the indicated period, the position of the EC is that Serbia has a **certain level of preparedness** and that it has **limited progress**, which in 2020 is characterized as very limited. Key activities that the EU requires Serbia to do: to adopt a Strategy for the fight against corruption, which has not been in place for many years; to reduce the influence of politics on the judiciary; to promote media freedom; to start the implementation of the strategy for the fight against discrimination and gender equality; Serbia must comply with the "visa white and black list of Šegen" (*EU in Serbia, 2019, 2020, 2021, 2022, 2023*).

2) Foreign policy and security

In the indicated period, the position of the EC is that Serbia was certainly prepared for 2019, 2020 and 2021 with **limited progress**, while in 2022 it **regressed**, and in 2023 there **was no progress**. The degree of compliance with the EU was 53 to 64%. The key reason for Serbia's decline and stagnation is the fact that our country did not impose

sanctions on Russia after the start of the war in Ukraine in 2022. The key requirement for the Republic of Serbia is to comply with the EU's foreign and security policy and to impose sanctions on Russia. (*EU in Serbia, 2019, 2020, 2021, 2022, 2023*).

3) Economy

Serbia is at a good level of preparedness and has achieved some progress in developing a functional market economy. After a strong recovery in 2021 from the drop caused by covid-19, the Serbian economy slowed down significantly in 2022 under the influence of the economic consequences of Russia's war of aggression against Ukraine, especially in terms of rising inflation through rising energy and food prices. Consumer price inflation rose in 2022 and continued to rise in early 2023, prompting the central bank to steadily tighten its policy. Progress has also been made in adopting new fiscal rules. The stability of the banking sector has been preserved, and credit growth has slowed significantly. High inflation helped to improve the budget balance in 2022, despite significant capital transfers to state-owned energy companies and further ad hoc support measures. The main structural reforms of public administration and management of state-owned enterprises continued to progress slowly. The state retains a strong role in the economy; the private sector is underdeveloped and constrained by weaknesses in the rule of law, especially corruption and inefficiency of the judiciary, and the implementation of the rules of fair market competition. (*EU in Serbia, 2019, 2020, 2021, 2022, 2023*).

4) Environment

This chapter in the negotiations between the EU and the Republic of Serbia, and according to the reports of the European Commission, was generally evaluated as: **a certain (certain) level of preparedness and limited progress**. It is a chapter whose implementation requires extremely large financial resources, which Serbia does not have, and EU donations and investments are limited. In this sense, Serbia is required to: implement the Paris Agreement on climate change; invest more administration and finance in this area; engages more clearly and firmly in the green transition project; it works more to remove wilder landfills. (*EU in Serbia, 2019, 2020, 2021, 2022, 2023*).

Therefore, according to EC reports, certain activities are required from Serbia that would improve the situation in the domain of rights and rights of national minorities, the economy and the environment. Those positions of the EC are completely in line with the part of the national interests of the Republic of Serbia, established in the National Security Strategy, 2019.

However, in addition to the above-mentioned condition for Serbia to recognize an independent Kosovo, EC reports also state a request for Serbia to impose sanctions on Russia. Serbia opposes the introduction of sanctions against Russia, because that country, along with China and a large number of other countries, did not recognize the independence of Kosovo. Russia is a permanent member of the UN Security Council, and without its consent, Kosovo cannot become a member of that organization. In this sense, Russia protects the national interests of the Republic of Serbia.

CONSLUSION

The disintegration of the former SFR Yugoslavia is part of the disintegration and integration processes at the end of the Cold War. The key disintegration processes, apart from the dissolution of the SFRY, were the dissolution of the Warsaw Pact and the dissolution of the USSR. On the other hand, the key integration processes are the unification of Germany, the formation of the European Union and the survival and expansion of NATO.

The Republic of Serbia went through a difficult path in the disintegration of the SFRY, which did not end exactly on its territory. After the NATO aggression against the FRY in 1999, a UN protectorate was introduced on part of the territory of the Republic of Serbia - Kosovo and Metohija. In 2008, the temporary authorities in Kosovo and Metohija proclaimed independent Kosovo. Western countries led by the USA and the majority of EU member states have recognized independent Kosovo and are doing everything to make Serbia do the same. The EU has a special role in this, which monitors the negotiations between Belgrade and Pristina on the normalization of relations and puts pressure on Serbia to recognize an independent Kosovo.

The Republic of Serbia is strategically oriented towards membership in the EU, with which it started accession negotiations in 2014. In 2019, the Republic of Serbia identified seven national interests, including European integration and EU membership. Considering the behavior of the European Union towards the Republic of Serbia, it is evident that membership in the Union is in direct opposition to the first established national interest - the protection of sovereignty, independence and territorial integrity. On the other hand, the conditions imposed by the EU on Serbia in the accession negotiations, especially in the domain of the rule of law, rights of national minorities, economy and environmental protection, are in accordance with established national interests.

In accordance with the above, the research hypothesis was proven. Whether Serbia will change its national interests, or whether the EU will change its attitude towards Kosovo, remains to be seen.

REFERENCES

1. Ateljević, V., (2016), *Medjunarodno organizovanje i bezbednosna institucionalizacija Evropske unije*, Doktorska disertacija, Faultet političkih nauka, Beograd.
2. European Commission, (2018), *A Credible Enlargement Perspective for and Enhanced EU Engagement with the Western Balkans*, Strasbourg, COM (2018) 65 final.
3. European Commission, (2020), *Enhancing the accession process - A credible EU perspective for the Western Balkans*. COM(2020) 57 final.
4. European Council, (1995), Conclusions, Madrid European Council, *Reproduced from the Bulletin of the European Communities*, No. 12/1995.
5. European Economic Community, (1957), *The Treaty of Rome*, <http://data.europa.eu/eli/treaty/teec/sign>.

6. EU in Serbia, (2019, 2020, 2021, 2022, 2023); *Reports of the European Commission*; <https://europa.rs/>.
7. Forca, B., (2020), *Novi model za Zapadni Balkan 2+2+2=1*: <https://odbranaibezbednost.rs/2020/02/10/novi-model-eu-za-zapadni-balkan-2-2-2-1/>.
8. Forca, B., (2021), *Sistemi bezbednosti*, Fakultet za poslovne studije i pravo, Beograd.
9. Forca, B., (2023), *Kontroverze o nacionalnim vrednostima, interesima i ciljevima*: <https://odbranaibezbednost.rs/2023/12/22/kontroverze-o-nacionalnim-vrednostima-interesima-i-ciljevima/>.
10. Forca, B., Krstić, S., Stanković, V., (2023), *Zajednička spoljna i bezbednosna politika Evropske unije i Republika Srbija*, Fakultet za poslovne studije i pravo, Beograd.
11. Gavrilović, I., (2020), Proširenje EU 2004. Kako je do toga došlo?, *Evropski pokret*: <https://www.emins.org/veliko-prosirenje-2004-godine-kako-je-tekao-proces-pristupanja/>
12. Lopandić, D., (2007), *Reforme Evropske unije, Zapadni Balkan i Srbija*, Univerzitet u Beogradu.
13. Pešić, I., (2024), *Usloljavanje kao kriterijum puta Republike Srbije u Evropsku uniju*, Master rad, Fakultet za poslovne studije i pravo, Beograd.
14. Strategija nacionalne bezbednosti Republike Srbije, (2019), „Službeni glasnik RS“, br. 94/2019.
15. *The Treaty of Rome*, (1957), EUR-Lex,
16. Ustav Republike Srbije, „Službeni glasnik RS“, br. 98/06.
17. Vlada Srbije, *Prvi sporazum o principima koji regulišu normalizaciju odnosa*, (Brisel, 2013): <https://www.srbija.gov.rs/cinjenice/283757>.

Received:
Accepted:
Corresponding author:

UDC: 351.749.2(497.11)
Original scientific paper
February 1, 2024
February 28, 2024
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ANALYSIS AS AN EXECUTIVE FUNCTION OF THE INTELLIGENCE-LED POLICING IN THE REPUBLIC OF SERBIA

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Abstract: *The goal of this research is to identify, scientifically describe, classify and partially explain weaknesses in the application of analysis as an executive function of the Intelligence-led policing model in the Republic of Serbia using scientific research methods. The conducted theoretical research identified problems of a functional nature using the executive function of analysis, which can be classified as follows: 1) traditional (reactive) way of applying analysis about modern proactive models using modern analytical tools, 2) differences in the theoretical definition of data analysis and information, 3) the quality of entered statistical indicators in electronic databases. The executive functions of the Intelligence-led policing model are performed through the criminal-intelligence process, which is an evidentiary tool for analyzing the actions of all forms of criminality, misdemeanours and other security-interesting incidents and enables decision-making based on the collection, processing and analysis of data, as well as the undertaking of preventive measures. A key role in law enforcement intelligence operations is the application of the analysis function, which leads to the improvement of quality based on the previous functions (collection and processing), which contributes to the greater use value of data in further work of criminal police.*

The research was carried out as a theoretical-empirical one, where the methods of theoretical and empirical research (attitudes and opinions of police officers in the police of the Republic of Serbia) were used, that is: general scientific, logical and empirical methods. In this research, the standpoint that the analysis function can be improved is confirmed both theoretically and empirically, which requires the following (functional) changes: 1) it is necessary that the analysis be carried out using modern analytical methods, such as AnaCap, OIAT, risk and threat analysis, with focus on proactivity, which affects the efficient and effective creation of analytical products; 2) the quality of statistical data entered into electronic databases and the amount of prepared operational reports and information predominantly influence the application of the analysis function and the quality production of analytical products.

The scientific justification of the research derives from its expected results, which can: 1) contribute to the deepening and expansion of scientifically verified knowledge in the field of criminal-police, security and organizational scientific disciplines, 2) indicate the directions, areas and topics of future scientific research and 3) enrich the methodological practice of scientific research on the organization and proactive functioning of the police in modern conditions.

Keywords: *data analysis, analytical products, executive functions, intelligence-led policing model, criminal-intelligence process.*

1. INTRODUCTION

In a general theoretical sense, it is necessary to make a distinction between data and information, where the function of analysis plays a key role. Data is an informative notification that carries new facts that do not have to be correct, but indicate that there is a need to act on them. Despite the many definitions that have been published so far, it is simplest to say that: “data + analysis = *information*” (Racić, 2023:32).

Analysis is a function in the criminal-intelligence process that is continuously repeated and can be applied to all types of police work. The scope of the analysis and its overall credibility depends on the level and accuracy of the data provided in combination with the skills of the analyst (Ratcliffe, 2008: 191-195). The theoretical, analytical procedure is basically a scientific approach to problem solving. It is based on the application of established research methods that include the application of quantitative and qualitative analysis (Carter, 2011: 68). To the greatest extent, the analysis contributes to proactivity through the identification of emerging forms of criminality, including making key conclusions about the intentions of organized criminal groups and individuals (Racić, 2023: 230-239).

In the past quarter of a century, there have been developed specific techniques and methods that are used by police organizations in order to reach conclusions and give recommendations for the further implementation of the intelligence led policing model, which in theory is denoted by the term “criminal analysis”¹ (Peterson, 2013:3). A key role

1 Criminal analysis is a function of the criminal-intelligence process by which collected and processed data and information are consolidated, structured, evaluated and interpreted, on the basis of which relevant

in the implementation of criminal analysis has focus on the following: 1) identification of operational work priorities; 2) management and monitoring of activities during the implementation of a criminal investigation; 3) change management in relation to the type of crime (Racić, 2022: 200-203). In modern models of police work, the term criminal-intelligence analysis of crime is being increasingly used, and it has been created as an integration of analysis and intelligence analysis, giving an answer to the question: “why does something happen?” (Ratcliffe, 2008:190-200). From the theoretical aspect, criminal-intelligence analysis identifies the perpetrators of criminal activities, which in most cases are connected to organized criminal groups and is aimed at serious and organized forms of crime (Gottlieb, et.al., 1994: 11-12). In criminal-intelligence work in the developed countries of Europe and countries in the region, three levels of criminal-intelligence analysis are most represented, namely: tactical, operational and strategic² (Racić, 2023: 200-203).

The police of the Republic of Serbia have increasingly been using modern analytical techniques that are being developed while conducting operational analysis in criminal and intelligence work, namely: 1) operational integrated techniques (hereinafter: OIAT), IBM i2 Analyst notebook software (Analysis connection and event flow diagram) and risk and threat analysis.

Operational integrated analysis is a method that contributes to raising the quality of criminal-intelligence work and is very often used in combination with the application of the Analyst notebook software method through the application of various techniques, such as: diagram of connections, flow, events, activities, cause-and-effect diagram and diagram time and sequence (visualization techniques). The application of the method contributes to more efficient drawing of conclusions and recommendations for further operational (intelligence) work and indicates gaps and the need for information which are missing. In order to effectively apply the method, it is necessary for criminal analysts

conclusions are drawn and recommendations necessary for decision-making for operational-police activities are made. More info: MUP (2016). „Policijsko-obaveštajni model“ – priručnik, Beograd, p. 56.

- 2 Tactical crime analysis is focused on the processing of a specific criminal offense or criminal entity, which is based on quantitative and qualitative data. More info: Đurđević, Radović (217). „Criminal police operations“, Criminal Police University, Belgrade, p.230.

The operational analysis is the basis for making decisions about undertaking operational measures and actions that are directed at individual targets of operational work, individuals and organized criminal groups. It was created as a result of police work, conducted criminal investigations, special evidentiary actions and collected data and information by operational liaisons. (Peterson, 1994).

Strategic analysis indicates the current situation, risks and threats from criminality, misdemeanors and other security-endangering phenomena in order to create a long-term projection of the movement of the identified security problem and establish cause-and-effect relationships (etiology and phenomenology) (MUP, 2016: 56). Depending on the level, we can divide the strategic analysis into: 1) descriptive, which represents the lowest level of strategic analysis in which data and information, with the use of scientifically recognized methods, are systematically organized, analyzed and presented in order to reach conclusions about the general trends of criminality with the possibility of their management in the future; 2) explanatory analysis represents a higher level, the basis of which is descriptive analysis, where the goal is to identify the causes of criminality; and 3) predictive analysis, the goal of which is to draw conclusions about the assessment of crime growth in the future (UNODC, 2011:37).

to have the skills and be acquainted with information technology tools for processing a large amount of information, such as: MS Excel, MS Access, iBase, GIS/Map Point 2006.

IBM i2 Analyst notebook software (link analysis and event flow diagram) is an analytical software intended for police officers who, in their organizational units, perform criminal-operational, strategic and intelligence analysis with the aim of efficient and effective production of criminal-intelligence information. The aforementioned analytical software enables a graphical representation of the analysis of the connections of the perpetrators of the criminal offense (for example, the analysis of the connections of members of organized criminal groups) (Đurđević, Radović, 2020: 240-250).

A flow diagram can be used to determine the movement of an object of a criminal offense (drugs, money, goods, etc.) between entities and to show the flow of events that have already occurred. As with connection diagrams, persons are marked with a circle, and organizations with a cube, which are connected with an arrow indicating the direction. Arrows can be marked with a solid line (confirmed), dashed (unconfirmed) and dotted (with some reserve). A hypothetical flowchart can also be used in cases where there is little known information or when much of the information is unconfirmed. In that case, solid (confirmed) arrows are inserted into the flow diagram and the diagram will be called "hypothetical flow diagram" (UNODC, (2011: 30-40).

The risk and threat analysis in the police of the Republic of Serbia is an analytical one that shows available data on identified security events and problems, cause-and-effect relationships, temporal and spatial characteristics, and points to missing data related to the identified problem in order to provide conclusions and recommendations for further work. Therefore, the risk and threat analysis provides an answer to the questions: "What is it that needs to be protected"?, "What are the threats involved"?, "What is it that is vulnerable"?, "What are the consequences"?, and "What can be done to reduce the risk"?

2. METHODOLOGY

The set scientific goals and the subject of the research conditioned the use of appropriate philosophical, general scientific, logical and empirical methods. In the research were used the following philosophical methods: dialectical, positivist and structuralist methods. Amongst the general ones, the following were mainly used: statistical, comparative, historical-comparative and modeling methods. Empirical methods were used in the research: the content analysis method and the survey method using the survey technique. Using the method of content analysis (qualitative and quantitative), the available results of previous research on the application and effects of the application of the executive function of analysis in the Republic of Serbia were analyzed. In the application of content analysis methods, the following were used: appropriate scientific and professional works available in scientific monographs, magazines and collections of works; documentation of appropriate scientific-research projects and projects of organizational changes in the police, as appropriate sources of doctrinal and formal-legal nature.

The research method was used for the purpose of obtaining the views and opinions of respondents, for which survey questionnaires were created. The survey was conducted on a sample of 142 employees, of which 130 are male, which is 70% of the total number of employees, and 70 are female, which is 30% of the total number of employees in the Serbian police ($\chi^2 = 104.24$; $df = 1$; $p < 0.001$) in the period from May to November 2019 and 33 employees in the period from June to August 2022. Employees were selected using the method of disproportionate stratified sampling based on certain criteria that include: professional and experience characteristics; professional and competent knowledge of employees in organizational units based on the application of criminal-intelligence functions (data analysis), creation of criminal-intelligence products (Strategic assessment and operational assessment, profile of a security problem and profile of a security-interesting person/group), training and education of employees at work places within the organizational units responsible for criminal-intelligence work.

3. RESEARCH RESULTS

The results of the conducted theoretical and empirical research are divided into two parts. The first part presents the results of a theoretical research pertaining to: “Problems of the executive function of analysis in the police of the Republic of Serbia”. The second one refers to “Attitudes of employees in the police of the Republic of Serbia on the implementation of the executive function of the analysis”.

3.1. Problems of the executive function of analysis in the police of the Republic of Serbia

In the previous period, analysis was based on descriptive formality, partly because analysts did not have quality information to improve their products. One of the key reasons that affected the quality of analytical products created by analysts is the resistance of police officers of the criminal police that was reflected in submitting a small number of operational reports. Therefore, the quality of criminal-intelligence information is affected by the well-conducted analysis, including the availability of data collected by all police officers. Police knowledge is primarily subjective, while crime analysis is conducted out of context to develop representations of crime problems. Analysts must develop theoretical knowledge, have insight into data and resources and provide a critical overview of information and criminal problems that are represented in the area of their organizational unit (Racić, 2023: 150-180).

In the application of the intelligence led policing model, the analysis represents a key basis for the development of criminal-intelligence and other analytical products, where the knowledge and skills of the analyst come to light. Analytics jobs in the police of the Republic of Serbia were institutionalized in 1967, when the Analytics Department was created in the then State Secretariat of Internal Affairs. In the following years, the

Department grew into the Directorate for Analytics (hereinafter: UZA), which was part of the Sector of Public Security, i.e. later the General Police Directorate, until September 2009, when it was transferred to the Sector for Analytics, Telecommunications and Information Technologies (hereinafter: SATIT). In December 2015, with changes in the internal organization of the sectors within the Ministry of Interior (hereinafter: MUP), directorates as organizational units within the sectors were abolished and departments were formed as the basic organizational units of the sectors. Thus, the Directorate for Analytics was abolished and two departments were established: the Department for Analytics and the Department for Statistical Analytics and Development (Racić, 2018:143). In May 2023, with the adoption of the Rulebook on internal organization and systematization of job positions in the Ministry of Interior, the Directorate for Analytics was established within the General Police Directorate, as an organizational unit responsible for performing analytical tasks and applying the Intelligence-led policing model at all three organizational levels (central, regional and local). The Directorate for Analytics is a centralized organizational unit created by unifying the analytical units of SATIT and analytical job positions in the organizational units of the General Police Directorate, and it is composed of the following: the Department for Strategic Analytics, the Department for Statistical Analytics and Criminal-Operational Records and the Department for the Development of Strategic Products and Planning Documents. At the regional level, the Department for Analytics was formed in the Police Directorate for the City of Belgrade and departments for analytics in 26 regional police directorates (Racić, Radović, 2023).

The results of the theoretical research, in which the problems of applying the function of data analysis in the police of the Republic of Serbia are stated as a key condition for the establishment and application of the intelligence led policing model, refer to the following:

- 1) the analysis is mainly based on the description of the analyzed phenomena and incidents as a consequence of the absence of the application of modern analytical methods (OIAT, IBM I2 Analyst Notebook, risk and threat analysis, etc.);
- 2) the absence of the application of strategic analysis by analytical organizational units of the General Police Directorate, which would identify current crime trends and cause-and-effect links. Analysts in the organizational units of the General Police Directorate have access to closed sources of data created as a result of operational work and cases, collected data and information, statistical data from the records of the Ministry of Interior (MUP) which are mostly decentralized in several databases, which makes it difficult to create criminal intelligence information .
- 3) the created analytical products mostly do not contain identified priorities, information that needs to be collected additionally and recommendations for further action. The quality of statistical data entered into electronic databases and the amount of prepared operational reports and information predominantly affect the application of the analysis function and the quality production of criminal-intelligence information.

- 4) the quality of entered statistical data in operational applications is at a low level, which makes it difficult for analysts to work on processing and analysis in the development of analytical products.

3.2. Attitudes of employees in the police of the Republic of Serbia on the implementation of the executive function of the analysis

The results of the theoretical research related to the problems of the analysis function, which are stated in the theoretical positions in the police of the Republic of Serbia, were verified empirically, by examining 142 police officers in organizational units at the General Police Directorate HQ (Criminal Police Directorate, Uniformed Police Directorate, Traffic Police Directorate and Border Police Directorate) - in the following text, the results of the empirical research are presented under the title: "Study 2019"³; and included two chief coordinators in the General Police Directorate HQ, four chief coordinators in the organizational units in the General Police Directorate HQ and 27 coordinators in the regional police directorates- in the following text, the results of the empirical research are presented under the title: "Study 2022"⁴. The above-mentioned employees answered as shown in tables 1-3.

Table 1: *Answers of employees in organizational units at the General Police Directorate HQ and regional police directorates to the question: "Do you think it is necessary to carry out criminal analysis of data and information using modern methods, such as: AnaCap, OIAT, risk and threat analysis, with a focus on proactivity, which affects the efficient and effective preparation of criminal-intelligence information"?*

Respondents in RPD and OU in GPD HQ	Fully agree		Mostly agree		Mostly disagree		Total	
	n	%	n	%	n	%	n	%
Study 2019	52	36,6%	86	60,6%	4	2,8%	142	100%
Study 2022	33	100%					33	100%

By analyzing the answers of employees to the question listed in table 1, of the total number of employees in the observed sample in Study 2019, 97.2% answered positively with "mostly agree" and "fully agree", and 2.8% answered negatively with "I mostly disagree". In the observed sample after the passage of time in Study 2022, 100% responded positively. It can be concluded that in the observed samples there is agreement with the

3 The empirical research was carried out in the period from July to October 2019 for the preparation of a doctoral dissertation. More info: Racić, I. (2021) "Organizational adaptation of the police to the needs of the application of the police intelligence model in the Republic of Serbia", doctoral dissertation, Criminal Police University, Belgrade.

4 The empirical research was carried out in the period from July to August 2022. More info: Racić, I. (2023). Monography: „Intelligence Led Policing in the Republic of Serbia”, The Institute of Criminological and Sociological Research, Belgrade.

view that it is necessary to conduct criminal data analysis using modern methods, such as: *AnaCap*, *OLAT*, risk and threat analysis, with a focus on proactivity, which affects the efficient and effective preparation of criminal - intelligence information.

Table 2: *Answers of employees in organizational units at the General Police Directorate HQ and regional police directorates to the question: “Do you think that strategic analysis and operational analysis contribute to the identification of prevention measures, resolving of committed criminal acts, the allocation of resources, and enable targeted collection of data and information”?*

Respondents in RPD and OU in GPD HQ	Fully agree		Mostly agree		Mostly disagree		Total	
	n	%	n	%	n	%	n	%
Study 2019	25	17,6%	111	78,2%	6	4,2%	142	100%
Study 2022	1	3,03%	32	96,97%			33	100%

By analyzing the answers of employees to the question listed in table 2, of the total number of employees in the observed sample in Study 2019, 95.8% answered positively with “mostly agree” and “fully agree” and 4.2% answered with “I mostly disagree”. In the observed sample after the passage of time in Study 2022, 100% responded positively with “mostly agree” and “fully agree”, with a decrease in the degree of representation of the response “fully agree” and an increase in the degree of representation of the response “mostly agree”. Based on the obtained results, it can be concluded that in the observed sample there is agreement with the view that strategic and operational analysis contributes to the identification of prevention measures, resolving of committed criminal acts, allocation of resources and enables coherent data collection.

Table 3: *Answers of employees in organizational units at the General Police Directorate HQ and regional police administrations to the question: “Do you think that the quality of statistical data entered into electronic databases and the amount of operational reports and information produced predominantly affect the application of the analysis function and the quality production of criminal-intelligence “ ?*

Respondents in RPD and OU in GPD HQ	Fully agree		Mostly agree		Mostly disagree		Total	
	n	%	n	%	n	%	n	%
Study 2019	43	30,3%	87	61,2%	12	8,5%	142	100%
Study 2022	32	96,97%	1	3,03%			33	100%

By analyzing the employees’ answers to the question listed in table 3, of the total number of employees in the observed sample in Study 2019, 91.5% answered positively with “mostly agree” and “fully agree”, and 8.5% answered negatively with “ I mostly disagree”. In the observed sample after the passage of time in Study 2022, 100% responded positively. There is also a noticeable increase in the number of “I fully agree” responses.

On the basis of the obtained results, it can be concluded that in the observed samples there is agreement with the opinion that the quality of statistical data entered into electronic databases and the amount of operational reports and information created predominantly influence the application of the analysis function and the quality production of criminal-intelligence information, with an evident increase in the degree to compliance with the examined attitude over time.

4. DISCUSSION

Based on the results of the conducted theoretical and empirical research using the executive function of data analysis, we can conclude that there is currently a large number of shortcomings in this area. Deficiencies are present in the work methodology and in the areas of human and material resources.

Measures to improve the executive function of data collection refer to:

- 1) description of analyzed phenomena and events as a consequence of the absence of application of modern analytical methods (OIAT, risk and threat analysis, etc.). The measures that need to be taken relate to the application of modern analytical methods when performing the function of analysis. The effects of such organizational adjustment would affect the quality of analytical products, more efficient, effective and economic decision-making.
- 2) absence of the application of strategic analysis by analytical organizational units within the General Police Directorate, which would identify current crime trends and cause-and-effect links. Analysts in the organizational units of the General Police Directorate have access to closed sources of data created as a result of operational work and cases, collected data and information, statistical data from the records of the Ministry of Interior, and which are mostly decentralized in several databases, which makes it difficult to create analytical products. The measure that needs to be taken pertains to improvement of the work methodology in the performance of analysis tasks. The effects of such organizational adjustment would influence the direction of police work according to the identified current trends of public safety and cause-and-effect links through the preparation of strategic documents of the General Police Directorate, whereby strategic analysis would provide a contribution to the implementation of proactive activities.
- 3) created analytical products mostly do not contain identified priorities, information that needs to be collected additionally and recommendations for further action. The quality of statistical data entered into electronic databases and the amount of prepared operational reports and information predominantly influence the application of the analysis function and the quality production of analytical products. The measures that need to be taken relate to relevant and high-quality data entry into police records, which would help analysts to identify the data that needs to be collected. The effects of such organizational adjustment would influence the

direction of police work according to the identified work priorities, which would influence the reduction of criminal acts and misdemeanors.

- 4) there is no standardized way of recording analytical products, which complicates the process of their monitoring and availability. Delivery is time-limited depending on the type of analytical products, the deadlines of which are determined by the Strategic or operational group for leadership and management. The measures that need to be taken refer to the creation of a standardized form in which it is defined, to whom and in what form the analytical product is delivered. The effects of such organizational changes would affect the more efficient and effective work of leadership and management groups.

CONCLUSION

The subject of the theoretical-empirical research, the results of which are presented in this part of the study, pertained to the executive function of the analysis. The results of the theoretical research of the concept of analysis and the type of analysis established the following: 1) that analysis can essentially be defined as a function of the criminal-intelligence process in which data is subjected to verification in order to extract important knowledge for further interpretation and fit into a pattern in the creation of a new criminal-intelligence; 2) that strategic and operational analysis are types of analysis used in criminal intelligence operations; 3) that modern analytical techniques are used in criminal intelligence operations when conducting operational analysis (operational integrated techniques (OIAT), IBM i2 Analyst notebook software (connection analysis and event flow diagram) and risk and threat analysis).

Based on the conducted theoretical-empirical research, it can be concluded that the executive function of analysis in the police of the Republic of Serbia can be improved by its organizational adaptation to the obvious requirements of police work based on the application of the intelligence led policing model, which requires the following (organizational) changes: 1) it is necessary to carry out criminal data analysis using modern analytical methods, such as: AnaCapa, OIAT, risk and threat analysis, with a focus on proactivity, which affects the efficient and effective development of criminal intelligence; 2) it is necessary to apply strategic and operational analysis in order to identify current crime trends and cause-and-effect links, drawing conclusions, problems in drawing conclusions, defining priorities, lack of information that needs to be collected additionally and giving recommendations, which contributes to the identification of prevention measures, resolving of committed criminal acts, allocation of resources, and enables coherent data collection; 3) police officers have to enter statistical data into electronic databases in a high quality way, whereby the amount of prepared operational reports and information predominantly affects the application of the function of analysis and the quality development of criminal-intelligence.

According to the described research results, it can be concluded that the functioning of the police organization in the Republic of Serbia can be improved, which implies

appropriate (functional and organizational) changes in its executive functions, including especially changes in the performance of law enforcement intelligence operations, i.e. in the analysis of data that can contribute to a better quality development and use of criminal-intelligence.

REFERENCES

1. Carter, J.G. (2011). Policing Innovation: Exploring the Adoption of Intelligence – Led Policing (Dissertation), Michigan State University.
2. Gottlieb, S., Srenberg, S., Singh, R., (1994). Crime analysis: From first report to final arrest, Montclair, CA: Alpha Publishing, pp.11-12.
3. Peterson B. (2013). The Role of Analysis in Intelligence-Led Policing (Management Analyst, New Jersey Division of Criminal Justice; President, International Association of Law Enforcement Intelligence Analysts).
4. Ratcliffe, J. H. (2008). Intelligence-led policing. Cullompton, Devon: Willan.
5. Racić, I. (2023). Monography: „Intelligence- led policing model in the Republic of Serbia“, The Institute of Criminological and Sociological Research, Belgrade.
6. Racić, I., Radović, N. (2023). International scientific conference „Archibald Reiss days“ thematic conference proceedings of international significance: „Formation of analytics management as a prerequisite for effective and efficient application of the Intelligence Led polcing in the Republic of Serbia, Belgrad.
7. Đurđević Z., Radović N. (2020). Criminal police operations, Criminal Police University, Belgrade.
8. United Nations Office on Drugs and Crime (UNODC). (2011). Criminal intelligence: Manual for Managers. New York: p. 30-40.

Received:

Accepted:

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NUCLEAR SECURITY RISKS AND CIVIL DEFENSE

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Abstract: *The danger of nuclear attacks and warfare with the use of nuclear weapons is increasingly present. Fears of nuclear attacks and nuclear wars have been fueled by the conflict that has been raging for a long time in the territory of Ukraine, where the use of nuclear weapons has been speculated since the beginning of the conflict. In the paper itself, the subject of the author's interest is the action of civil defense in case of nuclear conflicts and dangers. The essential question is whether the harmful consequences of nuclear action can be reduced. In order to give the most precise answer to this question, one must start from several important components of the attack itself, namely the question of its scope, the question of the aim of the attack, the question of the place where the nuclear attack took place, what the weather conditions are like at the time of the attack and immediately after him, paying special attention to the strength of the wind and the direction of its movement. In the end, the important question is whether the attacked party has time for a warning.*

During preventive action, potential moments and locations of nuclear weapons attacks must be calculated. The calculations are called scenarios and their goal is to predict the possibility of an attack, but also the possibility of defending against an attack. Scenarios must be created realistically, with maximum respect for all objective and subjective factors. Unfortunately, this is not the case in practice. Scenarios are almost always created on the basis of assumptions, unnecessary drama is accentuated, political and propaganda platitudes are used, which ultimately results in the creation of unusable scenarios.

As an example of a sensationalist prediction of a possible nuclear attack, the well-known example of the so-called attacks on Trafalgar Square in London. If one had thought a little

better, it would have been clear to everyone that Trafalgar Square could not be a realistic target of a nuclear attack. Also, the form of manipulation of nuclear attacks is the justification of unilateral attacks on the nuclear facilities of countries that have and are developing nuclear weapons. At the same time, the targets of the attack are not chosen based on realistic parameters, but to justify the value of the set assumption.

In order to avoid these malicious mistakes, one must start from realistic knowledge about the beliefs, intentions and military potential of a potential attacker. This knowledge must be incorporated into the assessment of attack types and attack locations.

Keywords: *civil defense, nuclear weapons, attack, radiation, protection.*

INTRODUCTION

The concept of nuclear risks and accidents appears very often, and one gets the impression that the world public is becoming more and more burdened by nuclear risks. Nuclear risk should first be understood as nuclear explosions, which occur due to the rapid release of an uncontrolled nuclear reaction, which can be either nuclear fusion or nuclear fission or can occur as a combination of them.

For the first time, the world learned about the use of nuclear weapons during World War II, when America attacked Japan with this type of weapon. The attack on the Japanese cities of Hiroshima and Nagasaki took place in August 1945, forcing Japan to capitulate. On that occasion, as a result of the use of nuclear weapons, around 129,000 Japanese people died, but the most terrible consequences occurred in the later period, as a result of the direct consequences of extremely high radiation. The radiation and other dangerous consequences of this attack are felt even today, regardless of the long period of time that has passed since the attack (Jačović, 2021: 14).

The first atomic bomb that was dropped on the Japanese city of Hiroshima was called "Little Boy". It was fired on August 6, 1945 and was based on uranium with a destructive power of 15-16 kilotons of TNT. The bomb was cylindrical in shape, 305 cm long, 71 cm in diameter, and weighed about four tons. It was filled with 60 kilograms of uranium. The atomic bomb was carried by B-29 planes and dropped from an altitude of 10 thousand kilometers. The detonation occurred 500 meters from the ground, which achieved the maximum effect.

During the attack on the Japanese city of Nagasaki, a nuclear bomb with the cute name "Fat Man" was used. It was fired on August 9, 1945, and in terms of its strength, it was stronger than "Little Boy", because it had between 21 and 25 kilotons of TNT, and the detonation occurred 500 meters from the ground. It was egg-shaped, 235 cm long, 153 cm in diameter, and weighed 4,650 kilograms. It was based on plutonium. Nagasaki was accidentally targeted, as the original target was the city of Kokura, which could not be attacked due to heavy cloud cover, so Nagasaki was an alternative target.

Analyses and research conducted 75 years after the nuclear attack on Hiroshima and Nagasaki indicate the still present consequences of that attack. Among the population of

these two cities, the fear of new nuclear attacks is still dominant. Today, the mention of nuclear weapons triggers an avalanche of various secret projects financed by the USA, Russia, Britain, Germany, Iran and other powers that are considered nuclear powers because they have nuclear weapons (Bubnjević, 2023: 126).

Also, breakdowns of nuclear power plants caused significant nuclear risks in peacetime circumstances. The accident in Chernobyl in Ukraine, which happened in 1986, is considered one of the most serious in recent times. At the moment, around thirty people died, with millions of dollars in material damage. According to rough estimates, around four thousand people died as a result of the radiation in the later period. They mostly fell ill with cancerous diseases, which arose as a result of prolonged exposure to radioactive radiation. Radioactive rain fell from the radioactive clouds, which affected the entire region and not only Ukraine, but also Belarus and Russia (Lazić, 2011: 199).

Between 1952 and 2009, there were 99 nuclear accidents in the world. Among the more significant accidents, we should single out the accident from 1957, which occurred as a result of a fire near a British atomic bomb projectile in the town of Sellafield, then the accident from 1961, caused by the explosion of the SL-1 prototype at the National Reactor Testing Station in Idaho, USA. In Michigan, USA, in 1966, the core of the Fermi 1 reactor at the Enrico Fermi nuclear reactor melted down. In Switzerland, in 1969, there was an accident at the Lucens reactor due to a loss of cooling that led to a partial meltdown of the core and massive radioactive contamination. In Russia, in 1975, a nuclear accident occurred in Leningrad due to a meltdown at reactor one. In 1975, there was an electrical failure caused by a fire in East Germany, and in the following year, in 1976, there was a failure of the ground rods in Czechoslovakia. Also, in Czechoslovakia in 1977, there was another nuclear accident due to corrosion on the reactor, which caused the leakage of radioactive materials. There were four consecutive nuclear accidents in the USA in 1979, 1984, 1985 and 1986. The following year, in 1986, the already mentioned Chernobyl accident occurred. The next three nuclear accidents in 1987, when there were even two accidents in 1989, took place on the territory of the USA. An accident occurred at the nuclear power plant in Leningrad in 1992 due to the release of radioactive gas and iodine. During 1996, two nuclear accidents occurred in the USA. In Japan, a nuclear accident happened in 1999, as well as in 2011. In the USA, the last recorded nuclear accident occurred in 2002 (Mateša, 2022: 10).

CIVIL DEFENSE AND NUCLEAR EXPLOSIONS

The question of the action of civil protection in the case of nuclear explosions concerns the handling of the relationship between the person and the object of protection and the point where the explosion occurred. Greater distance from the explosion point increases the possibilities of adequate protection from the consequences of a nuclear explosion. This achieves the effect of better isolation, which is created by natural and other obstacles in the form of solid substances standing in the way between the point of explosion and the

protective object. Precisely for this purpose, shelters are built from very solid materials, because it is believed that the stronger and better the material is, the less the consequences of a nuclear explosion can be. In the world, the British “Anderson” shelters proved to be the most effective, which are believed to be able to mitigate the attack of the strength of the nuclear explosions in Hiroshima and Nagasaki.

Fears of nuclear attacks in the second half of the 20th century led to the expansion of the creation of nuclear shelters. In connection with these trends, in the USA, in Las Vegas, the most luxurious nuclear shelter was built in 1978. At first glance, the two-story house, which did not stand out from its surroundings in any way, had eight meters in the depth of the chamber, in which there were luxurious rooms for living, and in addition to this standard equipment, the underground floors had swimming pools, saunas, gymnasiums, fountains, waterfalls and even a fake courtyard with fake flowers, trees and other ornamental plants. The designer of this luxury nuclear shelter was Brown Henderson, who predicted that the Russian-American cold war would end with the use of nuclear weapons, which would end particularly badly for the US. That’s exactly why he made such a luxurious shelter, to protect himself and his loved ones from the consequences of a nuclear explosion.

Civil protection in the context of dealing with nuclear explosions has the role of a protective factor. Also important here is the question of the construction of materials used to build residential and other buildings. In order to protect against nuclear explosions, the most resistant materials and the most modern techniques are used during housing construction. The radioactive protection factor represents the level of the object’s resistance to radiation. For example, buildings with a protection factor of 10 or higher can withstand very high levels of radiation from a nuclear explosion. Special nuclear shelters have a protection factor of over a thousand. The possibility of human survival and survival in a facility after a nuclear explosion is measured based on the protection factor. The higher it is, the chances of successfully surviving a nuclear strike are greater (Weil, 1991: 41).

The energy of one nuclear explosion that occurred in Japan in 1945 was 20 megatons. The second bomb that was dropped on Nagasaki was a thousand times more powerful. In the event of an explosion of a nuclear bomb that would be a thousand times more powerful than the bomb dropped on Nagasaki, there would be a multimegaton explosion, with an almost impossible possibility of protecting people from its consequences. The destructive effects of nuclear bombs increase in direct proportion to the destructive energy. The explosion of a high-powered nuclear bomb on the earth’s surface can cause the destruction of the most perfect nuclear shelter that is absolutely protected. The role of shelters is to reduce the radius of total destruction, but not to fully mitigate the possible consequences.

The good design of the nuclear shelter is extremely important. Special care should be taken to ensure that the shelter is not filled with ruins and that there is always an available exit to which people can safely exit after the danger is over. Shelters must be supplied with supplies of food and water, sanitary equipment and must have an independent source of electricity. Air quality in the shelter is particularly important, in the sense that its cleanliness,

heat and humidity must be preserved. In particular, preventive measures must be taken against carbon monoxide poisoning and lack of oxygen. Almost no nuclear shelter in the world meets these criteria. The construction of these shelters also requires large material costs. The British “Anderson” shelter costs between 50 and 80 billion pounds to build. Likewise, a system of timely notification of the threat of a nuclear attack must be provided, in order to leave enough time for citizens to evacuate safely.

According to some research from 2022, there is a well-founded doubt that today any atomic shelter built in the 20th century could provide adequate protection against a nuclear explosion. The subject of the analysis was a nuclear shelter that was built under a steel factory in Warsaw in the 1950s. The shelter contains gas masks, stretchers, first aid kits and other items that civil defense managers would need to have in order to provide assistance in the event of a nuclear attack. There is a map of Europe on the wall of the shelter, but without the significant geopolitical changes that occurred in the meantime (the collapse of the USSR and the SFRY), and the equipment in clothes, blankets and shoes has pretty much deteriorated due to the passage of time and certain factors, such as humidity. In view of the latest jingling of nuclear weapons in international circles, the Polish government has issued an order to review the eventual usability of this atomic shelter. However, the results of this research proved that better protection effects would be given by the underground railway tunnels in Warsaw than this atomic shelter, which, at the time it was built, was one of the best in that part of Europe.

CIVIL DEFENSE AND RADIOACTIVE FALLOUT

Nuclear explosions are followed by large radiation fallout, which poses an extremely high risk to people’s lives and health. Civil protection always starts from certain parameters, such as the distance of the radiation source, the type of material used during protection, as well as the time element, because the level of radiation decreases with time (Panevska, 1991: 38). Also, the degree of radiation decreases with distance, and the rate of radiation is measured using the inverse square method. The laws of the inverse square are based on the following statement: “If the distance is doubled, the strength decreases to a quarter of the previous strength, and if the distance is tripled, it decreases to a ninth.” Radiation decreases proportionally to the square root of the distance from the source (Joseph, 1982: 260). The inverted square is applicable to all forms of radiation, and the application of the inverted square method has proven that in well-built shelters and underground, the possibility of radiation penetration is reduced.

The radiation shielding factor is of vital importance in civil defense. The protective factor exists in the construction industry and consists in the application of materials and techniques used in the construction of buildings. A protective factor of ten is the most desirable for residential buildings because it receives only a tenth of the radiation from the outside environment. A higher protection factor is desirable, but it is difficult to achieve and implies the use of very rare and expensive materials and construction techniques.

This higher factor is possible with special atomic shelters, which can have a protection factor of over a thousand. Steel and other solid materials can provide a higher degree of radiation protection, and the level of protection is also affected by the thickness of the walls. For this purpose, the so-called “internal shelters”, which imply the adaptation of one room into a special atomic shelter. Internal shelters mean that one room in a house or apartment is specially protected with insulating materials, such as sand, or by placing obstacles in the form of furniture or filling the soil. In residential buildings, basements have proven to be the safest place to build indoor shelters.

Staying in a nuclear shelter is most needed in the 48-hour period after a nuclear explosion. After that time interval, it is believed that the radiation spreads, and that the intensity of its radiation decreases. Radioactive fallout can be expected within an hour of the explosion. Mathematically speaking, radioactivity decreases tenfold with each sevenfold increase in time, counting from the moment of complete release of the dose of radioactive radiation. Today, science does not provide the exact parameters of what dose and level of radiation can result in the death of people, and the mortality rate varies depending on the cumulative doses received. For more than fifty percent of persons exposed to radiation, the lethal dose was greater than 400 rad (*Radiation Absorbed Dose*). Today, international systems of measurement units are used to measure radiation (SI), according to which the unit of ionizing radiation unit is Gray (Gy). One Gy equals 100 rad (Tomić - Petrović, 2009: 50).

Radiation protection can be partially ensured only in an object that has not been damaged. Any physical damage to the object impairs its protection factor and allows radiation to enter the interior of the object. Also, persons staying in the building must not leave it or open openings, because every opening allows radiation to enter the interior of the building. Therefore, in these situations, civil defense acts in the following directions: according to the shock wave, thermal effects and primary radiation. Also, after the end of the primary, civil protection must act in the direction of secondary radiation and long-term consequences of radiation. This refers to radioactive fallout, but also to socio-economic consequences, consequences for the atmosphere, etc.

CONSEQUENCES AND EFFECTS OF RADIATION

A particular problem with the radioactive radiation is its long-term action and influence. Radioactive fallout usually lasts for the first few days after the explosion, however, the harmful effects of radioactive radiation become apparent only in the following years after the explosion. For the purpose of examining and analyzing the harmful effects of radioactive radiation, a joint American-Japanese committee was established in 1948 whose task was to monitor the long-term consequences and effects of the atomic attack on the two Japanese cities of Hiroshima and Nagasaki.

The effects of radiation on the human world have proven to be very dangerous and are associated with the occurrence of serious diseases such as leukemia, cataracts, mental

retardation and degeneration in newborns. The existence of genetic mutations was established, which can be brought under the direct consequence of radioactive radiation. Of course, this neutral American-Japanese commission encountered numerous obstructions in its work and efforts to hide the most terrible facts concerning the consequences for the lives and health of people and the environment, so it is believed that many truths have never been completely told and that the public was never fully informed of all the catastrophic consequences of this US crime against the Japanese people.

The facts that were found out, after much trouble, are the following: people who were exposed to constant radiation suffered from cataracts. In the period 1951 - 1952, there was an expansion of leukemia in Japan. It was found that people who were directly exposed to the worst radioactive radiations in Hiroshima and Nagasaki mostly get sick from this disease. It was not until 1966 that a slight decrease in the incidence of leukemia among the Japanese was recorded. However, on the tenth anniversary of the nuclear attack on Japan, there is an expansion of cancerous diseases, namely lung, breast and gastro-digestive tract cancer.

In the immediate aftermath of a nuclear attack, there was a high mortality rate for newborns as well as infants. The children who survived the attack had consequences in the form of mental retardation. At that moment, the existence of the problem of genetic mutations and genetic recession was openly suspected. In particular, the intensification occurred by mixing irradiated and non-irradiated persons, which made the genetic process impossible to predict. The influence of radiation on the gonads in humans undoubtedly leads to the frequency of mutations and the creation of genetically mutated offspring.

The nuclear attack on Japan opened up many other questions, such as the physical and biological consequences of atmospheric changes. The issue of damage to the ozone layer was opened, and for the first time the possibility of the so-called "nuclear winters". A question of exceptional importance is whether, after the use of nuclear weapons in Japan, there was damage to the ozone layer of the planet Earth, and whether it was irreversible or reversible damage. Until that phenomenon, there was no mention of damage to the ozone layer. The force of the explosion and the intensity itself were capable of damaging even the ozone layer and thereby actually starting the procedure of permanent destruction of life on planet Earth.

The nuclear winter, according to the theory of Crutzen and Berks from 1982, should follow as a direct consequence of nuclear explosions, combined with large clouds of smoke and dust, which went into the highest stratum of the atmosphere of the planet Earth, which even obscured the Sun and sunlight. Smoke especially contributed to the creation of conditions for nuclear winter, because it has a particularly harmful effect on the illumination of the planet by the Sun. According to forecasts, 100 megatons of smoke could contribute to the darkening of the sky, which would lead to global cooling and a drop in temperature to a fraction below minus twenty degrees. Ultraviolet radiation contributes to this in a particularly favorable way, because it makes it difficult to clear the smoke.

A nuclear winter would contribute to the destruction of plant and animal life because photosynthesis would be disabled, which would mean the extinction of certain

species. On the other hand, severe winters would have harmful consequences for people's physical and psychological health. However, the theories about the nuclear winter were repeatedly contested, and in a later period of time, the theory of global warming, which is caused by the greenhouse effect, appeared. The theory of global warming is exactly the antipodal theory of the theory of nuclear winter, which arises as a result of a long-term gradual increase in average air temperatures, which is a direct consequence of human activity.

The emission of gases that create the greenhouse effect as a special consequence of carbon monoxide and methane, which are caused by the burning of fossil fuels for energy needs (Belić, 2006: 47). Other factors of global warming include agricultural activity, steel and cement production, as well as unplanned and non-domestic deforestation. Snow is becoming less common, even in the mountains, and severe droughts lead to the drying of vegetation and the creation of more and more frequent forest fires.

Nuclear explosions also create socio-economic consequences, more precisely, serious difficulties arise from the recovery of the state and society from a nuclear attack. Civil protection deals, among other things, with the issue of socio-economic recovery after a nuclear attack. As a special problem, the lack of housing, which was destroyed, is cited as a direct consequence of the nuclear explosion, and as a result of the fire that arose directly from the explosion.

Additional difficulties arise due to damage to fuel tanks and electrical energy production facilities, which can cause additional contamination of the environment, but also a problem in the supply of energy after the end of the danger. Targeting industrial and agricultural facilities can have consequences for the production of food products, which causes the problem of hunger and deepens the crisis for the civil population.

Nuclear attacks also cause medical problems, because the number of patients increases, the number of doctors and medical staff decreases, there is a shortage of medicines and medical equipment, hospital capacities are threatened because hospital facilities can be the target of an attack, which creates the conditions for the emergence humanitarian crises. In addition to physical ailments, people who have been the target of a nuclear attack also have psychological problems, anger due to exposure to the risk and consequences of a nuclear attack, as well as sadness and depression due to the loss of loved ones. In order for the civil protection plans that were made before a nuclear attack to be implemented, it is necessary to ensure the supply of the raw materials.

EXPECTATIONS FROM CIVIL DEFENSE

Civil defense plays a key role in crisis situations, which are capable of significantly endangering the life and health of people and endangering the environment. Civil protection must be especially activated in the case of natural disasters, technical disasters, disasters involving radiation, attacks using conventional weapons, radioactive fallout, due to limited nuclear war and large-scale nuclear wars (Perić, 1995: 128).

The main shortcoming of the civil defense organizations was the lack of qualified personnel, who could respond in an adequate manner in emergency situations. A particular problem manifested itself in the coordination of evacuation in endangered areas, in the provision of rescue teams, provision of food supplies and medical equipment, as well as in the maintenance of atomic shelters in a state of functionality.

The importance of civil defense must be recognized when dealing with technical disasters. Then civil defense works with the goal of getting rid of poisons and chemical substances that have been spilled into the atmosphere. However, with the great chemical disaster in the city of Bhopal in 1984, the most pessimistic forecasts proved that civil defense does not work effectively in such situations. Civil defense plans proved to be a key problem, as they are unrealistic, imprecise and without clear instructions on how to proceed.

In many potential risky situations, civil defense and its effectiveness have never been established. We should thank the fact that there were not many technical disasters, so the event in Bhopal in 1984 can be taken as a benchmark for the inefficiency of civil defense in the world. Only the event in Chernobyl in 1986 indicated the need for a more serious approach to the organization of civil protection, especially in the direction of evacuation and better organization of rescue services.

The high level of radiation resulting from the deliberate use of nuclear weapons is an essential danger in technical disasters. Civil defense action should be aimed at saving people. The assumption is that there would be many victims in a nuclear attack because it would certainly be carried out without prior notice. Special measures and protective mechanisms must be taken in the target zone of the nuclear explosion itself.

Civil defense, except in the case of nuclear accidents, has a significant role in ordinary wars with the use of conventional weapons. Weapons are advancing rapidly technically and technologically, gaining new features and characteristics and becoming more and more deadly. Therefore, even though it does not carry as much risk, this weaponry must also be under the watchful eye of the civil defense authorities, because even conventional wars can cause enormous damage and consequences for the civilian population. The priority goal is the evacuation of the population from the war zone.

Radioactive fallout is a phenomenon that affects not only the country where the explosion occurred, but also countries in the immediate vicinity. Precisely for this reason, the civil defense must provide functional shelters in a timely manner, which must be relatively close to the residential zone and meet the accommodation needs of all citizens who live in that residential zone according to their capacity. Shelters must be equipped with technical equipment, must have a sufficient supply of food, medicine, bedding and other necessary things that can ensure people an undisturbed way of life until the end of the danger. Civil defense during that time, using radar technology, should monitor the movement of nuclear fallout, as well as its intensity. Information about nuclear fallout and environmental quality must be communicated to evacuated citizens in a timely manner.

A significant problem in the functioning of the civil defense system is the lack of nuclear shelters. For this reason, alternative locations must be sought in the event of

a potential nuclear strike, which must be located in relative proximity to potential attack targets. No matter how well the shelter is made and has all the necessary elements, there is always a risk as to whether literally all the consequences of a nuclear attack can really be removed and their harm nullified. A higher degree of efficiency can be expected with real shelters than improvised ones, which were created due to the lack of real and adequate ones.

CONCLUSION

The effectiveness of civil defense in a potential nuclear attack is very difficult to assess in today's circumstances. The successes of civil defense have a more relative than an absolute character and can be considered more effective in the defense of specific military objectives, with clearly designed shelter systems and pre-deployment plans. The projection of potential attacks includes both the consequences on military and civilian objects that may be the target of an attack, mostly as a secondary target. Strategic planning time is based on warning time, which usually consists of several days. During that period, pre-dislocation must be undertaken. The tactical warning time is short and lasts only a few minutes, and during its duration measures are carried out in the shelter itself.

The pre-dislocation process can bring some difficulties, such as time losses. Due to poor timing, an attack may occur before the pre-dislocation is completed. In the event that pre-dislocation cannot eliminate the dangers of attacks on the civilian population, the question of the justification of pre-dislocation itself arises.

A stronger intensity of a nuclear attack, or several of them in continuity, drastically lowers the degree of effectiveness of civil defense. Every life saved is a great benefit for a society, and due to the decline in efficiency in the work of civil defense, its importance and social function should in no way be minimized. Effective civil defense is supported by well-designed shelters, which are adequately and timely equipped.

The civil defense system in the Republic of Serbia has always been strong and well developed. With clearly and permanently set goals, civil defense is one of the cornerstones of our defense system, because it works to preserve the territorial integrity and sovereignty of the state, protects national interests, as well as the interests of citizens in terms of their material, cultural and other needs. The long-term goals of civil defense are the protection of people's lives, their material and cultural assets, the environment, as well as protection from war threats and destruction. The Civil Defense cooperates with the armed forces and provides them with significant logistics. It strives to help create the most favorable conditions for protection against natural and technical-technological disasters, as well as other global challenges and dangers. It contributes to eliminating the resulting consequences and acts preventively in order to contribute to the neutralization of dangers and risk reduction.

Therefore, the primary mission of civil defense is the survival of the state and the conditions for the efficient functioning of the political, economic, economic, educational, cultural and other systems of vital importance for the survival of a society. Civil defense

must always be at the service of the country's security authorities and it must act in collusion with them. Civil defense must anticipate crises and develop crisis management plans. Among the most important goals of civil defense is the protection of the civilian population and the most effective elimination of the consequences of an emergency situation.

The condition and appearance of atomic shelters, which were built very intensively during the last century, is not at a satisfactory level today. Many of them have been given a different purpose, they are used as gyms, casinos or for some other similar purposes. The public utility company for shelters regularly announces tenders for leasing these shelters.

The conclusion that can be drawn is that civil defense is an important subject of the security system of every country. However, the effectiveness of civil protection is affected by many factors, which concern the technical limitations of civil defense, climatic conditions, topographical factors, degree of population and population density, which can especially complicate the work of civil defense in the process of population pre-displacement. Also, the effectiveness of civil defense directly depends on the way and quality of planning. It should certainly be mentioned here that in a period not so long ago, civil defense was subject to politicization, especially in countries with a communist and socialist orientation. It is characteristic of the former USSR, former Yugoslavia and some other communist states that civil defense was included in the sphere of public policy, and not in the security sphere, where it naturally belongs. The reason for that should certainly be sought in geopolitical circumstances, which were specific. Precisely because of such treatments, civil defense has acquired a pejorative context over time in post-communist systems, to the extent that any trust and sense of support in difficult situations has been lost.

REFERENCES

1. Belić, D. (2006) "Global Warning and Greenhouse Gases", *Facta Universitates*, Niš.
2. Bubnjević, S. (2023) *Alhemija bombe: toponimi nuklearnog doba*, Laguna, Beograd.
3. Jačović, J. (2021) *Katastrofe izazvane ratnim razaranja*, Fakultet bezbednosti Univerziteta u Beogradu.
4. Joseph, J. (1982) "The Underground Nation", *St. Louis Post – Dispatch*, St. Louis.
5. Lazić, V. (2011) "Černobilj – posle dvadesetpet godina", *Književnost*, god. 66, br. 2, Beograd.
6. Mateša, A. (2022) *Nuklearne nesreće*, Veleučilište u Karlovcu, Odjel sigurnosti i zaštite.
7. Panevska, M. (1991) "Sadržinata na nekoj fisioni radionukleidi vo metod", *Revue medicale Macedonie*, Skopje.
8. Perić, M. (1995) *Civilna odbrana*, Filološki fakultet Univerziteta u Beogradu.
9. Tomić – Petrović, N. (2009) *Rizici i zaštita od jonizujućeg zračenja*, Zadužbina Andrejević, Beograd.
10. Vejl, L. Dž. (1991) *Civilna odbrana*, Vojnoizdavački i novinski centar, Beograd.

Received:
Accepted:
Corresponding author:

UDC: 343.143
Review paper
March 4, 2024
March 25, 2024
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WITNESS AS PARTICIPANT IN THE CRIMINAL PROCEEDINGS

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Abstract: *In modern society characterized by globalization processes and continuous development of technique and technology, unfortunately there is a progress of organized crime and commission of a variety of criminal acts. States on domestic and international level strive to provide conditions for the most effective fight against crime through normative approach. The legal and correct way to fight perpetrators of crimes is criminal prosecution, where any form of assistance to state authorities represents a great support. Testimony is one of the most important ways of gathering evidence in criminal proceedings. Therefore, author deals with witness as a person who possesses certain knowledge about committed crime and perpetrator. Author defines the term witness and indicates the importance of testimony for a legal court decision. Also, the paper describes examination process and highlights the necessity of witness protection during criminal proceedings.*

In this sense, the roll of the state authorities is pointed out, which have the task of providing conditions for the witness to feel comfortable during testimony, that will result in obtaining useful information on the basis of which the criminal sanction prescribed by the law will be imposed on the accused person. Testimony is rightfully considered one of the most important means of gathering evidence and its application goes back to the distant past. During the criminal proceedings witness has the obligation to tell nothing but the truth, which will ensure conditions for the court to make a legal verdict. Therefore, it is not surprising that in XXI century there is a whole series of rights and obligations that regulate the position of witness, as well as other subjects that are part of the criminal proceedings. By providing guarantees to the witness that he/she will feel safe during the testimony the state simultaneously sends message that it has necessary capacity to provide protection to persons who decide to give assistance to competent institutions in the fight against organized crime and all other illegal acts.

Keywords: *witness, criminal proceedings, examination, evidence, protection.*

1. INTRODUCTION

The legality of forms is the limit of excessive judicial power, it is an antidote against abuse of the accused, moreover, it is a bulwark of the principle of equality (Amodio, 2016). On the other hand, by prescribing criminal acts state tries to protect life, property, safety and a number of other values that are protected as inviolable by relevant international and domestic acts. In the case of violation of the aforementioned protected rights, competent state authorities carry out activities in order to determine the criminal act perpetrator and motive for committing crime. On that occasion, a person could be deprived of liberty and the further collection of valid evidence will enable initiation of criminal proceedings that will result in imposition of a criminal sanction. Criminal prosecution is undertaken against perpetrators of criminal acts in order to establish all relevant facts that will serve as evidence in court proceedings (Totić, 2023: 205). Evidence is provided by the public prosecutor and police forces whose main task is to collect useful information from citizens and persons who possess scientific and professional knowledge in certain fields. Witnesses and experts who help with their knowledge shed more light on a specific criminal matter, which will consequently have an impact on the judgment within procedure where the accused person will be guaranteed the right to a fair trial, as one of the basic human rights. Experts provide professional assistance in a variety of fields (finance, medicine, traffic...) and must be morally eligible and disinterested in the outcome of the procedure in which they participate. Witnesses are persons who have certain knowledge about criminal act and its perpetrator, so their existence and subsequent statement is the most used evidentiary material. Practice testifies that a crime can be very well planned and executed, but in a large number of cases perpetrators are discovered and prosecuted precisely on the basis of witness statements. Testimony as a proof is an extremely effective method that leads to resolution of both recent cases and cases that may have been committed years or even decades ago. Quite often, criminal act which solving represents almost insurmountable obstacle is solved by the witness testimony and provision of useful information about perpetrator and the reasons for committing crime. Civic duty requires that every person who has knowledge of a criminal offense report the latter to the competent authorities. In this way, contributes to the efficiency of the judicial system and significantly affects the increase of people's trust in state institutions. Strong and fair judicial systems assure citizens that the state is willing and able to take action against criminals (Njeri Kariri & Salifu, 2016).

Testimony is one of the best allies of judicial authorities in the fight against crime. The truthfulness of the witness testimony becomes the cornerstone of justice and that's why witness must give a sworn statement (Bajpai, 2009). Evidence is a mean of establishing and proving the truth or falsity of any given fact (Gardner & Anderson, 2016). These are factual data that in the procedural forms provided by law establish or dispute the existence of a criminal offense and guilt of a person called to criminal responsibility (Lukić, 2011: 289). On the other hand, testimony is an evidentiary tool that is extremely important for

the purpose of discovering and proving criminal activities, which implies that witness has the power to reproduce facts that must be established. It should be pointed out that witness does not belong to the main subjects of criminal proceedings. Lack of interest in the outcome of proceedings places him/her among secondary subjects, which means that even without his/her presence criminal proceedings can be initiated, conducted and ended. Bearing in mind the fact that witness is always a natural person and that people of various ages can be placed in that role, it is necessary to prescribe and respect rules that regulate their hearing. People of younger age and particularly sensitive persons whose questioning is left to expert examiners must be treated with care. This ensures that testimony is usable and that represents reproduction of observations of past events related to the criminal act and perpetrator. Since a minor could also appear as witness, the court has obligation to examine him/her with the help of psychologists, pedagogues and other experts. The attention is directed to two points that differ from each other, but are closely related and often mixed up in practice. On one side, the minor's ability to testify, and on the other the reliability and credibility of statements (Pansini, 2017:59). In particularly sensitive cases witness identity can be concealed, because the person who testifies exposes himself/herself and family to great security risks. These are the cases of organized crime or war crimes, as particularly delicate areas that justice system continuously deals with. Undoubtedly, the success of the testimony depends on the fact whether the witness is able to present all known information. Therefore, testimony always refers to the circumstances that took place in the past and have relevance to the criminal proceedings and the future verdict. The importance of witness derives from the irreplaceable role of eyewitness to a criminal event, who only by reproducing experiences and observations in criminal proceedings acquires the status of witness (Knežević, 2015).

2. WITNESS AS A SUBJECT OF CRIMINAL PROCEDURE

Witness is a person who gives statement about committed criminal act or perpetrator and who possesses important facts for the court. Witness does not have to be present at the crime scene, but might also have indirect information about the latter, obtained from another person. So, here another person intervenes between the witness and the fact, and that person would be the best witness (Grilli, 2009). It must be noted that if it is difficult to judge a person who talks about what he/she directly experienced, since might have misperceived, remembered or narrated a certain event, the problems are exponentially increase in the case of those persons who have only indirect experience (Manzini, 1967). The position of witness in criminal proceeding is determined by prescribed rights and obligations that must be respected, and are the result of efforts aimed to obtain quality statement during testimony. Therefore, during proceedings witness must not be guided by personal beliefs or relationship to the accused, but must give statement in an impartial manner. Witness has the obligation to show up at court, as well as to speak the truth while giving statement. If fails to show up at court, he/she will be fined and forcibly brought.

The protection of witness is particularly highlighted, since the court has obligation to protect him/her from any form of harassment, mistreatment or intimidation to which might be exposed. The court must guarantee to the witness a comfortable feeling when testifying, which includes the right for the latter to refuse to appear in that capacity or to withhold an answer to a question that exposes him/her to inconvenience. The most important duty of a witness is to testify truthfully and not to keep silent about anything he/she knows. That is why before testifying court has the obligation to inform the witness that false testimony is a criminal offense punishable by law. The importance of a truthful statement is best seen in the fact that any other statement, like false, incomplete or unclear to a significant extent, either prevents or slows down the process of successfully solving a certain criminal matter. We should hope that among citizens there is a clearly developed awareness of the importance of giving a truthful statement, although practice also testifies to cases of giving false statements in court. In addition to duty to tell the truth during testimony, witness also has the obligation to inform authority about any change of permanent and temporary residence, which ensures his/her availability and presence in the proceedings. Failure to report a change of address is usually seen as avoiding to respond to a court summons, which does not contribute to the efficiency of criminal proceedings. In the case of need witness is also obliged to face the other witness or defendant, as well as to recognize face, things, photographs and voice of the defendant, when the authority of the procedure requires him/her to do so, because these are just different ways of obtaining testimony from witness (Bejatović, 2016).

Witness is a person different from the defendant who knows something about the facts that must be established in the criminal proceedings, and who was invited by the court to testify about these facts. (Bayer, 1980) It is any person who, within the framework of the procedure and for the purpose of establishing the factual situation, gives statements to the judge intended to make a decision on guilt (Keane & McKeown, 2014). Given the importance of testimony as an evidentiary action, it is necessary to point out the importance of finding witnesses and ensuring conditions for giving valid statements that will result in useful information. That is why the public prosecutor, as a state body in charge of prosecuting criminal acts *ex officio*, must find persons who will testify in a certain criminal matter. Of course, public prosecutor must act objectively and impartially, so he/she will treat in the same way persons who testify both against and in favor of the accused person. The parties to the proceedings can also call witnesses who will strengthen their claims before the court, but at the same time weaken the arguments of the opposing side. The criminal court, as a procedural body, has duty to find the person, thereby exerting a significant influence on the resolution of criminal offenses. The prosecutor in the proceedings has the right and duty to propose witnesses, while the defendant only has the right, but not the obligation to do so. In practice, most often police officers who are engaged in a specific case suggest persons who have information about criminal offense. Also, the police often inform the public prosecutor about all the collected evidence. Respecting such information, public prosecutor invites certain persons to testify before

the court as witnesses. The person accused in the proceedings or his/her attorney has the right to suggest to the public prosecutor a person to be called as a witness. However, public prosecutor has no obligation to act on their proposal. Witness testimony is always recorded, and is actually an official document. It contains all statements, because it is of crucial importance for the court that witness statement is not forgotten, and saved unchanged in accordance with the form prescribed by law. The recorder has the obligation to record everything what was told to him/her and without possibility to decide which facts are important and which are not. It is necessary the record to be legibly written and not to contain grammatical errors, while at the same time it must reflect the true picture of the testimony of the witness. No modifications or deletions of what was entered in the record are allowed. If there is a need for subsequent changes, they must be registered at the end, while the record has to be authenticated and signed. There is an obligation of all participants in the procedure to take care of what is written in the record, as well as the obligation of the parties to sign it.

3. EXAMINATION OF WITNESS

Witness testimony is obtained by questioning (Đurđević, 2019: 21). Examination of witness is considered to be a complex action, which presupposes knowledge not only of procedural provisions that regulate the matter, but also of criminal tactics and psychology (Simonović, 1997). It is done in the investigation by public prosecutor after passing the order. At this stage of the procedure public prosecutor can also entrust investigation to police officers or another competent prosecutor. The latter has the option to declare himself incompetent and hand over the investigation to the competent public prosecutor. It should be emphasized that it is important to distinguish witness statements from informal statements obtained from citizens, which are collected by the public prosecutor and police, because such statements cannot be used as evidence in the proceedings. During questioning of witness at the main trial the same rules apply like in the investigation, with certain adopted provisions. The examination of witness during the main trial is done primarily by the parties, and only exceptionally the court can play active role. Criminal Procedure Code provides that aggrieved party, subsidiary prosecutor and private prosecutor can be examined as witnesses (Milošević & Dautbegović, 2014). At first questions to the witness makes the party that proposed him/her to appear before the court. If both parties proposed the same witness, priority will be given to the one whose proposal was first recorded in the court. The examination at the main trial is carried out through several stages. The first stage is the basic examination, which has a mandatory character, and is carried out by party that proposed the witness. Second stage is cross-examination, which is only an option and is carried out by the opposite party. After that, if the judge allows, additional questioning of the witness by the party who asked questions during the basic examination may follow. If none of the parties proposed a certain witness, but the court did so, questioning of that witness is done firstly by the judge (or more of them),

according to the rules that apply to the basic examination, then by the prosecutor, the aggrieved party or his legal representative and attorney, the accused and his attorney (if there is one), an expert or an expert advisor, according to the rules of cross-examination (Criminal Procedure Code of the Republic of Serbia). Also, a witness can be questioned at the hearing before the second-instance court. This refers to a situation where there is an incomplete or wrongly established factual situation and it is necessary to present evidence that was either already presented before the first-instance court or was rejected by the latter for a certain reason. However, at the hearing before the second-instance court, it is not necessary to examine all the witnesses who participated in the proceedings before the first-instance court. In this case, the second-instance court has the right to decide to call only those witnesses considered relevant for decision. In general, the role of the court regarding the presentation of evidence is subsidiary, corrective and auxiliary (Ilić & Majić & Beljanski & Trešnjev, 2012).

Conversely, the role of witnesses at trial is particularly important in adversarial criminal proceedings when the prosecution has to prove its claims based on evidence, most often through oral examination of witnesses, which the defense can challenge at a public hearing (Mackarel & Raitt & Moody, 2001). The witness examination procedure can be divided into two parts. Namely, in the first part, the court introduces the witness to the testimony procedure. It is the phase in which the witness is informed about his/her rights and obligations. This is especially important when the person testifies for the first time. The second part is characterized by the examination of the witness, which refers to his/her knowledge about the perpetrator and criminal act, as well as other relevant facts that need to be established. When a witness freely testifies about a certain criminal matter, the practice is not to be interrupted during the presentation, unless speaks without reason about some irrelevant facts for the asked question. Since a large number of witnesses might appear during the criminal proceedings, the rule is that they are examined individually, which means without the presence of those who have not yet testified. This enables the originality of the testimony of each witness, because it is impossible for those who will be later questioned to harmonize their statements with those given by previous witnesses. The witness answers the questions orally, unless it is a person who has certain physical disabilities. Then the questioning is conducted in such a way as to enable the witness to testify according to communicative abilities. For example, if a witness is deaf but has the ability to speak, questions will be asked in writing, while he/she will answer orally. As the last solution, there is a possibility to use an interpreter who knows the sign language of deaf-mute witnesses, and who has the skills to communicate with them. Witness can also dictate testimony into the record with the court approval, but this right will be denied if he/she abuses it in any way. During interrogation the witness cannot be asked questions that contain deception, while the law stipulates that testimony cannot be the result of threats, coercion or any form of force, as well as the use of medical devices. Therefore, the main goal is to protect the witness who will voluntarily provide information to the court during examination. Also, it is possible to conduct an identification procedure in which

witness testimony will be subject to verification. Namely, the law stipulates that during the process of identification of a person or object, a witness can be shown several mutually similar persons or objects with the aim of identifying the perpetrator or an object relevant to a specific criminal offense. Witness can identify a face or an object using photography, while a person can be identified by voice recognition. When it comes to the identification of a person, it must be secured that the witness in pre-investigation procedure or during the investigation is not able to hear or to see the person who has to recognize before the beginning of identification process. In the same manner, person who is the object of identification cannot hear or see a witness who identifies him/her.

4. PROTECTION OF WITNESS

Testimony is a story about an event, that is, a product of a set of factors that are partly composed of only objective, and partly of subjective elements (Musatti, 1931). Due to the importance of testimony for the resolution of a certain criminal matter, the protection of witnesses is primarily an obligation of the state. It is not realistic to expect that witnesses will lightly agree to fulfill their civic duty if the court does not guarantee them protection from intimidation. The state's obligation is to guarantee the protection of basic human rights and freedoms to every person, and therefore also to the persons who testify in court during criminal proceedings. The Constitution of the Republic of Serbia guarantees the inviolability of physical and psychological integrity, which is the legal basis for witness protection, while the Criminal Procedure Code from 2011 provides respect for the personality of the accused person during the hearing, which also applies to the witness. Therefore, the right to protection of witness is an individual right. Nowadays, witness protection is ensured by means of procedural and non-procedural measures. Procedural measures include, for example, concealing the identity of a witness or preventing a physical meeting between the witness and the defendant. Non-procedural measures have a police character and are part of the Witness Protection Program. They are characterized by the protection not only of witnesses, but of a wider circle of persons, which primarily refers to persons close to them. Unlike procedural measures of protection, non-procedural ones are applied during, but also before and after the criminal proceedings. It is not uncommon for non-procedural measures to last for several years, especially in cases where proceedings are conducted against members of organized criminal groups. The need for procedural measures usually ends immediately after the conclusion of the criminal proceedings. The importance of non-procedural protection measures is also indicated by their regulation within the Rome Statute of the International Criminal Court, as well as the United Nations Convention against Transnational Organized Crime. Witness protection in the Republic of Serbia has been in place since 2001, when it was defined in detail for the first time by law. Four years later was formed the Unit for the Protection of Participants in Criminal Proceedings and began work on the adoption of the Law on the Protection Programme for Participants in Criminal Proceedings. The Law stipulates that protection program applies

to participants in criminal proceedings conducted against perpetrators of crimes that fall into the category of crimes against constitutional order and security, against humanity and other goods protected by international law, as well as organized crime. The program stipulates that in order to protect witness, among other things, it is possible to change his/her identity or to change his/her permanent and temporary residence, while the objects of protection are life, physical integrity and property of the person. Also, the witness can be sent to another prison in order to ensure safety. Of course, here we are talking about a person who has been deprived of freedom. One of the most common measures applied in practice is the complete or partial change of the personal data of protected person, while it is less common to resort to changing the identity of the person being protected.

Witness protection was first actualized in the United States of America in the 70s of the last century, as a legally sanctioned procedure that was used together with a program to break up criminal organizations that function in the mafia style (United Nations Office on Drugs and Crime, 2008). When it comes to procedural measures for the protection of witnesses, the Criminal Procedure Code of the Republic of Serbia provides for basic protection, protection of a particularly sensitive witness and application of measures to a protected witness. The basic protection of the witness refers to the prohibition of any type of attack, disparagement or threats that may be addressed to him/her during the proceedings. The court and public prosecutor are obliged to protect the witness from such actions, which fully guarantees respect for the integrity of the personality. On the other hand, category of particularly sensitive witnesses includes persons who feel additional negative consequences due to the committed criminal act or personal characteristics. For this reason, they are provided with additional protection during their testimony. They are very often victims of crime. The reasons may be of a subjective nature (gender, age) or a consequence of the objective circumstances under which the criminal offense was committed (method of execution). That is why there is an obligation for the police, court, public prosecution and other authorities to apply measures to help vulnerable witnesses in order to reduce discomfort or fear during testimony. These measures provide much-needed support and boost self-confidence, especially when victims of crimes come forward as witnesses. We are talking about criminal proceedings that are conducted due to the commission of criminal acts such as human trafficking or domestic violence. The questioning of sensitive witnesses must be carried out in accordance with a certain practice that has proven to be very effective over time. Namely, it is necessary to interrogate sensitive witnesses immediately after the criminal offense has been reported, which implies that urgent action must be taken in order not to lose certain parts of the memory, which may be of crucial importance for the solution of a criminal case. When it comes to women who are victims of sexual offenses, as a rule, the questioning is done by female experts. Finally, protected witness is a person who gives evidence and whose identity will not be revealed to the public. Such a status for a witness is determined by the court's decision, while special protection measures for that person are defined. Protective measures may include, for example, concealing the witness's appearance or changing voice

during questioning. It is important to point out the court's obligation that before starting examination informs the witness about persons to whom his/her identity is known. On that occasion, the court warns all those present that they must respect the secrecy of the identity of witness. Therefore, a protected witness is a person whose personal safety, or the safety of persons close to him/her, is threatened due to testimony.

CONCLUSION

Witness is a person who possesses certain knowledge that is useful in clarifying and solving a criminal matter. That is why it is most important to provide conditions for him/her to appear before the court and reproduce facts that will be crucial for the verdict. First of all it is important that witness shows up at court, thereby fulfilling civic duty. Witness testimony is undoubtedly the most important evidence that has been used in criminal and other proceedings for centuries. Due to importance, witness must feel protected because this is the only way to speak freely and honestly about the known facts. The successful protection of witnesses must also be seen as a kind of message that the state sends to all persons, as it shows willingness to provide security to those who help to effectively fight crime. The procedure of questioning witnesses is a complex action that must be approached carefully, because a verdict can only be passed on the basis of the evidence presented in court. Testimony depends on a number of circumstances, such as the age, gender, psychological state, which implies that in certain situations the help of experts is needed. This is especially noticeable when minors appear as witnesses, which often happens in cases of domestic violence. Time we are living in is characterized by increase in all types of criminal activities, particularly organized crime, and all countries that strive to ensure the rule of law on their territory must have a well-organized and functional witness protection system. It is indisputable that in this way they encourage people to report criminal acts and their perpetrators to the competent authorities, as well as to testify unhindered before the court. In order to satisfy justice and reduce criminality, courts, prosecutor's offices and police undertake actions assigned to them by law. Therefore, if the crime rate is increasing, the public will first blame them for the bad security situation and warn them about the negative consequences for the entire society. It is the reason why the aforementioned authorities bear the greatest responsibility when it comes to ensuring conditions that witness contributes to the conviction of someone who committed a crime. That is why the legislator imposed obligation to protect witness from threats, attacks or insults during the procedure. Also, protection is provided to members of family and persons close to witness in the case of need.

Practice testifies that perfect crime does not exist and that even those for whom crime is the way of living mistake in believing that their illegal actions will go unnoticed. However, very often they are noticed during the commission of criminal acts, without even being aware of it. The good thing is that still a large number of people, regardless of the possible repercussions, have desire to testify before the court, which for the latter

is usually crucial evidence at disposal. Witness can possess knowledge of a criminal offense because he/she observed a certain illegal action and the person who undertook that activity. However, witness does not have to be present at the crime scene, but can obtain information from another person, therefore, indirectly. Regardless of the fact whether it is indirect or direct knowledge, authorities have a duty to summon and examine all persons who know something about the criminal act in order to establish the final truth and make a lawful decision. It often happens that witness testimony completely changes the course of a criminal proceeding and enables its quick conclusion, even though at first it seemed that it would be very difficult to solve that criminal matter in a short period of time. These are situations when a witness suddenly appears and expresses desire to disclose known facts before the court. It is true that Republic of Serbia has a problem with organized crime and commission of various criminal acts on its territory. Particularly concerns the fact that a large number of committed crimes are accompanied by the use of violence. Nevertheless, domestic Criminal Procedure Code contains modern solutions and provides effective mechanisms to combat criminal activities. It defines witnesses as persons exposed to great pressure due to their role. For this reason, a whole series of measures are foreseen to ensure their safety, which in some cases results in relocation to other countries. Bearing in mind that the court is responsible for taking into account basic human rights, such as reputation and honor, in addition to the judicial function, the law stipulates that the court can remove from the courtroom persons who in some way prevent the witness from testifying freely and undisturbed. The witness can also testify from another room that is technically equipped, whereby his/her appearance is concealed and voice is changed. There is a possibility for the public prosecutor to examine someone who has knowledge of a crime without even informing the suspect and his/her lawyer. This can be done when public prosecutor assesses that presence of those persons may have a negative impact on the witness. All this indicates that modern legislative solutions strive to provide the witness with a favorable treatment, because the successful conclusion of criminal proceedings largely depends on testimony.

REFERENCE

- [1] Amodio, E. (2016). *Estetica della giustizia penale*, Giuffrè, Milano.
- [2] Bajpai, G. S. (2009). *Witness in the Criminal Justice Process: A study of Hostility and Problems associated with Witness*, National Law Institute University, Bhopal.
- [3] Bayer, V. (1980). *Jugoslovensko krivično procesno pravo*, Informator, Zagreb.
- [4] Bejatović, S. (2016). *Krivično procesno pravo*, Službeni glasnik, Beograd.
- [5] Criminal Procedure Code of the Republic of Serbia (Službeni glasnik RS, Nos. 72/11 of 28 September 2011, 101/11 of 30 December 2011, 121/12 of 24 December 2012, 32/13 of 8 April 2013, 45/13 of 22 May 2013, 55/14 of 23 May 2014, 35/19 of 21 May 2019 and 27/21 of 24 March 2021).
- [6] Đurđević, T. (2019). Unakrsno ispitivanje svedoka u krivičnom postupku, *Glasnik Advokatske komore Vojvodine*, Novi Sad, pp. 20 - 35.

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- [7] Gardner, T. J., Anderson, T. A. (2016). *Criminal Evidence: Principles and Cases*, Cengage Learning, Boston.
- [8] Grilli, A. (2009). *La procedura penale*, CEDAM, Padova.
- [9] Ilić, G., Majić, M., Beljanski, S., Trešnjev, A. (2012). *Komentar Zakonika o krivičnom postupku*, Službeni glasnik, Beograd.
- [10] Keane, A., McKeown, P. (2014). *The modern law of evidence*, Oxford University Press, Oxford.
- [11] Knežević, S. (2015). *Krivično procesno pravo: opšti deo*, Centar za publikacije, Pravni fakultet, Niš.
- [12] Lukić, T. (2011). Informacije (obaveštenja) službi bezbednosti kao dokaz u krivičnom postupku, *Zbornik radova Pravnog fakulteta u Novom Sadu*, Novi Sad, pp. 289 - 308.
- [13] Mackarel, M., Raitt, F., Moody, S. (2001). *Briefing paper on legal issues and witness protection in criminal cases*, Department of Law, University of Dundee, Dundee.
- [14] Manzini, V. (1967). *Trattato di diritto processuale penale italiano*, UTET, Torino.
- [15] Milošević, M., Dautbegović, A. (2014). *Krivično procesno pravo*, Fakultet za poslovne studije i pravo, Univerzitet Union – Nikola Tesla, Beograd.
- [16] Musatti, C. (1931). *Elementi di psicologia della testimonianza*, CEDAM, Padova.
- [17] Njeri Kariri, J., Salifu, U. (2016). *Witness protection - Facilitating justice for complex crimes*, Institute for security studies, Nairobi.
- [18] Pansini, C. (2017). La testimonianza del minore nel processo penale italiano tra norme interne e direttive comunitarie, *Revista de Estudios Europeos*, Instituto de Estudios Europeos de la Universidad de Valladolid, Valladolid, pp. 58 - 68.
- [19] Simonović, B. (1997). *Pribavljanje i ocena iskaza pred policijom i na sudu*, Pravni fakultet, Kragujevac.
- [20] Totić, M. (2023). Zaostavština krivičnog gonjenja pred Međunarodnim vojnim tribunalom u Nirnbergu, *Zbornik radova*, Fakultet za poslovne studije i pravo, Univerzitet Union – Nikola Tesla, Beograd, pp. 201- 220.
- [21] United Nations Office on Drugs and Crime. (2008). *Good Practices for the Protection of Witnesses in Criminal Proceedings Involving Organized Crime*, New York.

Received:
Accepted:
Corresponding author:

UDC: 347.965.42:346.9
Original scientific paper
January 8, 2024
February 5, 2024
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THREE-PRONGED INTEGRATED MODEL OF THE CAUSAL INTERPRETATION OF SUSTAINABLE BUSINESS DEVELOPMENT

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Abstract: *In this paper we propose an integrated model leading to the causal interpretation of sustainable development. By applying financial management, environmental and corporate social responsibility (CSR) principles both private and public sectors must adequately respond to sustainable development challenges in three causality areas: profit, people and the planet. This is of particular significance during increased environmental risk in sectors such as agriculture. Global society has high expectations from companies which became an increasingly powerful factor influencing the quality of people's lives. The evolution from "shareholders" to "stakeholders" capitalism with pronounced climate changes contributes to this paradigm. Therefore, the modern knowledge economy requires economic, financial, environmental and social sustainability from companies. A company must be aware of the environmental and stakeholder impact of its activities. Good corporate governance should also incorporate a clear strategy with a financially sustainable approach to different resources, acknowledging the need for recycling, waste management, pollution reduction, anti-corruption and employee protection. This directly impacts financial performance, reduces risks of hidden costs from loss of reputation, environmental and labor disputes and negative media campaign. Disputes cause a negative societal reaction; threaten people's health and the ecosystem with great material damage. The potential for effective conflict management is evident and requires a change of consciousness, adequate management expertise and strong political support. Effective management mechanisms are modeled by the authors in a three-pronged*

integrated approach towards sustainable business development incorporating three decision trees of environmental and social problems, corporate solutions, and financial solutions.

Keywords: *corporate social responsibility; dispute mediation; environment; financial management; sustainable business development.*

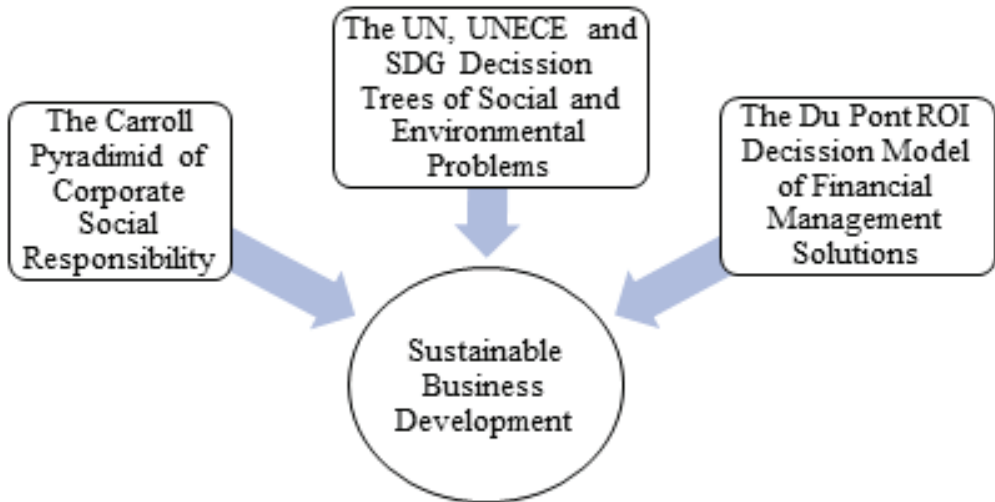
1. INTRODUCTION

Contemporary economic activity is conditioned by strong regulatory and moral demands of society towards corporate social responsibility (CSR) of companies. This applies to their impact on performance, the environment and respect for human rights. Several countries and regions are constantly increasing the intensity and outreach of imperative regulations. For example, the EU is imposing an obligation on candidate countries to harmonize corporate, financial and sustainability laws. The same condition is faced by UK government and businesses (UK, 2024) which adapt to the new situation, proving they share the same values to in the supply and value chain. A company must be aware of risks and its own influence on stakeholders, and should adequately respect and protect them. In a similar fashion this key question of economic, financial and social sustainability is indeed also advocated by U.S. Chamber of Commerce (U.S., 2024). The seriousness of the topic is confirmed by numerous examples of human rights violations and frequent environmental accidents of national and cross-border significance. Changes in the national regulations of the EU member states in this area, such as for example those in Germany related to the management of supply and value chain (Berlin CSR Consensus, 2018), directly concern any business entities cooperating with German firms. In addition to civilizational progress, adherence to CSR and financial management standards brings direct economic and business performance benefits. Environmental disputes are increasingly common and are the result of accidents that threaten the environment, human health, cause great material damage and disrupt the balance of biodiversity, economy and society. This imposes costs on businesses which must be monitored by financial managers. The modern economy is based on knowledge and information and requires economic, environmental and CSR from companies as a condition of survival in the global market. Hence, developing a model with effective management mechanisms, preventive and corrective measures is reasonable. The essential new step in doing this is to apply our interpretation in the management models and theories as well as in the discussion of the observed system. The generalization of these methods is carried out, and criteria are obtained for the validity of the proposed three-pronged integrated approach. In each component we develop the basis of our interpretation and complement it with the other two and apply it to a few simple examples, in order to illustrate the principles involved. Authors' model is an extension of several other models [OECD, 2015; UN, 2024; Brown Donaldson, 1914] and suggests some new reasonable sustainability assumptions.

2. METHODOLOGY

It is easy to guess where the concept of sustainable business development probably originated and there are many recognized models which evolved, some of which are KAIZEN, BPM, TQM, LEAN, Six Sigma and Propel Model. Now, the very effort to extrapolate a causal description involves the tacit assumption that the relationships between the three main aggregates actually originate in some kind of causal factors that exist within business development and, in some way, are able to bring about the sustainable results in question. Based on the Carroll [1991] pyramid of corporate social responsibility, United Nations [2024] sustainable development goals and the Brown Donaldson [1914] Du Pont concept of return on investment (ROI) authors formulate and discuss their three-pronged integrated model of sustainable business development as shown succinctly in Figure 1.

Fig. 1. The three-pronged integrated model. **Source:** Authors' illustration



3. THE DECISION TREE OF SOCIAL AND ENVIRONMENTAL PROBLEMS

This section discusses the social and environmental problems as the first component of the proposed integrated approach. The main motive and driving force behind the establishment and operation of a company is manifested in its lucrative goal, that is, the pursuit of profit. Businesses increasingly realize the view that the end cannot justify the means because more and more frequent violations of human rights and environmental accidents reveal serious early warning signals that sustainability requires other options.

At the moment of registration, a business becomes a subject of company law and a member of the society in which it operates. The environment in which its economic activity is carried out has its own clearly defined needs and interests. While their mutual

goals and values are aligned, companies are often respected members of that society. For example, the Coca Cola Company in India [Coca Cola India, 2024] proudly points out its commitment to recycling, water efficiency, garbage cleaning, as well as socially beneficial volunteer work of its employees, thus confirming its social responsibility. When this is not the case, conflicts arise and with them the risk of turning into disputes with far-reaching financial and economic consequences. The basic obligation of every society is to protect at least the basic human rights of its members, including their right to a healthy environment. This is especially the case when governments don't shape adequate regulatory frameworks [OECD, 2015, p.13] and if the role of civil society is weak.

Every company, without exception, is responsible in its domain for the protection of human rights and a healthy environment. More specifically, this means that it has an obligation to develop safe and healthy working conditions, to provide adequate remuneration for work, to train employees in accordance with market requirements, to manage waste with special attention to toxic substances, taking care of the rational use of resources, water conservation in quantitative and in a qualitative sense, etc.

Social irresponsibility manifests itself in the form of human rights violations (harmful working conditions), environmental accidents (pollution of rivers, air, and soil), corrupt practices, absence of social dialogue and cooperation. This includes both profitable and insolvent companies whereby the former clearly have more environmental potentiality.

The more concrete importance and scope of social responsibility of companies can be seen on the representative example of water protection [Chou et al., 2021]. It is a vital resource that is in the domain of public interest and as such is the subject of extensive and strict legal national, bilateral and multilateral regulation [IWRM, 2024]. The state and the entire environmental protection system in transition economies are far from satisfactory. This is largely the result of undeveloped awareness, insufficient care and low investments [Marković & Ditrih, 2018]. The consequences are numerous and are the result of both human activity and climate change with the devastating effects of floods and droughts. As emphasized in 6th SDG the problem of water consumption, its pollution, and the poor quality of waste water is becoming more and more pronounced [UN, 2024]. This vital resource (drinking water, irrigation, electricity generation, etc.), due to climate change, has become extremely important, even the subject of armed conflicts, which requires urgent and broad diplomatic activity. The 3rd and 7th SDG directly reveal that companies ignore river pollution risk, which is the "largest environmental threat", [UNECE, 2024]. Frequent consequences are much wider because waters are directly connected to flora and fauna. The public and private sector must respond without delay to unacceptable behavior in the economy, as well as to climate change [Dedeić 2022, p.86].

The state role in developing an environmental system is indisputable. The effectiveness of Article 5 of Protocol on Water and Health related to transboundary waters points out the "polluter pays" principle [UNECE, 2024]. However, the system depends on the ability of competent authorities to detect and prosecute polluters. For example, governments must seriously analyze the civil society criticisms directed towards the construction of

small hydropower plants. Some experts argue that their benefits are small and that the damage they cause to the environment is great [Free Europe, 2023]. Hence, the effects of economic policy must be constantly critically reviewed otherwise a destructive effect on environment, market and society is unavoidable [UN, 2024].

Conflicts between civil society, companies and investors whose projects threaten the environment, are becoming more frequent and expensive. Hence, the responsibilities of the board are critical [OECD, 2015, p.47-56]. Courts are faced with lawsuits that initiate environmental disputes related to pollution and various environmental accidents, which cause stormy negative reactions from the local community. Endangerment of human health and disruption of entire ecosystems is usually accompanied by great financial damage. Additionally, the absence of political will and the ineffectiveness of processing the disputes in question are reflected in the small number of adjudicated cases. Company management is often insufficiently aware of exposure to the risk of misdemeanor and criminal prosecution. The existence of an obligation to compensate damages can be very high in connection with waste disposal, water and air pollution. There are many other issues which do not receive enough attention such as financial sustainability, energy efficiency, use of renewable energy sources, protection against ionizing radiation, microplastics, climate change, etc. Environmental litigation requires specific knowledge because it is a complex matter, and the disputes are of great value. As a rule, there is a big difference in the power of the parties to the dispute (state or corporation against a group of citizens or non-governmental organization). The responsibility of all participants is great, there are not enough specialized lawyers and the legal system in this area shows numerous weaknesses. For example, the court case of the residents of Veliki Crljeni, who sued the Electric Power Industry of Serbia due to pollution from the Kolubara A1 Thermal Power Plant, is pending even though it is a claim concerning air pollution, noise, soil pollution, water pollution, as well as pollution coming from nearby ash and coal dumps and the presence of dangerous PM particles in the air [New Economy, 2023]. Clearly, ecology is not only a local and national problem, but often a cross-border issue requiring wider dialogue and adequate conflict management [Balkan mediation, 2023].

4. THE DECISION TREE OF CORPORATE SOCIAL SOLUTIONS

The decision tree of corporate solutions in the proposed integrated approach leans on financial and environmental management. Critical philanthropic, ethical, legal and economic criteria that evolved in the 1960s and early 1970's are at the core of the Carroll (1991) corporate social responsibility pyramid. They led to OECD principles [OECD, 2015], the creation of the Environmental Protection Agency (EPA), the Equal Employment Opportunity Commission (EEOC), the Occupational Safety and Health Administration (OSHA), and the Consumer Product Safety Commission (CPSC). This was then reflected in areas of increased risk stemming from chemical and pharmaceutical industries, and agriculture as a significant polluter through nitrates and pesticides. It adds true values

into corporate management based on community and solidarity. Manifestations include the following: protection of human rights from discrimination, protection of stakeholders, ethical business, philanthropy for the benefit of society, business decisions based on working toward the common good, access to alternative energy sources, adequate training of employees, employee health care and new sustainability programs.

It is important to realize the systematic guidance of economic and other activities, so that they do not act against people and the environment. Knowledge and information based post-industrial economy is looking for new solutions and innovation to achieve balanced growth and sustainable business. The multipronged crisis affecting the world requires companies to adapt in order to survive, but carrying this out in a socially responsible manner is a *sine qua non* for sustainability. Public and private sector activities must respect the needs of people (especially the poor) and limited available resources: technological, social and environmental [Chatterjee 2016, p.2]. Socially responsible behavior protects the company from the risk of loss of reputation and the risk of hidden costs, such as those brought about by environmental disputes, consumer boycotts, termination of business cooperation due to failure to meet appropriate CSR standards in the supply and value chain, administrative fines, etc. In addition, authors have identified evidence that CSR improves stock performance in leading markets [Wang, 2011] as well as board performance [OECD, 2015, p.24-25].

Corporate governance must ensure adequate risk analysis and risk management, good grievance procedures, preventive and corrective measures, better documentation, improved and more transparent reporting, conflict management from environmental and other disputes (employees), better dialogue with all stakeholders [OECD, 2015]. It is especially important to use the potential of human capital because employees have intelligence, creativity, moral values, contacts, technical-technological knowledge and experience and contribute to innovative and profitable solutions with their dedication and loyalty [Starcher 2001, p.2]. Restructuring must be done in such a way as to avoid or reduce the social costs and upheavals caused by the dismissal of employees by creating alternative jobs [Ford, 2009, p.7]. Companies, particularly listed ones, are in fact obliged to disclose the impact of activities on the environment in a special OECD guidelines for multinationals and to harmonize activities with ethical standards [OECD, 2015, p.39-40]. This refers to the control of risky activities: emission of exhaust gases, use of artificial fertilizers, emission of noise, ionizing radiation, use and disposal of hazardous substances, nuclear hazards, etc. The basis of effective management is continuous environmental screening, especially in high-risk industries. It is important to develop awareness of the importance of rational use of resources, as well as the consequences of environmental and social carelessness, for the company and responsible persons [Dedeić P. 2003, p.83].

International organizations and regulators analyzed by authors agree that positive CSR outcomes certainly depend to a significant extent on the quality of regulation, the strength of institutions and the high level of legal, moral and political responsibility of all process participants. "A process is thus a specific ordering of work activities across time

and place, with a beginning, an end, and clearly defined inputs and outputs: a structure for action” [Davenport, 1993, p.5] and the private and public sector must jointly use it to respond to the challenges related to the 3 P’s (“Profit, People, Planet”). Unfortunately the process of CSR strengthening and building is still slow, long and costly. Furthermore, it is necessary to continuously acquire knowledge and strengthen environmental awareness [OECD, 2015, p.47], as well as encourage and ensure the active participation of all stakeholders and the wider public [OECD, 2015, p.36; Wuijts et al., 2021].

Private voluntary initiatives have proven to be a significant generator of positive changes, for example in the EU and the U.S. In transition economies, their influence is also strengthening, but they face various forms of pressure and deterrence from activism, which include penal policy (illegal misdemeanor, civil and even criminal proceedings). The Aarhus Convention on the availability of information, public participation in decision-making and the right to legal protection in matters concerning the environment is critical. It aims to strengthen the role of citizens and civil society in environmental issues. The Convention entered into force on 30 October 2001. As of 3 July 2023, there are 47 Parties to the Convention, 38 Parties to the Protocol on Pollutant Release and Transfer Registers (PRTRs) and 32 Parties to the amendment on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms (GMOs), [UNECE, 2024]. Herewith the role of the state is certainly very important in ensuring supervision and penal policy towards the causes of environmental accidents, but also in the application of innovative incentive measures [IWRM, 2024].

Environmental and other disputes should be resolved peacefully, with procedures that tend to harmonize the needs and interests of all parties. The basis for successful negotiations is to jointly determine the facts [Susskind, 2020]. Out-of-court settlement of disputes is especially important when there is a foreign element, and the OECD, with comprehensive Guidelines for Multinationals [OECD, 2015, p.39-40], provides a strong incentive to it [Davarnejad, 2011, p.1]. This is similar to the framework developed by Susskind, [2020]. One of the examples of successful mediation, is the amicable solution to the multi-year dispute between Poland and the Czech Republic, regarding the environmentally controversial Turov lignite mine, located on the border between these two countries. It was agreed that the Czech Republic would withdraw the lawsuit from the EU Court of Justice, and Poland agreed to build an underground wall that would prevent the groundwater from lowering on the Czech side, as well as to build an above-ground rampart that would protect the residents of the nearest municipalities from noise, dust and light. Part of the agreement is compensation in the amount of 45 million euros and supervision over implementation for 5 years [Climatecasechart, 2024].

5. THE DECISION TREE OF FINANCIAL MANAGEMENT SOLUTIONS

This section discusses the third proposed component of the model. Authors discuss and portray a causal relationship between components of return on investment in a DuPont

system of financial control which leans on corporate, environmental and social responsibility. It is a field of management control that Donaldson Brown developed while he was with DuPont in 1914 [Brown Donaldson, 1914; Flesher & Previts, 2013]. It proceeds by separating ROI into its turnover and margin components. Both are then classified into their own components, then into subcomponents and then further still. For example turnover is composed of two components, sales and total investment where sales is the product of price and quantity components. Brown's basic return on investment formula from 1914 can be summarized formulaically as follows:

$$ROI = \text{Investment turnover} \times \text{Profit Margin} \quad (1)$$

This formula has a number of strengths in profit planning because the significance of sales is clearly emphasized with many options being available for management interventions. Figure 2 illustrates the components used in the DuPont system to analyze, control and plan ROI dynamics. From the diagram we can deduce that management financial interventions have direct influence on ROI. For example if selling and administrative expenses are high, so that cost of sales is needlessly high profit will be reduced when subtracting the expenses from revenues. As a direct result of lower sales, turnover will be lowered leading to a decrease in ROI.

Fig. 2. CSR wholeness & Du Pont. Source: Vemić, 2022; Bohm & Biederman, 1999, p. 89.

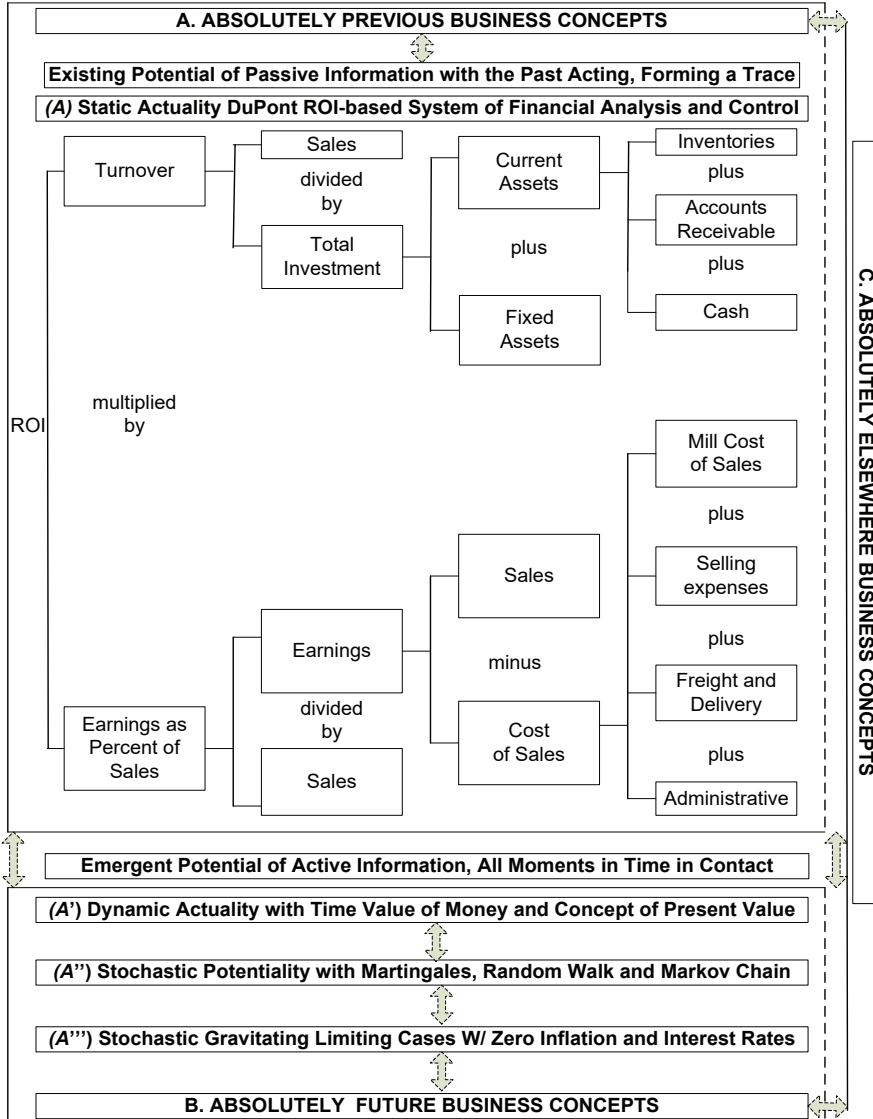


Figure 2 illustrates the potential of Du Pont as a system, structure, or process. If implemented by a firms' board of directors, management and other personnel, it provides reasonable assurance about achieving control objectives in these OECD categories:

1. Effectiveness and efficiency of operations [OECD, 2015, p.47];
2. Reliability of financial reporting [OECD, 2015, p.42];
3. Compliance with CSR laws and regulations [OECD, 2015, p. 46-50].

At the organization level, Du Pont potential relates to the reliability of financial reporting, timely feedback on the achievement of operational or strategic goals and compliance with laws and regulations. At the specific transactions level, Du Pont allows the actions taken to achieve a specific objective (e.g., how to ensure organizations payments to third parties are timely and efficient).

Du Pont analytical procedures reduce variation of variables, leading to more predictable management outcomes. Du Pont is important for all types of organization to achieve its objectives. In fact, if a proper Du Pont Structure is implemented, all of the operations, physical resources, and data will be monitored and under control, objectives will be achieved, risks will be minimized, and information output will be trustworthy. On the other hand, if the Du Pont Structure is weak and unsound, the firm's resources may be vulnerable to loss through theft, negligence, carelessness, and other risks affecting CSR and environmental responsibility from the first two components of the model. In such an undesirable case, the Du Pont structure could generate information that is vulnerable, untimely, and perhaps unrelated to the firm's objectives. When the degree of risk exposure is very high it affects the most vulnerable assets particularly cash and the frequency of dealing with cash and Du Pont system of analysis reveals this. Du Pont framework and its management system apply to all business and financial processes of the company and its subsidiaries and business units. It also closely relates to internal controls of financial statements to ensure their truthfulness, integrity, and accuracy. As such it becomes the key element of business sustainability in a modern competitive market.

The board of directors and the CFO should regularly review the company's Du Pont performance, analyze and review reports on action plans for improving results and plan execution progress. Both of them have the authority to request the relevant business units or business executives to explain their performance issues and take corrective actions on CSR and environment to achieve financial sustainability [OECD, 2015, p.36].

Furthermore, Figure 2 also reveals that each different type of a business, while functioning both dependently and independently, affects conditions of the successive component of the Du Pont structure of specific indicators. This derives from the finding of Bohm & Biederman (1999) who emphasized that an existing structure sets the potential for the next process in the structure using contingency and is delicately contingent on the exact details of the previous structure [p.88, p.162 and p.220]. This converged *self-replication* of business potentialities can be traced in all financial indicators of all businesses. According to Figure 2 it affects previous, present and future businesses. This is then similar to the wave function exposed through Bayesian expectation in the brain's "self-adjustment" potential subject to informative modification [Globus, 2017]. Each set of financial indicators in Figure 2 is only a small extract of a limited but evolving business, CSR and environmental reality and wholeness. If an analyst comprehends one set of indicators, he will fail to implement the next unless he remains attentive to contextual business, CSR and environmental wholeness. This is because something fundamentally different such as Covid-19 may evolve in the meantime offsetting global shocks and small firm failures [Bora & Kim, 2021]. As revealed

by Bateman [2020], Covid-19 was also a potential to further disrupt the weakened global microcredit industry which is in fact a discovery that is in conflict with relevant findings of Ledgerwood et al., [2013]. This correspondence of warnings and possibilities evolving from a fundamental turbulence in global markets proves that misrepresentation of financial indicators arises from poor abstractions and mistaking a Du Pont segment for total financial business wholeness. For example, if an analyst perseveres with abstractions of existing businesses, which were once central to management decision making but are out of touch with new CSR and environmental context. In order not to underestimate that financial indicators are abstract and not to mix them for any concrete business reality analysts need to look further than known CSR and environmental evolution matrices. Furthermore, analysts and managers should perceive here the aroused law of the wholeness [Bohm & Biederman, 1999, p 180], including the external (opportunities and threats) and internal business-financial environment (strengths and weaknesses) in their appropriate correlation, instead of using only different fragmentary development approaches. In this ergodicity all firms have potential to upgrade their efficiency and CSR agenda [Al-Zyoud & Ordonez-Ponce, 2022] overcoming any global unpredictability [Bora & Kim, 2021] and to be profitable with new totality concepts in striving towards actual sustainability discussed by Sachs [2015].

CONCLUSION

In conclusion authors should like to point out that they have verified that corporate governance must be based on the principles of economic, environmental, social and financial sustainability. Analyzed case studies confirm this. The discussed effects are divided naturally into the three main components of the developed authors' model.

Within the illustrated interpretation of three-pronged concept the protection of human rights and the environment have no alternative. In fact, evidence shows that the social responsibility of companies in advanced economies is also strengthening and expanding among all participants in the supply chain. That trend reflects a new value system, stakeholder capitalism and climate change challenges. Countries and companies seeking a competitive position must adapt regulation to this. Companies connected with internationalized business entities must rapidly change approaches towards CSR and the environment and financial management can be helpful in this. Whenever the public is more and more disturbed by a flagrant violation of human rights or an environmental accident, then this must be rectified. Work must be done to build awareness in the corporate sector, especially where the hazard is high, such as agriculture, pharmaceutical or chemical industries. It is necessary to strengthen the political will to build a strategy that protects the highest values such as life, health and human rights.

In the suggested approach the implied CSR and environmental advantages of the third component, the Du Pont structure, are summarized by authors as follows:

- It allows identification of key control points and the separation of duties for each group of indicators, and to apply these to all subsidiaries, and business units;

- It serves as a basis to implement regular compliance tests on key indicators and produce test reports to ensure the effectiveness of correctional measures;
- It optimizes processes and internal controls based on business plan points and key market developments. It improves operating efficiency and financial results, ensures compliance, accuracy and reliability of financial statements in achieving firm objectives;
- It produces periodic assessments of key balance sheet and profit and loss aggregates to comprehensively assess overall processes of all business units.

Discussed management approaches and models imply an honest dialogue and cooperation between companies, state and civil sector, rather than exerting pressures. Adequate financial and conflict management, negotiation and dispute resolution through mediation may yield positive results. Progress can also be achieved through strict compliance with existing regulations. This requires enhancing the state supervisory institutions and company CSR and different attitude towards civil sector. This implies interest and engagement of all public and private sector stakeholders and risk bearers. As the situation stands now the three-pronged integrated model towards sustainable business development introduces one hypothesis termed the causal interpretation which has the superiority of a more unified description of business development than is possible through fragmentary management practices. Another interesting problem to be studied is the possible effect of non-financial reporting. Hence, we see that at least in its qualitative features, the authors' model seems to have potentialities for refining some of the types of phenomena that are actually found in sustainable business development.

REFERENCES

- [1] Al-Zyoud, H., & Ordonez-Ponce, E. (2022). COVID-19 and credit unions: CSR approaches to navigating the pandemic. *Business and Society Review*, 127, 171-192.
- [2] Balkan mediation (2023). Conclusions and recommendations. Retrieved January 6, 2024 from <https://www.balkanmediation.org/bcs/zakljucci-i-preporuke/>
- [3] Bateman, M. (2020). The COVID-19 crisis as an opportunity to break with the failing global microcredit industry. In D.A. McDonald, T. Marois, & D. Barrowclough (Eds.), *Public banks and covid-19: combatting the pandemic with public finance*. Retrieved January 7, 2024, <https://www.municipalservicesproject.org/sites/municipalservicesproject.org/files/publications/Chapter%203%20-%20Microcredit.pdf>
- [4] Berlin CSR Consensus (2018). Retrieved January 6, 2024 from https://www.csr-in-deutschland.de/SharedDocs/Downloads/EN/berlin-csr-consensus.pdf;jsessionid=19C-8850980580729C5BA8E0C1E7FAC09.delivery2-replication?__blob=publicationFile
- [5] Bohm, D., & Biederman, C. (1999). *Bohm-Biederman Correspondence. Creativity and Science*. Routledge.
- [6] Bora, S., & Kim, K. (2021). "Global Shock and Small Firm Failures: How Small Financial Cooperatives Are Reacting to Uncertainty during COVID-19". 2021 Agricultural

- and Rural Finance Markets in Transition (Virtual Meeting). Retrieved January 6, 2024 from https://www.davis.wvu.edu/files/d/233d95ef-d401-4233-b1dd-1730a0253398/cv_bora_sept2022_checked.pdf
- [7] Brown Donaldson, F. (1914). *The concept of return on investment*. Retrieved January 6, 2024 from <http://www.hagley.org/librarynews/research-donaldson-brown-father-roi>
- [8] Carroll, A.B. (1991). The pyramid of corporate social responsibility: Toward the moral management of organizational stakeholders, *Business Horizons, Volume 34, Issue 4*.
- [9] Chatterjee D. (2016). Strategies for Sustainable Development – Do They Need a Restructuring. *IMS Management Journal* Vol. 8; Issue 1.
- [10] Chou, L., Dai, J., Qian, X., Karimipour, A., Zheng, X. (2021). Achieving sustainable soil and water protection: The perspective of agricultural water price regulation on environmental protection. 06.01.2024. <https://doi.org/10.1016/j.agwat.2020.106583>
- [11] Climatecasechart, (2024). Retrieved January 6, 2024 from <https://climatecasechart.com/non-us-case/czech-republic-v-poland-mine-de-turow/#:~:text=As%20such%2C%20Poland%20has%20failed,Court%20of%202021%20May%202021.>
- [12] Coca Cola India (2024). January 7, 2024 from <http://www.coca-colaindia.com/>
- [13] Davarnejad, L. (2011). In the Shadow of Soft Law: The Handling of Corporate Social Responsibility Disputes under the OECD Guidelines for Multinational Enterprises *Journal of dispute resolution* Retrieved January 6, 2024 from <https://scholarship.law.missouri.edu/cgi/viewcontent.cgi?article=1630&context=jdr>
- [14] Davenport, T.H. (1993). *Process Innovation*. Harvard Business School Press, Boston.
- [15] Davis, T. C. (1950), “How the DuPont Organization Appraises Its Performance,” *Financial Management Series Number 94*. New York: American Management Association.
- [16] Dedeić P. (2003). *Corporate governance standards*, CD. MBA Press, Belgrade.
- [17] Dedeić P. (2022). Legal and institutional framework of water protection in Serbia and the EU in the light of economic and ecological reality. *Proceedings Vol 1, Sustainable development and water protection: law, economics, management, FPSP, FITI, Belgrade*.
- [18] Flesher, D. L., Previts, G. J. (2013). “Donaldson Brown (1885-1965): The power of an individual and his ideas over time,” *Accounting Historians Journal: Vol. 40 : Iss. 1, Article 5*. Retrieved January 6, 2024 from https://egrove.olemiss.edu/aah_journal/vol40/iss1/5
- [19] Ford, C. and others (2009). *Socially responsible restructuring in an era of mass redundancy*. Center for Employment Relations Innovation & Change, University of Leeds.
- [20] Free Europe (2019). Retrieved January 6, 2024 from <https://www.slobodnaevropa.org/a/koliko-su-zaista-%C5%A1tetne-male-hidroelektreane-/29736359.html>
- [21] Globus, G. (2017). A Quantum Brain Version of the Quantum Bayesian Solution to the Measurement Problem. *Neuro Quantology 1*: 4-9.
- [22] IWRM (2024). *International Water Law*. Retrieved January 6, 2024 from <https://iwrmaactionhub.org/learn/iwrms-tools/international-water-law>

-
- [23] Ledgerwood, J., Earne, J., & Nelson, C. (2013). *The New Microfinance Handbook*. Washington, DC: World Bank.
- [24] Marković S. Ditrih S., (2018). Legal protection of waters in the Republic of Serbia. Retrieved January 6, 2024 from <http://scindeks.ceon.rs/article.aspx?artid=0352-37131809015M>
- [25] New economy <https://novaekonomija.rs/vesti-iz-zemlje/najveca-ekoloska-tuzba-u-srpskoj-istoriji-tapka-u-mestu> [Retrieved January 6, 2024]
- [26] OECD. (2015). *G20/OECD Principles of Corporate Governance*. Paris: OECD Publishing, Retrieved January 7, 2024 from <https://doi.org/10.1787/9789264236882-en>
- [27] Sachs, J.D. (2015). *The Age of Sustainable Development*. Columbia University Press.
- [28] Starcher G. (2001). Socially Responsible Enterprise Restructuring. Retrieved January 6, 2024 from https://bahai-library.com/starcher_enterprise_restructuring
- [29] Susskind, L. (2020). Dispute resolution: 15 aspects of dispute resolution in environmental negotiations. Retrieved January 6, 2024 from <https://www.pon.harvard.edu/daily/dispute-resolution/environmental-negotiations-and-15-things-about-environmental-dispute-resolution>
- [30] UK (2024). Our commitment to corporate social responsibility (CSR). Retrieved January 6, 2024 from <https://www.gov.uk/government/news/our-commitment-to-corporate-social-responsibility-csr>
- [31] UN (2024). Sustainable Development Goals. 06.01.24. from <https://sdgs.un.org/goals>
- [32] UNECE. (2024). Status of Aarhus Convention Ratification. Retrieved January 6, 2024 <https://unece.org/environment-policy/public-participation/aarhus-convention/status-ratification>
- [33] U.S. (2024). U.S. Chamber of Commerce. Corporate Social Responsibility. Retrieved January 6, 2024 from <https://www.uschamber.com/corporate-social-responsibility>
- [34] Vemić, M. B. (2022). On the Implied Wholeness Significance of International Financial Cooperatives and Credit Unions: Research of Insight of the Pre-COVID-19 Potential. *International Journal of Corporate Finance and Accounting (IJCFA)*, 9(1), 1-17. Retrieved January 6, 2024 from <http://doi.org/10.4018/IJCF.313041>
- [35] Wang, Y. (2011). Corporate Social Responsibility and Stock Performance — Evidence from Taiwan. *Modern Economy*. 02. 10.4236/me.2011.2
- [36] Wuijts, S., Claessens, J., Farrow, L., Doody, D.G., Klages, S., Christophoridis, C., ... Glav, M. (2021). Protection of drinking water resources from agricultural pressures: Effectiveness of EU regulations in the context of local realities. *Journal of Environmental Management*, Volume 287. Retrieved January 6, 2024 from <https://doi.org/10.1016/j.jenvman.2021.112270>

Received:
Accepted:
Corresponding author:

INTELLIGENCE SERVICES, OPERATIONS AND INTERESTS (the example of Serbia)

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Abstract: *On the subject of “intelligence services...”, quite a few authors begin their scientific works with quotes about the ancient existence of these services and cite the legend of “Moses and his instructions to his emissaries to go to the land of Canaan and investigate the way of life there.” Some authors state that the intelligence “services” date even earlier and provide information about “a spy named Banum from the state of Mavi on the Euphrates River”. As part of the security system, the security community, all countries, even the smallest or less stable ones, have their own intelligence service. Lege artis, every state creates an intelligence community, which consists of several related services (in recent times of the agency type), whose goal is to ensure the security postulates needed by the state in preserving its statehood and taking positions in the current conduct of state policy (internal and external). In the available literature, with the aim of processing the topic, approach and thinking about the definition of the intelligence service, there is an explanation from before that it is an “organization of a class character”, that it uses a specific methodology in its work, has its own principles of work, and was formed as an organization which is authorized to, among other things, protect the security of the state whose system it is a part of. In principle, all intelligence services work according to two basic principles: territorial and linear, which are then further divided into constituent parts (organizational units). From the creation of the state as a community until today, the “services” have continuously evolved in all matters (capacity of employees, directions of action, work methods, etc.). From a historical point of view, in addition to important state tasks based on the Law and by-laws of the given state, certain deviations, omissions, and deliberate violations of business discipline were also recorded, which negatively affected the rating of the entire intelligence community, including the state in whose system it functioned. Open interferences in the internal politics of other, usually small states, have also been recorded. Today, all over the planet, according to the*

available information and sometimes really justifiably, with a cursory insight into the actual situation, we witness the existence of modern intelligence agencies with enviable business results, and with the aim of comprehensively informing users apostrophized by the Law and by-laws in the given country.

Keywords: *Security, Intelligence service, State, Agency, Law.*

INTRODUCTION

As an inseparable part of the system of government and management, in every country, all authors who deal with statehood and security issues also mention the intelligence service, which is usually made up of several related services/agencies (civil, military, at the Ministry of Foreign Affairs, ...), as an integral part of the overall security system. All this makes one of the important “pillars” of the state. The emergence of the state as an institution is convergent with the emergence of intelligence services. Of course, depending on the development of socio-economic relations and centuries-old and generational progress, the “service” was also built and progressed. Retrospectively, it was associated with a tribal leader, then with religious dignitaries, then with monarchs and rulers, and in recent political history with presidents and governments of individual states. The operations within the scope of the intelligence services are numerous, sometimes they intertwine, and it is not clear whether it is an intelligence or counter-intelligence issue. All services are established and operate on the basis of the Law and by-laws. In addition to secrecy in work, legality is the basic principle in these complex affairs. Intelligence agents work on the basis of a specific methodology, which they implement in practice, on the territory of the home country or in other countries, and they contact their own citizens or citizens of foreign countries, both in the country and abroad. Sometimes they act openly, officially and indirectly, and sometimes, if necessary, for the secrecy of the work, directly or through “third” parties. Depending on the size of the country (geographically and demographically), the strength and capacity of its economy, as well as its reputation in the international community, the reputation and strength of the intelligence service will be reciprocally comparable. Serbia, with its statehood, represents a good example of the evolution of the intelligence service from a group of rural semi-literate brave and wise (usually) men, through military intelligence officers committed to the kingdom who did not care much for democracy, to becoming a modern and well-equipped intelligence agency.

1. INTELLIGENCE SERVICE – CONCEPTUAL DETERMINATION

In the organizational sense, each intelligence service is a part of the security community of a country, which, in addition to civilian intelligence services (agencies), consists of military security services, military-police units, the Ministry of Internal Affairs, security services in DCM (diplomatic-consular missions), which, by line of work, are connected

to the Ministry of Foreign Affairs. It is organized according to several principles, and it is usual that it is divided according to the territorial principle (headquarters, center, sub-center, detachment, field intelligence) and according to the functional principle (administration) which refers to the scope of work (administration for counterintelligence activities, administration for intelligence activities).

„A major role in the development of the church's intelligence service in the first half of the 16th century was played by the order of Jesuits - the Society of Jesus. The members of the order were, as a rule, carefully selected people, taught to blindly listen to their superiors without saying a word.“ [Černjak, B.E., 1969]

„The most important features of intelligence services are secrecy, which is a key element of their establishment and operation, followed by specialization, professionalization and teamwork.“ [Matić, D.,G., and Milošević, M. 2023.a)]

„The intelligence service is a socio-historical and class-based specialized organization that, within its scope of work, carries out secret intelligence, counter-intelligence and subversive content according to the vital interests of the adversary, using specific methods and means, with the aim of realizing political interests and protecting internal and external security.“ [Savić, A., 1994.]

2. ESTABLISHMENT AND ORGANIZATION OF SERVICES

At the beginning of the activity, those who were engaged in intelligence work, instructed by a leader or by the minister or statesman himself, performed rather simple intelligence work and brought confidential information to the client. Sometimes, such jobs resembled some simpler counterintelligence activity. As there was progress in the socio-economic sense, the state became stronger, and therefore the intelligence services were raised to a higher level. The end of the 19th and the beginning of the 20th century was a time when intelligence work, especially in terms of organization, was improved, and numerous intelligence officers worked systematically and methodically and were “at hand” to their own country.

„Secret informing has existed since the beginning of time. It started in the family, developed in the cooperative, and perfected in all branches of international life “. [Popović, U., 1976. a]

If we ignore the Middle Ages, in which there certainly existed some groups that, at the then level of social development, engaged in intelligence work in Serbia, we can say that it is connected to the time of the First and Second Serbian uprisings and the acquisition of statehood.

“It is known that in the wartime part of the Serbian revolution, which includes the years of the First and Second Serbian Uprising and the Hadži-Prodan Rebellion (1804-1815), but also in the first years of Prince Miloš's reign, there were no organized intelligence services, but intelligence and counterintelligence activity was very pronounced. The Austrian service was certainly the most effective in this regard. In the period from

1815 to 1839, there was a wider institutionalization of intelligence activities in Serbia. That intelligence service and the apparatus of the Serbian administration were, in fact, Miloš's political police, which he managed and which was subordinated to him. By the decree from 1831, within the Belgrade police at that time, the function of "secret police for political affairs" was established, which had the task of "finding secret plots and watching so that the peace of the nation would not be disturbed". Despite everything, in Serbia, the civilian intelligence service, as a rule, had far less importance than the military service". [Stojančević, V., 2004. a]

Of course, in those ancient times, when there were no means of communication or any technical aids, everything came down to the human factor and primitive work with spies. From those acquaintances with persons, who would usually, on the basis of personal connections or for gold coins, inform the insurgents and/or prominent people from Karađorđe or Miloš' surroundings, Prota Mateja explains how the intelligence function worked.

"We had a paid friend in Zemun, and when he concluded that the Turks would attack us tomorrow, he came towards us in the plain, piled reeds and straw, lit a big flame - we see and already know that the Turks will come out to battle tomorrow, and we stay ready". [Stojančević, V., 2004. b]

At the time of the First Serbian Uprising, as well as during Karađorđe's time in general, as a form of counter-intelligence activity and correlation with criminal policy, verbal and written orders were given on how to behave towards espionage to the detriment of the Serbian people.

"Which Serb would be caught and testify that he secretly talks and is friendly with the Turks, that is, a spy, that he betrays his family to the Turks, he should be punished by having both his legs beaten in two places and both hands, and so that he gets up alive on the wheel and not to be taken off while the bone lasts". (Karađorđe Code, art. 24). [Stojančević, V., 2004. c]

During the reign of Prince Miloš, from the beginning and execution of the Second Serbian Uprising until his abdication, and also in the second part of his reign, political life was marked by the prince's absolute power. Of course, he had his close associates, but all final decisions, on all political issues, he made himself and his word was the last and undeniable.

"The intelligence service under Prince Miloš was directed to the political problems of foreign policy, but also to questions from the internal political life of the country. In both cases, Miloš's intelligence service did not only seek to obtain certain information, but also acted in the sense of public control of social movements and social thought, and in the sense of propaganda in favor of Miloš and his policies. [Stojančević, V., 2004. d]

The quote clearly shows that during Miloš's reign, and it is possible that this is a product of the time itself and the socio-political context, not only in Serbia at that time, there was no clear differentiation by departments (external, internal, ...). Although, since the First Serbian Uprising, the institution of *popeciteljstvo* (the ministry) came to life, it

was not clear or precise who was responsible for police affairs and who for intelligence activities. Of course, there were wrong data and information, but the Turkish and Austrian side often spread misinformation..

“The activity of the Serbian intelligence service under Prince Miloš can be talked about since the time when the Second Serbian Uprising was being prepared, although it cannot be said that it existed then in terms of its organization, that is, in terms of organizational forms of certain understandings and a certain way. It existed organizationally only if, in terms of military-political direction, it was concentrated for the main headquarters of Prince Miloš”. [Stojančević, V., 2004. e]

3. HISTORICAL CIRCUMSTANCES IN THE TIME BEFORE AND BETWEEN THE TWO WORLD WARS

This period is particularly interesting and somewhat obscured in the sense that there are many political-legal and historical gaps, including the events that preceded the “Great War”, the war itself, as well as the peace, somewhat uncertain, until the outbreak of World War II. The state of Yugoslavia, created in 1918, right in that peacetime period until 1940/41, according to all indicators, was an intelligence training ground for the operation of a large number of services and intelligence agents.

After the well-known “Vidovdan” events of 1914 in Sarajevo and the barrage of baseless accusations against Serbia, the breaking up of the Military Intelligence Service of Serbia; the shooting of Dragutin Dimitrijević in Thessaloniki, the peace produced a weak and devastated military service, which could hardly cope with the overwhelmed intelligence of the great powers. When you add to that the mistrust of the three largest nations in the country, the growth of the Ustasha in conjunction with the VMRO and the Nazi-fascist services, then any serious action by the Serbian service should be seen as a kind of feat.

“Secret intelligence is a special branch of the intelligence service. Many wars, especially in 1914-1918, contributed to the development of the intelligence service in general. According to the statistics of the English General Staff in the war of 1914-1918, there were 150,000 persons of both sexes used as spies, messengers, agents and observers. There is an even greater number of those who protected and occasionally assisted in the work of those intelligence personnel “. [Popović, U., 1976. b]

“Shortly after the Serbian victory over Bulgaria, Apis returned home from Germany. In January 1913, while he was still in the hospital, Apis was promoted to the rank of lieutenant colonel, and in August of the same year he was appointed head of the Intelligence Section of the General Staff. From that place, Colonel Apis managed the entire intelligence network in Austria-Hungary, which unsuccessfully tried to strengthen its military strength and intentions towards Serbia.”. [Mekenzi., D., 1996.]

The above, in an egregious manner, speaks of the existence of a serious Military Intelligence Service in Serbia before and during the First World War. It also refers to adapting the service and its operatives to the current moment and existing political events, and

giving their contribution with the aim of providing intelligence information to the state authorities.

Given that in Serbia, not “exactly everything” worked, and bearing in mind that, in that country, jurisdictions were often mixed, it all resembled a certain informed pun from which the state did not benefit much.

“In the former Yugoslavia, almost everyone worked in the intelligence service. From finance, customs officers, border guards, gendarmes, territorial units, through the Ministry of Foreign Affairs, the Ministry of the Interior and the Ministry of the Army and Navy to the Main General Staff”. [Popović, U., 1976. c]

Major Uglješa Popović describes his experience and contribution in creating the intelligence service of the Serbian army.

“At the beginning of May 1938, the commander of the cavalry school where I was on duty called me and told me: Mr. Major, get ready immediately and report to the Chief of the Main General Staff, General Dušan Simović! In the company of General Simović was also General Radivoje Janković. General Simović invited us to take our seats in the armchairs, and then he said the following in a calm voice: Mr. Major, I know that for nine years, in addition to your regular duties, you have been very successful in the field of military intelligence. This gives me the reason to turn to you for help and cooperation for the realization of an idea. In our army, in addition to the standard intelligence departments, a secret service should be formed, modeled after the French and British secret services. [Popović, U., 1976. d]

“**SAID - DONE!** I acted exactly according to the aforementioned directives of General Simović for the organization of the secret service, which I completed by a certain deadline and submitted to General Simović for inspection on August 25, 1938.

Name: Service of the secret military-intelligence service at the Main General Staff, abbreviation S-TVOS!

Composition: Headquarters in Belgrade: chief, file clerk, officer and non-commissioned officer for various extraordinary tasks within the scope of the service, 6 paid executive bodies and about 70 voluntary associates.

- Photo services: one aviation non-commissioned officer.
- Chemical service: one junior officer of the pharmacy service.
- Radio-goniometric service: one senior engineering officer.
- Cryptographic service: occasionally two PhDs in mathematics.

On the field: 13 intelligence centers in the country, with different composition, located in the border zones according to the countries with which we border and one intelligence center abroad, in Bern.

Assignment: A secret military-intelligence service for obtaining information of exceptional importance for the defense of the country.

Composition and equipment: Funds for equipment and other material expenses are provided by the Directorate of Intelligence.

Work instructions: Personal management of the head is planned for the head office, and special instructions have been prepared for each center. Each intelligence center had

the task of forming its outposts in the neighboring territory, and in addition several independent “antennas” under the direct management of the head of the intelligence center. The intelligence centers will have premises in private apartments under lease, which will be changed every six months. For connection with intelligence centers, the service had a special code. “ [Popović, U., 1976. e]

4. STRUCTURE AND METHODS OF WORK

The structure and organization of the intelligence service in the current time will, first of all, depend on the political system of each individual country, as well as on the structure of the political government, that is, the distribution of forces of the political parties that make up the government of the country in question. Whether you want to admit it or not, political elites connected to the government have a very large influence on the organizational structure of the intelligence service. In recent times, the formatting of services is influenced by “tycoons” and powerful individuals.

In any case, a serious and modern intelligence service, *grosso modo*, should be organized according to two basic principles: 1. according to the geographical principle (at the same time also vertically) (headquarters, centers, sub-centers, detachments, points, advanced intelligence) and 2. according to the linear (horizontal) principle (intelligence, counter-intelligence line, line for the fight against organized crime, etc.). Lines or administrations specified could be further divided. Such a service or agency should also have management - a chief or director, deputy or chief of operations, assistants, and heads according to work lines, whose first superior would, possibly, be one of the assistant chiefs/directors, and the office of the special cash register would be linked to head/director's office.

“All modern intelligence services, respecting the aforementioned principles within their organization, have a similar organizational structure today. The establishment of organizational units and the schedule of work are implemented at: a) horizontal and b) vertical levels of organization.” [Nikolić, G. and Milošević, M., 2022.]

We consider it expedient to give a few remarks about the agency method of work, as a basic method in the work of intelligence services.

Intelligence services exist with the goal of creating an agency network, in the home country or abroad. The product of the given service is *an agent* (lat. agens. a person who does something, i.e. not professionally employed, but hired for secret cooperation... see more - G. Matić and M. Milošević, 2023, Taktika i metodika delovanja ob.-bez. službi, p. 184.) Of course, it is not easy to create an agent. Most often, it starts with the search for informants useful for the service. From several persons proposed and checks made for them, the service opts for one or more persons and approaches to recruitment. Before entering into contact, an operational plan is drawn up. After the first contact, if it is positive and the person shows interest in cooperation, the next contact is planned. The operative must differentiate the motives of the contacted person for cooperation (patriotism, compromising material, money, etc.). The intention of each service is to continue

cooperation with the associate in a conspiratorial way. In this direction, the intelligence officer, as a measure, instructs the associate what needs to be done until the next contact. After registering a person as an associate, the intelligence officer who keeps him connected can award certain rewards to the associate.

6. THE MODERN AGE

The transition from the twentieth to the twenty-first century coincides with enormous progress in the sphere of science and technology, so intelligence officers increasingly use technical methods in their work. The planetary rules are no longer in the system of unipolarism, but bipolarism is emerging again, with the great appearance on the world stage of large and developed countries such as China and India, etc. Many world integrations are in progress. All this has led to a series of new security challenges. Terrorism has meandered in a number of separate directions that can be linked to ecology, bio-chemical reagents, climate change and the like. “Hybrid warfare” implied restructuring in the headquarters of major intelligence services, and General Artur Sibirovsky refined all this and launched the method of special actions and operations called “network-centric war”, etc. In this sense, the intelligence services had to ad hoc and sometimes forcefully adapt their interests and capacities to the emerging security dilemmas.

“The organizational structure of the intelligence services means its internal organization with the system of established organizational units, the schedule of work and the system of connections between individual parts of the organization”. [Matić,D.G., and Milošević,M., 2023.b)]

CONCLUSION

Our ancestors, the “first people” lived, or rather existed, on planet Earth, in the sense that everything was reduced to bare survival and biological reproduction. Migrations were negligible, mostly in search of food, but in any case, not far from their habitats. At that pagan level, people gathered fruits and a little later, with some progress (spear, stone-bladed ax, etc.), engaged in small-scale hunting. Any abandonment of a cave or dwelling, no matter what it was, meant the possibility that you, our distant ancestors, would also become someone’s prey. So, on that basis and at that time, we record the first emerging forms of a certain awareness of security. Historically speaking, the roots of the concept of intelligence services and intelligence behavior, concepts such as intelligence service espionage, intelligence, various tactical tricks, etc., are derivatives of the concept of security. The authors mention several regions, that is, countries such as “Mavi”, “Assyria”, “Macedonia” where some primitive intelligence groups supposedly existed.

Analysts in the intelligence community generally agree that during the time of Karađorđe - the period before, during and after the First Serbian Uprising, as well as during the time of Miloš Obrenović and the period leading up to the Second Serbian Uprising, there were

no intelligence services, although the activity of various emissaries, messengers, trusted people, paid couriers, scouts and the like, was very vividly represented, which meant that “they” also relied heavily on some kind of intelligence activity.

In answering many open questions in the sphere of intelligence services, within the entire socio-political community of a serious and modern state, a multidisciplinary scientific approach is needed.

Namely, in the Middle Ages, for a large part and later, until the period in which the Great War took place (1914-1918) and in general during the transition from the nineteenth to the twentieth century, the security system, in the sense of the existence of the intelligence community of a state as we know it in theory and in practice, we can say that it did not exist. Related to this period, institutions of an intelligence character were formed and formatted, which served the king, the emperor, that is, the ruler, and further, the heads of states and governments.

After the Second World War, all the intelligence capacities of the diametrically opposed blocs were focused on the arms race and defense against a possible military strike by the rival bloc. Intelligence services, both in theory and practice, have advanced and taken on “new signs” (bio-terrorism, cyber-terrorism, trafficking in nuclear components or waste, narcotics, new climate change and related dilemmas, etc.), which postulated expert approach and processing.

In this regard, we are witnessing various attempts, both on a micro level and globally, to connect to various state or international systemically organized structures (INTERPOL; EUROPOL, OSCE, OUKB).

REFERENCES

- [1] Černjak, B., E., (1969), *Pet vekova špijunaže I*, Narodna knjiga, Beograd;
- [2] Matić, D. G. Milošević, M., (2023), *Taktika i metodika delovanja obaveštajno-bezbednosnih službi*, MC Odbrana, Beograd;
- [3] Mekenzi, D., (1996), *APIS*, Evrografik, Beograd, str. 108.
- [4] Nikolić, G., Milošević, M., (2022), *Obaveštajne i bezbednosne službe*, FPSP, Beograd;
- [5] Popović, U., (1976), *Deseti po redu*, Beograd;
- [6] Savić, A., (1994), *Uvod u državnu bezbednost*, VŠUP, Beograd;
- [7] Stojančević, V., (2004), *Obaveštajna služba u Karađorđevoj i Miloševoj Srbiji*, NIC Vojsk, Beograd.

