KULTURA POLISA

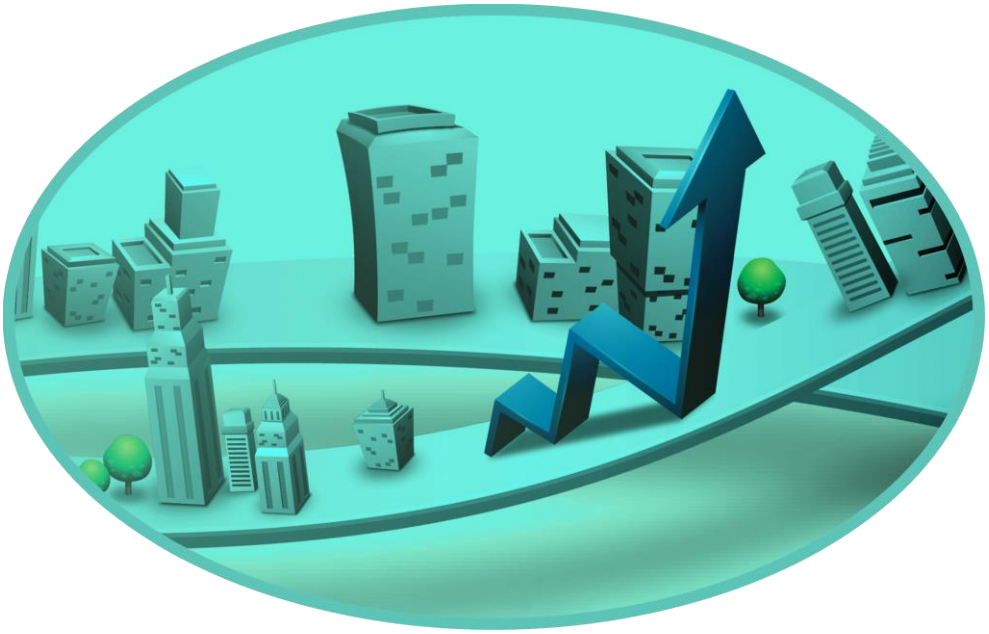
Nacionalni naučni časopis međunarodnog značaja

ISSN (Online) 2217-9461 ISSN (Printed) 1820-4589

Volume 20 Issue 1 2023

Kultura – Polis, Novi Sad
Univerzitet Privredna akademija u Novom Sadu

ISSN (Printed) 1820–4589
ISSN (Online) 2812–9466
UDC 316.334.56:008



KULTURA POLISA

Nacionalni naučni časopis međunarodnog značaja

CULTURE OF POLIS

National Scientific Journal of International Importance

Volume 20, Issue 1, April 2023

www.kpolisa.com

IMPRESSUM

Publishers

Executive Publisher

KULTURA – POLIS NOVI SAD [CULTURE OF POLIS], www.kpolisa.com
Novi Sad, Branimira Ćosića 2

Co-publisher

University Business Academy in Novi Sad, https://www.privrednaakademija.edu.rs
Novi Saed, Cvećarska 2

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Print

Goragraf, Belgrade

Graf021, Novi Sad

Circulation

200 copies

Kultura polisa (Culture of Polis) is a part of the international cross-referencing (CrossRef) system and is currently connecting with all relevant scientific databases.

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– Subdisciplinary Research of Medical Science and Health Systems Manipulations in the Context of Geopolitics as a Synthetic Science –

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Article Information*

Research Article • UDC: 351.77:616-036.22
Volume: 20, Issue: 1, pages: 1–15
Received: January 28, 2023 • Accepted: February 9, 2023
https://doi.org/10.51738/Kpolisa2023.20.1r.1dg

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* Cite (APA):
Despotović, Lj., & Glišin, V. (2023). Geopolitics of Health – Subdisciplinary research of medical science and health systems manipulations in the context of geopolitics as a synthetic science *Kultura polisa*, *20*(1), 1–15. https://doi.org/10.51738/Kpolisa2023.20.1r.1dg

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Abstract

The authors of this paper begin by defining geopolitics as a synthetic science, as well as applied geopolitics, constituted in the theoretical level of geopolitics, in an attempt to point to the existing subdisciplines that are already constituted and which categorical-conceptual and methodological apparatus is used for analysis of special, isolated phenomena, such as identity, cyberspace, emotions, etc. Starting from the fact that geopolitics is a complex synthetic science that develops its theoretical steps forward towards constitution of new disciplinary and subdisciplinary dimensions, the authors strive towards constituting a new, original subdiscipline defined as "geopolitics of health". We are speaking of a discipline of applied geopolitics (applicative geopolitics) that deals with research of the impact of socio-geographical, economic and political factors on endangering health as a public good in the context of geopolitics as synthetic science. Thus, geopolitics of health is a pioneer subdiscipline of geopolitics that researches, analyses and synthetizes the acquired results in order to distinguish possible abuse of medical science and health system by corruptive individuals, interest groups, health authorities, pharmaceutical industries, legal regulations and official state and international organizations' policies, which all, in some way, deal with the issue of human health. Using the method of analysis and synthesis, the method of deduction and the geopolitical method, we strive to lay the foundation for further research advances in the context of geopolitics as a synthetic science.

Keywords: Covid-19, geopolitics of public discourse, global media, applied geopolitics, new reality

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Geopolitics of Health
– Subdisciplinary research of medical science and health systems manipulations in the context of geopolitics as a synthetic science –

Besides containing evident *political* dimensions, geopolitics as a synthetic science unifies a variety of other sciences and academic disciplines, such as the following: geography (that is, political and economic geography), sociology, culturology, military strategy, defendology, demography, communicology, etc. *Geopolitics begins from an attitude that politics is spatially motivated and territorially oriented* and that it emerges from a symbiosis of political action of a state and the mere geographical space the said country occupies. It stresses the significance of space as a factor for maintaining and expanding communities, and especially emphasizes the significance of the so-called *spatial-geographical and social-geographical factors*, hand-in-hand with political factors when defining geopolitics as a form of *real political behavior of states* in the said spatial surrounding. In the theoretical definition provided by Milomir Stepić, geopolitics is defined as a *synthetic science* that researchers *interdependence of geographical positioning, natural resources and political phenomena* through the analysis of concrete goals and interests of not only states, but also various military, political and economic unions, non-state actors, etc. It represents a sort of *rational methodological and disciplinary mixture of geography, political science and history*, above all, with the goal of detection of realistic behavior of geopolitical subjects in a certain space. It *detects* their *goals, interests, plans and narratives*, which are sometimes clearly visible and sometimes hidden, and thus must be indirectly decoded from their international behavior and geopolitical discourse (Stepić, 2016, p. 19).

Geopolitics was mentioned for the first time in the work of a Swedish researcher Rudolf Kjellen from the end of the 19th century, due to which we classify it as a relatively young scientific field. The emergence of geopolitics is also linked to the period of global division between three great empires, when it offered a new understanding of the political reality. Given the fact that geopolitics is the key of objective and precise understanding of international relations, we note that it is characterized by disciplinary complexity, theoretical multidimensionality and realpolitik functionality. Therefore, geopolitics is a complex science that deals with

causal relations of *geography and politics*. It synthetizes and analyses the causal relations between physical-geographical and socio-geographical

> factors on one side, and political actions, political and international relations, political organizations and processes on the other, while enabling a combined approach to the research topic, dealing with concrete and abstract phenomena; it demands for skills (gr. *techne*), knowledge (gr. *episteme*) and practical wisdom (gr. *phronesis*), with the goal of purposeful reflection on concrete goals and interests of states, state and non-state organizations (Despotović & Glišin, 2021, p. 185).

Geopolitics as a complex synthetic science slowly develops its theoretical steps forward towards constituting new disciplinary and subdisciplinary fields (dimensions). We are speaking of a so-called applied geopolitics (some authors call it applicative geopolitics as well), constituted in the theoretical level of geopolitics with basic research task to analyse and synthetise new knowledge about the method how *socio-geographical* factors, in combination with political (cultural, civilizational, political-ideological, economic, institutional, security, etc.) factors impact geopolitical behaviour of political subjects (states, ideological alliances, military blocs, political parties, movements, etc.) in specific geopolitical contexts. Thus, how certain political, economic, security and other issues emerged as a part of political activities of certain international subjects and how they can be resolved. Further steps forward in the same direction slowly constitute *subdisciplinary* fields of research of geopolitical phenomenology that, above all, refers to certain aspects of singular geopolitical behavior (activities) of certain political or social subjects. In this sense, we will mention some concrete examples of possible new subdisciplines of geopolitics, such as the following: geopolitics of identity, geopolitics of poverty (as a part of *economic geopolitics*) (see Despotović & Đurić, 2016), geopolitics of destruction, geopolitics of the Internet (*cyber geopolitics*), geopolitics of health in the context of *geopolitics of globalization*, geopolitics of public discourse in the context of geopolitics of media, etc. Moreover, we can speak also of geopolitics of emotions and geopolitics of soap operas (Mojsi, 2012; Mojsi, 2016) or geopolitics of chaos (Ramone, 1998), geopolitics of food and geopolitics (Petrović Pirićanac, 2008a) of water (Petrović Pirićanac, 2008b), and geopolitics of energy (Petrović Pirićanac, 2010).

Further disciplinary, methodological and theoretical development of geopolitics as a whole will depend, above all, on the need for researching new challenges emerging almost on a daily basis, thus inducing the need for geopolitics to take active participation in their decoding. In such way, as a real and basic

social science, it will maintain the constant need for adjusting its theoretical-methodological matrix to the importance of new research challenges, given that, realistically speaking, natural-geographical factors are increasingly decreasing, that is, losing their significance when faced with social-geographical and political-economic processes of the "post-modern" world (Despotović, 2022, p. 80).

Geopolitics of Health – Subdisciplinary Definition

Geopolitics of health is a subdiscipline of *applied geopolitics* (applicative geopolitics) which deals with research of impact of socio-geographical, economic and political factors on endangerment of *human health* as a *public good* in the context of geopolitics as a synthetic science. It analyses the behaviour of states, governments, medical institutions, scientific organizations, higher education facilities, pharmaceutical corporations, the World Health Organization (as an IGO), as well as other organizations, institutions and associations, as well as significant individuals who, upon gaining legal approval, deal with human health, medical treatment of citizens or organize health systems, produce medicine and other means (medicinal and non-medicinal logistics) in order to work efficiently and safely, without causing harm to patients' health. Thus, geopolitics of health is a pioneer subdiscipline of geopolitics which, as previously defined by subject, researches, analyzes and synthetizes the acquired results in order to distinguish *possible abuse of medical science and health systems* by corruptive individuals, interest groups, health officials, pharmaceutical industry, legal regulations and official state and international organizations' policies that in any way deal with the issue of human health.

Thus, geopolitics of health researches *political forms and economic-financial methods* of *endangering health security* of a vast number of citizens, starting from a territorial unit of a certain state, region or pan-space, and especially the types of illnesses with a pandemic potential or the ones that have already achieved such an effect (including chronic and acute illnesses that affect and that might result in death of a vast number of patients). Moreover, geopolitics of heath also researches the manipulative role of media acting as a vasal transmission of elites, globalized on a communicational level, that generate social phobias (fears), spread panic, format public discourse, determine limitations of political correctness, as well as approachability or complete lockout of institutions, scientists or individuals whose public appearances or scientific attitudes do not complement the official version of the so-called *new reality* and interests that stand behind it. Geopolitics of health must inevitably tend to research

the previously mentioned processes to the extent to which relevant sources (reliable scientific research and official documentation) are available to it, as well as to distinguish *cryptopolitical dimensions* and *conspiratorial essence* of *organized endangerment of health of citizens as a mass phenomenon* affecting grand territorial areas (entities). It is not a rare occurrence that we are speaking of an organized endangerment of health conducted by the state institutions, medical organizations, interest groups and greedy individuals who, legally speaking and in terms of legal and professional responsibility, should be the backbone of its preservation. Therefore, they should organize the health system and the supporting logistics, which is supposed to maintain *health* as a basic *public good and interest of citizens* and take measures and steps towards protection of their comprehensive safety and security.

The examples of abuse of the beforementioned attitudes are consisted in an even wider set of measures for the so-called *global depopulation*. The said measures are more than a century old, but have gained a momentum through the actions of the "Roman club" and similar organizations during the sixth decade of the previous century (based on the quasi scientific stances of social Darwinism, Malthusianism, Eugenics and similar doctrines), which saw an intensified emergence of programs of population number reduction, justified by the problems generated in the fields of food production, water, energy, medicine, technology, etc. (Medouz et al., 1974; Mesarović & Pestel, 1976; Laslo, 1979). Quickly afterwards, in the seventies of the previous century, scientific research were conducted, albeit the results are visible and partially available to the public just nowadays, and especially when speaking of malicious consequences they caused. At this moment, we will mention some of the beforementioned consequences, with the goal of providing a clear illustration of the said processes, without elaborating their deeper exegesis. The National Institute of Health (NIH) of the United States of America introduced during the previously mentioned period a set of activities revolving around recombination of viruses in order to enable, for example, easier spread of malicious diseases or until that moment unknown strains of flu (bird, swine, etc.) by droplets, as well as the use of radiation for acceleration of spread of certain types of malicious diseases, etc. The military components of the health system (especially research laboratories) took quite an active participation in these activities, especially during the presidency of Richard Nixon in the US, when they developed the so-called *oncogenic* viruses as the main transmitters for proliferation of carcinogenic diseases. These, as well as similar activities, prove that the measures for global

depopulation were carefully planned, well-organized, precisely determined and time bound. This was undoubtedly the case with the so-called *Covid-19* (*SARS-CoV-2 virus*) pandemic, which will be elaborated in more detail in the following segment of our paper (Stojanović, 2022, p. 131).

In the end of this segment, we deem ourselves obligated to direct our engaged approach towards reaffirmation of humane and humanitarian component of protection of health and health security in the widest sense. Moreover, we stand for surpassing *neoliberal and profit-oriented model* of organization of the health system and health protection, all in the goal of providing as best medical services to patients as possible. *Healthcare and treatment of patient expenses* must, above all, be charged at the expense of the state and its institutions, as much as the said would be such a big financial endeavor and logistical task. Moreover, this should not be motivated by false humanism of the *new Western left-wing*, but due to the fact that this is, in fact, in the interest of every democratic *national state*, organized on the principle of the rule of law. Thereby, we stress that only *healthy citizens* can support such state (that is, work, pay taxes and fill the budget), but also defend it from the external or internal threats to security and defend the political and legal order. The (post)modern societies will either become *healthy societies* or they will perish all together with its state creations on the periphery of the globalized world, lost in the *dehumanized future of transhumanism, artificial intelligence and a possible end of the history of homo sapiens.*

Geopolitics of Public Discourse – The Role of Global Media in the Creation of the "New Reality"

Geopolitics of public discourse is constituted as a subdiscipline of geopolitics of media (Despotović & Jevtović, 2019) which, as a discipline of applied (applicative) geopolitics, examines the role of media in the global spatial area. Let us remind ourselves that defining public discourse is one of the most significant aspects of social power that is fruitfully being used during the last decades. There is a functional link between language and power, since power is being realized and embodied through language, especially the one existing in public area and media communication. We deem it as quite significant to stress the geopolitical function of language, given that language is "not only a reflection of material power in a society, but it also serves as space in which meanings of social relations are being produced" (Pavlićević, 2020, p. 286). It is not a mere symbolic function of a space transferred into geopolitical axis of politics and language understood as an instrument of power of globalizing elites, but a real scope of power in which

coding of meaning of public discourse intended for certain spaces (regional or pan-spaces), or in fact global spaces taken as a whole, is being conducted. Specifically, we will explain it here through the term media propaganda in order to grasp a better understanding of its role in the so-called Covid-19 pandemic.

The media propaganda that was organized through media system of communication represents a planned activity directed towards formulation and spread of predominantly political content. The basic role of such propaganda is depicted in the need for winning over people and their support for certain political subjects, their politics, personal government officials or contents offered to the political public. The power of hegemonistic discourse transmitted through the media is built from the support of a majority of the public (citizens) who accept the offered content as a matter of "common sense", that is, as a part of the alleged universal corpus of values that are being spread, and without any critical distance and elementary reflection. The power of media is such that it imposes its mobilizational function of acceptance of the existing relations as the main intermediary link, without leaving even the smallest space for its contestation or public debate. The best and most recent example of such domination is imposition of the official version of the so-called Covid-19 pandemic, without any possibility of any, not even the slightest insight or professional penetration into its manipulative contents.

Therefore, the social consensus, as an assumed consent on important values of a community, has undoubtedly turned into the ideological hegemony of globalism, whilst the role of media is dishonorable and reduced to a mere service of power. The reality of practical interests of hegemony are presented before us as universal, or even personal and undisputable truths, thus giving them a distorted image of existence. The communicational procedure of coding – transcoding – decoding is monopolized and under full control of the globalizing elites. Behind everything was and is the hidden structure of hierarchy of hegemonism, with the globalizing elites on the top, followed by the political elites as their transmission points, then the vasal media and academic elites, bureaucratic government apparatus, whilst on the mere bottom of the pyramid are the cooperative masses (the poor peasants), which ignorance and endurance are highly regarded by their new-old masters.

Right at this moment, it should be clearly noted the fact that the almost neutral term of political correctness hides quite serious forms of social censorship. The mask of political correctness hides the silent conduct of social and political censorship of frightening proportions, directed towards everything in public

discourse which is not in line with the standards of the ruling elite, as a clear proof of their overall power. Obviously, we are speaking of the formation of the new informational and communicational order as a subsystem of the overall order that is being built, and thus the media are put in the service of the elites, and not the citizens who pay for all of that and in whose service, by all means of law, they should be. The so-called micro-opinions are being created on a national level and adjusted to the specifics of the local level in such a way that global interests are protected. This control mechanism was especially obvious in the media discourse that ruled the era of the Covid-19 pandemic. However, no matter the spatial area we are speaking of, whether it is global or local, everything is synchronized and directed towards the same goals (Despotović, 2022, p. 240).

In the fields of education and science as well, the said malicious processes have achieved exceptional efficacy. Abuses of these subsystems, vital for every nation, as well as the overtake of the control over them, was a strategic goal of the globalizing elites and their local Trabants, which worked for the interests of their foreign masters, either as a part of the mere systems of education and science or yet as a part of state and institutional bureaucracy that should follow and offer support services. This level of mutual coordination should also have been clearly recognized during the course of the previously mentioned pandemic, but also in other segments of human health manipulations for the interest of global elites and their business organizations and companies that achieved enormous profits. Let us take as an example the public announcement of annual financial reports of pharmaceutical companies Pfizer, Moderna, AstraZeneca, etc., for the year of 2021, and the conspirative context of cryptopolitics (Despotović & Glišin, 2021, p. 72) of instant provision of bare numbers becomes completely visible and clear even to the so-called simple man, who was its typical victim.

Therefore, the basic role of media in the previously defined context is to induce social fears and direct them towards the previously set and controlled goals. Thus, the indefatigable media, day by day, bombed their consumers with numerous information on the number of tested, newly infected, hospitalized patients, patients with hard condition, and especially with the numbers of infected individuals on ventilators and, of course, with bizarre information about the daily lethal results of the pandemic on a national, regional, continental and global level. Not any other illness before has provoked such a media campaign, and the media even simply distracted the attention of their users by the vast amounts of information, not leaving them a single moment for “rest”, not even in the periods when the

alleged pandemic begun subsiding (at least when speaking of the number of infected that were being presented), or some other important events (armed conflicts, terrorist actions, natural disasters, especially the ones that were supposed to convince the audience that they have emerged as a consequence of climate change and are a malicious result of the alleged actions of the humanity, economic and financial crises, etc) could, at least for a short period of time, drive attention from the Covid-19 pandemic. This was being conducted in such a way that the smokescreen of socially induced fears blocked the perception of citizens and hid other malicious processes of allocation of financial resources (through the state health fonds arriving from the "pockets" of citizens into the "hands" of the pathologically rich global structures of power) and, in parallel with that, the insufficiently visible measures of depopulation were conducted as well.

The actions and works of numerous scientists and academic structures (except certain honorable individuals), depicted in corruptive financing methods above all, but also personal benefits of such sorts, put science and education in the function of dishonorable and irresponsible endangerment of health of vast numbers of people. Not a small part of them naively and non-critically gave in to manipulation processes only due to the fact that these processes were hidden in the masking notion of the alleged scientific objectiveness and medical foundations. Therefore, out of negligence or naivete, they have become "both victims and executioners" of their sincere care for the health of citizens or, better said, its devastation and comprehensive endangerment.

Decades before the outbreak of the pandemic (on the micro plan), the pathological guild-related connection of medical workers, and especially its highest systemic levels, based on the principle of clans, was easily noticed; the said guild connection has taken off and grown to the level of pseudo-religious forms of manifestation. It is not a rare occasion that it has gained the features of "sect awareness", nurtured on the myth of excellence, highly present on the Atlantistic West, which allegedly gave them the right to observe the rest of the so-called common, non-guild world or their colleagues on lower positions, with contempt and underestimation. Such organization and behavior generated a variety of negative social capital. Some of the members of the medical guild perceived the medical system predominantly as the means for achieving a higher academic status (followed by the appurtenant social, political and financial attributes) as the final result, directed towards achieving personal benefits. This contemptuous and instrumental relation towards their patients, perceived as the

rest of the so-called “profane world”, is more and more evident, and it tragically depicts to which extent it is possible to compromise the basic mission of the medical profession, founded on the Hippocratic oath. To that extent is stranger the silence of the majority of medical professionals who remained loyal to their high ideals of humanity and knowledge, dedicated to the good of their patients and preservation of their health as a foundation of any other well-being. Let us hope that the times that are coming, albeit riddled with challenges, will still be an opportunity for giving more space for moral refoundation of medical profession and its return to the “old” values, directed towards preservation of health of patients. In one word, an opportunity for the return to the true health system, based on ethical principles.[1]

Conclusion

Starting from geopolitics as a synthetic science and its basic theoretical and methodological postulates and pointing to theoretical advances towards the constitution of new disciplinary and sub-disciplinary fields in the context of applied geopolitics, we tried to constitute a new sub-discipline within the framework of applied geopolitics that deals with researching the impact of socio-geographical, economic and political factors on endangering people's health as a public good. The set theoretical framework offers the necessary guidelines for further practical study and analysis of the set subject and research problem, which we consider a significant scientific step forward. An inseparable part of our work is the geopolitics of public discourse, which deals with the role of the media with the aim of decoding and unmasking the intentions of those who create public discourse through the media and mask the facts with numerous information, both in the context of health geopolitics and in the context of other

[1] A rare, but still briliant example that illustrates the previously mentioned stance the best refers to doctor Rita Celli from the University in Rome, who proved in her research that the tissues of two Serbs, victims of NATO bombings, consisted 500 times more than the normal quantity of poisonous uranium. With this, she reminded us that there is a medical metrics that proves the entire destructiveness of the NATO bombing in 1999. Let us also remember the Italian case of 8 000 sick Italian soldiers who previously spent time in Kosovo and Metohija, whilst about 400 of them died as a consequence of depleted uranium contaminantion. The lawyer Angelo Fiore Tartaglia has, for many years now, been battling for the truth and has proven and won in court in more than 180 cases (see: Consequences of NATO Bombing, 2022; U serbov, 2022; Piccin, 2022; blooddiamonds.org, 2022).

subdisciplines of applied geopolitics.

Given that our focus is on health as a public good in the context, above all, of the Covid-19 pandemic, we attempted to maintain objectiveness of our paper as much as possible, having in mind that the pandemic process is still ongoing, and that the final and relevant scientific proofs of its complex and multidimensional essence will be waited for quite some time, if we even ever reach the final truth regarding its true nature, use and purpose. The purpose which, as it is obvious even nowadays, was medical the least, but more profitable and manipulative, used as one of the numerous measures of depopulation that have, for decades now, been implemented by the globalizing elites, with more or less success. In the end, let us hope that our original theoretical intention to create a new subdiscipline of geopolitics – geopolitics of health resulted, to a great extent, in success.

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Geopolitika zdravlja

– Subdisciplinarno istraživanje manipulacija medicinskom naukom i zdravstvenim sistemima u kontekstu geopolitike kao sintezne nauke –

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Sažetak

U radu polazimo od geopolitike kao sintezne nauke i primenjene geopolitike koja se konstituiše u teorijskoj ravni geopolitike, nastojeći da ukažemo na već postojeće subdiscipline koje su se konstituisale i koje svojim kategorijalno-pojmovnim i metodološkim aparatom služe za analizu posebnih, izdvojenih pojava, poput identiteta, sajber prostora, emocija i slično. Polazeći od činjenice da je geopolitka složena sintezna nauka koja razvija svoje teorijske iskorake ka konstituisanju novih disciplinarnih i subdisciplinarnih dimenzija, nastojimo da konstituišemo novu, originalnu subdisciplinu koju definišemo kao „geopolitiku zdravlja“. Reč je o subdisciplini primenjene geopolitike (aplikativne geopolitike) koja se bavi istraživanjem uticaja društveno-geografskih, ekonomskih i političkih faktora na ugrožavanje zdravlja ljudi kao javnog dobra u kontekstu geopolitike kao sintezne nauke. Dakle, geopolitika zdravlja je pionirska poddsiciplina geopolitike koja istražuje, analizira i vrši sintezu dobijenih rezultata kako bi ukazala na moguće zloupotrebe medicinske nauke i zdravstvenih sistema od strane koruptivnih pojedinaca, interesnih grupa, zdravstvenih vlasti, farmaceutske industrije, pravnih propisa i zvanične politike država i međunarodnih organizacija koje se na bilo koji način bave problematikom ljudskog zdravlja. Koristeći metodu analize i sinteze, metodu dedukcije i geopolitičku metodu, nastojimo da postavimo osnovu daljim istraživačkim iskoracima u kontekstu geopolitike kao sintezne nauke.

Ključne reči: Covid-19, geopolitika javnog diskursa, globalnim mediji, primenjena geopolitika, nova realnost

Crisis Communication at the Local Level
– A Case Study of Novi Pazar –

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Article Information*

Research Article • UDC: 351.862.21
Volume: 20, Issue: 1, pages: 16–31
Received: February 14, 2023 • Accepted: March 5, 2023
https://doi.org/10.51738/Kpolisa2023.20.1r.16kr

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The work was created as part of the implementation of the NIO Work Plan for 2023 of the Faculty of Security of the University of Belgrade on project 47017, which is financed by the Ministry of Science, Innovation and Technological Development of the Republic of Serbia.

*Cite (APA):
Kešetović, Ž.., & Radojević, K. (2023). Crisis communication at the local level – A case study of Novi Pazar. *Kultura polisa*, *20*(1), 16–31. https://doi.org/10.51738/Kpolisa2023.20.1r.16kr

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20(1), 16–31

Abstract

Crisis communication is an absolutely vital part of crisis management and emergency response, with a great impact on the success of operational efforts to prevent unwanted events, that is, if these events do happen, their harmful consequences are reduced as much as possible. In this sense, this area must be regulated both normatively and functionally, and this subject is given great attention in developed and successful countries. When it comes to the Republic of Serbia, the establishment of the necessary normative and functional assumptions for successful crisis communication is still in its initial phase of development. This paper analyzes the normative and functional aspects of crisis communication in the town of Novi Pazar based on the available sources of data and documents, as well as a survey of relevant actors. The authors conclude that although significant efforts have been made in launching a crisis communication system at the local level, nonetheless, there are certain oversights, weaknesses, and shortcomings in this area, i.e. significant room for improvement of crisis communication of the city headquarter for emergency situations and competent organizational units within the city offices.

Keywords: crisis, emergency situation, crisis communication, Serbia, Novi Pazar

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Crisis Communication at the Local Level

Literature defines crisis communication as communication between an organization and the public in the period before, during, and after a crisis event (Fearn-Banks, 2011), and it is a crucial element of crisis management. Crisis communication can sometimes prevent the emergence or escalation of a crisis, and on occasion, it may affect its course, duration, and severity of consequences (number of dead, injured, displaced, material damage, the reputation of an organization, etc.) (Kešetović, 2020). In addition, crises and disasters are resolved under great pressure from the public and the media (Cebalović & Jevtović, 2018, p. 46).

Regardless of the way the state crisis management system is organized, crisis communication is inevitably recognized as both a function and an organization. Several factors can affect the place crisis communication takes within that system, such as available financial and other resources, understanding of the importance of this aspect of crisis management by the top officials of the managing organization, the responsibility of the public authority toward the citizens, the transparency of the administration's work and the degree to which it pays attention to public opinion, public's characteristics (critical or apathetic and susceptible to manipulation), degree of civic activism and civic willingness to participate in preparing for emergency situations and participate in crisis management measures. Also, crisis communication always takes place in a certain cultural context, therefore, it is somewhat conditioned by it.

When it comes to robust crisis management systems, crisis communication presents a top priority and a function of top management. The case of the UK is particularly informative and inspiring, in which the most important communication issues with the public in preparing for emergency situations were professionally and thoroughly handled. Within this strategic approach, the public/citizens are not regarded as a passive protection subject in emergency situations, but as its active agent and force. Also, the document is a convenient and practical guide that contains useful advice and answers to the questions of when, how, by what means, and with which target group should communication be established before and during emergency situations, citing examples of best practices (Cabinet Office, 2012).

In the Republic of Serbia, crisis communication is inadequately represented and loosely regulated in the republic's normative documents regulating the field of crisis management. In practice, it is not recognized as one of the important functions of top management, but it is treated more as a logistic aspect. This is

also echoed in the terminology used in normative documents, where the terms information and notification are used, while the terms public relations, crisis communication, and even the term communication itself, which is used primarily in a technical sense (to denote the means of communication), are completely absent. This also points to a perspective in which citizens are understood as an object – not as a subject or communication partner. Strategic and normative documents at the national level in the Republic of Serbia emphasize the importance and the legal obligation of timely and fully informing the public in an accessible and easily understandable way about dangers, i.e. risks of disasters and protection measures from their consequences, and risk reduction, and as a mandatory part of planning documents, the Public Information Plan is introduced and its content is determined. The absence of the 112 Service is noted, and its establishment and availability of risk-related information to citizens in high-risk areas and members of vulnerable social groups are established as immediate goals. In these documents the key issues of crisis communication are: why is communication carried out (risk/trigger event), who is doing the communicating, what is being communicated and how (by what means), and to whom (target public) are regulated in a general way. The exchange of operational information between the entities of the protection and rescue system is regulated in an improved and more precise way than when it comes to informing the public in general and its segments.

Crisis Communication in the Town of Novi Pazar – Normative Aspect

Similar to the national level, there is no comprehensive document at the local level that regulates crisis communication, that is, the exchange of data between individual actors of crisis management, the method of transferring and storing data, and other important issues in this regard. There is no central authority/ service in charge of crisis management.

The work of the city offices is made public through the Statute of the City of Novi Pazar (Skupština grada Novog Pazara, 2019b, art. 12) and it is ensured in the following manner:

1. through the publication of newsletters, bulletins, through mass media, by presenting decisions and other acts to the public, and by setting up an online presentation;

2. by organizing public discussions in accordance with the law, this statute, and the decisions of the local authorities;

3. by organizing public hearings in accordance with this statute and the Rules of Procedure of the City Council, and

4. in other cases determined by this statute and other acts of the local authorities.

To improve the way the local self-government operates, the Novi Pazar City Council adopted the Communication Strategy 2017–2020 (Skupština grada, 2017) as a comprehensive document that defines the procedures of communication of local self-government in several directions: communication with the public and internal communication. The strategy determines the steps to improve local self-government in terms of transparency toward the public, i.e. increases the level of self-government communication with the community, increases the transparency of its work, and public participation in making decisions of the essence for the local community, and foresees the introduction of communication as an aspect of local self-government management. However, crisis communication is not mentioned anywhere in the entire document.

There are several decisions and regulations regarding formation and functions of the City Headquarters for Emergency Situations of Novi Pazar (City Emergency Headquarters [CEHQ]) and Civil Protection in Novi Pazar. All of those regulations are available at the web site of Novi Pazar. They state that citizens need to bee informed about dangers and measures taken to reduce the risks, that the commander of the Headquarters decides if the sessions of the CEHQ will be closed to the public, and that certain material on the work and activities of the Headquarters may be made available to media representatives, upon the decision of the commander. To inform the public about the work of the Headquarters, the chief of staff, his deputy, or an individual from the information service of the city offices authorized by the commander may issue a press release.

In the Assessment of Threats from Natural Disasters and Other Hazards (Skupština grada, 2018), in the section related to an early warning in the event of landslides, it is determined that in periods of increased threat of danger, citizens are informed promptly about upcoming rainfall and warned about the possibility of landslides and mudslides. In such situations, the Department of Information within the city offices of Novi Pazar is in charge of notifying and informing the citizens, by using all mass media available on the territory of the city (local radio and TV stations). In the same document, the CEHQ is designated as the one in charge of informing the citizens promptly through mass media about hazards and actions in the event of landslides, mudslides, and soil erosion, in cooperation with qualified companies and other legal entities.

As part of the regular activities of the Emergency Situations Sector, information campaigns are carried out to inform the population in the form of appeals and warnings. Through mass media, and based on the collected data, citizens are told to prepare for a possible threat in time. Also, citizens are informed through the CEHQ of Novi Pazar and the information service within the local self-government.

Finally, the Protection and Rescue Plan (Skupština grada, 2019a) contains a section dedicated to informing the public – the Public Information Plan, which reads that notifying the public is an important part of the entire protection and rescue system for the endangered population. It is necessary to inform the public in a timely and professional manner in order to provide accurate information about possible threats, preventive action methods, and evacuation of the population, as well as actions to be taken during the occurrence of the emergency situations and relief efforts.

Commissioners of civil protection and their deputies, qualified legal entities, companies, and other legal entities, regional organizational units of ministries and special organizations, the Serbian Armed Forces command, organizations, and citizens' associations send a report on the situation in the affected territory to the City Emergency Headquarters. Also, the professional-operational teams of the Ministry of Interior of the Republic of Serbia send reports on possible threats and the situation in the affected territories through their Operations Center. After receiving the information and reports, the CEHQ delivers the drafted press release and instructions for residents of threatened areas to the Mayor. The Mayor forwards the statement and instructions to qualified legal entities in the field of information, who then inform the population about the measures and orders of the CEHQ through radio and television stations. In addition to informing the public through online media, leaflets, and special newspaper editions are printed and distributed to the citizens in the affected territory.

The main body involved in the implementation of the Public Information Plan is the City Emergency Headquarters, while the main executors of operational procedures are operative on duty in the operations center, the city administration service, the situation center, expert-operational teams, qualified legal entities, civil protection commissioners and deputy commissioners, general units of civil protection, companies, and other legal entities, organizations and citizens' associations, the mayor and legal entities qualified for disseminating information. The Public Information Plan contains an overview of the persons authorized to

inform the public; an overview of organizations and institutions operating in the field of public information; the method of collecting and obtaining data and information about natural disasters and other hazards, and the taken measures; organizing the dissemination of information by video with text content, teleconferences, using the Internet and other means (Skupština grada, 2019a, p. 286).

Crisis Communication in the Town of Novi Pazar – Functional Aspect

When it comes to the functional aspect, the city offices have a special Department of Information headed by an individual in charge of cooperation with journalists and media, who is also in charge of information within the City Headquarters for Emergency Situations of Novi Pazar, while the head of the Marketing Department is a person authorized to act on requests for free access to information of public importance.

The work of the city offices is public and representatives of the media have the right to attend the sessions of the Assembly and its working bodies to inform the public about their work. To that end they are provided with all necessary resources. The Assembly can issue an official press release, which is drafted by the competent service of the city offices, and approved by the President of the Assembly or a person authorized by them. A press conference in connection with issues discussed in the Assembly can be held by the President of the Assembly or his deputy or a councilor authorized by the Assembly, and by the president of the working body of the Assembly on issues within the competence of that working body. The public nature of the mayor's, city council's and city offices' work is adequately ensured.

The city of Novi Pazar has its official website www.novipazar.rs. On the website, under the section documents, the Assessment of Threats from Natural Disasters and Other Hazards, as well as the Protection and Rescue Plan, can be found. The website contains no link leading to the city service in charge during emergency situations and there is no systematized information in this field. Only current information about the activities of the Emergency Situations Sector (sessions, preparedness, announcement and end of the emergency situation, and reactions regarding specific problems, etc.) and the activities of Emergency Situations Sector members (e.g. preparations for the winter season, etc.) are posted on the website, so it more closely resembles an information bulletin following the activities of the actors, rather than as a website directed

toward citizens or certain parts of the public and their needs in connection with the preparations and response to the emergency situation.

The city of Novi Pazar also uses social networks – Facebook, Instagram, and Twitter that are used for two-way communication with citizens under ordinary circumstances and in emergency situations.

Questionnaire Results

In order to understand how the individuals who play a key role in crisis communication perceive the main problems in this area, we sent an anonymous questionnaire to the commander, deputy commander, and head of the CEHQ, the head of the Department for Emergency Situations and Defense Affairs in the city government and the city public relations service, as the persons in charge of crisis communication, with a request for them to fill it out. Three of the five questionnaires were filled out.

The respondents did not answer all the questions in the questionnaire, they understood some questions in different ways, and they gave opposite answers to some of them. Certainly, misunderstandings would have been avoided, and the answers given would be more profound, with a direct oral interview but there was no opportunity or possibility to hold such an interview. Also, to gain the picture of the effectiveness of crisis communication, it would be useful to survey local media representatives as key mediators in the transmission of information, as well as citizens of Novi Pazar as the key audience/public.

The questionnaire was filled out by two male respondents and one female respondent. None of them have had any form of schooling for crisis communication, even though they hold the most responsibility when it comes to the area of crisis management.

When asked whether communication in emergency situations is normatively regulated, two respondents answered negatively, while one answered that they were not aware of it. When asked if there is a general plan for crisis communication or some document regulating the process of informing the public, one respondent answered negatively, another mentioned the general communication strategy of the city of Novi Pazar which makes no mention of crisis communication, and the third indicated that the Protection and Rescue Plan during emergency situations for the city of Novi Pazar also includes the Public Information Plan. All the respondents agree that there are no special crisis communication plans

for individual disasters (floods, earthquakes) and that there is no document regulating the mandatory availability of information to persons with hearing or vision impairment, etc. They state that there are no major differences in informing the public about the activities of the CEHQ during emergency situations or outside of them. In both cases, a member of the Emergency Headquarters of the city of Novi Pazar who is in charge of public relations monitors the work of the headquarters and informs the public through local media, press releases, press conferences, and the city's social network accounts. Two respondents claim that there is no telephone and radiotelephone directory of protection and rescue system subjects, and one confirms that it exists and is updated by Emergency Situations Sector.

When it comes to the organizational and material-technical aspects of crisis communication, two respondents state that there is no special team or person in charge of crisis communication, and one respondent said that a member of the City Emergency Headquarters is the head of the Department of Information in the city offices who underwent special training for crisis communication. One respondent revealed that they were not aware of the role the Public Relations Office of the city of Novi Pazar plays during an emergency situation, and the other two respondents mentioned contact with the media, regular sharing of announcements, and coordination in informing the media. At the same time, two respondents do not know whether during the emergency situation, the same person is in charge of crisis communication (disseminating information, advice, and warnings to citizens) and contacts with the media, and one stated that the Department for Information communicates with the media and that the Department for Emergency Situations and Defence Affairs in the city government formulates advices and alerts. All respondents agree that, in cases of human casualties and/or large material damage during an emergency situation, other persons should be included in crisis communication – the mayor and other managers and staff members. They also concur that operational documents (Assessment of Threats from Natural Disasters and Other Hazards and the Protection and Rescue Plan) were not promoted in the media to bring them closer to the citizens, as well as that it is not on the agenda, but that the Vulnerability Assessment is available on the city's website. Two respondents stated that media representatives attend the sessions of the CEHQ, and one of them said that they do not attend the sessions themselves, but that a press conference is held after each session. Regarding the technical equipment used in crisis communication, the respondents stated that the telephone and the

Internet are used and that there is no generator to back up the communication system in the event of a power outage. The respondents do not know how the CEHQ communicates with vulnerable social groups (special needs citizens, the elderly, blind, and deaf citizens...) and that the Social Services Department and medical centers are engaged in this regard.

As for the functional aspects of crisis communication, on a scale of 1 to 5, two respondents rate the relations of the City Emergency Headquarters with local media with a 5 – excellent and one with a 3 – good. Respondents state that there are several media outlets in Novi Pazar (RTV Novi Pazar, Radio Novi Pazar, TV Jedinstvo, Television Sandžak, Radio 100 PLUS, as well as correspondents of national media – RTS, Večernje Novosti, Danas, FONET, and news agency A1). When asked whether the Headquarters has a list of local online and print media, the contacts of editors and journalists who monitor security and emergency situations and whether this list is updated, one respondent answered affirmatively, another negatively, and the third stated that a member of the headquarters in charge of public relations communicates with the media. The respondents also have a differing view as to whether the CEHQ has the contacts of national media correspondents from Novi Pazar – one respondent answered affirmatively, another negatively, and the third did not answer. In general, the respondents gave a high rating to the media coverage of emergency situations in Novi Pazar: 4 (very good) and 5 (excellent), but they state that so far no meeting of the CEHQ with representatives of the local media on the topic of mutual cooperation has been held. Respondents are not familiar with the communication manual for the media in emergency situations, prepared in 2018 by the Commissioner for the Protection of Equality, in cooperation with the OSCE Mission. They also underlined that it was not presented to the local media. According to one respondent, the media are not familiar with the rules of reporting in emergency situations, including non-discriminatory and non-stereotypical reporting. Another respondent said that he is not aware and the third did not answer this question. All respondents agree that the media most used as a source of information and advice to citizens on how to act during an emergency situation is the regional television channel. The respondents share a differing view on who writes and issues press releases during emergency situations and how they are forwarded to the media. One claims that the announcements are penned mostly by the commander or one of the members of the Headquarters, another states that the Department of Information writes the announcements and publishes them on the city's

website as well as on social networks where others can download them, and the third claims that it is done by members of the Headquarters and the Department of Information. Respondents state that press conferences on the occasion of emergency situations are rarely organized. The media teams receive an invitation the day before the session. The Department of Information schedules the conference so that the media can record the meeting at the beginning of the session, and statements are given after each session of the CEHQ. On average, they last a few minutes. Also, during some disasters (e.g. floods), media representatives were transferred to the front line of the crisis and provided with transportation and logistics. In the case of inaccurate and sensationalist news pieces about emergency situations, denials are sent and accurate information is provided on social networks. When asked whether press clippings are made about media coverage of an emergency situation and whether, where, how, and for how long they are stored, one respondent answered negatively, another said that he does not know, and the third stated that they use the services of a company that makes electronic press clippings. All of them agreed that after the emergency situation, no analysis of media coverage is made and no lessons are drawn on ways to improve crisis communication in the future. When asked whether political actors made attempts to instrumentalize emergency situations for mutual confrontations and to play the "blame game" to gain political points at the expense of the opponent and whether they used the local media for this purpose, one respondent answered negatively, another said that they are not aware, and the third gave an affirmative answer, stating that there were attempts to portray as if the city is not doing enough to resolve and deal with the emergency situation. During the year, when there are no emergency situations, contacts are made with journalists to promote some of the activities covered by the CEHQ or to issue a press release. Journalists are encouraged to take any action that improves safety and reduces the risk of accidents. The respondents did not answer the question of what are the main issues in the relationship with the local media and what are their suggestions for solving these issues, while one stated that there are no major problems. They all claim that there is no special strategy for making information available to women, young people, citizens' associations, and people with disabilities. The Department for Emergency Situations and Defence Affairs in the city government does not possess a long-term plan for raising awareness and the safety culture of citizens, but during specific actions in order to reduce the risk of accidents, the public is informed and appealed to cooperate. Through online media,

citizens are informed about security risks and ways to reduce them, as well as about competence and responsibility during an emergency situation in daily news broadcasts, newspapers, and advertisements. Regular canal cleaning actions, in which city officials also participated, were covered by the media. The actions were an opportunity to show the citizens the dangers posed by canals and waterways filled with waste. Respondents stated that the media were not used to educate the population about the emergency situation. Two respondents reveal that they are not aware whether city officials have initiated special broadcasts with local media dedicated to improving the response during an emergency situation, while the third respondent answered affirmatively. The most important issues in informing the public and communicating with the media and citizens during an emergency situation are the lack of objectivity and the spread of misinformation through alternative communication channels. Not a single respondent gave a suggestion on how to improve crisis communication.

Finally, when it comes to the employment of digital media in crisis communication, one respondent said that they were not aware of it, and the other two stated that the city of Novi Pazar regularly posts updates on social networks through which it informs the media and citizens about emergency situations. They claimed that social media accounts are updated several times a day. The only problem is the incorrect information shared in the comments. The Internet is used in terms of communication with protection and rescue entities, but often some areas have no Internet service, especially when it comes to firefighting interventions in the countryside. However, the respondents state that the CEHQ does not have its own website or social media and that it does not follow social networks during an emergency situation. The respondents agree that there were some activities of "citizen journalism", that is, during the emergency situation, citizens acted as journalists/reporters and uploaded video clips to YouTube and other platforms. Infrequent cases of misinformation about the actions of the city offices during an emergency situation have been recorded, but denials prevented them from causing greater harm. Reporting recorded on local online media (such as Sandžak Press) and web portals were dependent on the political affiliation of the e-portal.

Regarding the use of other means in crisis communication, the respondents state that billboards were not used for risk awareness campaigns, remarking that it is a good idea. According to them, megaphones from moving vehicles were not used to give orders and information about an emergency situation, nor were special posters or flyers printed and distributed to improve crisis communication.

Informing citizens via SMS messages or other mobile applications was also not employed.

Conclusion

In terms of organization, the Department of Information within the city offices performs the work related to crisis communication. The department is not fully staffed. In a professional sense, however, it is relatively qualified, since two employees have a journalism degree.

In a functional sense, there is no comprehensive strategic approach to crisis communication in the city of Novi Pazar. There is not enough awareness, and/or the readiness and will of the top officials to devote more attention and commitment to this issue. Informing the public is mostly reduced to reactive information from the mass media. Crisis communication is understood primarily as one-way communication and transmission of information by the CEHQ of the city of Novi Pazar and other subjects to the general public. Sub-segments such as vulnerable social groups, business communities, etc. are not recognized. There is neither a general crisis communication plan nor specific crisis communication plans for individual crises, which would accurately define communicators, key groups, main messages, media for their transmission, and other important issues. Communication activities related to risk communication (when there is no emergency situation) are mainly limited to informing the public about some actions (e.g. the clean-up of riverbeds) and following the activities of the Headquarters and/or the city's emergency services. There are no planned and organized activities for informing the public about risks, educating and raising awareness of the general public and its individual segments (children, youth, the elderly, entrepreneurs, etc.). Also, the most important documents, the Vulnerability Assessment and the Protection and Rescue Plan, do not have any kind of media promotion.

None of the key actors in crisis communication has undergone specific training for crisis communication. Based on the answers of the persons in charge of crisis communication, it can be observed that the respondents did not know the facts pertaining to this field, gave differing answers to the same questions, or did not have an opinion on them. Also, they did not show a willingness to point out the most important problems and to make proposals for improving the situation in this area. At the same time, they highly rated relations with local media and their reporting on emergency situations. They added that there were

no special meetings with media representatives to discuss reporting in emergency situations.

There is no link on the city's official website to information on emergency situations and no advices for citizens. The website mostly contains current information in the form of news which is posted chronologically. The same applies to the use of social networks.

There is no clear information on whether press clippings are made with media reports on emergency situations, who is responsible for it, how, where, and for how long they are stored. However, it is clear that after the emergency situation ends, no analysis of the media reporting and how the competent entities carried out crisis communication is conducted, and no lessons are drawn for the future.

In order to seriously improve crisis communication, the legal framework at the national level must be upgraded. However, within the existing rules and regulations, it is possible to make additional efforts at the local level to advance and improve this area.

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Krizna komunikacija lokalne samouprave
– Primer grada Novog Pazara –

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Sažetak

Krizna komunikacija je izuzetno važan deo upravljanja kriznim i vanrednim situacijama od koje značajno zavisi uspeh operativnih napora da se neželjeni događaji spreče, odnosno da, ukoliko se ipak dogode, njihove štetne posledice budu što je moguće manje. U tom smislu neophodno je i normativno i funkcionalno urediti ovu oblast, čemu se u razvijenim i uspešnim zemljama pridaje velika pažnja. U Republici Srbiji je uspostavljanje neophodnih normativnih i funkcionalnih pretpostavki za uspešnu kriznu komunikaciju još u početnoj fazi razvoja. U radu se na osnovu dostupnih izvora podataka i dokumenta, kao i anketiranja relevantnih aktera, analiziraju normativni i funkcionalni aspekti kriznog komuniciranja u gradu Novom Pazaru. Autori zaključuju da uprkos tome što su uloženi značajni napori u uspostavljanju lokalnog sistema krizne komunikacije, u ovoj oblasti postoje još uvek određeni propusti, slabosti i nedostaci, odnosno značajan prostor za unapređenje krizne komunikacije gradskog štaba za vanedne situacije i nadležnih organizacionih jedinica u gradskoj upravi.

Ključne reči: kriza, vanredna situacija, krizno komuniciranje, Srbija, Novi Pazar

A Framework for Evaluating Legacy Systems – A Case Study

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Article Information*

Research Article • UDC: 004.4:005.6
Volume: 20, Issue: 1, pages: 32–50
Received: February 15, 2023 • Accepted: March 5, 2023
https://doi.org/10.51738/Kpolisa2023.20.1r.32vl

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*Cite (APA):
Vesić, S. Lj., & Laković, D. (2023). A framework for evaluating legacy systems – A case study. *Kultura polisa*, *20*(1), 32–50. https://doi.org/10.51738/Kpolisa2023.20.1r.32vl

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20(1), 32–50

Abstract

The phenomenon of legacy systems is very complex, insufficiently understood or viewed in isolation in theory and practice, leading to many failed modernization projects even with significant invested funds. In this paper, within the framework of a case study, the problems of legacy systems are observed and classified into appropriate perspectives. A framework for evaluating legacy systems is proposed, which aims to contribute to a better understanding of legacy systems and, thus, to the selection of a suitable modernization strategy for a specific system. A case study was conducted at PUC BWS, together with a value chain analysis. After that, research was carried out on certain city water supply systems in Serbia and the region, where respondents presented their views, as well as professional opinions on legacy systems. Based on the obtained results, it can be concluded that the proposed conceptual framework can serve as a tool through which it can be checked whether the system exhibits the characteristics of the legacy system.

Keywords: legacy systems, evaluation framework, software evolution, perspectives of legacy systems

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A Framework for Evaluating Legacy Systems – A Case Study

With the development of the information system and putting it into use, the ageing process of the software begins as its inseparable part. Software ageing is inevitable (Parnas, 1994, p. 279), so maintenance is carried out to remove specific errors and improve performance. For the information system to be the best possible model of the real system, it needs to evolve, which is why its modifications of lesser or greater intensity should be carried out. Lehman pointed out this back in the 80s, classifying information systems in the class of E-systems, i.e. systems that change along with the environment (Pfleeger & Atlee, 2009, p. 538). At some point, it is necessary to implement changes of a more vigorous intensity than maintenance, better known as modernization, to restore the evolutionary ability of the information system (Seacord et al., 2003). When the information system can no longer adapt to changes, it is withdrawn from use, and its place is taken by a new system that begins its exploitation phase within the life cycle. Withdrawing and replacing an information system may seem relatively simple, as with most products, but the practice has shown that it is a much more complex problem. This problem has existed since the time of the first information systems and their commercial use up to the present day. It is embodied in the form of legacy information systems (from now on referred to as legacy systems).

In theory, there are many definitions of legacy systems, and in the most general terms, legacy systems are information systems with a reduced evolutionary capability. They were developed in the past, often in old or outdated technology, designed and implemented under the then methodological settings and development practices (Vesić, 2020, p. 668). There are certain differences in the concepts of the legacy system and legacy code, i.e. legacy software. The legacy system is more complex than the legacy software because it includes: people, expertise, hardware, data, business processes and approaches in software maintenance and development, emphasising the interaction of these elements (Brooke & Ramage, 2001, p. 3).

Many businesses still use legacy systems because they support critical business functions or business processes. IT managers are faced with a dilemma; on the one hand, they want to withdraw them from use because they inhibit the adoption of new and more efficient business models, while on the other hand, they are aware of the significant risks that this can bring due to their support to the core business. This is the reason why many companies choose to invest in

the maintenance of legacy systems constantly. Thus, in the example of the USA, based on publicly available research by the GAO (Government Accountability Office), the US government planned to spend over 90 billion dollars in 2019 on IT, with the participation in that budget being funds intended for the maintenance of 10 critical legacy system of federal agencies had a share of about 80% (United States Government Accountability Office, 2019, p. 1). At the same time, the practice has shown that even after significantly allocated funds for the modernization of legacy systems, there are many failed projects, with the funds invested in some of those projects exceeding billions of dollars (Ulrich & Newcomb, 2010, p. 5).

The vast diversity in the definition of legacy systems, especially between theoretical and practical research, indicates that this phenomenon was observed mainly in isolation and that the authors primarily focused on only one of their characteristics. The authors mainly focus on one of their characteristics. Other studies originating from practice have attempted to provide a more comprehensive view of legacy systems by looking at them through their perspectives (Alderson & Shah, 1999; Khadka et al., 2014).

This research is based on one such approach where the legacy system is viewed from several perspectives. As a result, a conceptual framework was proposed that can serve for a better understanding of legacy systems and their evaluation. With a better understanding of the problems that legacy systems face, a sound basis is formed for adopting suitable modernization strategies to preserve the built-in multidecade knowledge that these systems have and their importance for business. In this way, at the same time, the risks caused by choosing the wrong strategy are reduced.

Methodological Framework

Problem Description

Significant financial resources allocated for the maintenance of legacy systems, a large number of different definitions of legacy systems, in theory, significant investments in the modernization of these systems and a large number of failed modernization projects, despite the significant investment of funds in practice, indicate that:

- The phenomenon of legacy information systems is highly complex
- Legacy systems are insufficiently or isolatedly understood in theory and practice

- That failed modernization projects are often the result of insufficient understanding of these systems and
- That the critical step towards successful modernization is their adequate understanding of the complex relationships between all their elements, as well as the factors of the complex and permanently changing environment

Description of the Case

The subject of the analysis, i.e. the case selected for this case study, is PUC "Belgrade Waterworks and Sewerage" (from now on, PUC BWS). It is a Belgrade public utility company engaged in water production and wastewater disposal services in the territory of the city of Belgrade. The company has over 2,500 employees, assigned to carry out activities by units: water system, sewage system, development, design and investments, business-technical support, economic-financial, personnel and general affairs, legal affairs and procurement affairs, safety and quality. The ICT sector carries out various activities related to developing, maintaining and integrating the existing information system and the complete information and communication infrastructure.

PUC BWS has a legacy business information system over 20 years old, written in the Progress ABL programming language, better known as Progress 4GL, and the Progress database. The legacy system mentioned above includes about 40 different modules and applications, the most important of which are: water invoicing, service invoicing, water meter records, warehouse and material management, customers and suppliers, procurement and procurement planning, payroll calculation, personnel records etc.

Connection of the Case Elements With the Problem and Deepening of the Problem

The legacy system of PUC BWS in practice has many problems that can be seen from the point of view of programmers, designers and architects of the system, as well as from the point of view of system users and from the point of view of managers of various departments, as well as from the point of view of top management that takes care of the realization vision, mission and goals of the company. By analyzing these problems in the case of PUC BWS and connecting them with different perspectives of legacy systems, as well as with a look into the future, a framework can be created that enables comprehensive

observation of legacy systems and their better understanding both in the present and in the future. In this way, it would be avoided that the modernization of the legacy system of PUC BWS would not be just one in a series of failed modernizations with significantly invested funds.

The Research Problem's Significance and the Suitability of the Research Method and the Subject of Analysis

Looking at the problems of legacy systems in PUC BWS can also help other companies from the same business domain with similar legacy systems. It is assumed that other public utility companies with a similar or lesser complexity of business, a more or less similar system could use the exposed way of observation and thereby support the modernization of their legacy system.

The case study, as a research method, can be used in exploratory, descriptive and explanatory research, and it is suitable because it can combine qualitative and quantitative research methods. It can provide new ways of understanding research problems not previously exposed in previous research and reveal new and important implications for practice.

For several reasons, PUC BWS is suitable as a subject of analysis (case). First of all, the company has a legacy information system that is over two decades old. In addition, the company is characterized by a variety of business processes, the complexity of which is more significant than in other smaller systems. In addition, the research author has been working for more than one decade in this company in the positions of programmer, designer and system architect. He learned many problems and specificities of that legacy system in practice through his work.

Scientific Significance of the Case Study

The case of PUC BWS will be helpful because it will be able to confirm the facts established so far or point out some new ones and new problems that arise in practice. In addition, it will make it possible to better understand the legacy system through an integral observation of the perspectives and the problems of the legacy systems that arise within them, compared to theoretical research that observes this phenomenon in isolation.

Overview of Existing Considerations (Research Background)

During the last three decades in the literature, there have been many

different definitions, descriptions, interpretations and viewpoints of what legacy systems are. They differ significantly from each other, so there is no single opinion on what this complex phenomenon includes.

The first group of authors, at the same time the largest, points to some of their features, shortcomings and problems that these systems have, often emphasizing their technological obsolescence, maintenance costs, difficult adaptability, etc., while some of them also recognize the importance of these systems have for the business. For example, the authors state that it is costly and difficult to maintain them, while specific business requirements cannot be met (Nassif & Mitchusson, 1993, p. 471). Bisbal indicates that these are systems with reduced possibilities of cooperation with other systems (Bisbal et al., 1997, p. 529). The author cites their obsolescence, high maintenance costs, poor documentation and technical support (Warren, 1999, p. 2). Somerville sees them as socio-technical systems developed in the past, which were created by the use of old or obsolete technology, and which include legacy hardware, legacy software, but also legacy processes and procedures, i.e. old ways of doing things, making them difficult to change because they rely on legacy software (Sommerville, 2016, p. 765). The authors point out that these systems are designed, implemented and installed in a radically different environment than the current IT strategy and that they do not support the current IT strategy (Mitleton-Kelly, 2006, p. 55)

The second group of authors, in relation to the first, examines the phenomenon of inherited systems in practice and tries to see them from several different perspectives; where in this way, they also see some of their "non-technical" aspects that are not emphasized in the first group (Alderson & Shah, 1999; Khadka et al., 2014). The authors look at legacy information systems from 4 perspectives: developmental, operational, organizational and strategic (Alderson & Shah, 1999, p. 1). The developmental perspective is the observation of the inherited system from the point of view of the people who develop it and later maintain that system. These are business analysts, designers, architects, programmers, testers, engineers who care for quality, etc. The operational perspective says that the system should provide adequate service, which users must recognize, whether related to the efficient implementation of operations or cooperation with other systems. The organizational perspective with which managers are connected should assess how the system affects business and whether and to what extent it supports business processes. The top management tries to do everything to fulfil the company's mission, vision and goals, so in this

sense, it makes decisions about undertaking certain strategic activities that should ensure this. Adopting new and more efficient business models when there is intense competition in the market may be conditioned by the application of new technologies, which legacy systems may not be able to support. The strategic perspective considers the costs of lost business opportunities caused by preventing the use of new technologies that the legacy system potentially cannot support.

The results of the research carried out by the authors showed that users value their systems very much and that in addition to the technical aspects, there are business and organizational factors that are very important, which is the opposite of the views of the first group of authors who focus exclusively on the technical aspects of legacy systems (Khadka et al., 2014, p. 36).

Observation of the Legacy System in the Case of PUC BWS

On the legacy PUC BWS system, the author observed various problems that arose in practice when working with this system, which can be classified into one of the four perspectives proposed by Alderson and Shah: developmental, operational, organizational and strategic (Alderson & Shah, 1999, pp. 1–2).

One of the many problems that appear is the reduced knowledge about the system because the system documentation does not exist or is not up-to-date. There is a relatively small number of employees in the mentioned system compared to the number of developed and maintained applications, so there was no time to create and update the necessary documentation. In addition, employees work as software generalists: they take requests from users, design the application, program the application, test its functionality, etc., because there is not a sufficient number of employees to enable the division of work. All this leads to the fact that the knowledge about the structure and behaviour of the system is reduced and that not a single person can understand the system completely and see it in its entirety. In addition, it is problematic that the knowledge is concentrated among the employees who work on that system and only in the part in which they work. An additional problem that arises in the absence of documentation is the slow transfer of knowledge between developers, especially when integration needs to be done.

The next problem is that the employees who worked on the system left the company, which on the one hand, led to an increase in the workload for the remaining developers. On the other hand, it led to the loss of very valuable domain

knowledge about the part of the system on which it was installed that the employee worked. This puts the company in a situation where it has to constantly invest resources in re-learning the system, what functionality that part of the system performs and how it is connected to other parts. The company hires new people, but the problem is that the new employees do not have enough knowledge and skills needed to maintain the system. New employees have mostly graduated from university, and in practice, they rarely have the knowledge to maintain older systems. The curriculum of their studies usually deals with object-oriented programming languages, while in the case of PUC BWS, they had to learn Progress 4GL, which is an older programming language and is not taught in colleges. In addition, very few educational programs in Serbia deal with topics such as legacy systems, software evolution, software maintenance, etc. They concentrate much more on new system development.

Due to the long-term maintenance of the system, over time, the initial architectural idea may be disturbed because the programmers are required to make changes in the existing software solution quickly. As a result, system design activities are carried out quickly, which leads to the fact that the software architecture is not adequately designed. This has negative consequences as it leads to ripple effects. In this case, the programmer makes a mistake by making the program units tightly connected, so changes in one program unit (or component) cause changes in other related program units. Consequently, some parts of the system had to be rewritten from scratch.

Redundancy is an unwanted feature that leads to anomalies in database operations. In PUC BWS, it is very pronounced, primarily due to the inadequate design of some parts of the system that many programmers use in their applications. Although a lot of work has been done to keep it under control, there are still situations when programmer intervention is needed to bring the tables in the database to the appropriate state.

In practice, it happens that when a system is developed in older technologies, it may have ceased to be supported by the hardware on which the system runs or the software. At PUC BWS, the problem arose because the PSC manufacturer for version 10 of the OpenEdge environment retired its reporting software, Report Builder, which had been in use for years before that. At that point, all the developers who had hundreds of reports programmed into that tool had to rework those reports into the new reporting tool that PUC BWS started using. A similar problem occurred with support for various ActiveX controls that were written for the 32-bit version of the Windows operating system to work with Progress, causing

many problems.

The information system development in PUC BWS took place by first creating one part of the system, then the next one, and so on. This was primarily done based on the requests of various departments and sectors. Therefore, development took place with a bottom-up approach, with the need to integrate applications after development. This kind of ad-hoc integration led to the previously mentioned problems with architecture, and tight coupling between applications is further emphasized. In addition, there was a need for applications developed in Progress 4GL to exchange data with applications written in a completely different environment, which PUC BWS uses, such as EDAMS, GIS, etc. In practice, it turned out that some tools intended for data exchange between different databases worked very poorly, even though they were made for that. Inadequately implemented ETL processes resulted in incorrect data, duplicates, etc., and additional developer effort was required to overcome this.

The legacy information system performs its functions and thus supports business operations. By creating applications in PUC BWS, the business operations (processes) of the enterprise were established. Over time, there was a need to change those operations. Sometimes it was easy to implement those changes, and sometimes it wasn't because it was necessary to do a complete reprogramming of certain functionalities. Until the reprogramming was carried out, PUC BWS could not execute business processes in a new way. In some cases, when it was necessary to introduce new functionality into the legacy system, managers wanted to change the flow of sub-processes, i.e. the sequence of operations performed in the program, thus starting with the newly created functionality, but this was not possible because it required complete reengineering of the application, which was not justified at the time, and also very risky due to the very poor design of the old part of the application. Therefore, the legacy system of PUC BWS shows great inertness when it is necessary to implement more complex changes, which can even lead to changes in business processes.

The legacy system has been developed and maintained for years. It contains decades of valuable knowledge for performing work and numerous business rules created in the interaction between programmers and users when taking software requests. Those rules and procedures have passed years of testing in the practice of PUC BWS and, over time, have brought business operations to a high level of efficiency. This is very pronounced with those business processes that are not widely represented on the market through integrated software solutions because there are no formalized and software

available more efficient models of business processes with which the PUC BWS process model could be compared.

Top management could make a decision to change the business strategy in order to better achieve the intended goals, and this could trigger the reengineering of business processes to implement that strategy. What can happen is that the legacy information system cannot support the necessary change because it was created at a different time when business processes were arranged in a completely different way. If the strategy of PUC BWS would be to implement a change in the business, such as to change the way of invoicing water by introducing a higher and lower tariff, which currently does not exist, the legacy system due to the problems it has in integration, as well as the fact that very difficult expose its functionalities to other systems would not be able to support it. In that case, the legacy system would be a limitation in adopting the new business model. For example, suppose PUC BWS would use the technology of smart water meters, as well as the technology of sensors that can monitor the consumption of pumps at pumping stations at the same time. In that case, there is a need to exchange consumers data with the legacy system to see which consumer satisfies the condition for charging at a higher tariff. This would not be feasible because PUC BWS's legacy system does not support REST services technology through which the system could be integrated with the described solution.

Analysis of the PUC BWS Value Chain

For this research, we need to look at the limitations that the future strategy of PUC BWS will have by using the legacy system as its primary IT solution. By analyzing the value chain, we identify the critical activities of PUC BWS, their problems, and technological solutions that can improve these activities. In addition, we will analyze how the legacy system of PUC BWS limits the change of the mentioned solutions.

PUC BWS organizes and conducts its business, where the main product is water, and at the same time, consumers also use the wastewater removal service. The PUC BWS value chain is slightly different from the presented model by Ofwat (PwC, 2016, pp. 2–22). It consists of the following activities: water sources, raw water distribution, water processing, beverage distribution water, sale, sewage collection and sewage disposal. Based on the risks presented in the report, problems are associated with each of the PUC BWS value chain

activities. For this manuscript, we will present only a few of them. Water sources have the primary activity of extracting raw water, and the main problem that arises is source contamination. In the case of drinking water distribution, the primary activity is to distribute water from drinking water reservoirs to consumers. One of the problems that can occur is the interruption of supply due to breakdowns in the water distribution network. When selling, the primary activity is reading water meters, and the problem is the accuracy and frequency of readings.

Technological solutions (Difallah et al., 2013) that can help in solving problems in the chain of primary activities are based on Industry 4.0 technologies, namely: Internet of Things, smart meters, cloud technologies, Fog and Edge, then big data technologies, as well as artificial intelligence. They aim to eliminate or reduce the problems PUC BWS faces in its value chain as much as possible.

As the legacy PUC BWS system is built on the Progress OpenEdge 10 platform, it is not possible to create REST Web services that would enable the integration of the mentioned Industry 4.0 technologies that are executed in the cloud so that the entire system combines an on-premise solution and new technological solutions in cloud through a hybrid cloud architecture. As described, the legacy system limits the future strategy of PUC BWS and more efficient operations.

Framework Establishing

The new conceptual framework proposed in this manuscript is based on the work of Alderson and Shah (Alderson & Shah, 1999, pp. 1–2), where the legacy information system is viewed from 4 perspectives: developmental, operational, organizational, and strategic. The novelty in relation to that research is that the problems of legacy systems are viewed in connection with one or more perspectives. In this way, the problem is classified and can be better investigated by focusing on a particular group of employees who deal with that problem. In addition, the proposed framework also aims to integrate the definitions, descriptions and perceptions of legacy systems presented so far, existing in theory and practical knowledge generated in research.

Concerning research (Alderson & Shah, 1999; Khadka et al., 2014), the proposed conceptual framework will incorporate a look into the future as part of a strategic perspective. The conceptual framework is shown in the figure (Figure 1).

Previous research looks at the problems of legacy systems in the present. In the author's opinion, the role of the strategic perspective is to partly anticipate

changes in the future, especially those that can affect the change of the business model, which is important for achieving the company's mission, vision and goals. In addition, if it is necessary to modernize the system, which is a very demanding undertaking from the aspect of finance, human resources management, but also the time that needs to be devoted to those activities, anticipating the future needs of the system can be useful and more profitable if, at the start of the strategy of modernization, future system improvements are incorporated, if possible and financially justified. This may prove to be better than carrying out the modernization without mentioned improvements and then, in a short time after that, again carrying out the extensive modernization procedure in order to enable the mentioned improvements. This idea of a modernization process should include solving current and future problems relevant to the legacy system and the business it supports.

Description of the Research

After conducting a case study on the legacy system of PUK BWS and then analyzing the value chains of PUK BWS, a conceptual framework was defined, so it is necessary to conduct research that aims to evaluate the proposed framework in practice. The goal is to ensure the external validity of the case study as a basis for the possibility of generalizing the results of the case study. This research phase will be conducted through a questionnaire in which IT managers, people who work on system development (programmers, designers, architects, etc.), and mid-level managers express their views on legacy systems.

The questionnaire contains 25 questions, of which the number of open questions is 3, and the number of closed questions with the possibility of choosing one option is 22. The closed questions are arranged according to a Likert scale of 5 answers. Of the closed questions, 21 examine attitudes by selecting one of the offered answers: fully agree, partially agree, divided, somewhat disagree and completely disagree. Question number 4 determines the age of the system, where the respondent can choose one of the options: less than ten years, between 10 and 15 years, between 15 and 20 years, between 20 and 25 years and over 25 years. The questionnaire is given in the appendix.

Answers to the questions were collected from respondents who work in water supply companies in Serbia and the region through an online questionnaire. Communication with respondents was carried out via phone, email and LinkedIn social network. A questionnaire was created in English for respondents in Hungary,

Bulgaria and Romania, and the answers were combined at the end. The sample includes 63 respondents. Serbia had 34 respondents by country, Bosnia and Herzegovina 7, Bulgaria 2, Montenegro 3, Croatia 6, Hungary 3, Romania 2, North Macedonia 3 and Slovenia 3.

Results

To question number 4, respondents gave answers regarding the age of the information system. The values of the statistical feature in the IBM SPSS tool are assigned values in such a way that the answer up to 10 years takes the value 1, the answer between 10 and 25 years takes the value 2, the answer between 15 and 20 years takes the value 3, and the answer between 20 and 25 years takes the value 4 and the answer over 25 years takes the value 5. The frequency table (Table 1) shows the participation of a certain group in the sample.

Question number 5 was open, and user responses were as follows: SQL, Oracle, Dynamics NAV, MS Access, Visual FoxPro, Cobol, Java, VB (Visual Basic), C#, MS SQL, Progress, SQL Server, PL2, .NET, Delphi, Harbor, MySQL, C++, IAF, ASP, PHP, ABAP (SAP) and C. The value of the descriptive statistics is shown in the table (Table 2), which shows the output results from the SPSS tool.

Discussion

The discussion should show to what extent the proposed framework for evaluating legacy systems applies beyond PUC BWS to companies that deal with water production and wastewater disposal services. For this reason, the previously designed and presented questionnaire connects legacy systems' elements (problems) with the perspectives of legacy systems.

We will start by analyzing the answers to questions Q6, Q9, Q15, Q16, Q18, Q19, Q20 and Q21 as they relate to the development perspective. The arithmetic mean values for questions P6 and P9 show that the respondents think the legacy system's software architecture is not well designed. At the same time, the system has a large number of ripple effects that indicate the existence of strong connections to a large extent between different applications and components (Pfleeger & Atlee, 2009, p. 297). This further complicates the maintenance of the system and requires the re-engagement of the development team, which is inefficient. There is redundancy in the systems, based on the

results of the answer to question Q20. As it leads to anomalies in operations when working with the database, such as inserting a new row, changing an existing one, and deleting and displaying data, it should be removed as much as possible (Lazarević et al., 2006, p. 2). Answers to questions Q18 and Q19 indicate that there is a big problem in the knowledge of the system, which is primarily a consequence of the departure of employees who worked on the development of the system in the past and the fact that the documentation does not exist or is not up-to-date. The authors of an earlier study reached similar considerations (Khadka et al., 2014). Also, based on the results of questions Q15 and Q21, it can be said that it takes a long time for a new employee to become part of the development team, where one part of the problem is technological, and the other part is the slower transfer of knowledge about the system itself. In addition, there is a lack of software engineering best practices, which confirms the views from earlier papers (Mitleton-Kelly, 2006).

Answers to questions Q10, Q11, Q12, Q13, Q14 and Q22 are related to problems that arise from an operational perspective. It can be seen that there are significant problems in the integration of the system based on the views of respondents on questions Q11, Q12, Q13, and partly on Q10. This is manifested through significant adaptation of the system to work with new applications, complex integration with other important information systems for waterworks such as GIS and SCADA, and problems in data exchange with external companies. Part of that problem is the presence of an architectural anti-pattern, better known as a "silo" (Willem-Jan, 2009, p. 22). Respondents' opinions were divided regarding manufacturer support as well as outdated hardware.

From an organizational perspective, respondents believe the legacy system is still valuable because it contributes to the business. At the same time, they believe that modernization would provide better support for decision-making because it is currently not at a high level. In addition, they see the system as inflexible, and this prevents them from carrying out business processes in a more efficient way, which is additionally emphasized when performing business processes that are carried out in cooperation with other companies. Other authors have similar views (Wu et al., 1997). The results of the answers to questions Q7, Q8, Q13 and Q23 indicate their attitudes.

Respondents' answers to questions Q8 and Q24 are related to the strategic perspective, where their perception is that the inherited system limits business changes. At the same time, there is an attitude about the difficult

integration of Industry 4.0 technologies and the legacy system, which prevents the adoption of new business models.

As with previous research on legacy systems (Khadka et al., 2014), it is observed that users do not perceive whether the system is old or legacy. For them, it is simply the system they use, as the result of the answer to question Q3 indicates. In addition, users believe that modernization of their systems is needed and that this framework can help with that. They recognize that the framework's value lies precisely in the fact that the problem is viewed from multiple dimensions, i.e. perspective, and that it can contribute to successful modernization, which can be concluded based on their attitudes to questions Q17 and Q25.

Users perceive the importance of viewing the system from several perspectives, which can contribute to a better understanding of the system and the perception of the system. This confirms previously conducted research (Alderson & Shah, 1999; Khadka et al., 2014). It is new that there is now a formalized procedure that can contribute to this, and it can be applied outside the water utility industry with adequate modifications.

Conclusion

The results obtained in this research lead to the conclusion that there is value in looking at the legacy system through its different perspectives provided by the different types of users who work on them and that this is a better option than seeing them from only one angle, e.g. technological. A framework that can be used to evaluate legacy systems has been defined, which incorporates the problems of legacy systems viewed from different perspectives. By understanding these problems along with additional analysis of the legacy system, a suitable modernization strategy can be chosen through which the system in its modified form would continue to live.

The research covers the domain of water companies, where a value chain analysis was conducted for such companies. Companies from another domain have different value chains, and perhaps the technologies that should be applied in the future are not the same as those of water companies, so it is necessary to make appropriate modifications to the framework to perform an adequate evaluation of legacy systems, which is the limitation of this research.

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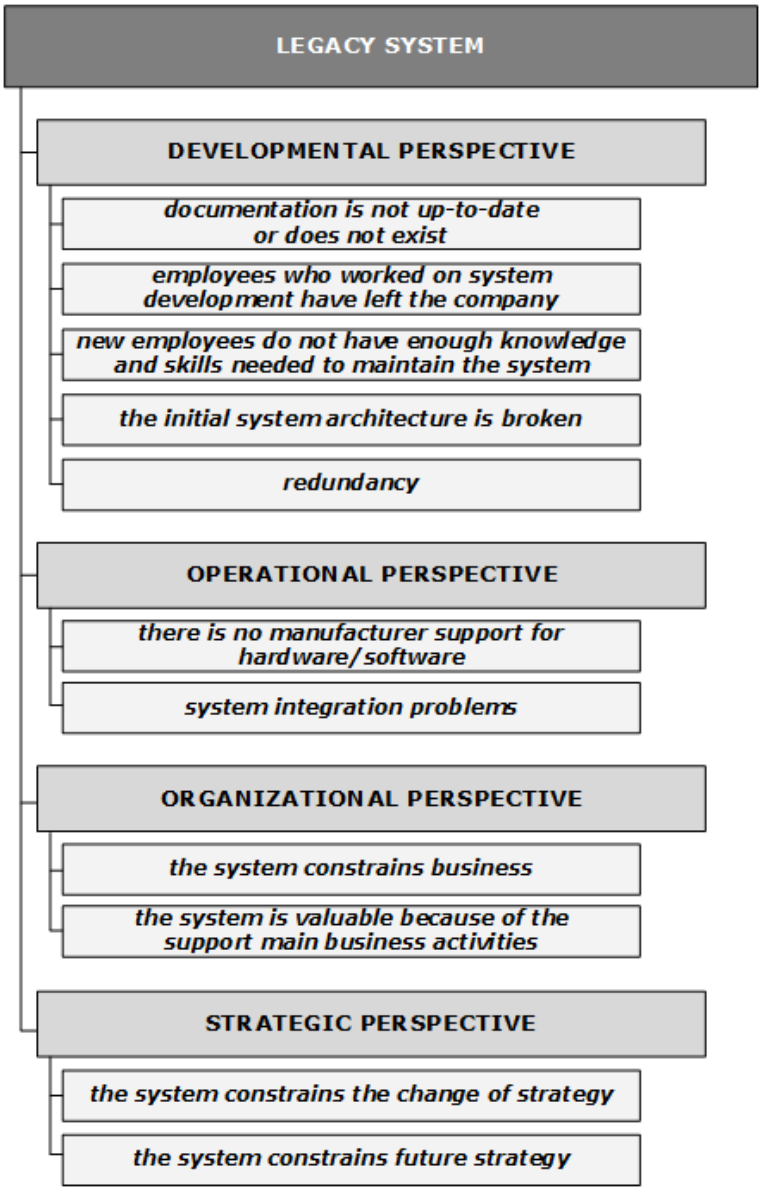
Appendix

Figure 1

Evaluation framework



Note: Presentation of the author's research.

Table 1

Frequency table for question 4

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	30	47,6	47,6	47,6
	2	17	27,0	27,0	74,6
	3	9	14,3	14,3	88,9
	4	3	4,8	4,8	93,7
	5	4	6,3	6,3	100,0
	Total	63	100,0	100,0	

Note: Presentation of the author's research.

Table 2

Descriptive statistics

	N	Mean	Std. Deviation	Coefficient of variation
3	63	3,16	1,273	0,40
6	63	3,52	1,189	0,34
7	63	3,95	1,156	0,29
8	63	2,59	1,227	0,47
9	63	3,65	1,138	0,31
10	63	3,24	1,316	0,41
11	63	3,87	1,143	0,30
12	63	2,24	1,160	0,52
13	63	3,52	1,148	0,33
14	63	2,87	1,431	0,50
15	63	2,76	1,292	0,47
16	63	2,40	1,397	0,58
17	63	4,08	1,168	0,29
18	63	2,56	1,074	0,42
19	63	3,89	0,764	0,20
20	63	3,03	1,107	0,37
21	63	2,67	1,244	0,47
22	63	3,10	0,995	0,32
23	63	4,25	0,803	0,19
24	63	1,95	1,069	0,55
25	63	4,21	0,626	0,15
Valid N (listwise)	63			

Note: Presentation of the author's research.

Questionnaire

No	Question
01.	The name of the country in which your company is located
02.	The name of the city in which your company is located
03.	Your company has an old (outdated) information system (IS) or software
04.	An old (outdated) IS or software is old
05.	Programming language (or languages) in which the old IS (or software) is coded [you can also write the environment or database language]
06.	In the old IS (or software), the initially set design (project idea) is disrupted due to a large number of changes and long-term maintenance
07.	Old IS is useful in that it continues to contribute to business (certain business procedures and processes are still executing)
08.	In the old IS, changes are relatively easy to make, in terms of changing business procedures or business processes, and in accordance with the requirements
09.	If a change is made to one part of the old IS, that change is propagated to other parts of the system
10.	Old IS has applications (developed for an organizational unit) that run in isolation from other applications and find it very difficult to "collaborate" with other applications
11.	By replacing an old application or part of an old IS with a potential new solution, there is a significant adjustment of the old IS to work without interruption with the new
12.	Integration of the old IS, with some other systems within the company (GIS, SCADA, EDAMS, etc.) is simple
13.	There is a problem in exchanging old IS data with another company's system in an automated or semi-automated way
14.	Old IS is running on outdated hardware
15.	Developers (software designers, software developers, and software engineers) can apply the latest knowledge, methodologies, concepts and tools in the field of software engineering, without problems in the old IS
16.	The old IS was developed by the staff and resources of the company itself (in-house)
17.	The old IS needs to be modernized
18.	The documentation of the old IS exists and is up to date
19.	The departure of employees who worked on the old IS is great
20.	The redundancy in the system is pronounced
21.	New employees have the knowledge and skills to work with old IS from the beginning
22.	There is support when maintaining hardware or software from the manufacturer
23.	Modernizing the old IS can create better conditions for decision support than the other way around.
24.	Old IS, as it is (without changes) can be easily integrated with elements of Industry 4.0 (Cloud Computing, Internet of Things, Big Data, etc.).
25.	I find that such a questionnaire can better direct the modernization of the system, instead of looking at it from only one angle (eg technological)

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Okvir za evaluaciju nasleđenih sistema – Studija slučaja

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Sažetak

Fenomen nasleđenih sistema je veoma složen, nedovoljno shvaćen ili izolovano posmatran u teoriji i praksi, što dovodi do velikog broja neuspelih projekata modernizacije čak i pored značajno investiranih sredstava. U ovom radu se u okviru studije slučaja posmatraju problemi nasleđenih sistema, klasifikuju u odgovarajuće perspektive i daje se predlog okvira za evaluaciju nasleđenih sistema, koji ima za cilj da doprinese boljem razumevanju nasleđenih sistema, pa samim tim i odabirom pogodne strategije modernizacije za konkretan sistem. Studija slučaja je sprovedena na JKP BVK, zajedno sa analizom lanca vrednosti. Nakon toga je izvršeno istraživanje na pojedinim gradskim vodovodima u Srbiji i regionu gde su ispitanici izložili svoje stavove, ali i stručna mišljenja o nasleđenim sistemima. Na osnovu dobijenih rezultata može se zaključiti da predloženi konceptualni okvir može poslužiti kao alat putem kojeg se može proveriti da li sistem iskazuje karakteristike nasleđenog sistema.

Ključne reči: nasleđeni sistemi, okvir za evaluaciju, evolucija softvera, perspektive nasleđenih sistema

The Attitude of Members of Certain Vulnerable Social Groups Towards Police Treatment

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Article Information*

Research Article • UDC: 316.35.023.4:351.74
Volume: 20, Issue: 1, pages: 51–71
Received: December 10, 2022 • Revised: March 4, 2023
Accepted: March 7, 2023
https://doi.org/10.51738/Kpolisa2023.20.1r.51sk

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*Cite (APA):
Stanković, B., & Kekić, D. (2023). The attitude of members of certain vulnerable social groups towards police treatment. *Kultura polisa*, *20*(1), 51–71.
https://doi.org/10.51738/Kpolisa2023.20.1r.51sk

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Abstract

The position of vulnerable social groups is very specific for several reasons, primarily due to the treatment by society. The aim of this paper is to examine, from the perspective of those who report security events, the relationship that the police establish towards national minorities, displaced persons, socially vulnerable persons, women and persons with disabilities, as the most numerous categories of socially vulnerable groups. For this reason, special attention is paid in the work to their attitude towards police officers in situations of handling their incident reports. Their relationship is even more complex if viewed through the prism of the influence of the police subculture on the behavior and treatment of police officers towards members of vulnerable social groups. In those situations, the police is expected to react non-discriminatory and act in accordance with prescribed legal norms, bearing in mind the specific position that members of vulnerable groups have in the social community. In order to assess the attitude of vulnerable groups towards the police and to improve their efficiency in dealing with the police, a survey was conducted with the application of the survey technique using a stratified sample.

Keywords: police procedures, national minorities, displaced persons, socially vulnerable persons, women, persons with disabilities

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The Attitude of Members of Certain Vulnerable Social Groups Towards Police Treatment

Human and minority rights and freedoms are fundamental values on which, in addition to the rule of law and social justice, as well as the principles of civil democracy and belonging to European principles and values, rests the constitutional order of the Republic of Serbia.

Every human, by the mere fact that he belongs to the human species, has inalienable rights that must be respected by other members of the society in which the individual lives. Among the most important human rights are certainly the right to life, liberty and personal security. With the development of legal regulations related to the issue of human rights, a division into political, economic, social, cultural, etc., that are not equally represented within different societies. Nevertheless, supporters of human rights persist in their claims that human rights are universal and indivisible, because they arise from the position of each individual as a person, and there should be no differences in meaning or importance between individual groups of human rights, because they complement each other. Respect for political and civil rights provides the best opportunities for achieving economic development and satisfying others rights, social or economic.

According to traditional interpretations, human rights represent the demands that the individual puts in front of the state, while limiting its authority. Public authorities within one state have an obligation to respect and protect human rights (Gajin, 2012, p. 196). However, modern history shows that it is the states that violate human rights to the greatest extent, therefore it should be some kind of guaranteed freedom from state interference in human lives.

It is precisely because of the police's authority to use coercive means and other forms of encroachment on basic human rights, which result from legally prescribed measures and actions, that the public's focus is directed towards the police and its relationship to basic human rights.

The goal of the research is to look at the attitude of vulnerable groups towards the police, in order to adequately find mechanisms for improving police action, primarily to increase its effectiveness, but also the satisfaction of citizens with the attitude of the police towards them.For this purpose, research was carried out using the survey method on the territory of 3 settlements where a large number of members of certain vulnerable social groups live. In order to implement the research method, a survey technique was applied using a stratified

sample, the results of which are presented in the appendix at the end of the paper.

The Concept and Normative Protection of Vulnerable Social Groups

A general definition of vulnerable social groups is very difficult to derive. Members of these groups are categorized differently from country to country, primarily because certain characteristics do not have the character of "vulnerability" in all cultures and environments. Despite this, it can be pointed out that vulnerable social groups are special categories of persons, who, due to certain specificities, are in a more difficult position to exercise certain social-economic and other rights compared to the population that does not have special characteristics.

Vulnerability is defined with the aim of defining certain personsor social groups as "vulnerable", and taking into account some oftheir peculiarities, to act preventively and prevent possible stigmatization and social exclusion, primarily in the context of therealization of basic human rights (Stojković-Zlatanović, 2015, p. 389).Determining the concept of vulnerability, i.e. status vulnerability, is important with the aim of identifying social groups that need additional support, which is, to a certain extent, complicated by the multiple nature of the concept of vulnerability and its primarily sociological characteristics (Stojković-Zlatanović & Sovilj, 2015, p. 389).

The recognition of vulnerable social groups, and therefore the existence of adequate national and international legislativetreatment, is characteristic of the carefully nurtured values of a democratic society (Ćirić & Matijašević-Obradović, 2018, p. 191).

Everyone is vulnerable, although some people are more resilient than others (Dehaghani & Newman, 2017, p. 1202). For Fineman (2010, pp. 273-274), justice is more likely to occur if the state is built around the recognition of the vulnerable subject. The state should act to fulfill a well-defined responsibility to implement a comprehensive and fair regime of equality that ensures access and opportunity for all (Dragojlović & Grujić, 2018, p. 41). By emphasizing the importance of the constitution of the so-called Other generations of human rights (economic, social and cultural), the focus in the functioning of public authorities is to eliminate the appearance of forms of discrimination (Kosanović et al., 2010, p. 2).

The phrase "vulnerable social group" hides a large and heterogeneous

category of citizens, made up of a number of subgroups. The fact is that belonging to a certain vulnerable group, regardless of the classification criteria, can put its members in a subordinate position. It often happens that an individual does not belong only to a certain vulnerable group, but possesses characteristics for belonging to another group, that is, several discriminated categories are combined. From the perspective of police action, the attitude of police officers towards certain categories of vulnerable social groups is particularly interesting, above all, towards national minorities, displaced persons, persons with disabilities, women and socially vulnerable persons.

According to the 2011 population census, the territory of the Republic of Serbia is inhabited by all categories of vulnerable social groups, with different shares in the total population. The number of calls to the police in a certain period of time was taken as the primary criterion for selecting vulnerable social groups, whose members will be investigated through their relationship with members of the police. Namely, by analyzing the records kept in the Ministry of Internal Affairs, in the area covered territorially by the Zemun Police Station, in the time interval during 2018, it was established that members of one of the investigated categories of vulnerable social groups turned to the police the most times.At the same time, it should be emphasized that a large number of members of vulnerable social groups do not have only one feature that makes them vulnerable, but, in a large number of cases, there is a combination of several features of vulnerability, where the ones that have been investigated stand out.

According to the available data, about 1,175,000 inhabitants declared themselves to be members of one of 23 national minorities, of which the majority are Hungarians (253,899), Roma (147,604) and Bosniaks (145,278). Also, about 571,780 (8%) are persons with a certain degree of disability, 277,890 (3.9%) persons are registered as displaced persons. Data on trends in absolute poverty based on data from the "Household Consumption Survey" show that in the Republic of Serbia in 2020, basic needs cannot be met by approximately 446,000 inhabitants (6.9%).[1]

The most numerous vulnerable social group is women, given that they

[1]https://socijalnoukljucivanje.gov.rs/rs/socijalno-ukljucivanje-u-rs/statistika-siromastva/apsolutno-siromastvo/, downloaded on December 18. 2022. years.

represent the majority of the population, if gender is determined as a criterion (3,687,686).

The protection of human and minority rights is a social area that, despite the lack of consensus on many issues at the global level, has united the world order. As a result, in 1948 the Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations. This act emphasized the protection of human rights in every sense, while on the other hand it proclaimed certain prohibitions, precisely for the purpose of their protection. This primarily refers to the *prohibition of discrimination*, according to which "everyone is entitled to all therights and freedoms declared in this Declaration without any distinction in terms of race, color, sex, language, religion, politicalor other opinion, national or social origin, property, birth or othercircumstances" (Ujedinjene nacije [UN], 1948, Art.2).

The Constitution of the Republic of Serbia, as the highest legal act, guarantees human and minority rights, which can be limited, only if that limitation is foreseen by it. The terms "discrimination" and "discriminatory treatment" are defined for the first time in Serbia in the Law on the Prohibition of Discrimination, and they denote any unjustified discrimination or unequal treatment, in relation to persons or groups, which is based on race, skin color, ancestors, citizenship, nationality or ethnic origin, sexual orientation, etc. (Narodna skupština Republike Srbije [Narodna skupština], 2009, Art. 2).

How important the fight against discrimination is for the Ministry of Internal Affairs, is enough demonstrated by the fact that one of the first articles in the Law on Police obliges employees "to treateveryone equally, regardless of their racial, gender or national affiliation, their differences arising from social origin, birth, religion, political or other belief or commitment, gender and gender identity, property status, culture, language, age andmental or physical disability" (Narodna skupština, 2016, Art. 5), while similar wording can be found in Code of Police Ethics from 2017. The same law prescribes non-discrimination in the performance of police tasks (2016, Art. 33), as well as humane treatment in the application of police powers, with respect for the dignity, reputation and honor of each person, as well as other human and minority rights and freedoms (2016, Art. 67).

[2]The declaration was the first step in the process of formulating the International Law on Human Rights, which was completed in 1966 and entered into force in 1976, after a sufficient number of countries ratified the document.

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Perception of the Police Service from the Perspective of Members of Vulnerable Social Groups

The development of democratic institutions in the world, with an emphasis on respect for human rights and freedoms, as well as the expectations that citizens have of the police, have led to a new strategy of police action, which is primarily based on the reliance of the police on citizens and the community and harmonizing its role with specific local opportunities and needs of individual areas (Spasić, 2017, pp. 56–57).

Since 2001, the Ministry of Internal Affairs of the Republic of Serbia, preparing for the introduction of the community police model, has undertaken a number of measures to reform preventive police work, strengthen legality in work and protect the human and minority rights of citizens, build better communication with the public and cooperation with citizens and the community, thus creating the necessary preconditions for better prevention and the development of partnership relations with citizens.

The police exercise significant powers towards citizens, with constant efforts to ensure that they are regulated as precisely as possible in order to protect human rights, which should be their primary purpose. Looking from that perspective, it can be concluded that increasing the performance of the police is not the primary goal of the reform of the police system. On the contrary, the normative protection of human rights even appears as a hindrance and limitation of the effectiveness of police action (Dujmović & Šuperina, 2010, p. 2) and it seems that in recent years, it has become an increasingly important aspect of police work. It is no longer just law enforcement, on the contrary, it is part of social work in the community (Musuguri, 2018, p.107).

The main objectives of police strategies mainly include increasing the trust of members of vulnerable groups in the police and reducing the influence of cultural, social and demographic barriers to establishing effective ways of communication and noticing previously unrecognized needs of members of minorities (Kešetović & Blagojević, 2012, p. 23). Adequate communication, appropriate to the situation, is the most desirable way to solve the problem, and often an alternative to a series of repressive measures taken by the police in order to achieve a legitimate goal (Stevanović, 2019, p. 290).

During the establishment of such contacts, police officers are obliged to act in accordance with certain professional principles, which, among other things, are based on ethical principles and imply respect for certain moral

standards in work and relations with the subjects towards which the activity is directed. First of all, we mean legality, but also general culture, honesty and honor, of which promoting ethics during schooling and increasing ethical awareness during service certainly have the greatest effect and importance for ethics in police institutions (Pena & Miladinović, 2010, p. 88). The behavior of members of the police organization is not only monitored in their daily relationship with citizens, but in their relationship with society as a whole, but also with colleagues they cooperate with, whether in the police organization or outside it (Delibašić, 2016, p. 155).

Certain professions, of which the police profession is particularly pronounced in that aspect, in parallel with the development of professional norms and standards in behavior, also create a subculture in parallel, which arises as a product of long-term work in police work and the realization of a certain relationship with different categories of the population. The phrase „police subculture“ is usually used when trying to see the position of the police culture in relation to the general culture, that is, when one wants to emphasize that this cultural pattern actually exists within the general culture and that, therefore, it also has certain components of the general cultural system (Kesić & Zekavica, 2019, p.9) The involvement of the police in any type of activity should be viewed in the light of the exposed characteristics of the police subculture, since they certainly affect the relationships in the work environment and the measure of success in the activities undertaken (Lajić, 2012, p. 77). Precisely, the subculture and the attitudes that pervade it, direct the behavior of police officers in situations where members of vulnerable social groups appear as actors of security events.

Methods

In order to realize the research, the test method was applied. The survey collected data related to the experience of citizens/respondents during contacts with police officers. In order to implement the research method, the technique of surveying citizens was applied, anonymously, in their everyday environment, that is, in their households, using a survey sheet, filled in by a civilian examiner, who asked the respondents questions orally.

During the research, a narrow scope was used, i.e. a sample – deliberate and stratified. Intentional sampling refers to:

1) the selection of residential areas where the research was carried out.

Namely, for the sake of data availability, the research was conducted on the territory of the settlements within the City Municipality of Zemun (Altina, Vojni put and Batajnica)

2) selection of sources for the application of the content analysis method, where the criterion of intentionality was the availability of sources.

A stratified sample was used during the application of the research method where the strata were belonging to vulnerable social groups and exclusively to the most numerous categories, namely national minorities, displaced persons, socially vulnerable persons, women and persons with disabilities. Within those strata, 150 randomly selected citizens who meet the conditions of one of the two strata were surveyed, whereby citizens, who on the basis of personal characteristics can be classified into several categories of vulnerable social groups, were taken as the dominant characteristic (primarily women and persons with disabilities). In accordance with the mentioned criteria, 38 members of national minorities, 30 displaced persons, 46 socially vulnerable persons, 20 women and 16 persons with disabilities, participated in the research.

Research

The research was carried out in the territory of the City Municipality of Zemun, as the territory of the City of Belgrade that underwent the greatest demographic changes during the nineties of the last century. In that period, residential settlements were formed on the outskirts, which were mostly inhabited by the population that fled the war-affected areas of the former Yugoslavia. In question are the settlements of Altina, Vojni put and Batajnica, where several thousand inhabitants from Croatia, Bosnia and Herzegovina and AP Kosovo and Metohija settled in the period from 1990 to 2000. It is mostly about Serbs, but Roma, Bosniaks, and Albanians also live in large numbers. It should be borne in mind that, before the First World War, Zemun was within the borders of the Austro-Hungarian Monarchy, and during the Second World War, as a part of Srem, it belonged to the Independent State of Croatia, which is why its population has always been very heterogeneous.

Results

Respondents were asked a total of 10 questions/statements to which they answered by circling one or more of the offered answers. All 150 respondents

answered all the questions, with the exception of question No. 5, which is related to the answer to the previous question, so that it was addressed to 104 respondents, who expressed a certain degree of dissatisfaction with the behavior of the police.

Answers to all questions are processed in textual and tabular form and can be found in the appendix at the end of the paper, while the test results will be explained in the next sub-chapter.

Discussion

The activities of state authorities in the protection of human rights, primarily of vulnerable social groups, largely indicate the readiness of the state to protect the basic democratic values on which every society rests. The conducted research, despite the small sample, leads us to certain conclusions, which can largely guide the development of the police service, primarily in the segment of improving police relations with citizens. First of all, it should be pointed out that six out of ten citizens in Serbia have confidence in the police, which is the world average of 60 to 90 percent.[3] This is, among other reasons, why citizens often turn to the police, even regarding events that are not within their jurisdiction.

When it comes to vulnerable social groups, their attitude towards the police does not differ greatly from the attitude of the rest of the population. It mainly depends on the treatment they receive from the police officers, who act on their reports. The expectations of the injured parties are that the police will respond quickly to their call and that they will be protected by their actions.

According to the results of the research, the fact that affects the respondents the most is the insufficient interest of the police officers in the event they are acting on. Citizens are generally very interested in the protection of their rights, no matter how minor it may seem from the perspective of a third party, in this case, a police officer. Thus, a citizen who has been damaged by some trivial criminal act will expect the commitment of the acting police officers, at least, as if he had suffered serious property damage. The situation is similar with crimes directed at the body or person of the applicant. They will react equally violently and seek police protection, regardless of whether they are only verbaly or phisically

[3]The results of the 2018 survey aimed at examining citizens' attitudes about security, police and corruption, conducted by the POINTPLUS network and processed by the Belgrade Center for Security Policy.

attacked.

Although these characteristics can be attributed to any individual, they are particularly dominant among representatives of certain vulnerable social groups. Under the influence of frequent cases of discrimination, in various spheres of social activity, national minorities are very inclined to present themselves as victims of the system and its representatives, primarily the police. That is why they are the least satisfied with the behavior of the police, that is, they very often appear in the role of complainants about police work. The case is similar with socially vulnerable persons and persons with disabilities, who often abuse their social status, in order to cause pity for the environment, and in the specific case of acting police officers. If they do not encounter the expected reaction, they can react inappropriately and resent what they believe is inadequate handling and treatment.

Despite everything that has been said, the contribution of police officers to such an attitude of vulnerable social groups should not be neglected, which was discussed more in the subchapter that dealt with the perception of the police service from the perspective of this category of the population. There are numerous studies that indicate the great influence of the police subculture on the quality of the performance of police work and the consequences that follow the actions of police officers. One of the consequences is certainly the attitude that citizens have towards "guards of order" and their behavior in situations when they turn to them for help.

This research, in the part that deals with the way in which the respondents perceive the attitude of the police towards them, primarily in the assessment of commitment and professionalism in handling, has shown that members of vulnerable social groups have a lot of objections to police behavior, which causes them a certain degree of dissatisfaction and causes lack of trust in the police and its representatives.

Conclusion

The position of the police organization in modern social relations is extremely complex, primarily due to the subjects towards whom police officers apply legal powers, and above all to members of vulnerable social groups, as holders of certain characteristics, which makes their position even more complex.

When it comes to this relationship, the obvious problem is how, on the one hand, to overcome the obvious prejudices that police officers, under the

influence of subculture and other factors, have towards members of vulnerable social groups, and on the other hand, how to bring their representatives closer police officer, as a protector and guarantor of their safety.

One of the main prerequisites is the strengthening of professional capacities and training of police officers, which must be based on well-designed and sustainable training that will be able to respond to all the challenges that the treatment of these categories of the population entails.

Therefore, it is necessary to continue with the started measures of problem-oriented teaching within the education of police personnel, with the aim of overcoming all forms of discrimination, and above all to neutralize the influence of the police subculture, as one of the key factors for the police's actions, regardless of the field of action.

Police methods and practice are aimed at developing communication, building trust and establishing partnerships with vulnerable social groups. The police create conditions for achieving adequate communication with the mentioned social groups in order to participate in activities related to community safety.

The goal of such a way of dealing with problems is for police action to be impartial and humane, aimed at encouraging minority and socially vulnerable groups to cooperate in identifying and solving security problems (security advisory bodies, meetings, citizens' advisory groups, visits to the police) and assuming responsibility for security in communities.

The police strives that the composition of the police organization reflects the structure of the community and creates conditions that encourage members of vulnerable social groups to apply for police work and be equally accepted and treated within the police organization with equal opportunities to achieve career advancement.

On the other hand, we should not ignore the need to educate members of vulnerable social groups about the police and encourage dialogue with the aim of their mutual understanding.

In addition to activities of an educational nature, a particularly important role must be entrusted to police managers, who are expected to influence the improvement of all forms of communication of police officers, especially towards members of vulnerable social groups, by their daily actions and implementation of control-instructive activities.

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Appendix

Table 1

Need for police intervention

The answer	*In total*	*%*	*National minorities*	*Displaced faces*	*Social vulnerable persons*	*Women*	*Persons with disabilities*
a	89	59,33	19	12	39	12	7
b	49	32,67	16	16	5	7	5
c	5	3,33	1	1	1	0	2
d	7	4,67	2	1	1	1	2

Note. Q: In the previous period, I needed the intervention of the police.

The following answers were offered:
a) 1-3 times;
b) 3-6 times;
c) more than 6 times;
d) I did not contact the police.

Table 2

Attacked value

The answer	*In total*	*%*	*National minorities*	*Displaced faces*	*Social vulnerable persons*	*Women*	*Persons with disabilities*
a	37	24,67	7	16	5	7	2
b	59	39,33	19	12	11	10	7
c	45	30	10	1	28	2	4
d	9	6	2	1	2	1	3

Note. Q: Attacked value.

The following answers were offered:
a) life or body;
b) property;
c) public order and peace;
d) other good.

Table 3

Interval of police intervention

The answer	*In total*	*%*	*National minorities*	*Displaced faces*	*Social vulnerable persons*	*Women*	*Persons with disabilities*
a	17	11,33	4	6	3	2	2
b	48	32	13	8	15	5	7
c	57	38	13	12	19	9	4
d	25	16,6	7	3	8	4	3
e	3	2	1	1	1	0	0

Note. Q: In what interval did the police come out when called?

The following answers were offered:
a) up to 1 hour;
b) from 1-3 hours;
c) during the day;
d) some other day;
d) she did not react at all.

Table 4

Satisfaction with the proceeding of the police

The answer	*In total*	*%*	*National minorities*	*Displaced faces*	*Social vulnerable persons*	*Women*	*Persons with disabilities*
a	7	4,67	2	3	1	1	0
b	39	26	13	7	15	2	2
c	85	56,67	19	12	35	12	7
d	19	12,67	4	7	5	1	2

Note. Q: Due to the proceeding of the police, I was…

The following answers were offered:
a) very satisfied;
b) satisfied;
c) dissatisfied;
d) very dissatisfied.

Table 5

Reasons for dissatisfaction with the proceeding of the police

The answer	*In total*	*%*	*National minorities*	*Displaced faces*	*Social vulnerable persons*	*Women*	*Persons with disabilities*
a	37	35,58	8	6	16	3	4
b	44	42,31	10	9	16	7	2
c	15	14,42	3	2	5	2	3
d	8	7,69	2	2	3	1	0

Note. Q: Reason for dissatisfaction with the work of the police (if the previous answer is c or d).

The following answers were offered:
a) they came very late;
b) they were not interested in my application;
c) they acted as if I was registered;
d) they tried to relativize the seriousness of the reported event.

Table 6

The reason for the negative proceeding of the police

The answer	*In total*	*%*	*National minorities*	*Displaced faces*	*Social vulnerable persons*	*Women*	*Persons with disabilities*
a	50	33,33	12	11	15	7	5
b	27	18	4	5	11	3	4
c	38	25,53	14	7	8	4	5
d	25	16,67	6	4	10	4	1
e	10	6,67	2	3	2	2	1

Note. Q: I believe that the reason for the negative behavior of the police is… (it is possible to choose more than one answer).

The following answers were offered:
a) because I belong to a certain vulnerable population group;
b) the neighborhood where I live;
c) because I often turn to the police for various reasons;
d) because they are favorable to the registered persons;
e) I don't know the reason.

Table 7

Opinion on the quality of the performance of police work

The answer	*In total*	*%*	*National minorities*	*Displaced faces*	*Social vulnerable persons*	*Women*	*Persons with disabilities*
a	30	20	10	10	5	3	2
b	58	38,67	14	7	18	11	8
c	48	32	12	10	17	5	4
d	14	9,33	2	3	6	1	2

Note. Q: When it comes to the work done by the police in my area, I think that it does…

The following answers were offered:
a) very good; b) satisfactory; c) insufficient quality; d) very bad.

Tables 8 & 9

Reasons for quality work performance

The answer	*In total*	*%*	*National minorities*	*Displaced faces*	*Social vulnerable persons*	*Women*	*Persons with disabilities*
a	35	39,77	12	6	7	5	2
d	41	46,59	9	9	12	8	3
a/d	12	13,64	3	2	4	1	2

The answer	*In total*	*%*	*National minorities*	*Displaced faces*	*Social vulnerable persons*	*Women*	*Persons with disabilities*
b	15	24,19	3	4	5	2	1
c	30	48,39	9	6	9	3	3
e	17	27,42	2	3	9	1	2

Note. Q: What are the reasons for such actions by the police (depending on the previous answer) (it is possible to choose more than one answer)?

The following answers were offered:
a) good motivation;
b) lack of interest of police officers in a specific event;
c) negative attitude towards members of vulnerable groups;
g) professionalism and responsibility;
d) corruption.

Table 10

Security events to which the police respond the fastest

The answer	*In total*	*%*	*National minorities*	*Displaced faces*	*Social vulnerable persons*	*Women*	*Persons with disabilities*
a	48	32	12	11	15	9	6
b	45	30	11	7	18	5	4
c	44	29,33	12	10	11	6	5
d	5	3,33	2	1	1	0	1
e	3	2	1	1	1	0	0

Note. Q: What type of security incident will the police respond to the fastest?

The following answers were offered:
a) domestic violence;
b) theft;
c) fighting;
d) an event whose action is in progress;
e) I don't know.

Table 11

Public trust in the police

The answer	*In total*	*%*	*National minorities*	*Displaced faces*	*Social vulnerable persons*	*Women*	*Persons with disabilities*
a	65	43,33	19	15	21	12	11
b	35	23,33	4	3	7	4	4
c	50	33,33	15	12	18	4	1

Note. Q: I am of the opinion that the public...

The following answers were offered:
a) has great trust in the police;
b) does not have a special relationship;
c) has a negative attitude towards the police.

Odnos pripadnika određenih ranjivih društvenih grupa prema policijskom postupanju

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Sažetak

Položaj ranjivih društvenih grupa je veoma specifičan po više osnova, pre svega zbog tretmana od strane društva. Cilj ovog rada jeste da se, iz perspektive prijavilaca bezbednosnih događaja, sagleda odnos koji policija uspostavlja prema nacionalnim manjinama, raseljenim licima, socijalno ugroženim licima, ženama i licima sa invaliditetom, kao najbrojnijim kategorijama društveno ranjivih grupa. Zbog toga se posebna pažnja u radu posvećuje njihovom stavu prema policajcima u situacijama postupanja po njihovim prijavama događaja. Njihov odnos je još složeniji ukoliko se posmatra kroz prizmu uticaja policijske supkulture na ponašanje i postupanje policijskih službenika prema pripadnicima ranjivih društvenih grupa. U tim situacijama, od policije se očekuje da reaguje nediskriminatorno i postupa u skladu sa propisanim pravnim normama, imajući u vidu specifičan položaj koji pripadnici ranjivih grupa imaju u društvenoj zajednici.

Ključne reči: postupanje policije, nacionalne manjine, raseljena lica, socijalno ugrožena lica, žene, lica sa invaliditetom

Role of Criminal Profilers in Crisis Situations

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Article Information*

Review Article • UDC: 316.485.6:323.28
Volume: 20, Issue: 1, pages: 72–86
Received: February 15, 2023 • Accepted: March 6, 2023
https://doi.org/10.51738/Kpolisa2023.20.1r.72bf

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*Cite (APA):
Bjelajac, Ž. Đ., & Filipović, A. M. (2023). Role of criminal profilers in crisis situations. *Kultura polisa*, *20*(1), 72–86. https://doi.org/10.51738/Kpolisa2023.20.1r.72bf

Kultura polisa
20(1), 72–86

Abstract

Although the first true criminal psychological profile was created less than 70 years ago, and the first unit whose task was to help solve challenging and complicated crimes by analyzing psychological aspects was created about 50 years ago, today we cannot imagine the work of any law enforcement service without the significant contribution of psychological profilers. On the other hand, the number and type of security threats have grown exponentially in the same period, and although it is not possible to react to one part of those threats on time and prevent them, for the other part of those threats there is enough space and time that by engaging profilers, and in certain crisis situations, such as hostage crises, be it terrorist attacks, bank robberies, or other situations in which the perpetrators of such acts take hostages, by engaging a specific subtype of profilers – the negotiators, increase the chances for a peaceful resolution of the crisis situation and prevention of loss of human lives, which is of paramount interest in humane societies. The aim of this paper is to investigate the role of profiler-negotiator in crisis situations with a criminal background, using a hypothetical-deductive model and methods of analysis of primary and secondary sources, as well as qualitative, quantitative, comparative analysis, with the starting hypothesis that using techniques and methods of psychological profiling and negotiations in crisis situations with a criminal basis and background, the probability of a positive outcome, peaceful resolution of the crisis situation and damage control drastically increases.

Keywords: psychological profiling, investigators, negotiators, crisis situations, crime, terrorism

Kultura polisa
20(1), 72–86

Role of Criminal Profilers in Crisis Situations

Knowledge of psychology, psychological mechanisms, and the ability to draw conclusions based on existing evidence has always been an essential part of criminal investigations, even before that science and its methods, especially their use, were defined and systematized. In cases where the perpetrator of the crime was unknown, and direct evidence did not help to find the perpetrator without a doubt, attempts were made to determine the motive for the commission of that criminal offense, and based on the motive, the suspects were determined, thus narrowing the circle of possible perpetrators, at the same time analyzing details from the victim's life that helped to create a picture of the victim's interactions in everyday life, as well as important events that could potentially be linked to a specific crime. There we already have elements of psychological analysis, because motivation is one of the most important parts of the human psyche. Logically, in the past, crimes were less complex, and the perpetrators' motives were more straightforward, but law enforcement services, in whatever form they existed throughout history, functioned in a significantly more rudimentary form than is the case in modern times. However, even in the past, investigators occasionally encountered crimes that were very difficult to solve, some of which remained unsolved, occupying the imagination and thoughts of crime professionals and enthusiasts alike, such as the case of Jack the Ripper, a serial killer of prostitutes in the Victorian London in the late 19th century, which is still a mystery today and the subject of retroactive investigations and profiling using methods that were adopted much later in law enforcement and criminal investigation services.

Modern criminal investigations are unthinkable without the use of psychological profiling techniques, as well as without investigators who are psychological profilers by vocation. Criminal science and practice have long ignored the methods of psychological forensics and criminal profiling, and therefore the first recorded case of using psychological profiling methods occurred in the mid-1950s (see more: Bjelajac & Filipović, 2022a). However, the diabolical string of serial murders in the late 1960s and early 1970s, which left investigators completely perplexed in which direction to investigate, led to more innovative thinking, and there we note the beginnings of the use of psychological forensic methods and profiling, systematized by the establishment and work of the Behavioral Science Unit of the Federal Bureau of Investigation (FBI) in the USA. The unit was established in 1972 and initially employed 10 agents (see

DeNevi & Campbell, 2004). Those initial efforts led to results that objectively would not have been achieved without an effort to understand the criminal minds through a series of conversations with already caught and convicted criminals and thereby gaining insight into all aspects of their crimes – from motivation, preparation, execution, and removal of evidence. Since such an approach brought results, psychological forensics, and profiling finally got a place in the process of criminal investigations and today are an inseparable part of the required skills of criminal investigators.

Meanwhile, the world has become much more dangerous, with diversified threats and challenges. The growth and spread of global terrorism have made almost every individual a potential victim, depending on where and when they happen to be, and thus the potential for committing criminal acts with a huge number of victims has increased manifold. On the other hand, the alienation of man from man and the direction in which global society is developing has led to new insecurities in individuals and accumulated anger and frustration that are often vented on those closest to them, whether it is domestic violence or mass shootings in schools or other public places. For some of these crimes, there is simply no time for law enforcement to respond, such as the crime committed by Anders Breivik or the frequent shootings or detonations of explosive devices in schools or other public places or events that we have been witnessing for decades. But, on the other hand, there is a whole range of crisis situations with elements of crime where there is enough time for a timely reaction of law enforcement agencies, and precisely such crisis situations, as well as the role of criminal profilers – most often of specific specialization – negotiators in the positive resolution of such situations, are the subject of this paper. The initial hypothesis is that psychological profiling methods and negotiation techniques significantly increase the chances of peaceful resolution of crisis situations. The aim of this paper is to investigate the role of criminal profilers – negotiators in the peaceful resolution of crisis situations with elements of crime and the possibility of a loss of human life, using the methods of analysis of primary and secondary sources, qualitative analysis, quantitative analysis, and comparative analysis, within a hypothetical-deductive model.

Development of Criminal Profiling as a Method in Criminal Investigations

Historically speaking, criminal profiling, in the sense of creating the first psychological profile to prevent crimes, has its real beginnings in 1956 during

the efforts of the New York police to discover and arrest a domestic terrorist who was known only as the "Mad Bomber" at the time, and who since 1940, has placed over 30 explosive devices, of which more than 20 exploded, injuring more than ten people. The New York police were confused and frustrated and eventually hired James A. Brussel, a criminologist, and psychiatrist. Based on the data from his professional practice in which he met with different types of criminally insane persons, which he compared with the evidence collected at different crime scenes, Brussel compiled a psychological profile of the perpetrator of those crimes, presenting a large number of theories, and with the help of the media which the police encouraged to release the profile, and after several weeks of criminal processing and cooperation from citizens, the "Mad Bomber" was identified as George Metesky and soon arrested. In this case, the psychological profile created by Dr. Brussel played a key role, because based on the theories he presented in it, the police had more potential operational data, while the citizens received a practical reminder and instruction on what things they should pay attention to and inform the police about it. James Brussel himself later published a book in which he described in detail that case, as well as other cases from his extensive practice (see Brussel, 1968). This case, which marked a turning point in criminal investigations, opened space for a more serious and systematic implementation of psychological profiling methods and indicated the need for criminal investigators to train themselves in psychological profiling instead of constantly relying on the external help of criminal psychiatrists and psychologists.

The next milestone in implementing criminal profiling as a crucial part of criminal investigations coincides with the formation of the FBI's Behavioral Science Unit in 1972. The immediate reason for the establishment of this unit was a massive wave of unsolved serial murders and crimes of a sexual nature. The initial successes of this unit are related to the work of two agents, John Douglas, and Robert Ressler. The two embarked on extensive research intending to collect as much data as possible on the most diverse aspects and details of the most serious crimes, and the primary method was in-depth interviewing of already arrested serial offenders. Their goal was to compile a centralized database linking serial offenders' motives with data collected at crime scenes. Between 1976 and 1979, Douglas, Ressler, and their colleagues interviewed 36 serial predators and collected a vast amount of data (Bonn, 2015). The next step was to create a database that could be used by all law enforcement agencies in the USA. The solution to this was the VICAP (Violent Criminal Apprehension Program) computer system, which allowed the search of solved cases according

to the parameters of the cases on which investigators are currently working, but it took several years, and the formation of the National Center for the Analysis of Violent Crime (NCAVC) within FBI to make profiling as an investigative method, as well as the use of the VICAP system, an official part of criminal investigations (see Bonn, 2015). The profiling issue in criminal investigations is quite complex and not easy to define, which is why it contains many ambiguities and underestimations (Bjelajac & Filipović, 2022b). Starting from theories that most often initially arise based on a small set of known data, investigators must make enormous efforts, compare their theories with practice and new discoveries in the investigation, expand and improve the psychological profiles of the perpetrators, and their efforts become visible only when the perpetrator is arrested or otherwise prevented from continuing to commit criminal acts. With techniques such as extensive knowledge of behavior and statistical probabilities, profilers carry out their activities in cooperation with forensic teams and other members of law enforcement authorities (Bjelajac & Filipović, 2022c). Nevertheless, despite all the difficulties and challenges, criminal psychological profiling of perpetrators of criminal acts has become an inseparable part of the investigation of complex and serious crimes, and the necessity of profiling and profilers is also reflected in the fact that their work and good results also work preventively, with a drastically increased number of solved cases of serial crimes, and shortening the investigation time, and thus reducing the number of victims of predators of various kinds.

Specific Characteristics of Criminal Profilers

The development of criminal profiling and the expansion of its application in the investigations of various law enforcement agencies has created a need for a new type of investigator, that is, for the adoption of new skills and approaches by existing investigators. Generally speaking,

> a profiler is a person, part of an investigative police team, trained and authorized to use specialized techniques to identify suspects, predict the actions a suspect might take, and influence the suspect's consciousness. Profilers, also known as criminal investigation analysts, study the nature of crimes, analyze the clues people leave behind, and collect and compare data on similar crimes and offenders to create a suspect profile. They form

logical hypotheses based on witness accounts, victim testimony, and crime scene evidence. To develop psychological profiles of a suspect based on available information and forensic evidence, profilers must have extensive investigative knowledge and the ability to review and analyze evidence. Profilers work closely with law enforcement, visit crime scenes, and perform extensive analysis to identify patterns or consistencies in criminal behavior (What is a criminal profiler, n.d).

In terms of formal education, most law enforcement organizations require at least a bachelor's degree when employing criminal investigators.

Education and the acquisition and development of certain psychological, criminological, sociological and other skills are the basis and framework in which investigators use their intellect to analyze information and clues, which, as a rule, are very scarce in cases of serious and complicated crimes. The entire intellectual apparatus of those individuals must be used to find new clues and information based on scant clues, obscure motives, and numerous unknowns, with the help of which working theories are formed about the motives or identity of the perpetrator or any other element that can narrow, direct, or open the investigation (Bjelajac & Filipović, 2022a).

There is a very large number of works in the literature about the characteristics and activities of criminal profilers, so here we will give a short list of the main skills and characteristics of criminal profilers. These are:

the ability to notice details, the ability to use seemingly insignificant details to build a bigger picture, critical thinking skills, inductive and deductive thinking skills, inductive versus deductive reasoning, the ability to work in a team, interpersonal skills, including effective written and oral communication, the ability and knowledge in the study of human traits, behavior, and motivation, the ability to extrapolate available evidence and

> data to create an accurate working profile of a suspect, skills in researching new data and literature on psychology, criminal behavior, and other related topics, as well as the ability to educate other officers on law enforcement on criminal behavior, crime scene analysis, investigation and other important and relevant areas of expertise (Keep Sane, 2020).

Here we see the wide range of characteristics an individual must possess to be an effective profiler. In other words:

> Skilled criminal profilers are living analog lie detectors. As part of law enforcement teams, they use their knowledge, intuition, and experience to reconstruct a crime from start to finish and create psychological profiles of potential suspects. Through analyzing the behavior and physical evidence surrounding the crime, they come up with information that points them to the most realistic scenario. Thus, law enforcement agencies significantly narrow the search and direct their efforts exclusively towards those persons who meet the conditions for the signaled criteria (Bjelajac, 2022).

All the above applies to criminal profilers – negotiators, along with several additional features necessary to de-escalate crisis situations and minimize the loss of human life.

The role of profilers-negotiators in crisis situations

In contrast to the positions in the previous chapters, we now encounter a new aspect of using profiling to combat criminal offenses. We wrote about profiling as a method for discovering perpetrators of already committed criminal acts. However, profiling can and must be used for the prevention of crimes that could happen, whether they have been announced, or by analyzing the situation in a society burdened by conflicts, large-scale criminal activity with possibly severe consequences for the lives of many people or severe material damages can be expected. When we talk about crisis situations, their definition and occurrence are very broad and diverse, like when we talk about negotiations. Therefore, at this point, we precisely emphasize that in the context of this work, we consider

crisis situations to be those crisis situations that have a criminal background, and/or that carry the potential for the loss of human life, regardless of the number of potential victims, which will be seen in the remainder of the paper. By negotiation, we consider the techniques of analysis, profiling, and communication with the generators of those crisis situations to de-escalate the crisis situation, prevent the loss of human lives, and resolve the crisis peacefully. Further measures are not part of the profiler-negotiator's job description but are undertaken by appropriate specialized services within law enforcement organizations.

Generally speaking, the world has become significantly more dangerous than it was a few hundred years ago. The greatest threat to the security of states, today in the modern world, is not a war against another subject of the international community, but a war with an "invisible enemy" – terrorism (Bjelajac & Jovanović, 2012). Terrorism has become a global threat, and even though there have been crimes with political motivation and background before, and as such can be characterized as terrorist acts, the danger to the general population was immeasurably lower. There were terrorist acts such as assassinations of the rulers or attacks against institutions of the system with political motivation since ancient times (such as the assassination of Julius Caesar), through the Middle Ages (the attempt to cause the explosion of the Houses of Parliament by Guy Fawkes), until of the modern era (assassinations of American presidents, such as Abraham Lincoln or John Kennedy, to name a few, or assassinations of Prince Mihailo Obrenović, Archduke Franz Ferdinand, King Aleksandar Karađorđević in our region), but in the second half of the twentieth century they escalated dramatically both in terms of the number of terrorist acts, but also the number of terrorist organizations. The watershed event that brought international terrorism into the social mainstream was the kidnapping and murder of Israeli athletes at the 1972 Munich Olympics. That massacre was carried out by the terrorist organization Black September, a faction of the Palestine Liberation Organization (PLO). The aim of the kidnapping of Israeli athletes carried out by terrorists who infiltrated the Olympic village was to secure the release of several hundred Palestinian prisoners from Israeli prisons. However, after one day of missing the deadlines that the terrorists presented, they requested air transport to Cairo, which the German authorities promised them, but secretly organized a rescue operation for the hostages (see more: Reeve, 2006). Seeing the intention of the German authorities, the terrorists entered an armed conflict that resulted in the death of 11 Israelis, five Palestinians, and one German policeman. The world realized that terrorist attacks are no longer limited to specific regions, but that they can

happen anywhere and anytime, and this means that no one is safe anymore. Terrorist attacks practically became a legitimate and public way of political struggle in the eyes of the perpetrators, and the methods became diverse and very difficult to prevent. During the past decades, terrorists have committed extremely violent acts due to alleged political and religious reasons (Bjelajac, 2017, p. 372). The methods are highly variable, from airplane hijackings (the World Trade Center in New York on September 11, 2001, the Lockerbie case), raids on public places such as theaters (Dubrovka in Moscow), nightclubs (the Bataclan in Paris), schools (Beslan in Russia), sports events (Boston Marathon) and all the way to deliberately running over pedestrians by driving a truck through pedestrian zones (in the recent past in London and Marseille, to name a few). Some of these crimes could not be prevented because the perpetrators did not intend to talk and did not leave a channel of communication or make demands, as their only intention was to cause massive loss of human life, but in most cases, the possibility of negotiation existed. In many cases, the position of a particular country on negotiating with terrorists also plays a decisive role, and many countries have a doctrine that there is no negotiation with terrorists. Such an approach, although not without grounds, leads to massive loss of human life, so in the terrorist attack on the Dubrovka theater in Moscow in 2002, in the action of Russian special units, at least 170 people lost their lives, although the terrorists, in a certain way, showed the will to negotiate, having previously released between 150 and 200 people, mostly children and pregnant women. In the terrorist attack on the school in Beslan, terrorists kidnapped around 1,100 people. After a three-day siege, Russian special forces carried out an attack that killed 333 people, including 186 children, and 31 terrorists.

In contrast to the appearance of the profiler *post festum*, that is, when the criminal offense has already been committed and when there are more or less numerous traces, in the situations we describe, the profiler appears *ante festum*, that is, before the criminal event and acts with the intention of preventing the planned crime. Such an action is extremely complicated and uncertain, because the investigative authorities, of which the profiler is only a small part, have almost nothing in their hands at the beginning of the investigation. But that's just the first impression. As the profiler begins his work, new, tiny clues emerge, that seem disjointed, without cause-or-effect connections between them. The crime scene, set up by the criminal minds in a profound conspiratorial manner, begins to become visible and soon it is established who is, or what is the goal of the planned criminal activity. The size and scope of the social crisis

that could be caused if the criminal activity succeeds also becomes visible. Once the goal is determined, the race against time begins. According to the research methodology, the first task is to discover the identity of one or more future perpetrators. Profilers get that tough job. However, the personality of a criminal who commits crimes of a terrorist nature is characterized by a complex structure and many different types and subtypes. That is why profilers are the first to appear, using the method of profiling as a set of techniques based on the theory of the connection between a person's internal mood, desires, and motives and his outwardly expressed mimic and other external behavior. In this case, we are talking about movements, gestures, facial changes, smiles, laughter, and other, even the smallest aspects of human behavior.

Terrorist attacks with hostage-taking are not the only crisis situations in which profilers-negotiators play a crucial role. We often have situations where family relations escalate into the unlawful deprivation of liberty of other family members by one member, which practically represents a hostage crisis on a small scale, but with potentially catastrophic consequences. The most common perpetrator of such crimes is an adult man who holds his wife and children hostage, and the most common motive for such an act is personal and related to emotional relationships in the family. In such situations, the profiler-negotiator must also play the role of a mediator in family relations, by profiling the perpetrator before entering negotiations, and determining his motives and his goal, which, due to the specificity of each of these situations, is often not possible to do in advance, but must be done through negotiations with the perpetrator. Of course, knowledge and experience play a crucial role here as well, but communication skills are probably of the greatest importance due to the volatility of the situation.

Another of the crisis situations in which profilers-negotiators are engaged, which is the least massive in terms of magnitude, is a situation in which individuals intend to commit suicide. Of course, the nature of suicide is such that although people rarely commit it without prior ideation and planning, it is usually almost impossible to prevent it from happening, and suicide prevention is primarily the job of psychiatrists and other experts on the human psyche or social relations, but there are situations when a person intends to commit suicide in a public place. Whether that act can endanger the lives and health of other people, or whether it is a threat to the life of only the person who intends to commit suicide, the job of a profiler-negotiator is similar to negotiation in domestic violence cases. The negotiator must determine the background of the idea, the motives, and the problems that the person intending to commit suicide

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is facing and approach the conversation with this person exceptionally delicately. Some public suicide attempts ultimately turn out to be mere attention-seeking acts, but any suicide threat must be taken extremely seriously and approached carefully, with the ultimate goal of saving lives, and with the idea that every human life is priceless.

Discussion

The second half of the twentieth century brought enormous changes in the domain and scope of police investigations by introducing new and innovative techniques into the investigative process. These techniques gave rise to new specific professions or specialties without which we cannot imagine modern law enforcement organizations. Psychological forensics joined the forensics of material evidence and crime scene processing, as an essential part of the criminal profiling process. Such an approach brought about the improvement of the profiling process itself, and the adoption of new techniques, such as forensic habitoscopy, which is based on the study of the external physical appearance of individuals and has a particular application in the identification of potential terrorists (see more: Drapkin & Karagodin, 2014). At the same time, the second half of the twentieth century brought a huge expansion of violent crimes of various kinds, from serial murders and sexual crimes to terrorist attacks motivated by various goals. Behind the first group of crimes are individuals such as Ted Bundy, the Zodiac Killer, Jeffrey Dahmer, John Wayne Gacy, Gary Ridgeway, and many others, while behind others are numerous terrorist organizations, such as various factions of Islamist militant movements, such as Black September, Hezbollah, Al-Qaeda, ISIS, then radical left-wing movements in Europe such as the Red Army Faction (Rote Armee Fraktion, RAF) in Germany led by Andreas Baader and Ulrike Meinhof, then the Red Brigades (Brigate Rosse) in Italy, which are most notorious for the murder of former Italian Prime Minister Aldo Moro, and many others. If we add mass cults gathered around a charismatic leader to these threats, such as the People's Temple led by Jim Jones, whose existence ended with the mass suicide of more than 900 people, which is the largest loss of American lives in one day until the terrorist attacks of September 11, 2001, it is clear that the need for profilers-negotiators is greater than ever. Negotiators sometimes fail – as in the case of another cult, the Branch Davidians led by David Koresh, when during the siege of the cult's compound in the city of Waco, Texas, after more than 50 days of siege and negotiations a

shooting and fire occurred, in which 86 people, including children, lost their lives. There are many such cases, but this is where we see the thankless nature of the negotiator's work – successfully resolved crises do not receive such media attention nor remain etched in people's memories as tragedies and failures do.

Conclusion

Criminal profiling has become an inseparable part of the process of solving various crimes, but at the same time, it is also a kind of preventive factor by its very existence. In fifty years of active application of this approach in crime-solving, there has been massive progress in the techniques and methods used by profilers. Technological development greatly contributes to the development of criminal profiling. Starting with complete networking and interconnectivity, the development of powerful computers, and fast data exchange networks, investigators today have access to a vast amount of data in real-time, as well as the ability to cross-reference data, which makes their work easier and faster. Also, the surveillance systems that exist in almost all large cities, and at the largest number of facilities such as gas stations or supermarkets, but also on a large number of roads, allow for easier monitoring of suspects and better insight into their habits, which is extremely important in the investigation phase after the psychological profile of the suspect is compiled, and sometimes even in the profile development phase, because more data usually means a better and more precise psychological profile. The latest wave of industrial development, which we call Industrial Revolution 4.0, brings new opportunities, especially in implementing artificial intelligence in analytical processes in criminal investigations. Nevertheless, technology is there to speed up, facilitate and even make some processes possible, but the central place in solving both serious crimes and dangerous crisis situations still belongs to people, especially if we constantly adhere to the thesis that human life, even the life of a criminal is of the most significant value, and that non-violent resolution of crisis situations is how human society will become more humane in this century, and consequently, the world will become a better place to live.

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Uloga kriminalističkih profajlera u kriznim situacijama

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Sažetak

Iako je prvi pravi kriminalistički psihološki profil napravljen tek pre nepunih 70 godina, a prva jedinica čiji je zadatak bio da analizirajući psihološke aspekte pomogne u rešavanju teških i komplikovanih zločina nastala pre oko 50 godina, danas ne možemo da zamislimo rad nijedne službe za sprovođenje zakona bez velikog doprinosa psiholoških profajlera. Sa druge strane, broj i vrsta pretnji bezbednosti je u tom istom periodu eksponencijalno porastao, i iako za jedan deo tih pretnji nije moguće reagovati pravovremeno i sprečiti ih, za drugi deo tih pretnji postoji i dovoljno prostora i vremena da se angažovanjem profajlera, i u određenim kriznim situacijama, kao što su talačke krize, bilo da se radi o terorističkim napadima, pljačkama banaka, ili drugim situacijama u kojima učinioci tih dela uzimaju taoce, angažovanjem specifične podvrste profajlera – pregovarača, povećaju šanse za mirno rešavanje krizne situacije i spasavanje života ljudi, što je najveći interes u humanim društvima. Cilj ovog rada je da istraži ulogu profajlera-pregovarača u kriznim situacijama sa kriminalnom pozadinom, koristeći hipotetičko-deduktivni model i metode analize primarnih i sekundarnih izvora, kao i kvalitativne, kvantitativne, komparativne analize, sa polaznom hipotezom da se upotrebom tehnika i metoda psihološkog profilisanja i pregovaranja u kriznim situacijama sa kriminalnom osnovom i pozadinom verovatnoća pozitivnog ishoda, mirnog razrešenja krizne situacije i kontrole štete drastično povećava.

Ključne reči: psihološko profilisanje, istražitelji, pregovarači, krizne situacije, kriminal, terorizam

Confiscation of Property Obtained From a Criminal Offense as a Measure to Fight Against Organized Crime

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Article Information*

Review Article • UDC: 343.272
Volume: 20, Issue: 1, pages: 87–109
Received: February 3, 2023 • Accepted: February 24, 2023
https://doi.org/10.51738/Kpolisa2023.20.1r.87msnd

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*Cite (APA):
Merdović, B., Stojković Numanović, K., & Dragojlović, J. (2023). Confiscation of property obtained from a criminal offense as a measure to fight against organized crime. *Kultura polisa*, *20*(1), 87–109. https://doi.org/10.51738/Kpolisa2023.20.1r.87msnd

Abstract

An analysis of most definitions of organized crime point to the fact that its main goal is the acquisition of financial profit. That is why one of the basic measures that most affects organized crime is confiscation of illegally acquired property. The purpose of that confiscation, through different historical epochs, was to punish the perpetrator of a criminal act, to compensate the injured party, or to prevent and deter others from committing criminal acts. The goal of this paper is to review scientific literature and analyze the content of various legal acts and documents, with the application of the comparative method, and to point out the specifics of the institute of confiscation of property acquired through criminal activities as one of the measures in the fight against organized crime. Property confiscation as a special measure in the fight against crime has encountered numerous criticisms and controversies in domestic and foreign literature, which will be the subject of a separate part of this paper. Seizures differ from country to country due to different legal qualifications, making it difficult to apply this institute in a uniform manner, on a global level. We point out the results that this measure gave at the international level and the success and criticism of its application in domestic legislation and practice.

Keywords: confiscation of property, organized crime, money laundering, economic crime, Directive 2014/41/EU

Confiscation of Property Obtained From a Criminal Offense as a Measure to Fight Against Organized Crime

The financial profits achieved by organized crime exceed the budgets of some of the most developed countries in the world. That is why special attention of the international community and international organizations and bodies, the scientific and professional public, is focused on the creation of policy measures aimed at combating organized crime at the global level. At the beginning of this century, the international community recognized organized criminal groups as the greatest threat to modern society, primarily in economic terms. The damages suffered by states as a result of the criminal acts of organized criminal groups are enormous and for smaller states disastrous, in terms of taking over the levers of power through corruption and money laundering (Marković & Spaić, 2022, p. 41). The traditional model of punishment did not fully fulfill its purpose and achieve a preventive function, and because of this, the views that there is no successful fight against organized crime without confiscation of property can be found more and more frequently in literature (Manes, 2016, p. 143). The assumptions on which this position is based are:

1. Since the acquisition of property in an illegal manner is the main motive for organized crime activities, its confiscation will affect a reduction in the motivation of criminals if the threat that, regardless of all the efforts aimed at concealment, they will be left without illegal income is shown to be real.
2. Confiscation of illegally acquired property acts as a preventive measure against the possibility of "dirty" money infiltrating into the legal economy, primarily money that stems from powerful criminal organizations.
3. In this way, illegally acquired funds that can be used in the commission of other criminal acts are confiscated.
4. The fourth premise is of a moral nature – no one can be allowed to make money from criminal activity and enjoy its use (Naylor, 1999, p. 11).

As a result of all of the above, numerous activities were assumed at the international level, which resulted in the adoption of numerous legal acts and documents whose purpose is to confiscate property (movable and immovable) acquired through illegal activities. One of the most significant documents from this area, which was adopted by the European Union in 2014, is Directive 2014/41/EU on the freezing and confiscation of funds and proceeds of crime in

the European Union. The goal of this document was the uniform regulation of the legislation of EU members and countries seeking membership, which would enable coordinated measures aimed at confiscating property and funds acquired through criminal activities, as well as the collection of evidence with respect to criminal offenses committed by organized crime. One of the main problems concerning this issue is the difference in legal qualifications in EU states and other countries. What is meant by the term confiscation has also not been clearly defined. Does this mean the temporary confiscation of things and property, are only items that resulted from the commission of criminal acts confiscated, can property be confiscated only from the perpetrator of the criminal act, or from persons who are related to him and whose property does not have proof of origin, or it was received as a gift from a member of an organized criminal group? Certainly, the prevailing view is that financial penalties, such as confiscation of property, deter crime by making it less profitable (Nicholson, 2006, p.368). On the other hand, by definition, if you allow a criminal to use property, and that property facilitates the crime, you are assisting the criminal in the commission of the crime. Confiscation of property is therefore just another type of punishment for already criminalized forms of behavior (McCaw, 2011, p. 202). Foreign professional literature contains various expressions related to confiscation of property, such as confiscation, confiscation, confiscation, etc. In our criminal legislation, the term confiscation of property was accepted, while the term confiscation was not used. One of the most frequently encountered dilemmas is whether confiscation of property is an alternative sanction, the main sanction, or whether it should be imposed as an additional measure in addition to the incriminations already foreseen by law. Numerous controversies followed the implementation of this measure both here and at the international level. A special debate is taking place in the US, where the position, that the implementation of this measure threatens basic human rights, is strongly defended.

All doubts, criticisms, but also the positive sides of this measure, which despite all criticisms is increasingly being used in the fight against organized crime, will be the subject of consideration in the following text.

History of Property Confiscation

Limiting the owner's freedom and right to dispose of his property as he sees fit, is not a new phenomenon in legal jurisprudence, these limitations are defined by statutory provisions and regulations. Interference with private property

rights by government authorities can have major consequences for the owner and may lead to confiscation proceedings when the property has been used in violation of the law or for illegal purposes. Further exacerbating the controversy is the distinction between actual non-conviction forfeitures, which are civil actions against the defendant's so-called property, and in personam or criminal confiscation actions, which form part of the post-conviction sentencing process and are directed against the owner (Fourie & Pienaar, 2017, pp. 22–23).

Confiscation of property has been present since the Old Testament, in which examples of confiscation of movable or immovable property due to an offense can be found. Different interpretations of property confiscation, throughout history, has contributed to its gradual regulation through legal norms. One of the first legislations that regulated this area was Roman law. The principles of morality, ethics, religion, and public law require censors to prevent the misuse of property, which is contrary to the general interest, by publishing valid legislation (Van Jaarsveld, 2006, p. 141). The mechanisms of confiscation and confiscation of property have developed in Western culture within two different traditions of the legal system, civil and common law. This dichotomy significantly influenced the emergence of two special methods for property confiscation that are present to this day. There are two separate court proceedings for confiscation of property in connection with a criminal offense, i.e., in personam ("against a person") and in rem ("against things") proceedings. The in personam proceeding usually relied on an individual's previous conviction, while the other was originally based on the legal fiction that the property itself was guilty of a crime. In rem confiscation can therefore be sought outside of criminal proceeding and without any consideration of the guilt or prosecution of its owner. The most severe and rigorous example of confiscation of property was in cases of "corruption of blood" which derives from the biblical concept that the sins of the fathers "visit their sons" (Greek, 2016, p. 4). This implies that the person who committed a criminal act has corrupted his blood and that his relatives (wife, children, etc.) cannot inherit his property, but it must be confiscated. This practice persisted in England until 1814 (Boudreaux & Pritchard, 1996, p. 603). The provisions of these acts have evolved into today's statutory regulations. Under the influence of American and British legislation, numerous other countries have adopted similar concepts, and it is particularly represented in modern statutory regulations aimed at fighting organized crime. The opinion that illegally acquired property should be confiscated is no longer questioned. Confiscation of crime-acquired property removes criminals from the financial gain obtained through socially

unacceptable behavior, without it being part of the punishment itself, that is, it does not mitigate or aggravate it (Levi & Osofsky, 1995, p. 12).

In the past 30 years or so, confiscation of property acquired through criminal acts has been increasingly applied in most countries and represents one of the most significant measures in the fight against organized crime. In addition to certain differences in the legal qualification itself, seizure forfeiture or confiscation represent a powerful tool in the fight against crime. At the end of the last century, Italy, as one of the countries considered to be the cradle of the mafia and organized crime, intensified the fight against organized crime by increasingly applying the measure of confiscation of movable and immovable property. The 1992 murder of judge Falcone and prosecutor Borsellino was a turning point in its fight against the mafia. Until that time, the measure of confiscation of proceeds from a criminal offense was applied in cases where the verdict was a conviction. After these incidents, it would expand the range of measures aimed at property that was disproportionate to the personal income of an individual, or to the property of relatives of suspects involved in criminal proceedings. Confiscation is mandatory for all crimes committed within a mafia-type criminal organization, as well as for crimes of evasion, i.e., embezzlement, corruption, slave ownership, extortion, human trafficking, kidnapping, embezzlement, money laundering, concealment, and drug trafficking, and for all property that is directly or indirectly related to the committed criminal act. For the first time, Italian legislation applied the measure of property confiscation without the court having to look for any connection between the origin of the confiscated property and the criminal offense for which the conviction was pronounced. This meant that confiscation would always be applied when there was a disparity between the economic value of the property, with which the convicted person disposed of, and that person's reported income, if convincing proof of the origin of that property could not be provided (Laudatti, 2007, p. 4). Germany, as one of the leading EU countries, has taken serious steps in the fight against organized crime by introducing a set of laws that enabled the confiscation of property acquired illegally. In the beginning, it referred to confiscation of property from persons convicted of criminal offenses, but later the scope of confiscation of property was extended to criminal offenses associated with organized crime. These changes allowed profits, assumed to have been acquired through criminal activity, to be confiscated, which activity must be accompanied by appropriate evidence (Vettori, 2007, p. 62). Similar to German legislation, in the Netherlands the law foresees confiscation of illegally acquired property, with the procedure being conducted outside of criminal proceedings,

while in certain cases property can be confiscated even without a person being prosecuted or suspected (Lajić, 2012, p. 16). France also foresees the confiscation of crime acquired property in the form of a penalty, security measure or compensation. In France, all relevant ministries (police, justice, economy) are involved in the implementation of financial investigations. The subject of the investigation can be any person who is suspected of having received profit from crime, or obtained profit from crime in the role of an accomplice, whereby the use of special investigative techniques is permitted (Vettori, 2007, p. 58).

Throughout history, both in the world and in Serbia, the measure of confiscation of property benefits has been present as one of the sanctions against perpetrators of criminal acts. The application of property sanctions encroaches on the property or property rights of a convicted person (as a perpetrator of a criminal offense), which acts as a disincentive in the direction of neutralizing or reducing their lucrative motives (intentions, drives) (Jovašević, 2022, p. 24). Ever since Dušan's Code from 1349, the legislation of the Republic of Serbia, regardless of the framework of its state, has foreseen property confiscation as part of property penalties. This sanction was an integral part of all laws enacted after World War II, and consisted in the forced confiscation without compensation in favor of the state, of the entire property or a specific part of the property of a convicted person. This means that the law distinguished two types of property confiscation. Namely: a) complete confiscation, which consisted in the confiscation of the entire property of a convicted person and was imposed with the penalty of loss of citizenship, and b) partial confiscation, which consisted in the confiscation of precisely specified property in the verdict. The subject of confiscation were objects with which the criminal offense was committed or the objects intended for the commission of the criminal offense. Regardless of the type of property confiscation, it could be imposed as the primary and ancillary punishment (Jovašević, 2022, p. 28). Deprivation of property benefits, as a criminal sanction in the form of a security measure, existed in our criminal legislation until 1976, when this measure was removed from the system of security measures and prescribed as an independent measure. One of the main reasons for distinguishing confiscation of property benefits as a separate measure is that confiscation of property benefits could only be imposed on the perpetrator of a criminal act, given that criminal sanctions cannot be applied to third parties. At the same time, there is a clear need to confiscate the property benefit obtained through a criminal act not only from the perpetrator, but also from other persons to whom it was transferred or on behalf of whom it

was acquired. Such legal solutions were present until 1990, when confiscation was removed from the law as a criminal sanction. As a measure to combat organized crime, it was re-introduced by the Law on Amendments and Supplements to the Criminal Code of the Federal Republic of Yugoslavia in 2001. Then, in accordance with the decision from Article 3 of the Law on Amendments, Article 34 of the Criminal Code of the Federal Republic of Yugoslavia introduced the penalty of confiscation of property, which could only be imposed as an ancillary penalty. The Criminal Code of the Republic of Serbia from 2006 foresaw under Chapter 7, confiscation of property benefit, which defines the basis (Article 91), conditions and method (Article 92) of deprivation of property benefits, as well as protection of the injured party (Article 93). Successful opposition to organized crime also requires a series of measures by which the perpetrators of criminal acts, in addition to the property benefit resulting from the criminal act itself, would, in certain cases, also be deprived of other property resulting from the perpetrator's criminal activities. For this purpose, the Law on Seizure and Confiscation of the Proceeds from Crime (2008) was adopted. The objectives for the passing of this Law were as follows: preventive action on the commission of future criminal acts, considering that confiscation of property from a criminal organization prevents it from participating in the legal market with profits obtained from crime, then, to destroy the economic power of criminal organizations, to compensate the injured party from that property, to strengthen the application of the law by using the funds seized from the perpetrator for the benefit of the state and for the purpose of encouraging and strengthening cooperation between authorities and services in the fight against organized crime (Torbica, 2010, p. 108).

Terminological Definition of the Concept

In domestic and foreign literature and legal qualifications, different terms can be found that basically represent confiscation of property benefits acquired through criminal behavior. Throughout its history, our legislation has frequently used the term confiscation. In the latest statutory regulations, that term is no longer used, but it refers to confiscation of property. Different terms are also present in foreign literature. Confiscation is the most commonly used term in the legislation of Eastern European countries such as Russia, Romania, Ukraine, Latvia, and Lithuania. In America, the terms forfeiture property, asset forfeiture, seizure of property, etc. are used. Property confiscation is an umbrella term for all modalities of seizure of property of criminal origin, but the use of

different terms for some of its modalities can create confusion and cause mixing of different terms related to this issue. Some of the definitions for property confiscation state that it is a form of violent confiscation of property and rights from the perpetrator of a criminal offense, or other persons for whom the court judges that this measure should be applied (Ignjatović, 2007, p. 150). In recent times, we have noticed a new appearance of various forms of confiscation. From a legal point of view, confiscation appears as a multiple concept, with different forms and classifications. The first significant difference is whether confiscation is treated as the main penalty or only as an ancillary penalty. In some cases, confiscation is seen as the primary criminal sanction. Certain international documents foresee the possibility for the confiscation of property resulting from a criminal offense to be treated as punishment. The Strasbourg Convention states that the term "confiscation" means a punishment or measure imposed by a court, following a procedure in connection with one or more criminal acts, by which property is legally confiscated. Similarly, in the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (The Warsaw Convention), this term is defined as a punishment or measure passed by a court in connection with a criminal offense, which has resulted in permanent seizure of property.

In some jurisdictions such as France, it can be used as a substitute for a prison sentence. However, in most European legislation, confiscation is an ancillary/complementary criminal sanction, i.e., a punishment that complements the main criminal sanction. In some cases, it can also appear as an alternative or security measure or an administrative or even civil measure (civil forfeiture represented in the USA). Fragmentation has increased in recent years, in conjunction with the growing importance of confiscation in the fight against organized crime. Cases of extended confiscation (after conviction) can be found in foreign literature, where seizure refers to property owned by the perpetrator that is not directly related to any criminal act. In England or the Netherlands, the confiscation procedure can be unique and combined with the basic criminal procedure or it can be separate (Simonato, 2016, p. 217). There are cases in which property that did not result from a criminal offense was seized, rather valuables were confiscated as a substitute for property that should have been confiscated but could not be confiscated because it could not be found (Ligeti & Simonato, 2017, p. 30). One of the cases of confiscation is the seizure of objects and property from persons who are not connected to the crime (perpetrator, accomplice), but the property, transferred to them, was the result of the crime.

American law is particular because it foresees the seizure of property even when there is only a suspicion that it resulted from a criminal act. This mechanism of property seizure, so-called civil confiscation, has met with numerous criticism, so that most states have repealed such laws, but the federal law that provides the possibility for such seizure remains in force. Civil forfeiture allows law enforcement agencies to seize, alienate, and permanently retain movable and immovable property based solely on a suspicion of the property's connection to possible criminal activity. Civil forfeiture is accomplished in civil proceedings and is usually the product of a civil, in rem proceeding, in which the property is treated as the perpetrator. The guilt or innocence of the property owner is irrelevant; it is sufficient that the property was involved in the criminal offense to which forfeiture applies in the manner prescribed by law (Doyle, 2023, p. 4). According to current laws, seized property is most often transferred to the budget of the agency that carried out the forfeiture, and this is one of the main objections to this mechanism of property forfeiture. Critics argue that allowing police agencies to use seized property distorts law enforcement priorities, encouraging agencies to put profit above public safety or justice (Kelly & Kole, 2016, p. 563). Proponents of this model, however, argue that revenue generation through forfeiture is justifiably linked to the police given that they directly fight crime. At the same time, they argue that forfeiture is essential to fighting crime because it deprives criminals of assets they might otherwise use to commit new crimes and ensures that crime does not pay. Another argument is that revenue seizure can help law enforcement agencies fight crime, either directly through greater engagement and technical training or indirectly through population education (Kelly & Kole, 2016, p. 569).

In our criminal legislation, the term confiscation is no longer used, but the phrase "confiscation of property resulting from a criminal offense" has been introduced, which can be found in the title of this paper as well as in the name of the law governing this area. The institute of confiscation of property resulting from a criminal offense was introduced into our criminal law as part of the process of harmonizing the domestic legal system with the law of the European Union and the fulfillment of certain internationally assumed obligations by our country. Among the scientific and professional public, there is often a polemic about the similarities and differences between this term and the term “confiscation of material grain” prescribed under Articles 91 and 93 of the Criminal Code. Confiscation of material gains has been foreseen by provisions 91 to 93 of the CC and provisions of the Criminal Procedure Code (CPC). According to Article

91, no one can keep proceeds obtained by a criminal offense, such proceeds will be seized under the conditions prescribed by law. It follows from this legal provision that seizure of proceeds is mandatory yet, in practice, the courts use it more as an optional provision. Researching the legal nature of the measure of confiscation of property resulting from a criminal offense is much more complex than it is the case with the traditional criminal law measure of seizure of material gains. The traditional measure is always applied in relation to property that have been fully proven to be the result of a specific criminal offense, subject to a conviction for that offense. In literature, confiscation of property resulting from a criminal offense is also called "extended confiscation". The reason for this is that the subject of confiscation does not have to be only the property and material gains that resulted from the commission of the criminal offense itself, but also all other property of the suspect, his associates, accomplices, or persons to whom the property was transferred, which is not commensurate with his property status and for which no can prove origin. This mechanism of property confiscation was considered redundant because there is a measure in the Criminal Code (Articles 91, 93) whose extension could be used to satisfy all cases in which confiscation of property was necessary. Proponents of such legal solutions as arguments to defend their position state that such legal solutions have contributed to the successful fight against organized crime and removed all doubt related to the questions of what, how and from whom confiscation can be carried out, during proceedings conducted against organized criminal groups. A deeper analysis of the terms "material gain" "criminal profit" "property acquired from crime" exceeds the needs of this work, so we will not deal with them, although there are conflicting opinions among theorists, according to some there are differences while others consider them synonymous.

Statutory Regulations of the Republic of Serbia

Following the trends and obligations that it assumed as a member of the United Nations, and numerous other international organizations, our country has implemented numerous institutes and mechanisms in its legal solutions in the fight against all forms of crime, especially organized and transnational crime. As we have stated, through different historical eras and different state creations in which the Republic of Serbia existed, the idea of seizure of property resulting from a criminal offense evolved into what today is sublimated

by the Law on Seizure and Confiscation of the Proceeds from Crime (hereinafter: the Law). The first Law was adopted in 2008 and then, under the same name, in 2013, and it remains in force today although it underwent certain amendments in 2016 and 2019. Immediately after its adoption, this Law caused numerous controversies among the professional public, but the opinion prevailed that it represents one of the most comprehensive legal solutions on European soil that deals with confiscation of property stemming from organized criminal groups. It introduced a new measure into criminal law – the measure of confiscation of property, regulated the existence of a special procedure that has a number of specifics in relation to regular criminal procedure and, in the end, special bodies or sectors were formed within existing bodies which were given the exclusive authority to implement the regulations referring to the new measure. The documents and acts on which this law is based and which were taken into account during its drafting are:

- The European Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols to the Convention
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in Vienna on December 19, 1988. (The Vienna Convention),
- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, adopted on November 8, 1990 in Strasbourg,
- The Criminal Law Convention on Corruption, adopted by the Council of Europe on January 27, 1999 in Strasbourg (The Strasbourg Convention (1999)),
- The International Convention for the Suppression of the Financing of Terrorism, adopted by the United Nations on December 9, 1999 in New York (The New York Convention 1999),
- The United Nations Convention against Transnational Organized Crime, adopted in Palermo December 12–15, 2000 (The Palermo Convention),
- The United Nations Convention against Corruption, adopted in New York on October 31, 2003. (The New York Convention 2003),
- The Council of Europe Convention on Laundering, Search, Seizure and. Confiscation of the Proceeds from Crime and on the Financing of Terrorism from May 16, 2005 (The Warsaw Convention).
- Directive of the European Parliament and the Council of the EU on the freezing and confiscation of funds and proceeds of crime in the

European Union No. 42/2014.

One of particularly important documents, without diminishing the importance of the others, is Directive 2014/41/EU on the freezing and confiscation of funds and proceeds of crime in the European Union. The objective of the Directive was to establish minimum rules for the convergence of positions on the freezing (temporary confiscation) of assets of organized criminal groups, in member states, and confiscation regimes, thereby facilitating mutual trust and successful cross-border cooperation. The Directive foresees four different measures that are subject to harmonization at the European level: confiscation (Article 4), extended confiscation (Article 5), confiscation from a third party (Article 6) and freezing (Article 7). In the proposal of the draft Directive, a fifth measure was foreseen, which provided for confiscation without conviction, but it was rejected in the working part and the previously mentioned four measures remained. The Directive pays special attention to extended confiscation. This measure foresees that the conviction for a criminal offense is accompanied, in addition to property related to the criminal offense, by confiscation of additional property that the court determines is the criminal product of other criminal offenses. According to the Directive, extended confiscation can only be based on the conviction of the court that the property in question originates from criminal activities. These modalities of property confiscation and freezing have also been implemented in the Law. In addition to international documents, numerous documents and acts from domestic criminal legislation are connected and closely intertwined with the Law on Seizure and Confiscation of the Proceeds from Crime. The procedure for confiscation of property resulting from a criminal offense is related to the course and outcome of the criminal procedure, in which the guilt of the person accused of the criminal offense is decided, and which is the basis for the application of the provisions on the procedure for confiscating property resulting from a criminal offense. It is precisely in the relationship between these two procedures that there is a clearly visible and inseparable connection between the law regulating the confiscation of property resulting from a criminal offense and the Criminal Procedure Code. The Criminal Code of the Republic of Serbia (CC) is also inextricably linked with the Law on Seizure and Confiscation of the Proceeds from Crime and the provisions of the CC are carried throughout, almost, the entire text of the Law. Starting from Article 2 of the Law, which lists the criminal offenses to which the provisions of the Law apply, and directly refers to the provisions of the Criminal Code and the incriminations set forth in it. Without this article, which is related to the CC, any further discussion and the

drafting of the Law would not exist. The harmonization of these two laws was also necessary due to the numerous changes that the CC has undergone over the years, and which the Law would necessarily have to accompany especially in the part that prescribes the acts to which the Law applies. According to the provisions of the Law, the public prosecutor can issue an order prohibiting the disposal of property and highlight a request for temporary seizure of property, if there is a risk of disposal of the property by the owner in a manner that prevents its confiscation at a later stage of the procedure. For the duration of the temporary seizure of property, in the absence of appropriate provisions, the provisions of the Law on Enforcement and Security are to be applied. The Law on Civil Servants is also one of the laws that is intertwined with the Law, especially in the domain of the election of civil servants to the Directorate for Confiscated Property, which is sometimes considered the executive body for the implementation of the Law. In addition to the Law, a significant number of by-laws, ordinances and regulations are necessary, which regulate the substance of the Law more closely and contribute to its more efficient application.

Confiscation of Property Resulting From a Crime in Serbia

Confiscation of property obtained through criminal offenses in domestic criminal legislation does not represent a criminal sanction, but it certainly represents a criminal measure related to the execution of a criminal offense. Confiscation of property is carried out in favor of the state. As such, it represents one of the most important means in the fight against organized crime because it undermines its basic foundation, which is the acquisition of large financial gain. According to the Law (Article 3, Paragraph 1) "'Assets' shall denote goods of any kind, tangible or intangible, movable or immovable, estimable or of inestimably great value, and instruments in any form evidencing rights to or interest in such good". Assets shall also denote revenue or other gain generated, directly or indirectly, from a criminal offense as well as any good into which it is transformed or which it is mingled, while proceeds from crime (Article 3, Paragraph 2) "shall denote assets of an owner manifestly disproportionate to his/her lawful income". The Law foresees and prescribes the type of criminal offenses according to which this measure must and can be applied (Article 2 of the Law). The list of criminal offenses contains a number of extremely dangerous and serious criminal offenses, with characteristics that require a stronger impact on their perpetrators and which justify the existence of a measure that encroaches on the defendant's

entire property. The first on the list of those crimes are crimes from the scope of organized crime, then crimes against property, economy, crimes against drugs, public order and peace, official duties and a number of other crimes that fall into the category of serious crimes. The specificity of certain types of criminal acts, which are prescribed in this article of the Law, is that the damage caused must exceed the amount of RSD 1,500,000. This clause is important because it separates crimes with less social danger, for which it is sufficient to apply the measure of confiscation of financial gain (CC) from more serious crimes. This kind of law and the measures it foresees provide the opportunity for the judicial authorities to check and determine the origin, by conducting a financial investigation, to seize and freeze the entire property of the defendant that he acquired even before the commission of the specific criminal offense for which the proceedings are being conducted. The basis for this type of confiscation is the prosecutor's suspicion that the property was derived from criminal activities because there is an obvious disproportion between his legal assets and legally generated income. It is irrelevant whether the accused acquired the subject property by committing the criminal offense for which he was accused, or by some other criminal activity (Tešić, 2018, p. 169). The prosecutor must prove that this disproportion exists. It further implies the obligation of the accused to prove how he acquired the disputed property. Such a provision certainly provides guarantees to the owner of the property to respect the rights and the presumption of innocence, because apart from confiscation of property as a temporary measure it is not possible to initiate the procedure of permanent confiscation of property, until a final verdict establishes the guilt of the accused for one of the criminal offenses that are on the list of those that foresee the implementation of the Law. If the accused does not prove the origin of the property and the manner in which he acquired the disputed property, it may be confiscated from the accused, his legal successors or third parties to whom the property was transferred. The prosecutor can submit a request for seizure of property both during the criminal procedure itself, and after the criminal procedure has ended, according to the method and within the legal deadlines prescribed by the Law.

Confiscation of property resulting from a criminal offense is a special process, the realization of which is subject to certain rules and which is entrusted to state authorities. The Law clearly prescribes the role of each of the agents responsible for the detection, confiscation and management of property resulting from a criminal offense, especially the prosecutor, the judge, the

Ministry of Internal Affairs (Financial Investigation Unit) and the Directorate for Management of Seized Property. The jurisdiction of the public prosecutor and the court in proceedings is caused and determined according to the jurisdiction of the court for the criminal offense from which the property originates and regarding which the proceedings are conducted. The role of the public prosecutor is important during the entire procedure, because his procedural activities determine the further course of the procedure. Namely, during the financial investigation phase, he is given a leadership role, and he is authorized, first of all, to assess whether there is a necessary, legally determined degree of suspicion that the owner owns property that requires the initiation of a financial investigation, and then he is also authorized to lead the entire financial investigation (Gluščević, 2016, p. 270). The court is the leading participant during the phase for confiscating property resulting from a criminal offense, because it has the authority to conduct the procedure and make a decision on temporary or permanent seizure of property (Ilić et al. 2009, p. 61). The Financial Investigation Unit (FIU) acts on the orders of the prosecutor or the court, but also ex officio. It is a specialized participant in the procedure, made up of experts of various profiles, who provide the public prosecutor with the necessary information and evidence relevant for the confiscation of property resulting from a criminal offense. Its role is the most significant in the financial investigation because it focuses on gathering evidence that will be presented in court, and on which the final decision on seizure of property will depend. It is also responsible for international cooperation with all subjects of the international community and European and world police organizations, related to cases concerning organized crime and proceeds derived from organized crime. The Law also foresees the establishment of the Directorate for the Administration of Seized Assets (Directorate) as a body within the Ministry of Justice. The Directorate has the status of a legal entity with headquarters in Belgrade, and it can have special organizational units outside its headquarters (Article 10 of the Law). The main role of this body is to manage confiscated property resulting from a criminal act. The Directorate also performs other tasks such as expert evaluation of seized assets, storage, custody and sale of temporarily seized assets and disposes of the funds thus obtained, keeps appropriate records on the property it manages and on the court proceedings related to the same, participates in providing international legal assistance as pertains to the necessary training of personnel from its jurisdiction, as well as performing other tasks in accordance with the Law. The Directorate is involved in the procedure of extended confiscation

of criminal proceeds, as a rule, when it receives a first-instance decision on temporary seizure of property. Its role is to take care of seized property and preserve its value. Its powers are different and that is why it has the status of a legal entity. The assets at its disposal can be leased or given to other persons for a fee, if it is in the interest of preserving the value of the assets. In addition to leasing, seized real estate is also allocated to state bodies, local self-governments, and various organizations for use. The Ministry of Justice allocates part of the funds from sold property that has been permanently seized, to various youth organizations in order to implement projects aimed at crime prevention and youth development. In this manner, the funds obtained from the sale or confiscation of property acquired from crime are redirected to socially useful purposes.

Each of these subjects has a dominant role, during a specific phase of the procedure, but coordinated activity and cooperation is also necessary during each of these phases. The procedure for confiscation of property resulting from a criminal offense usually has three stages. The first is a financial investigation and, depending on its achievements, one can enter the second phase, which is the procedure of temporary seizure of property, while, depending on the results of the second phase, one can enter the third phase, which is the permanent seizure of property. As we can see, all three phases are complementary and interdependent. Financial investigation is a term that has several definitions in literature, but what they all have in common is the fact that financial investigations deal with the discovery of money flows and the examination of assets, which are assumed to have resulted from criminal activities. The Law itself does not provide a definition for the notion of a financial investigation, but based on the constitutive elements that are prescribed, it can be concluded that it is a procedure in which evidence is collected about assets, legal income and living expenses of an accused, the accused's associate or the deceased, evidence about property inherited by a legal successor, and evidence of property and the consideration for which the property was transferred to a third party. By sublimating the above definitions, it can be concluded that a financial investigation is the initial stage in the procedure for confiscating property resulting from a criminal offense, which is initiated by an order of the public prosecutor, if there are grounds for suspicion that the accused or convicted of a criminal offense referred to under Article 2 of the Law, possesses substantial property derived from criminal activity, with the aim of collecting evidence and other relevant data on the assets, income and living expenses of the accused, his legal successor

or other persons to whom it was transferred. If evidence is collected that the property was the result of a criminal offense, or there is an obvious disparity between the property and legal income, temporary or permanent seizure is initiated. The meaning of confiscation is that the property is permanently confiscated from the owner, while temporary seizure has the purpose of ensuring its later permanent confiscation. The Law provides an additional mechanism by which the owner is practically immediately prevented from disposing of the property subject to confiscation, if there is a danger that the owner will dispose of the property before the court decides on the request for temporary seizure of property. In that case, the prosecutor can issue an order prohibiting the disposal of property and temporary seizure of movable property.

As we can see, our legislation and the Law itself provided for all three options of confiscation and prohibition of disposal of property, which deals a serious blow to organized crime. This makes our country one of the few in Europe that unites all the mechanisms whose ultimate goal is the permanent confiscation of property resulting from the criminal activities of organized criminal groups. However, organized crime is transnational in nature and often the assets of criminal groups or individuals are located in several countries, which requires international cooperation and coordination. Part of the provisions of the Law on Seizure and Confiscation of the Proceeds from Crime is dedicated to international cooperation in this field. When solving international legal matters, priority is always given to international documents, so only if some issues are not part of one of the signed international treaties, the provisions of domestic laws are applied. We have already listed and presented most of those documents, numerous conventions. Their provisions directly refer to the cooperation of states in all stages of the confiscation of property, especially in the stages of its identification and forfeiture.

Conclusion

The International Convention against Organized Crime expressly obliges the member states to adopt and implement measures in their criminal legislation that will enable the confiscation of material gain acquired through criminal acts. The problem is that numerous legislations are not harmonized and in many countries there are certain institutes of property confiscation that are not based on a court decision. Domestic criminal legislation ignored such problems by introducing a measure prohibiting the disposal of property and temporary

seizure of property pending a final court decision and permanent confiscation. These measures are primarily intended to suppress organized crime and corruption, that is, crime that generates illegal property of great value. The goal of such procedures is to conduct a financial investigation that should end with the freezing and confiscation of assets, which later implies the prevention of perpetrators of serious crimes from investing illegally acquired profits during the further commission of criminal offenses and the development of organized crime. This Law, with the coordination of all relevant subjects and international actors, created a framework for effective suppression of the financial influence of organized criminal groups in Serbia, whose members retained their influence even after the end of the criminal proceedings, and who possess illegally acquired money and property both in the country and abroad.

It is necessary to constantly work on the specialization and improvement of the authorities and entities that are responsible for discovering and proving property derived from a criminal offense. It is also important to maintain open channels of communication and cooperation with EUROPOL and INTERPOL in order to detect organized criminal groups and determine the assets they possess in any country of the world. Only in this manner can a serious blow be dealt to organized crime, because in this way its base and foundation is directly undermined, which is financial profit and power and the placement of such capital in legal flows of financial business. One of the criticisms of our legal system that is often mentioned in literature is insufficient application of existing legal norms, which are declaratively good, and the slowness of the judicial system. Eliminating these shortcomings would certainly contribute to an even more successful fight against organized crime.

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Oduzimanje imovine proistekle iz krivičnog dela kao mera borbe protiv organizovanog kriminala

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Sažetak

Analiza većine definicija organizovanog kriminaliteta ukazuje na činjenicu da je njegov osnovni cilj sticanje finansijske dobiti. Zbog toga je jedna od osnovnih mera koja najviše i pogađa organizovani kriminalitet oduzimanje nezakonito stečene imovine. Svrha tog oduzimanja, kroz različite istorijske epohe, bila je kažnjavanje učinioca krivičnog dela, nadoknada štete oštećenom ili generalna prevencija i odvraćanje drugih od činjenja krivičnih dela. Cilj ovog rada je da pregledom naučne literature i analizom sadržaja različitih zakonskih akata i dokumenata, uz primenu komparativnog metoda, ukažemo na specifičnosti instituta oduzimanja imovine stečene kriminalnim aktivnostima kao jedne od mera u borbi protiv organizovanog kriminala. Oduzimanja imovine kao posebna mera u borbi protiv kriminala naišla je na brojne kritike i kontroverze u domaćoj i stranoj literaturi što će biti predmet posebnog dela ovog rada. Oduzimanje imovine se razlikuje od zemlje do zemlje zbog različitih zakonskih kvalifikacija što otežava primenu ovog instituta na jedinstven način na globalnom nivou. Ukazujemo na rezultate koje je ova mera dala na međunarodnom nivo i uspešnost i kritiku njene primene u domaćem zakonodavstvu i praksi.

Ključne reči: oduzimanje imovine, organizovani kriminalitet, pranje novca, ekonomski kriminalitet, Direktiva 2014/41/EU

The Role of Social Institutions in Protection of Children From Abuse and Neglect

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Article Information*

Review Article • UDC: 364.65-053.2
Volume: 20, Issue: 1, pages: 110–125
Received: February 13, 2022 • Revised: March 10, 2023
Accepted: March 14, 2023
https://doi.org/10.51738/Kpolisa2023.20.1r.110dsr

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*Cite (APA):
Dabić, S., Spasojević, Đ., & Radulović, Z. (2023). The role of social institutions in protection of children from abuse and neglect. *Kultura polisa*, *20*(1), 110–125. https://doi.org/10.51738/Kpolisa2023.20.1r.110dsr

Kultura polisa
20(1), 110–125

Abstract

Child abuse is an age-old phenomenon, which is confirmed by the data from art, literature, and science from many parts of the world. There are reports on infanticide, mutilation, abandonment and other forms of violence found in many historical records of unkempt, weak, and malnourished children who were left by families to take care of themselves. Those records also make note of charity organisations and groups, as well as others that were involved in ensuring the welfare and providing protection for the children. Social institutions are institutions that ought to be the first link in the chain of providing help and care for children and minors, but at the same time, they are institutions that work on reducing the occurrences of abuse of minors in society in general. Today, there is clear evidence that child abuse is a global problem which comes in different forms and is, unfortunately, deeply-rooted in cultural, economic and social practices. Solving this global problem, however, requires a much better understanding of its occurrences in a range of environments, as well as its causes and effects in said environments. In this paper, by applying the method of quantitative and qualitative content analysis, we will review and analyse concepts of child abuse and neglect, the forms in which they come, as well as analyse the role of social institutions, with a special focus on Centres for Social Work. The creative aim of the paper is to recognise the problem of child neglect and abuse which demands an efficient response by the wider social community.

Keywords: social institutions, child abuse, healthcare, Centre for social work

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20(1), 110–125

The Attitude of Members of Certain Vulnerable Social Groups Towards Police Treatment

In the modern society, the term “abuse” is gaining currency in various forms. The topic of abuse and neglect is difficult, especially when aimed at children. Lack of care for children and violence inflicted upon them are phenomena as old as humankind. In recent decades, experts, as well as public at large, have been very interested in the problem of violence which occurs in families, previously percieved as a private matter, but also in schools. However, modern forms of violence have also been appearing more frequently. On a global scale, during the entire history of humankind, there hasn’t been a time when some kind of violence didn’t exist, most often stemming from mistaken beliefs, feelings of threat, or greed for that which belongs to others (Bjelajac & Matijašević, 2013, p. 410).

Today, modern societies attempt to reduce the degree of violence present in all societies through the culture of behaviour. Culture of behaviour is a common fund of beliefs and behaviours of a society and its concepts about how people ought to behave (Bulatović, 2012, p. 211). These concepts include ideas on which acts of omission or commission may constitute abuse and neglect. In other words, culture helps to define widely accepted principles of child rearing and care.

One of the most heinous forms of abuse is domestic abuse, including violence against children, which is one of the most despicable forms of violation of all basic human rights and freedoms. Any global approach to child abuse must take into account different standards and expectations for parental behavior in different cultures around the world. In other words, all forms of violence, abuse or neglect of children, which threaten or damage the physical, psychological and moral integrity of the child's person, represent a violation of the child's right to life, survival and development. In this sense, the International Association for the Prevention of Child Abuse and Neglect defined child abuse or maltreatment as "all forms of physical and/or emotional maltreatment, sexual abuse, neglect or negligent treatment, commercial or other exploitation, which leads to actual or potential harm to the health, survival, development or dignity of the child in the context of a relationship of responsibility, trust or power” (Runyan, 2002, p. 59).

In the broadest sense, abuse and neglect includes all activities or circumstances that hinder or prevent the development of a child's innate potential (Begum, 1996, p. 288). Abuse of children and adolescents also includes failures to act and actions that are assessed as inappropriate or harmful for the child, in accordance with existing social rules, values and professional knowledge. In

other words, abuse is everything that individuals, institutions or processes do or do not do, which directly harms children and reduces their prospects for safe and healthy development towards adulthood.

A healthy nation is an idea and a goal of every society and country, and that entails taking care of children and their basic needs in every aspect. The creative aim of the paper is to recognise the problem of child neglect and abuse which demands an efficient response by the wider social community.

Forms of Child Abuse and Neglect

Child abuse and neglect appear in different forms. In the broadest sense, acts of child abuse and neglect can be classified into: 1) physical, 2) psychological (emotional) and 3) sexual. Very often it is impossible to make a clear distinction between the three mentioned forms of abuse and neglect, thus one form of abuse and neglect often contains elements of one of the other two forms. For example, physical abuse is often manifested in association with psychological abuse, while neglect is most often manifested simultaneously in all three forms (Pejović et. al, 2001, p. 176).

Corporal punishment of children in the form of hitting, slapping, or beating is socially and legally accepted in most countries (Petrović, 2021, p. 191). In many countries, it's a notable phenomenon in schools and other institutions, including penal systems for young offenders, and it is accepted as an educational measure. The United Nations Convention on the Rights of the Child requires states to protect children from "all forms of physical or psychological violence" while in the care of parents and others, and the United Nations Committee on the Rights of the Child has underlined that corporal punishment is incompatible with the Convention. In particular, it should be underlined that, according to the ratified text of this convention, the term child refers to a "human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier" (International Treaties, 1997, Art. 1).

Frequency of violence and neglect of children and youth ought to become a more commonly discussed topic in the public if we want to greatly reduce reduce the phenomenon, which should no longer be seen as a private, but rather a general matter that concerns every one of us. The vital importance of suppressing it is in the interest of the entire society in general, because it endangers the health of the child, which is by no means in the interest of the state. Family is a space where a child ought to feel safe and loved, although it can sometimes be the

opposite, the source of the greatest peril for the child. A child can be directly endangered and exposed to risks in its family if it is a victim of physical, psychological or other forms of violence, or if it witnesses violence in the family environment, being indirectly endangered by violence inflicted against another family member.

With the term abuse we usually refer to those events, situations, conditions or behaviors that injure the integrity and damage the development of the child (Milosavljević & Tankosić, 2018, p. 68). Certain forms of domestic violence include the denial of physical or emotional support and can have devastating long-term consequences for the victim, in this case a child. Violence in this context includes physical or mental acts and omissions that result in injury to the victim. The concept of domestic violence includes several subthemes, such as child abuse, intimate partner abuse, and elder abuse.

Given the importance of the topic, the Republic of Serbia adopted the Law on Prevention of Domestic Violence, which regulates, among other things, the actions of state bodies and institutions in the prevention of domestic violence, but also that it itself does not apply to minors who commit domestic violence (Narodna skupština Republike Srbije [Narodna skupština], 2016, Art. 1 & 2). The legislator's idea when enacting the aforementioned provision was to regulate the organization and actions of state bodies and institutions in a general and uniform manner and thereby enable effective prevention of domestic violence, as well as timely protection and support for victims of domestic violence. What should certainly be kept in mind is that domestic violence is a multi-causal phenomenon and we can not talk about a single factor that causes it, but most often it is a combination of numerous negative factors that favors its occurrence (Merdović & Bjelajac, 2021, p. 188).

Thus, parents have a basic right to raise their children as they want, and the society assumes that the parents will act in the best interests of their children (Crosson-Tower, 2003, p.1). When parents fail to protect their children from harm or meet their basic needs – as in cases of child abuse and neglect – the society has a responsibility to intervene in order to protect the health and well-being of these children. Children are often exposed to a great degree of risk of both direct and indirect violence within the family. By indirect violence, it is assumed that the child is not a direct victim of violence, but indirectly via a family member (Marković & Zirojević, 2021, p. 314), while direct violence means that violence is inflicted upon the child itself, whether it is physical, psychological or sexual. Although one ought to keep in mind that it is very common in practice for the mentioned types of violence to be closely related, and for one type of violent

child victimisation to include elements of the other two.

In addition to being affected by physical abuse, children may also be affected by non-physical domestic violence based on coercive control, such as isolation, continuous monitoring, financial abuse, and verbal and psychological abuse (Katz, 2016, p. 49). In the developed countries of the world, the state and its institutions work to protect children from domestic violence, namely by working to maintain the responsibility of professionals, organizations, and by promoting a child-centered approach founded on the needs and attitudes of children (Holt, 2014, p. 24).

Emotional abuse is a form of interpersonal violence that includes all forms of non-physical violence and distress caused by non-verbal and verbal actions. Emotional abuse is intentional and manipulative and it is a method of control. It often occurs in combination with other types of abuse, but it can also occur in isolation. Like other types of abuse, emotional abuse most often affects those with the least amount of power and resources (Stark, 2015, p. 648). Emotional abusers have a need to dominate and they feel responsible for their victims. Although emotional abuse can hurt as much as physical abuse, it can be more difficult to identify because the marks, the psychological consequences, are left inside the child and aren't visible from the outside (Royse, 2015, p. 190).

Children who suffer from emotional abuse are often extremely loyal to the parent, affraid of punishment if they report the abuse or think that this type of abuse is the normal course of life (Mršević, 1997, p. 97). Behavioural indicators of an emotionally abused child include inappropriate behaviour that is either immature or excessively mature for the child's age, dramatic changes in behavior (disruption of activity, clinging or compulsive seeking of affection and attention), aggression, uncooperativeness, bedwetting or loss of bowel control (after the child has been trained) and destructive or antisocial behavior (constant withdrawal and sadness). Furthermore, poor peer relationships, lack of self-confidence, unusual fears for the child's age (fear of going home, being left alone, specific objects), inability to react emotionally and develop an emotional bond with others are also indicators. Realistically, any of the above behaviors can be seen in ordinary children, but a change in pattern of these behaviours is a strong indicator of emotional abuse.

For instance, only two decades ago sexual abuse of children was rarely recognised, yet now, as a society, we realize that sexual abuse is an enormous problem that affects our population at large. According to statistical data, in modern circumstances, it is estimated that up to one in three women and one in six men were sexually abused in childhood. Experts' estimates vary widely,

however, as childhood sexual abuse is believed to be drastically underreported, and most do not acknowledge the abuse until adulthood (Whealin, 2006, p. 4). In most cases, the abused child knows their abuser and it is someone who has access to the child – such as a family member, teacher or babysitter. Only one in ten cases of sexual abuse involves a stranger. Child sexual abusers are usually male, regardless of whether the victim is female or not (Tracy, 2021, p. 1).

Estimates of prevalence of sexual abuse vary widely depending on the definitions used and the manner in which the information is collected. Some research is conducted with children, other with adolescents and adults reporting on their childhood, while others survey parents about what their children may have experienced. These three different methods very often give different results. For example, in a study of Romanian families, it was found that 0.1% of parents admitted to sexually abusing their children, while 9.1% of children reported having suffered some form of sexual abuse (Browne et. al, 2002, p. 33).

In addition, certain authors point out the inadequacy of training on the topic of sexual abuse of children (Dove et. al, 2008, p. 44). Although ethical and legal mandates for reporting suspected abuse are commonly addressed in counselor education programs, issues of prevention and treatment are rarely examined. Additionally, neglect or damage caused by lack of care by parents or other guardians is often seen in literature as part of the definition of abuse. Conditions such as hunger and poverty are sometimes included in the definition of neglect. Because definitions vary and laws on abuse reporting do not always require mandatory reporting of neglect, it is difficult to assess the global dimensions of the problem or meaningfully compare the rates between countries. Little research, for example, has been done on how children and parents or other caregivers may differ in defining neglect. To take the example of research conducted in Canada, a national study of cases reported to child protective services found that, among confirmed cases of neglect, 19% involved physical neglect, 12% abandonment, 11% educational neglect, and 48% involved physical injury resulting from parents' failure to provide adequate supervision (Fuller-Thompson, 2016, p. 727).

The Role of the Center for Social Work in Child Protection

Abuse and neglect of children is increasingly being recognized as a problem, both from the perspective of social policy and of healthcare in general. Getting to know the aforementioned problem from the aspect of social

policy is understood, the reason why this is a problem from the point of view of healthcare is precisely based on the past experiences of physical, sexual and emotional abuse and neglect during childhood, which are very widespread and as such are associated with numerous short-term and long-term consequences for health and development of children. However, what is surprising is the lack of international, comparable epidemiological data on experiences of violence against children, especially in low-income societies. However, researchers, state policy makers and social policy experts take an active interest in this field, especially in rural areas, where there is a lack of transparency about this problem, often being seen as a situation that concerns no one. In order for the problem of abuse and neglect of children to be discussed more and more, it is necessary to do extensive research on violence against children, which would require additional research, so as to obtain results that would help us update the data on prevalence, prevention and interventions, and thus to a solution.

The endangerement of children in the family leads to very serious consequences for both the development and the overall health of the child, which often ends very badly, with a lethal outcome. This sequence of events is precisely the reason why institutions need to intervene, this problem doesn't occur for a short time but lasts. And for this reason it is necessary to make a record of it at the very beginning if it happens in the family, so that the educators may notify the competent institutions that violence occurs in case they notice something as the first link in the chain of intervention. Consequently, if it is noticed in due time that violence occurs, it is possible to further inform the competent institutions, which need to react urgently and protect the child's interests in every respect.

The Center for social work is the next link in the protective chain after the healthcare system, within which the consequences and injuries sustained as a result of physical or psychological mistreatment and abuse are treated, it acts once the violence had already been committed and it must react to every report, take it into consideration, and assess the conditions and needs of the child who was subjected to violence, as well as the family itself. This process involves team work in which one of the persons involved is a professional medical worker, educated for this type of intervention.

The social welfare system plays a very important role, firstly in the prevention of violence against children in general, and then in the rehabilitation of victims of violence and family reintegration (Simić, 2009, p. 211). Within the Center for social work, public institutions for social protection have been established,

bodies that are authorized for guardianship and narrowly "specialized in providing legal protection for the family and all its members who are in a state of need for social and legal assistance" (Počuča & Šarkić, 2014, p. 123).

Social welfare institutions, as part of the legal and institutional system in our country, are a public service whose competence lies primarily in the social protection of children in the narrower sense, such as care and prevention from further violence, and also the primary protection of persons whose integrity and possibility for normal growth and development have been jeopardised. The Rulebook on the Organization, Norms and Work Standards for the Center for social work regulates the performance of activities within the Center for social work in its exercise of public powers (Narodna skupština, 2022, Art. 1). The Center for social work and social institutions within the system have the task of protecting the family and providing support in order to ensure normal conditions for the development of children and all its members are present in the family. This actually implies that institutions in the social welfare system exist to help the family overcome all difficulties and to raise the damaged family relations to a normal level (Matijašević-Obradović & Stefanović, 2017, p. 25). The social protection system includes all types of assistance to the family, this in actuality means legal and healthcare assistance, but also financial, providing temporary conditions for life and work of family members, all with the aim of protecting the most vulnerable, namely preserving the health and ensuring the safety of children who live in it. A healthy family is the foundation of every society and precisely the goal and task of every state.

The Law on Welfare prescribes that the Center for social work shall be the initiator in the development of preventive and other programs intended to protect children from violence, with the aim of preserving family and familiar relationships (Narodna skupština, 2022, Art. 121, 122). Work on prevention in the field of social welfare contributes to the fulfillment of all common and individual needs of particular members of a society, in the territory of a local community, from which programs for prevention, ongoing protection, and suppression of violence are implemented, thereby also enforcing other types of social protection that are in accordance with the law and other legal regulations.

The Center for social work discovers cases of violence and abuse through reports by a family member, or extended family members who contact them to exercise their rights from one of the areas of social protection. They require some material assistance, or to be provided with temporary accommodation within social welfare institutions, but they also turn for help due to problems

they have with raising children or the inability to adequately care for children. They also appear in the reconciliation process for divorce litigation, and more frequently in cases of juvenile delinquency.

The activities of the Center for social work are carried out according to a specially adopted protocol for cases of domestic violence. After receiving a report or finding about domestic violence where children are directly or indirectly abused, but also when violence occurs in other places, such as street or school, the responsible team, professional service or an authorized professional, has the obligation and a task to further inform services, such as the police, and put at their disposal all knowledge and information about the reported case according to the tip or findings. A tip can be made in writing, orally, from institutions such as schools or health institutions, from family members, from an individual, but it can also be anonymous. Regardless of the content of the tip, the obligation of the social institutions is to investigate the case, i.e. to process it further, because their role is to protect children from violence, and for that reason they must thoroughly examine every notification and piece of information.

Further proceedings comprise all activities that lead to the initiation of the procedure conducted in the Center for social work. These activities include an immediate field visit by authorised persons or persons who are participants in domestic violence may alternatively be invited to the official premises of the center. Cooperation is established with institutions and individuals that are in charge of providing psychological assistance to victims of violence. Of outmost importance is that the victim, who is in a state of shock in these initial moments, is provided with adequate support and psychological empowerment. The role in the process of psychological preparation and referral to further activities belongs to professionals who are trained and educated to work with victims of violence. Their task is to prepare the victim, empower them to overcome the state of shock, after which they need to make certain decisions without fear. The victim should be informed about their rights established by law and legal possibilities, protection measures and sanctions that exist in order to punish the abuser and prevent them from repeating the same crime. In these circumstances, the victim, also with the help of the team that belongs to the social welfare system, should be able to freely and without any interference present all the information and circumstances under which the crime took place, because only real information can ensure that the victim receives appropriate asssistance.

Often injuries inflicted during violence are physical in nature and it is

necessary to provide the victim with medical care, and then, if their safety is not guaranteed, it is necessary to provide them with accommodation in social welfare institutions, of course in case they have no other option for shelter. After observation and interventions attending to the victim's needs, the procedure starts with the court or the public prosecutor, where the act of violence needs to be determined based on facts and evidence. This procedure requires expert opinion and reports from a social worker, an expert team, findings and opinions of psychiatrists or psychologists, and other reports undertaken in order to protect the person who has experienced violence.

One might say that problem prevention is the ideal way to overcome the consequences of violence. However, very often, due to various reasons stemming from different domains and circumstances, prevention is neglected, problems arise, consequences occur, and then one has to engage them head on. This often isn't simple, because in those cases, the intervention must occur at the state level, when it becomes necessary to overcome conflicting relationships strictly in this manner in order to eliminate all the causes that led to the emergence of the problem. The model for the protection of children from abuse and neglect, from violence in general, consists of institutions and authorities, with a central focus on protection provided by family law and social welfare, within which there are "perspectives on justification, width and scope of state intervention in family life and parent-child relationships, in more serious cases of jeopardizing a child's development and integrity, the application of repressive state mechanisms is justified" (Sredojević, 2017, p. 257).

Conclusion

Child abuse is an increasingly common phenomenon all over the world and in all societies, regardless of economic development or the development of social awareness. The current data on social circumstances in the world, but also in Serbia and other countries in the region, are devastating, showing an increase in the number of children who suffer some form of domestic violence. It is precisely for this reason that it is necessary to strengthen the capacity of the social welfare system in order to solve the problem as adequately as possible. On the basis of the existing legal regulations in the Republic of Serbia, it is necessary to strengthen and improve the work through additional education and to engage additional experts within the system of social institutions. The goal is to support children with continuous improvement of all activities within

social institutions that are at all times able to fullfil all necessary conditions for adequate care of children, but also simultaneously working to remove the causes of violence. The emphasis is on staff, experts, professionals, working conditions and capacities that correspond to the required goal. The professionals who, within social institutions, work with children who have been subjected to violence, adjust their activities and approach to the specific experiences that the children have gone through. It is precisely for this reason that the importance of continuous education is emphasized for improving skills and knowledge, so that children who suffer certain forms of violence can be provided with support and the best conditions for recovery in the most accessible way. Practice shows that, despite multiple systemic reforms, the social welfare system in Serbia is currently in a very bad state.

This topic is of great interest for analysis and investigation precisely because of its importance, reflected in the importance of preserving a healthy nation. Previous research presents data that contain devastating statistics on the neglect and abuse of children of different ages, showing that violence against children in Serbia is widespread in various forms. It occurs as direct, interpersonal, physical, psychological or sexual violence, as neglect that denies the child the satisfaction of its needs and prevents its development, but it also occurs in less direct and complex forms, such as structural violence manifesting in different phenomena – for example, in child marriage, child labour or other types of exploitation, or through manifold social exclusion. Manifestations of violence also differ by other characteristics: who is the perpetrator, how seriously the child is injured, what are the short-term and long-term consequences, what context it occurs in and how institutions can react to protect the child. Different working conditions, types of work, as well as rights and responsibilities of employees in these institutions have an enormous responsibility and a task to reduce the threat to children from within the family and the environment in which they live. It is of utmost importance in working with children who are victims of violence to get to the causes of violence, while the consequences that are mainly manifested by children are very often the focus of intervention, which is a bad direction for creating targeted activities.

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Uloga socijalnih ustanova u zaštiti dece od zlostavljanja i zanemarivanja

Sandra Dabić, Đorđe Spasojević i Zoran Radulović

Visoka škola za poslovnu ekonomiju i preduzetništvo u Beogradu, Srbija

Sažetak

Socijalne ustanove su institucije koje trebaju biti prva karika u lancu pružanja pomoći i zbrinjavanja dece i maloletnih lica, ali istovremeno i institucije koje rade na smanjenju pojave zlostavljanja maloletne dece u društvu uopšte. Zdrava nacija jeste ideja i cilj svakog društva i države, a to podrazumeva brigu o deci i njihovim osnovnim potrebama u svakom smislu. Zlostavljanje dece jeste pojava koja datira od davnina, a to potvrđuju i podaci zabeleženi u umetnosti, književnosti, i nauci u mnogim delovima sveta. Izveštaji o čedomorstvu, sakaćenju, napuštanju i drugim oblicima nasilja nalaze se u mnogim istoijskim zapisima o neuređenoj, slaboj i neuhranjenoj deci koju su porodice izbacivale da se brinu za sebe. Takođe, u okviru tih zapisa pominju se i dobrotvorne organizacije i grupe, kao i drugi koji su se bavili obezbeđivanjem dobrobiti i zaštiti dece. Danas, postoje jasni dokazi da je zlostavljanje dece globalni problem koji sejavlja u različitim oblicima i koji je, nažalost, duboko ukorenjen u kulturnoj, ekonomskoj i društvenoj praksi. Rešavanje ovog globalnog problema, međutim, zahteva mnogo bolje razumevanje njegovog pojavljivanja u nizu okruženja, kao i njegovih uzroka i posledica u pomenutim okruženjima. U okviru ovog rada sagledaćemo i analizirati, pojmove zlostavljanja i zanemarivanje dece, negove ojavne oblike, kao i analizirati ulogu socijalnih ustanova, sa posebnim osvrtom na Centre za socijalni rad.

Ključne reči: postupanje policije, nacionalne manjine, raseljena lica, socijalno ugrožena lica, žene, lica sa invaliditetom

Public Procurement in Serbia as the Special Regime of Contract Law

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Article Information*

Review Article • UDC: 658.71:347.4(497.11)
Volume: 20, Issue: 1, pages: 126–139

Received: February 15, 2023 • Accepted: March 21, 2023
https://doi.org/10.51738/Kpolisa2023.20.1r.126rd

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*Cite (APA):
Rašević, Ž., & Despotović, D. (2023). Public procurement in Serbia as the special regime of contract law. *Kultura polisa*, *20*(1), 126–139. https://doi.org/10.51738/Kpolisa2023.20.1r.126rd

Kultura polisa
20(1), 126–139

Abstract

The administrative and civil jurisprudence in Serbia and comparative legal systems do not concur on the nature of public procurement. While the literature on administrative law posits this emerging body of law into the public administrative law, many scholars of civil law in continental law systems subsume it under traditional law of obligations. This essay examines undefined systemic connections of the Public Procurement Act (PPA) with the law of obligations in the legal system of the Republic of Serbia. It suggests that the PPA norms, although do not explicitly refer to it, belong to a new special regime of contract law, which defining trait is the public personality of a procurement entity as one of the contracting parties. Therefore, it is proposed to consider rules of administrative decision-making on the contract awarding and its execution to be a new special regime of the contract law. Also, it is proposed to limit the superior position of the procurement entity in this relationship, for the sake of the preservation of basic civil law values.

Keywords: public procurement, obligations, contract, culpa in contrahendo

Public Procurement in Serbia as the Special Regime of Contract Law

Public bodies necessarily address private businesses to provide goods and services for the optimal performance of their functions. Public procurement in contemporary legal systems is one of the new emerging bodies of law, and it cannot be classified inside public or private law. A demarcation between these subsystems of the dichotomously structured legal system is blurred (Vodinelić, 2016, pp. 67–161) and in this case, we face the dilemma between two contradictory conclusions. In short, the contract is of public, i.e. administrative nature, because one contracting party holds public authority, although the relationship between contracting parties remains private, i.e. contractual.

Therefore, there is no universally accepted theoretical stance on the legal nature of the contractual relationship between public administrative authorities and private providers of goods and services. This dilemma is evident in the example of the leading legal and economic powers of the European Union (EU): while in France contracts on public procurement are considered administrative contracts, in Germany they are classified inside commercial law. This dilemma is also present in the Serbian *lege lata* and administrative and civil law jurisprudence. Unfortunately, it is not tackled by the provisions of the extant Public Procurement Act (Narodna skupština Republike Srbije [Narodna skupština], 2019).

Contrary to the prevailing subsumption of the public procurement norms under administrative law, this paper suggests an integral contractual nature of the relationship between the contracting authorities and private suppliers. This approach should enable coherent interpretations of all applicable norms of public and private law, from invitation to tender to the termination of a public procurement contract, i.e. before and after the contract award.

The paper consists of four parts. The first part deals with some theoretical arguments that underpin this approach and identifies and assesses systemic links between Serbian positive contract law and public procurement norms in the second part. In the third, the administrative evaluation and selection of the most favourable bidder are placed in the broader framework of civil contract negotiations, and the conclusion discusses the advantages of the civil courts' scrutiny of the public procurement procedures and decisions.

Contracts Between Public Institutions and Private Persons in Continental Civil Literature

Public procurement arrangements can be described in terms of legally

prescribed administrative procedures conducted by superior public authorities, which exercise their discretion to choose a private business that delivers goods and services that optimally suit the public interest. The more developed civil law literature offers a wider perspective because the discipline of administrative law is embedded in the continental ius civile; actually, it separated in the 17th century (Vodinelić, 1989, pp. 82–83). Since then, the concept of the state as a legal entity has been developing to explain the rights and obligations of individuals authorised to act as its organs (Troper, 2014, p. 204). This development resulted in the doctrine that a state, when being a party of private relations, poses legal personality equal to the personality of private persons (Kelzen, 2010, p.296).

Especially in German literature, the dominant view is that the state administration has the freedom to choose between ways of private law and public law. Furthermore, the state administration often opts for private law mechanisms because they allow more freedom of action. According to this point of view, the state administration "runs away" into the private law to the extent that it is called "administrative private law" that accrues the private law norms applied by public administration. These private law norms must be supplemented, modified or limited by the principles and rules of public law because public law is the lex superior that binds the holder of public authority more strongly than private law. Some even believe that in fiscal activities, the administration is not bound by public law norms at all, because that would hinder its mobility and efficiency. However, it is least disputed that the public administration must apply constitutional norms to their relations that are regulated by private law, whether by a direct application of constitutional norms or indirectly, through the interpretation of broad and undefined terms of private law in accordance with constitutional values. To clarify this public-private confusion, scholars suggest a unique legislative qualification for a relationship as public or private. Others propose the two-phase approach, which distinguishes an administrative decision on entering into a private law relationship according to the rules of administrative law and the execution of that administrative decision according to the rules of civil law (Vodinelić, 2016, pp. 396–397).

Furthermore, the private-law approach to public procurement is established in the German lege lata, by placing these norms in competition and commercial legislation. Even before-until 1993, the law of public procurement was classified as budgetary law, and the protection of bidders was made possible by the institution of pre-contractual liability of the contracting authority (*culpa in*

contrahendo), i.e. by tort claims before civil courts. This means of civil law remained today as a mechanism of secondary protection, while the administrative scrutiny of the non-discriminatory treatment and valid administrative treatment became primary after the implementation of the EU law (Koch, 2007, p. 3).

In short, the following arguments support the civil qualification of public procurement contracts: contractors in public procurement are equally responsible for a contract, there is no subordination between parties, both parties are free to regulate their rights and duties, disputes are solved by civil courts under rules of tort law, the principles and norms of the law of obligations are applied to the public contracts, etc. (Drmić, 2014, p. 502).

The Intertwining of the Obligations Act and the Public Procurement Act

In this part, the connections between the norms of the positive contract law and PPA are identified and assessed. Although the provisions of PPA do not contain any express referral to the Obligations Act (Narodna skupština, 2020), they do contain concepts and institutions of civil law that implicitly refer to the application of the rules of OA. For instance, the PPA`s Art. 229 envisages the procedure before "regular courts" for tort claims under PPA, implicitly referring to civil courts to deal with issues of material compensation under routine rules of civil procedure.

In addition to the aforementioned referral, the applicability of the OA norms is also indicated by the compatibility of the definitions from PPA`s Art. 2 with the OA`s contract law concepts. First, in PPA`a Art. 2 the notion of the contract is omitted, implicitly referring to its general meaning given in OA. Likewise, the notions of "procurement of goods, provision of services and performance of works" from para. 2 to 6 of the same article equally apply to OA`s articles that regulate the sale contracts (Art. 454–451), lease (567–599), service (600–629), construction (630–647), transportation (648–685), etc. Furthermore, the terms that define persons involved in public procurement also have their counterparts in OA: the term "customer", which indicates public procurement body from PPa`s Art. 2 para. 1, is also found in OA`s Art. 600 – 647, which regulate service and construction contracts. Finally, this applies to the same term "bidder" from PPA`s Art.2 para. 8 and OA`s Art. 26 – 45 that regulate the conclusion of contracts.

These compatible notions and PPA`s vagueness shape a wider picture of the PPA norms within the contractual context. Some arguments in this

respect can be found in OA as well. First, OA`s Art. 23 posits its norms as lex generalis for all matters of obligations law that are not regulated by other positive laws. This relationship lex generalis – *lex specialis* between the OA and PPA might be confirmed on the issue of the nullity and voidability of contracts: while the OA prescribes the general regime, PPA envisages special reasons and special administrative jurisdiction for such acts. In a similar vein, a compelling argument is given regarding damages caused by illegal actions of the contracting authority or other parties: the legislator omitted to tackle this issue in the special regime of PPA, and thus the general rules of OA should apply (Kozar, 2013, pp. 488–489).

From this point of view, the purpose of the PPA would be the establishment of a special contractual regime between public customers and commercial entities, which supplements and modifies the general contract law. Such new regimes are not novelties. For instance, similar special regimes are established between commercial entities in the OA`s Art 25 and Art. 18, para. 2, which intensifies the delivery of goods and services and the liability of commercial entities. This point of view should be equally pertinent to the theoretical classification of public procurement contracts in commercial law. The similarities between the special regime of relations between both commercial entities, on the one hand, and the regime of relations between the public contracting authority and commercial entities, on the other, would be reflected in the factual inequality of the contracting parties and increased civil liability. However, two important differences between these two regimes should not be underestimated. First, it would be wrong to equate public-law customers with commercial entities, because the supremacy of one party in this relationship is not only factual but also of a legal nature. Second, the risks, motives, and decision-making methods of the parties are different: public customers mainly do not act for lucrative purposes, they decide according to strict coercive procedural rules and are not burdened with the risk of failure. On the other hand, private business is focused on profit, enjoys contractual freedom and bears full risk for it. Therefore, the special contractual regime established under PPA should not be subsumed under those prescribed in OA.

The main traits of this special regime might be seen through the application of certain AO provisions. First of all, calls for bids and notices of public customers from numerous PPA provisions can be placed in the context of the general offer, formulary contracts and their general conditions from AO`s Art. 100, 142 and 143. In short, public customers, just like commercial entities

that dictate the contents of formulary contracts, are in a superior position because they can limit the contractual freedom of the other party. That is why bidders should be granted concessions that the inferior party should enjoy, such as the interpretation of unclear provisions of the contract in their favour, the right of cancellation due to non-compliance with the purpose of the contract or good business practices, etc. In this vein, the AO stipulations on formulary contracts that treat general terms of business as supplements to a contract might be analogously applicable to customers` public acts. Secondly, in PPA`a Art. 94, the contracting authority is granted a superior position by being the only one authorized to demand from the bidder certain special means of securing the contract under this law, which deviate from the general rules on a down payment, waiver and a contractual penalty in AO`s Art. 79–83 and 270–276. Thirdly, the supremacy of contracting authorities is expressed by their powers for unilateral modification and termination, as well as for annulment of public procurement contracts in PPA`s Art. 154–163, 187 para. 8 and 226. These norms derogate or change the principle of equality between parties in AO`s Art. 103–153 that regulate the invalidity of contracts, bilateral contracts and the effects of contracts, especially regarding the rules of assignment, modification and termination of contracts, including rebus sic stantibus under AO`s Art. 133. According to PPA, the public customer is entitled to unilaterally change the contract if it was agreed upon or if it is necessary for the procurement of additional goods, services or works, due to unforeseen circumstances, change of contracting party, increase in the scope of procurement or replacement of subcontractors. The public customer is also authorized to unilaterally terminate the contract if circumstances arise that would significantly change its content if the contracting party should have been excluded from the procurement procedure, or because of violations of the EU norms. Fourth, the PPA norms enable a new ground for annulment of the public contract and the administrative jurisdiction that complements the applicable AO norms: Under PPA`s Art. 226 para. 2, the Republic Commission is authorized to annul the public procurement contract because of significant violations of PPA`s procedure. Such authority of the administrative organ is narrower in scope than the authority of civil courts to cancel a contract that is contrary to compulsory norms, public order and good customs, under OA`s general rule under Art. 103 para 1. These three grounds of cancellation apply to any violation of law and any breach of good faith in public procurement contracting as well.

Public Procurement Procedure as the Special Regime of Negotiation and *culpa in contrahendo*

If the OA is *lex generalis*, then the PPA`s contracting award procedure should fit into the wider framework of negotiations that precede the conclusion of contracts. Therefore, the norms of administrative procedure that regulate contract awards should be placed in the context of the OA provisions on pre-contractual relationship and pre-contractual liability (*culpa in contrahendo*). In other words, the administrative process of selection of best bidders should be equated with negotiations between private persons, and the public contract award with the consensual statement of mutual wills that concludes the contract.

Such assumptions that converge public and private law are easy to prove because the PPA provisions do not seem complete without OA`s Art. 26 – 45 on the general regime of concluding contracts. A few examples confirm this conclusion. First, PPA`s Art. 66–84 and 85–87, which define special techniques, instruments and deadlines in the contract award procedure, regulate only the powers and responsibilities of the contracting authority in terms of the form of negotiation. But the OA norms are still inevitable for the regulation of the relationship between a public customer and a bidder that might end with the conclusion of the contract. Second, OA`s Art. 27 para. 2 stipulates that the regulations that determine the content of the contract are their integral part, which enables the incorporation of all applicable PPA norms into the procurement contract. Third, the OA`s Art 28 para. 2 stipulates that declarations of will to conclude a contract must be free and serious, and thus the evaluation of a certain offer is wider than executing formalities prescribed in PPA. Fourth, OA`s Art. 33 (general offer) extends the meaning of the term "offer" from Art. 32 to all proposals to conclude a contract addressed to an undefined number of persons if they include essential contractual elements. This provision thus implies that all invitations for bids and public customer notifications from numerous provisions of PPA can be subsumed under the OA`s wider term of "general offer."

Finally, the PPA`s Art.229 on material compensation for PPA`s beaches is consistent with OA`s rules on the civil liability for non-conclusion of the contract, which is theoretically shaped through Ihering`s doctrine of *culpa in contrahendo*. In OA, this doctrine is established in Art. 30 para. 1–3, in form of the exception to the general rule that the conduct of negotiations does impose a duty of possible tort compensation. The alternative conditions for this exception

are the lack of intention to conclude the contract or the lack of valid reasons to justify the loss of such intention during negotiations. In the OA`s Art. 35, a similar exception applies in negotiations through media communications. In contrast to the OA, the scope of this exception is stupendously broader in the modern continental theory of civil law, covering a plethora of situations that involve every breach of the good faith principle. In short, one is responsible not only for the initial or later absence of the contractual intention but for all harmful consequences of his/her behaviours that amount to a breach of duty to the counterpart, from the first business contact. These duties toward a counterpart include warnings about risks, caring for his/her property, and not thwarting well-founded expectations and beliefs that the contract will be concluded (Vodinelić, 2012, p. 493). The civil literature of acquis communautaire supports this broader understanding of *culpa in contrahendo*: The service provider is under a pre-contractual duty to warn the client if the provider becomes aware of certain risks regarding the service that is requested (von Bar et al., 2009, Art. IV:C:-2:102). Furthermore, a contract cannot exclude or limit the duty of good faith and fair dealing (2009, Art. II–3:301). This duty includes care for the counterpart`s expectations, his/her trust and a fair allocation of negotiation risks (Cartwright & Hesselink, 2009, pp. 458-462).

This harmonised interpretation of the PPA and OA provisions sketches a public procurement procedure as a special regime of *culpa in contrahendo*: In addition to the PPA`s administrative control of a contract award legality, activities of both public customer and private supplier are subject to broader control of compliance with principles and rules of civil law.

Theory and jurisprudence of civil law can determine the results of civil courts scrutiny although dilemmas about the nature of *culpa in contrahendo* may lead to contradictory conclusions. According to the objective conception, mere causality between the act of a negotiator and the harmful consequence is enough to prove liability for negligent negotiation. On the other hand, the premise of the subjective approach is culpability, and the assumed culpability for intent and gross negligence is the prevailing doctrine (Salma, 2010, p. 59). One is not liable for ordinary negligence, while a higher standard of liability is set in business contracts (Stefanović, 2020, p. 329). The nature of public procurement contracts is the closest to commercial contracts and thus the issue of culpability is not significant or even irrelevant, because administrative organs are not human beings endowed with consciousness and free will. Besides, the outcome of civil litigation between negotiators should be compensation (Ćosić, 1998, p. 19),

because the reparation judgements would deprive a customer of contractual freedom to choose a bidder.

Therefore, a bidder harmed in the public procurement process can ask for pecuniary and non-pecuniary compensation for costs and lost profit (Kozar, 2011, p. 35) including any type of damage to his/her rights or legitimate interests (Vodinelić, 2012, p. 494). In other words, negotiators in public procurement are protected by civil law not just against the harm caused by another party, but against any his/her behaviour contrary to the principle of good faith.

Conclusion

The OA`s norms must be an inevitable means of regulating both pre-contractual and contractual relations between a customer and a bidder, although their application was not expressly prescribed by PPA. Two reasons support this conclusion. First, the provisions of PPA contain quite a few terms whose meaning is determined by the OA`s norms, and second, the OA establishes the general contractual regime that is also applicable to public procurement.

The OA norms have a broader substantive scope than PPA norms, and their application enables broader scrutiny before civil courts than the administrative litigation of limited jurisdiction. Furthermore, the rules of OA supplement the provisions of the PPA on torts compensation. OA also enables the contract cancellation on several grounds, i.e. if they are contrary to "compulsory regulations, public order and good customs", while PPA`s scrutiny is limited only to non-compliance with the provisions of that law. Finally, the AO norms under consideration above also have a broader personal scope because they equally authorise and oblige both parties, while the PPA provisions contain only a customer`s powers. This broad application of the AO norms in public procurement cannot harm the public interest, because the PPA norms have priority in the application, either as lex superior or as lex specialis.

The OA principles and norms enable the quest for a fair balance between a private bidder and a superior public customer. This equalisation is important because a public bidder, in contrast to a private bidder, has no free will and is not concerned about business risks. In short, PPA norms pursue distributive justice, defining procedures that oblige a superior public authority to choose a private bidder, among many, that optimally contributes to the public interest, and OA norms make possible commutative justice between contractual parties only.

In other words, the public customer duty is not just to ensure equal treatment of all bidders under PPA`s Art. 9; it must avoid utilising its superior public position under the principles of equality and good faith and honesty under OA`s Art. 11 and 12. The legal supremacy of a public customer is thus only an exception from the general contractual regime, which is established by the compulsory PPA norms. Such an exception is necessary for the public interest. In these cases, norms of civil law determine only the scope of ordering and unilateral imposing (Vodinelić, 2012, p. 400).

In sum, the lack of norms in PPA that expressly address the application of OA norms is probably not a problem that should be overestimated. However, one has to be aware that this vagueness might contribute to interpretations contrary to the basic values of civil law. In short, there is a high risk that public customers' negotiation and contracting with private bidders might be contrary to principles of good faith and fair dealing. For that reason, a provision in PPA is proposed to remind public procurement servicemen, besides the requirements of administrative legality, of the broader context of civil law.

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Javne nabavke u Srbiji kao poseban režim ugovornog prava

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Sažetak

Nauke upravnog i građanskog prava, kako u Srbiji tako i uporednopravno, nisu saglasne o prirodi javnih nabavki. Dok se u literaturi upravnog prava ova narastajuća pravna grana i disciplina smiješta u upravno pravo, u kontinentalnim pravnim sistemima mnogi ih podvode pod tradicionalno obligaciono pravo. U ovom ogledu se ispituju nerazjašnjene sistemske veze Zakona o javnim nabavkama (ZJN) sa obligacionim pravom. Ukazuje se da norme ZJN, iako ne upućuju eksplicitno na to, pripadaju jednom novom posebnom režimu ugovornog prava, čija je osnovna specifičnost javnopravni subjektivitet naručioca kao jedne ugovorne strane. Zato se predlaže kvalifikovanje normi upravnog odlučivanja o ugovoru i njegovog izvršenja kao *lex specialis* ugvornog prava, kao i ograničavanje nadmoći naručioca u svrhu očuvanja osnovnih vrijednosti građanskog prava.

Ključne reči: javne nabavke, obligacije, ugovor, *culpa in contrahendo*

Adequacy of Normative-Legal Framework for Engaging the Military Forces of the Republic of Serbia in Emergency Situations

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Article Information*

Review Article • UDC: 355.1:614.88(497.11)
Volume: 20, Issue: 1, pages: 140–155
Received: December 12, 2022 • Revised: January 29, 2023
Accepted: February 9, 2023
https://doi.org/10.51738/Kpolisa2023.20.1r.140kkbv

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*Cite (APA):
Komazec, N., Kovačević, N., & Bjelica-Vlajić, I. (2023). Adequacy of normative-legal framework for engaging the military forces of the Republic of Serbia in emergency situations. *Kultura polisa*, *20*(1), 140–155. https://doi.org/10.51738/Kpolisa2023.20.1r.140kkbv

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Abstract

Engagement of military forces of the Republic of Serbia is determined by the national legislation. The operationalisation of engagement of military forces of the Republic of Serbia is regulated in more detail by strategic-doctrinal documents of the National Security system and rules of use of the Serbian Armed Forces. However, engagement of military forces in peacetime (emergency situations) is specific, from the point of view of ambient conditions for use, i.e. dimensions of the operational environment in which military forces are used. Consequently, clearly defined procedures and methodologies for use of military forces are necessary, which nominally requires precise normative-legal determinants. The existence of adequate normative-legal determinants of engagement of military forces in emergency situations is a problem that is being researched in the paper. The solution to the problem, that is, the goal of the work, is achieved by applying the basic method used in the research is the method of content analysis. A special instrument-sheet for content analysis was constructed for its application. A total of 66 normative-legal documents were examined, which can be divided into four groups: laws; regulations; decrees and decisions; and assessments and instructions. The research, at the level of scientific description, led to the following results: the normative-legal framework of the Republic of Serbia enables the use of military forces in emergency situations; the existing legislation is not adequately regulated, so it is necessary to regulate the use of military forces more closely, with a focus on regulating connections and relations at different levels of coordination of entities and forces of disaster risk reduction and emergency management systems.

Keywords: military forces, emergencies, risk, disasters, legislation

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Adequacy of Normative-Legal Framework for Engaging the Military Forces of the Republic of Serbia in Emergency Situations

Recent events related to the danger of the COVID-19 virus have indicated the vulnerability of modern society, interdependence (from the local to the global level) and the need for a quick and correct response (Žižović et al., 2021, p. 156). An unavoidable part of the engaged forces are military capacities. Starting from the analysis of the situation at the highest level, to the operationalisation in the field, the involvement of military forces and means is inevitable (Sinić et al., 2021, p. 69).

Observed in the context of the special state of a society, system or community, emergencies represent a set of environmental conditions that determine the use of entities and forces that make up the system of disaster risk reduction and emergency management (Komazec et al, 2017, p. 273). Also, "emergency situations" are at the same time a kind of legal institute of the state that enables the use of all available capacities to reduce, i.e. eliminate the consequences caused by elemental disasters (Effler et al., 2020, p. 513). Part of the capacity available to the state are the Serbian Armed Forces (hereinafter referred to as the military force), which according to Article 13, paragraph 3 of the Law on Disaster Risk Reduction and Emergency Management is part of the forces of the national disaster risk reduction and emergency management system (Narodna skupština Republike Srbije [Narodna skupština], 2018, Art. 13, para 3).

The engagement of military forces is in principle determined by the highest legislative documents of the Republic of Serbia, while the operationalisation of the use of military forces is determined by strategic-doctrinal documents of the national security system of the Republic of Serbia and rules of military use (Keković et al., 2011, p. 228).

Based on the preference of the Republic of Serbia, the physiognomy of the modern armed conflict and the environment in which the Serbian Army can perform its tasks, the missions and tasks of the Serbian Armed Forces are being worked out. These elements determine the organization, content of preparations, use and security of the Serbian Armed Forces. The missions and tasks of the Serbian Armed Forces were defined by the National Assembly of the Republic of Serbia in accordance with the Constitution and basic principles of international law that regulate the use of force (Ministarstvo odbrane Republike Srbije, 2020, p. 33).

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Existing plans and training programs for military units do not develop special abilities and skills for engaging in protection and rescue activities, but with the existing capacities they execute tasks in this area. As a result, there is a need for clearly and precisely defined capabilities, connections and relationships at different levels of coordination of military forces and other entities and forces of disaster risk reduction and emergency management systems (Generalštab Vojske Srbije, Uprava za obuku i doktrinu (J-7) [Generalštab], 2016, p. 16).

As a result, research was carried out in the paper, the aim of which, at the level of scientific description, is an empirical analysis of normative-legal documents related to the use of military forces in emergency situations, is the answer to the research question. The realization of the stated goal was achieved by answering the research question: "Is the existing normative-legal framework, which regulates the system of protection and rescue in the Republic of Serbia adequate for the use of military forces in emergency situations?" The research question is also the subject of research in the paper.

Methodological framework

Approach to the Problem

The research method applied in the paper is the method of content analysis, and it was also inevitable to implement methods of analysis and synthesis and induction and deduction in the research process. The whole research process is intertwined with these three methods, and the basic question is the existence of an adequate legal basis for the use of military forces in emergency situations. The aim of applying the method of content analysis is to determine the dominant attitudes from the subject of research, as well as summarizing existing information about the subject of research, while avoiding the analysis of the content of normative legal documents according to the free discretion and expectations of researchers (Rietjens, 2006, pp. 8-9). The research approach applied in the paper includes three phases: (1) research planning, (2) conducting research and (3) reporting on the results of the content of normative-legal documents analysis. In the continuation of the paper, the mentioned phases of the process of systematic analysis of the literature are elaborated.

Measurements and Procedures

Planning the analysis of the content of normative-legal documents. For

the purpose of planning the analysis of the content of normative-legal documents, a research protocol has been defined, which contains the following elements: the goal of the research; a research question that will be answered by analyzing the content of normative-legal documents; criteria for selection of normative-legal documents which imply defining criteria for inclusion or exclusion of normative-legal documents from the analysis – defining the base of normative-legal documents; defining terms for content analysis of selected normative-legal documents; data extraction and synthesis of extracted data (Drobysz & Sherman, 2020, p. 385).

The aim of the research is to analyze the content of existing normative-legal documents related to the engagement of military forces in "emergency situations", in order to determine whether there is an adequate legal basis for the engagement of military forces in emergency situations within the legal scope of the Republic of Serbia.

Defining criteria for including or excluding normative-legal documents from the analysis – defining the database of normative-legal documents refers to defining the search term and determining the search source, i.e. electronic databases, in order to include only that material that is of importance for the research question. The key terms used in the search were the following: "military forces / Serbian Armed Forces", and "emergency situations". Electronic services were used for a systematic review of the literature: National Assembly of the Republic of Serbia, Government of the Republic of Serbia, Ministry of Defence, Ministry of Interior and Official Gazette of the Republic of Serbia. The search includes all normative-legal documents whose content is available on the listed services. Then, the criteria for inclusion are defined, i.e. the criteria for exclusion of documents from the pre-defined database of normative-legal documents.

Inclusion criteria: material that meets the defined search keywords in its content and the material search is limited by the time dimension from 01.01.2009 to 31.12.2020. *Exclusion criteria*: material that is not available in the full version for reading and material that is focused on emergencies, but is without defining the subjects and forces of the system of disaster risk reduction and emergency management. By applying the criteria for inclusion and exclusion of normative-legal documents, a secondary database of documents was generated. When defining these criteria, the goal is to know if there is a connection between the term "military forces / Serbian Armed Forces", and "emergency", so the terms "coordination/consistency or cooperation" and "subjects and forces of the risk reduction system from disasters and emergency management" that have also

become terms for the analysis of the content of the secondary base. Also, determinant defining the criteria was the current documents of the analyzed documents.

The terms for the analysis content of the secondary base are: "military forces / Serbian Armed Forces", "emergency situations", "coordination / interaction or cooperation" and "subjects and forces of the disaster risk reduction system and emergency management". *Data extraction* involves multiple reading of relevant legal documents and identification of information relevant to the answer to the research question. *Synthesis of extracted data* involves collecting, linking, comparing and summarizing the results of the included content from the secondary defined database of normative-legal documents.

Results

Conducting analysis of the content of normative-legal documents. The first step within the phase of conducting the analysis of the content of normative-legal documents is the search of materials according to the defined keywords within the electronic databases. The number of total documents for all available electronic databases based on the defined search keywords was 66. After the potentially relevant material was collected, its relevance is assessed, based on the application of criteria for inclusion or exclusion of material from further analysis. After applying the defined criteria for inclusion in the analysis, the number of total documents was 53, while of that number, after applying the exclusion criteria, 41 documents remained. In order to facilitate implementation of the content analysis process, a special instrument was constructed – a sheet for content analysis, which is shown in Table 1.

Consequently, a secondary database of normative-legal documents has been formed, which can be divided into four parts according to the genesis of the documents, i.e. according to the bearers of the documents that make up the database: (1) laws; (2) regulations; (3) decrees and decisions of the Government of the Republic of Serbia; and (4) assessments and instructions. The group of laws includes: the Law on Disaster Risk Reduction and Emergency Management; Law on Fire Protection, Law on Elimination of Flood Consequences in the Republic of Serbia; Law on Defence; Law on the Serbian Army; Law on Environmental Protection; Law on hail defence; Law on Ratification of the Agreement between the Government of the Republic of Serbia and the Government of the Russian Federation on the Establishment of the Serbian-Russian Humanitarian Centre;

and the Law on Ratification of the Agreement between the Government of the Republic of Serbia and the Government of the Slovak Republic on Cooperation and Mutual Assistance in Emergency Situations (Narodna skupština, 2023).

An extensive group of documents consists of regulations: Regulation on the organization and manner of use of specialized civil protection units; Regulation on the manner of collection and deadlines for payment of funds directed as earmarked revenue of the Budget Fund for Emergency Situations; Regulation on the manner of determining the value of construction part of the facilities and the manner of calculating the fee for shelters; Regulation on the manner of preparation and content of the accident protection plan; Regulation on the manner of keeping the Register of Companies and Legal Entities Handling Dangerous Substances; Regulation on the type and quantity of hazardous substances on the basis of which the Accident Protection Plan is made; Regulation on the professional exam for the preparation of disaster risk assessment and protection and rescue plan; Regulation on organizational and technical conditions that must be met by legal entities in order to obtain authorization for the preparation of disaster risk assessment and protection and rescue plan; Regulation on organizational and technical conditions that must be met by legal entities in order to obtain authorization for the development of an accident protection plan; Regulation on the conditions that must be met by legal entities for issuing authorizations for organizing and conducting training for taking a special professional exam for disaster risk assessment and protection and rescue plan, manner of development and content of the training plan and program; Regulation on training, curricula and norms of teaching aids and equipment for training members of civil protection; Regulation on uniforms and insignia of civil protection, insignia of functions, specialties and identity cards of civil protection members; Regulation on the manner of preparation and content of the Fire Protection Plan of the Autonomous Province, local self-government units and entities classified in the first and second category; Regulation on organizing fire protection according to the category of fire risk; Regulation on the minimum number of fire fighters and technical equipment and training of professional fire brigades; Regulation on the conditions that must be met by legal entities registered to conduct special training for persons working in fire protection; Regulation on taking the professional exam and conditions for obtaining licenses and authorizations for the development of the Main Project of fire protection and special systems and measures of fire protection; Regulation on the content of records, manner of keeping them and inspections periodicity of all

fire risk categories legal entities and Regulation on the program and manner of taking a special professional exam for fire protection inspectors. (Ministarstvo unutrašnjih poslova Republike Srbije [MUP RS], 2023)

The decrees and decisions include the following documents: Decree on the implementation of evacuation; Decree on the content and manner of drafting protection and rescue plans in emergency situations; Decree on mandatory means and equipment for personal, mutual and collective protection against natural and other disasters; Decree on the composition and manner of work of emergency headquarters; Decree on the amount and manner of obtaining the rights to one-time financial assistance; Decree on the engagement of items for the protection and rescue needs and the manner of obtaining the right to compensation for their use; Decree on the classification of facilities, activities and land into fire risk categories; Decision on the formation of the Republic Headquarters for Emergency Situations; Decision on designating entities of special importance for protection and rescue in the Republic of Serbia and Decision on establishing the Budget Fund for Emergency Situations (MUP RS, 2023).

The group of assessment documents and instructions in this field includes: Disaster risk assessment in the Republic of Serbia; and Methodology of development and content of disaster risk assessment and protection and rescue plan (MUP RS, 2023).

Further implementation of analysis of the content of the secondary database of normative and legal documents was performed through data extracting, through multiple reading of secondary database documents and identification of information in documents that provide an answer to the research question. After the data extraction process using the methods of analysis and synthesis, induction and deduction, the extracted information was synthesized and the results of the research were reached, that is, the answer to the research question.

The specificity of the listed documents, regardless of the group to which they belong, is reflected primarily in their short-term nature, i.e. the necessity of their redefining and harmonization with: practical experiences; security trends in the operating environment and international legislation.

Discussion

Reporting on the results of normative-legal documents content analysis. The answer to the research question, i.e. the elaboration of the obtained results,

is the third phase of the content analysis. The research yielded results that unequivocally show that in the Republic of Serbia there is a normative-legal framework for the use of military forces, i.e. there is a legal basis. Specifically, the jobs and activities of military forces during engagement in protection and rescue and responsibility for commanding the military forces in an emergency situation are clearly and precisely defined.

At the same time, the research yielded results that show shortcomings in the analysed legislative solutions, two of which stand out because they represent the basic elements of drafting normative-legal documents that regulate the area of emergency situations. The first shortcoming, National Strategy for Protection and Rescue in Emergencies was developed on the basis of the Hyogo Framework for Action 2005-2015 (adopted in Kobe, Hyogo, Japan, at the 1st World Conference on Disaster Risk Reduction, held from 1st January 1 to 22nd January, 2005, as a global strategy in crisis management), and in the meantime the Sendai Framework for Disaster Risk Reduction 2015-2030 was adopted (adopted in Sendai, Miyagi, Japan, at the 3rd World Conference on Disaster Risk Reduction, held from 14th March to 18th March, 2015). This clearly implies the need to adopt National Strategy for Disaster Risk Reduction and Emergency Management, which would create the conditions for refining other legislation and mutual harmonization (Kovačević 2021, p. 40). The main difference is that the Hyogo framework places special emphasis on strengthening specific forces (state response) in society to eliminate the consequences of disasters, while the Sendai Framework focuses on strengthening the resilience of all dimensions of society in order to reduce the risks of disasters and mitigate the consequences. This approach indicates that it is necessary to develop a new strategy in the Republic of Serbia, in order to create a strategic framework for the operation of protection and rescue forces.

Second shortcoming, the National Strategy for Protection and Rescue in Emergencies and the Law on Disaster Risk Reduction and Emergency Management represent the basic elements of the drafting of other normative-legal documents that regulate the field of emergency situations, but 85% of the analyzed documents have their origin in the Law on Emergency Situations (Narodna skupština, 2009, 2011, & 2012) The Law on Emergency Situations expired in 2018. Here it is important to emphasize that articles 58-64 and 66-72 of the Law on Fire Protection (2009, 2015, & 2018), whose provisions are contained in 40% of the analyzed documents, also ceased to be valid. Consequently, 85% of the analyzed documents are based on global disaster risk reduction goals that expired

in 2015. Such a criterion indicates the importance of generating a new strategic document.

The third shortcoming, in the Introduction of the National Strategy for Protection and Rescue in Emergencies (Narodna skupština, 2011) it is stated that its basis for adoption is contained in the Law on Emergency Situations (Narodna skupština, 2009, 2011, & 2012). The above implies the need to adopt a new document of this type that would be in line with valid national legislative solutions, but also with the Sendai Framework for Disaster Risk Reduction 2015–2030. The aforementioned fact limits the development of legislation within the jurisdiction of the Serbian Armed Forces in order to create the basis for coordinating actions with other protection and rescue forces.

The fourth shortcoming is that that certain parts of the National Strategy for Protection and Rescue in Emergencies are in conflict with the Law on Disaster Risk Reduction and Emergency Management. Specifically, in the Annex/Area of Emergency Situations/Organization, the Serbian Armed Forces are defined as a subject, while in Article 13 the Law on Disaster Risk Reduction and Emergency Management (Narodna skupština, 2018) The Serbian Armed Forces are defined as part of the forces of the disaster risk reduction and emergency management system. The Annex/Area of Emergency Situations/Resources generally defines the use of the Serbian Armed Forces, while Articles 26 and 76 the Law on Disaster Risk Reduction and Emergency Management clearly defined situations when the Serbian Armed Forces are used, i.e. its rights and duties. The subjects of the system are the bearers of the implementation of tasks in the planning and organizational sense, while the forces are the elements of the system that are assigned to perform the tasks. It is indisputable that the Serbian Armed Forces represent both elements, but it is necessary to regulate by a by-law, which part of the army represents the forces of the protection and rescue system, specifying the tasks and methods of action.

Consequently, it is clear why we have non-existence and/or insufficient definition of connections and relations at different levels of coordination (cooperation and collaboration) between military forces and other subjects of the protection and rescue system. Also, all the above implies the necessity of adopting the National Strategy for Disaster Risk Reduction and Emergency Management, which would create conditions for the refinement of other legal regulations and mutual harmonization.

Conclusion

The normative-legal framework for the use of military forces in emergency situations is determined by the requirements of the disaster risk reduction and emergency management system. Defining the normative-legal framework in relation to this issue is condition for the intended subjects and forces of the disaster risk reduction and emergency management system, through the Republic Emergency Headquarters, to full fill their role in the operationalisation of the National Platform for Disaster Risk Reduction, through the legislation of certain institutes of the Republic of Serbia.

The paper analyses the content of 66 normative-legal documents that regulate the area of emergency situations focused on the use of military force on protection and rescue tasks. The results obtained in the research show that in the Republic of Serbia there is a legal basis for the use of military forces in emergency situations. However, the same research results prove that the existing legislative solutions have certain shortcomings (which are presented in the Results and Discussion section).

The existing normative and legal framework is not adequate for the engagement of military forces in protection and rescue activities. Namely, at the strategic level, the normative-legal conditions for the engagement of these forces in emergency situations have been created, while at the operational and tactical level, the documents that regulate the engagement of military forces in emergency situations are not precise, clear, and methodologically and functionally aligned with real needs.

It is important to emphasize here that the parts of the Defense System documents that regulate the use of military forces in emergency situations are the Law on Defense, the Doctrine of the Serbian Armed Forces, the Doctrine of Command in the Serbian Armed Forces-temporary and the Concept of the Use of the Forces of the Serbian Armed Forces in Support of Civil Authorities in the case of natural disasters, technical-technological and other accidents were prepared on based on the provisions of the Law on Emergency Situations, which ceased to be valid in 2018.

The fact is that apart from the provisions of the National Security Strategy, the Law on Defence and the Law on Disaster Risk Reduction and Emergency Management, which are of a general nature, there are no precisely defined ways and methodologies of engaging military forces in emergency situations. Violation of what has already been defined – the activities of the

military forces in the system of disaster risk reduction and emergency management, and consequently the efficiency and effectiveness of the military forces in the implementation of the assigned tasks is affected, that is, the level of risk of the use of military forces in emergency situations increases.

According to all the above, it can be concluded that the analyzed documents (regardless of the group to which they belong) are short-term, that is, there is a necessity to redefine them and harmonize them with: experiences from practice; security trends in the operational environment and international legislation. The results of the research can serve as guidelines for drafting new or amending existing legislative solutions.

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Appendix

Table 1

Sheet for content analysis

Research question	Data sources	Content analysis units				Total units of analysis by content
		military forces	emergency situations	coordination	subjects and forces	
Is there an adequate normative-legal framework for the use of military forces in emergency situations in the Republic of Serbia?	laws	+		+		28
	regulation	+		+		66
	decrees and decisions	+		+		34
	assessments and instructions	+		+		7

Note. Made by the authors.

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Adekvatnost normativno-pravnog okvira za angažovanje vojnih snaga Republike Srbije u vanrednim situacijama

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Sažetak

Angažovanje vojnih snaga Republike Srbije determinisano je nacionalnom legislativom. Operacionalizacija angažovanja vojnih snaga Republike Srbije bliže je uređena strategijsko-doktrinarnim dokumentima sistema nacionalne bezbednosti i pravilima upotrebe Vojske Srbije. Međutim, angažovanje vojnih snaga u miru (vanredne situacije) je specifično, posmatrano sa stanovišta ambijentalnih uslova za upotrebu, odnosno dimenzija operativnog okruženja u kojem se vojne snage upotrebljavaju. Sledstveno tome neophodne su jasno definisane procedure i metodologija upotrebe vojnih snaga, što nominalno iziskuje precizne normativno-pravne determinante. Postojanje adekvatnih normativno-pravnih determinanti, u postojećoj legislativi u cilju angažovanja vojnih snaga u vanrednim situacijama je problem koji se istražuje u radu. Rešenje problema, to jest cilj rada se postiže primenom osnovne metode koja se koristi u istraživanju, metode analize sadržaja, za čiju primenu je konstruisan poseban instrument-arak za analizu sadržaja. Ukupno je istraženo 66 normativno-pravnih dokumenata, koji se mogu podeliti u četiri grupe: zakoni; pravilnici; uredbe i odluke Vlade Republike Srbije; i procene i uputstva. Istraživanjem se, na nivou naučne deskripcije, došlo do sledećih rezultata: normativno-pravni okvir Republike Srbije omogućuje upotrebu vojnih snaga u vanrednim situacijama; postojeća legislativa nije adekvatno uređena pa je neophodno bliže uređenje upotrebe vojnih snaga, sa težištem na uredjenju veza i odnosa na različitim nivoima koordinacije subjekata i snaga sistema smanjenja rizika od katastrofa i upravljanja vanrednim situacijama.

Ključne reči: vojne snage, vanredne situacije, rizik, katastrofe, legislativa

Multi-Criteria Optimization of Brigade Command Organization in the Process of Operational Planning of Military Operations

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Article Information*

Review Article • UDC: 355.02
Volume: 20, Issue: 1, pages: 156–183
Received: February 16, 2023 • Revised: March 23, 2023
Accepted: March 24, 2023
https://doi.org/10.51738/Kpolisa2023.20.1r.156jdl

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*Cite (APA):
Jevtić, D., Dumić, A., & Lojić, R. (2023). Multi-criteria optimization of brigade command organization in the process of operational planning of military operations. *Kultura polisa*, *20*(1), 156–183. https://doi.org/10.51738/Kpolisa2023.20.1r.156jdl

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20(1), 156–183

Abstract

The paper presents an analytical overview of the aspects of organizing and functioning of the brigade command in the process of operational planning of military operations. The aim of the work is to offer and compare a new solution for the organization of commands of different levels (in this case, brigade commands) in the process of planning operations, while considering all aspects of the offered organization models. By identifying the possibility of improving the structure and functioning of the command, with the help of the analytical-hierarchical process (AHP) multi-criteria decision-making method, the procedure for choosing the best alternative in terms of the command organizational structure model and the brigade command work organization model, in the concretely considered situation, was presented. Model A, considered in this paper, is adapted to the NATO model of brigade command organization, model B is a modified basic model of brigade command organization, defined in our doctrinal documents. Based on the research, model B of the organizational structure is realistic and high-quality and represents the basis for redefining and improving the organization of the work of the brigade command in the process of operational planning of military operations.

Keywords: multi-criteria optimization, organization, brigade command, operational planning, military operations.

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Multi-Criteria Optimization of Brigade Command Organization in The Process of Operational Planning of Military Operations

The process of operational planning of military operations at the brigade level is carried out by the brigade command in accordance with the established standardized operating procedures (SOP) within the command as an organization. The functioning of the operational planning process is conditioned by the organization of work within the brigade command as an organizational unit and an element of the brigade structure.

The essence of the problem that this paper deals with is finding such an organization of the work of the brigade command in the process of operational planning, which, based on certain set parameters (criteria), will represent a successful model of the implementation of the mentioned process.

The application of multi-criteria analysis methods in the process of organizing the work of the command has great application possibilities (Ardil, 2020, pp. 275–276). In this case, the application of the AHP method is presented, and two alternatives are ranked. The application of the AHP method makes it possible to consider the offered alternatives in relation to various criteria and as a final result we get a proposed solution that may be in conflict with the solution that is currently being applied. The results obtained were supported by a thorough research conducted with 12 respondents, whose competences were confirmed on the basis of a special competence assessment procedure.

Research that dealt with this issue dates back to 2008. Instructions for operational planning (issued by the Directorate for Planning and Development of the Ministry of Defense of the Armed Forces, issue no. 901-3, dated February 20, 2008, hereinafter: Instructions) brought a number of novelties that changed the general approach to planning operations. The basis for the creation of this document was similar doctrinal documents of NATO and the U.S. Army Corps: Guidance for operational planning NATO (Guidance for operational planning NATO) and Planning and production of orders in KoV USA (FM 5-0 Army Planning and Orders Production) (Gallis, 2003). Dilemmas and debates about their use value continue from then until today, and the positions of those who engage in the debate range from proposals to re-examine the validity and applicability of the operational planning process itself in our theory and practice to those who absolutely support the new approach in planning Operation.

The aforementioned led to the creation of several modified iterations of the mentioned Instructions up to the one from 2017, which is still in force today.

The very importance of the scientific approach when considering the issue of planning military operations initiated the military as well as experts in the field of management to address this topic through their own research and papers that were presented as part of the scientific conference entitled Project Management and Army Operations organized by the Military Academy in 2012. years. All papers were published in the magazine Military paper (winter/2012) and represent significant progress in this domain.

The most significant research on this issue was carried out as part of the preparation of papers for a scientific conference and the realization of the international scientific conference entitled The Influence of the Operational Environment on the Preparation and Execution of Operations, which was held in 2017, organized by the School of National Defense. At this gathering, part of the work was dedicated to the application of multi-criteria analysis methods in certain segments of planning and execution of operations, and the research results indicate a wide range of possibilities of applying these methods, but also the necessity of their application for the purpose of objectivity and quality of the decision made (Dumić, 2017).

The first model, model A as an object of comparison, is an adapted NATO model of brigade command organization (Gallis, 2003). This model represents a certain link of the NATO settings of the operational planning process, which the Serbian Army largely adopted as its own model and the practical application of that process in the organization – the brigade command.

The second model, model B, is a modified basic model of the brigade command organization that is defined in our doctrinal documents and instructions, and represents a response to the real need to improve the basic model, while at the same time remaining within the framework of the structure and capabilities of the organization of the Serbian Armed Forces.

Presentation of the Considered Models of the Organization of the Army Brigade Command in Operations

The Land Army Brigade (hereinafter LAB) is the highest tactical unit of the LAB, composed of modularly organized units of branches and services that are functionally connected to each other. The brigade is most often engaged to carry out operations as part of the KoV or independently. Its organizational structure is of an elastic type and ensures modeling depending on the type of operation (Generalštab Vojske Srbija [Generalštab], 2014, p. 8).

The brigade command is a part of the brigade, organizationally and formationally structured for the command and control of subordinate units from the brigade composition (Generalštab, 2017, p. 14). It functions as one specialized, coherent unit – a professional team, which bases its success in its work on the training of all its members and the coordination of work both between individuals and between bodies within it.

The command of the LAB is the bearer of the command and control system of the LAB. The prerequisites for its effective functioning are of a dual nature. The first prerequisite is the optimal dimensioning of numerous sizes and a properly set organizational structure of the command. Another prerequisite is a properly established organization of work, within that organizational structure, which implies an active and continuous, efficient process based on clearly defined competencies, connections and relationships, as well as communications within the command.

The LAB command is organizationally profiled for the implementation of the operational planning process in accordance with the provisions of the Operational Planning Instructions, which allows freedom in shaping the command structure for planning a specific operation, in accordance with the objectives of the operation, assessment and requirements of the specific situation, but also in accordance with the organizational formation possibilities.

Model A – Organizational Structure of the Brigade Command in the Operational Planning Process

Model A of the organizational structure of the NATO brigade command (Figure 1) in the process of operational planning enables the quality work of the brigade command in the considered process. At the same time, he relies on an extremely demanding and complex structure of functions in the command and the most modern technological support in the planning of operations.

This model implies three levels of organization. The commander is at the head of the command, and the first level of organization is the commander's personal staff.

Model B – Organizational structure of the brigade command in the operational planning process

The modification of the model of the organizational structure implies its adaptation to the real conditions of military operations, enabling the current monitoring of the situation on the battlefield and a more efficient and effective

command work process (Generalštab, 2010).

Model B of the organizational structure of the brigade command (hereinafter Model B) was created with the idea of providing optimal results and was adapted to real possibilities, taking into account the capacities of the current organizational and formational structure of the brigade command of the Serbian Armed Forces, its technological capacities for work, as well as conditions and requirements planning operations (Figure 2).

This model of the headquarters organization of the command implies the formation of headquarters teams with clearly defined roles and tasks in the operational planning process (Generalštab, 2017).

The staff teams have the following composition:

- Staff Team 1: Chief of Staff, Operations Assistant and Support Assistant.
- Headquarters Team 2: B-1, B-4, B-6, B-8, B-9.
- Staff team 3: B-2, B-3, authority of VBA, VP.
- Staff Team 3 A: Team for the selection of objects of action (composition according to the decision of the assistant for operations).
- Staff Team 3 B: specialist staff officers.
- Staff Team 3 C: Team for creating the operational model (composition according to the decision of the Chief of Staff).
- Staff Team 4: Team for monitoring the situation in the operational environment (team leader, one member each of B-2, B-3, B-4 and B-6).

The mentioned model implies the formation of three hierarchical levels of work teams specialized for certain groups of work and directed towards a single goal, making the right decision for the use of the brigade in operations. At the first hierarchical level of headquarters teams is headquarters team 1, which should ensure continuity in command, situation monitoring and timely reactions to changes in the operational environment.

At the second hierarchical level are staff teams 2, 3 and 4. Staff teams 2 and 3 have a standard role in the operational planning process, as prescribed in the Instructions. In order to ensure the constant monitoring of the situation in the operational environment and the acquisition and selection of information about changes in the operational environment that affect the planning of the operation, in addition to the teams under the leadership of the assistant commander, within this model, the formation of a special team (headquarters team 4) is foreseen for monitoring the situation in the operational environment, but also for collecting, processing and distributing information to all actors in the process. The role of this team is to form a unique and current operational picture that

the commander can monitor at any time with the help of adequate command and information systems. Within the headquarters team 4 is the headquarters of the command and information system, which unites telecommunication and IT elements, as well as the Geographical Information System (GIS).

At the third hierarchical level, there are teams that are functionally linked to HQ Team 3 under the leadership of the Operations Assistant. In this model, the importance of the process of creating an operational model of the operation, which is continuous and subject to revision, is recognized. which requires the formation of a special team that would deal with that process and enable its comparative development with other steps in the operational planning process. In addition to this team, there is a team of specialist officers and a team for the selection of objects of action, which are directly connected to the headquarters team 3, which means that the exchange of information at this level is currently carried out without intermediaries. This type of organization enables staff team 3, which is most responsible for planning the operation, to have a constant insight into all relevant information related to the mentioned process and ensure its implementation.

In order to determine the value of the offered models, it is necessary to perform their comparison and evaluation, i.e. ranking. Comparison and evaluation of given models is best done using one of the methods of multi-criteria analysis as decision support. n the following chapters, the application of the Analytical Hierarchy Process (AHP) method is shown in the function of choosing the best model of the organizational structure of the command (Duncan, 1979, p. 65).

Multi-criteria decision-making method – Analytical Hierarchy Process (AHP)

Decision-making is often a complex problem due to the presence of competing and conflicting criteria among available alternatives (Ewing et al., 2005, p. 35). The Analytical Hierarchy Process (AHP) method was developed by Thomas L. Saaty and is a tool in decision analysis (Saatz, 1980, p. 22). It was created to help designers in solving complex decision-making problems involving a large number of designers and when there are a large number of criteria. Accordingly, the area of application of the method is multi-criteria decision-making, where based on a defined set of criteria and attribute values for each alternative, the most acceptable solution is selected, i.e. the complete distribution of the importance of the alternatives in the model is displayed.

The procedure for selecting alternatives using the AHP method can be

expressed using four basic steps:

– structuring the problem;
– definition of criteria;
– determining the weighting coefficients of the criteria;
– determining the solution to the problem.

Problem structuring consists of decomposing a certain complex decision-making problem into a series of hierarchies, where at the levels and sub-levels of the hierarchy there are criteria that, at the first level of the hierarchy, are related to the goal of the problem, and at each subsequent level they are linked to criteria at a higher level. A graphic representation of problem structuring with one level of hierarchy, where the letter K denotes the criteria and the letter A the alternatives, is presented in Figure 3.

The second phase involves defining the criteria related to the goal of the problem at the first hierarchical level, and if there are more levels, then they are also defined criteria for each subsequent hierarchical level. The decision maker usually defines the criteria himself, but it can hire experts in the subject area, who will evaluate the proposed criteria using certain methods and thus suggest to the decision maker whether the defined criteria are adequate or not.

The determination of the weighting coefficients of the criteria is performed by comparing the criteria in pairs using Saaty's scale (Table 1), which is considered the standard for the AHP method (Saaty, 1985, p. 27). The comparison of criteria is performed in pairs, and the results of the comparison of elements at a given level of the hierarchy are placed in the corresponding comparison matrices. For example, if **n** elements are compared with each other in relation to the corresponding element at the immediately higher level of the hierarchy, then when comparing element **i** in relation to element **j**, a numerical coeficient a_{ij} is determined using the Saaty scale and placed in the corresponding position in the matrix A:

$$A = \begin{bmatrix} a_{11} & a_{12} & \vdots & \vdots & a_{1n} \\ a_{21} & a_{22} & \vdots & \vdots & a_{2n} \\ \vdots & \vdots & \vdots & \vdots & \vdots \\ \vdots & \vdots & \vdots & \vdots & \vdots \\ a_{n1} & a_{n2} & \vdots & \vdots & a_{nn} \end{bmatrix}$$

The reciprocal value of the comparison result is placed in the position a_{ij} to preserve consistency of reasoning. For example, if element 1 is slightly favored over element 2, in place a_{12} matrix A would be number 3, and in place a_{21} would be the reciprocal value 1/3.

In the case of absolute consistency in the choice of criteria by the decision maker, the matrix A is equal to the matrix X,

$$X = \begin{bmatrix} \frac{w_1}{w_1} & \frac{w_1}{w_2} & \cdots & \frac{w_1}{w_n} \\ \frac{w_2}{w_1} & \frac{w_2}{w_2} & \cdots & \frac{w_2}{w_n} \\ \vdots & \vdots & \cdots & \vdots \\ \vdots & \vdots & \cdots & \vdots \\ \frac{w_n}{w_1} & \frac{w_n}{w_2} & \cdots & \frac{w_n}{w_n} \end{bmatrix}$$

where **W** represents the relative weight coefficient of the element **i**.

There are several variants for further determining the vector of weighting coefficients from the displayed matrix, and they mainly relate to different mathematical models. Satty presented two techniques. The first involves summing the rows of the matrix of comparison results and normalizing the sums obtained, according to the following expression:

$$\sum_{j-1}^{n} \frac{w_i}{w_j} = w_i \left[\sum_{j-1}^{n} \frac{1}{w_i} \right] \qquad \mathbf{i} = \mathbf{1}, \ldots\ldots, \mathbf{n} \text{ (по редовима)} \tag{1}$$

The second technique involves summing the reciprocal values of the columns of the matrix of comparison results and normalizing the obtained sums, according to the following expression:

$$\sum_{i-1}^{n} \frac{w_i}{w_j} = \frac{1}{w_j} \left[\sum_{i-1}^{n} \frac{1}{w_j} \right] \qquad \mathbf{i} = \mathbf{1}, \ldots\ldots, \mathbf{n} \text{ (по редовима)} \tag{2}$$

In the next chapter of this work, through the processing of research results, Satty's technique was applied to determine the vector of weight coefficients **w**, which implies the normalization of the comparison matrix.

The last stage of application of this method represents the solution of the problem, that is, the determination of the value of each of the alternatives and, based on the obtained results, the selection of the best alternative. The procedure

for determining the best alternative is carried out analogously to the explained procedure related to the determination of criteria. Firstly, the values of the alternatives are determined in relation to each criterion separately through a matrix for determining the weighting coefficients, and then the obtained values of the alternatives are multiplied with the values of each of the criteria. The obtained values are normalized by rows by dividing the total sum of the values of one alternative in relation to each criterion by the number of criteria and in this way the values of the alternatives are obtained.

The complete procedure of applying this method will be practically shown in the next chapter through the processing and presentation of research results in the function of choosing a model of the organizational structure of the command in the process of operational planning in operations.

Evaluation of the model of the organizational structure of the brigade command using the AHP method

The conceptual framework of this research represents the formation of a model of the organizational structure of the KoV brigade command that would efficiently and effectively realize the process of operational planning in operations. The research realization process is shown in the form of an algorithm in Figure 4.

As the initial basis for the realization of model selection, a hierarchical decomposition of the problem solution was formed and criteria were proposed in relation to the goal, which in this case is the selection of an organizational structure model (Figure 5).

The criteria were defined based on the study of literature in the field of operations, command, operational planning and decision-making, as well as literature in the field of organizational theory and management theory (Jovanović, 2005, p. 65). The criteria that are defined in relation to the goal are:

K1 – Risk management;

K2 – Effectiveness of information flow within the command in the operational planning process;

K3 – Monitoring of changes in the operational environment (reaction to changes);

K4 – Defined work processes within the command (connections and relationships, coordination, communication, interchangeability, etc.);

K5 – Decision-making within defined time frames (possibility of responding

to planning situations in limited time);

K6 – Current and realistic operational picture available to all participants in the process through the command and information system.

The alternatives considered in the research are models A and B of the organizational structure of the KoV brigade command in the process of operational planning in operations. The mentioned models are presented and explained in the previous chapter of this work.

The research was carried out by collecting and processing data, obtained by surveying 12 experts in the subject area, teachers from the School of National Defense whose narrower specialty is planning military operations, and who have adequate professional competence (hereinafter respondents), (the optimal number of respondents is from 10 to 15 as pointed out by Župac and Mučibabić) through a questionnaire (Župac, 2013, p. 52; Mučibabić, 2003, p. 111).

The methods are shown in the works: Đorović, B. (2003): Research on the design of the organizational structure of administrative bodies of the traffic service; Đorović (2000): Methods of experts and assessment of their competence; Milićević (2014): Expert assessment.

The selection of persons for the survey was made on the basis of their professional and scientific qualifications in relation to the subject area, and their competence was confirmed by analyzing the obtained data on the respondents.

After defining the group of respondents, their competence was assessed. The assessment of competence was performed by calculating the coefficient of competence (K), which includes three aspects of assessment, namely: 1) objective assessment (Kd); 2) assessment of the source of argumentation (Ka) and 3) subjective assessment of connoisseurs (Ks).

Such a formulation was created on the basis of the Dobrova method, a model for the selection and evaluation of experts in the federal authority for science and technology and the like.

The calculation of the competence coefficient is performed according to the expression:

$$K = q_1 K_d + q_2 K_a + q_3 K_s \qquad (3)$$

where is:

q= 0.6

q= 0.25

q= 0.15

Objective assessment (Kd) is a representative of the contribution of

individual parameters to his competence. The dominant individual parameters are usually: level of education, total length of service, functional duty, length of service in the current functional duty, published scientific and professional works, participation in projects, professional activity outside the workplace, official evaluation and received awards. These parameters have been modified in accordance with current research.

For research purposes, the following individual parameters were defined for the calculation of the objective coefficient of competence (Kd):

P1 - total working experience;
P2 - participation in combat operations;
P3 - level of education;
P4 - previous duties;
P5- current formation place;
P6- published scientific and professional works;
P7- participation in the preparation of documents from the subject area;
P8- implementation of teaching in the subject area;
P9- implementation of teaching through simulations.

The objective coefficient of competence was calculated using the expression (Božanić, 2017, p. 41):

$$K_{d=}\frac{1}{10}\frac{\sum_{s=1}^{f} p_s t_s}{\sum_{s=1}^{f} t_s} \qquad (4)$$

where is:

p_s – the level of importance of the connoisseur's constituent s-th characteristic,

t_s – the weight that determines the relative importance of the connoisseur's s-th trait, within limits

[0, 1] (for this model $t_2 = t_6 = t_7 = 0.5$, and for the others value is 1),

f – is the number of characteristic (for this model f=9).

Through the evaluation of the source of argumentation (Ka), the respondent determines the degree of influence of a certain source on his opinion. This impact is evaluated as high, medium, low or no source impact. According to Dobrov, if Ka = 1 then the degree of influence of the source is high, if Ka = 0.8 then the degree of influence of the source is medium and if Ka = 0.5 then the degree of influence of the source is low (Milićević, 2014, p. 47). The degree of influence of the source of argumentation was evaluated according to the modified Table 2.

In the subjective evaluation (Ks), the respondent evaluates himself in the knowledge of the specific research problem. Grading is done with grades from 1 to 10. These grades are multiplied by a coefficient of 0.1 and thus a subjective assessment is obtained. After the values of the defined coefficients were determined, the obtained results were included in expression (3) and competence coefficients were obtained for each of the respondents. Competence ratings of 12 surveyed experts in the subject area are shown in Table 3.

After the decomposition of the problem solution and the definition of the criteria, the weighting coefficients of the criteria were determined using Satty's scale by comparison in pairs. The results were normalized across the comparison matrices and are shown in Table 4.

To the final values of the weight coefficients of the criteria (w_1, w_2 … w_6) it was arrived at by the method of averaging the results of connoisseurs through geometric means (Geometric Mean Method [GMM]) using the expression (Zoranović & Srđević, 2009, p. 724):

$$w_{i=} \prod_{k=1}^{K} [a_i(k)]^{b_k} \qquad (5)$$

Where is:

w_i – weight value of the coefficient,

$a_i(k)$ – the value of the weighting coefficient for each k-th expert where k=1,...K,

b_k – additively normalized competence coefficient of the k-th expert.

The values of the weighting coefficients of the criteria are shown in Table 5.

After determining the weighting coefficients of the criteria, analogously to the previously presented methodology for determining the weighting coefficients of the criteria, the weighting coefficients of the alternatives were determined. Respondents evaluated models A and B in relation to each criterion individually, using Satty's scale.

The obtained results were normalized, and the final values of the weighting coefficients of the alternatives in relation to the criteria were reached using the method of averaging the results of experts using geometric means (GMM). The final values of the weighting coefficients of the alternatives are shown in table 6.

As a final step, the additive normalization of the results was performed

in relation to the values of the weighting coefficients of the criteria (Table 7)., and the final values of the alternatives were obtained (Table 8 и 9).

Gradient sensitivity analysis criteria values

Gradient sensitivity analysis is a very useful tool that can be used to establish and then graphically present the dependence of the value of alternatives in relation to a change in the value of one of the criteria. It is most often carried out in relation to the criterion that has the highest value, and therefore has the greatest impact on the considered alternatives.

In this case, the most important criterion is K2-Efficiency of information flow within the command in the operational planning process.

Step 1 of the analysis is shown in table 10. The table shows how the values of the criteria change and how much these values contribute to the change in the value of the criterion K2 in the range from 0 to 1, in a range that increases by 0.1.

Step 2 of the analysis is shown in table 11. The table shows how the values of the alternatives change and how much those values are in return for the change in the value of the criterion K2 in the range from 0 to 1, in a range that increases by 0.1. The graphic representation is given in Figure 6.

The results of the conducted research clearly indicate a significantly higher value of alternative B, that is, the model of the organizational structure of the brigade command, which was offered and analyzed in the paper. All experts in the subject area who participated in the research gave preference in the largest number of segments (in relation to the criteria) to model B,

From the above, it can be concluded that the considered model B of the organizational structure is relevant, realistic and of high quality and as such represents the basis for considering the redefinition of the work organization of the brigade command in the process of operational planning in the instructions and rules that regulate the mentioned area.

Conclusion

The organizational structure of the brigade command in the process of operational planning should be adapted to the capacities of the command and the characteristics of the operation being carried out. In support of this, the paper identified the key requirements for the optimal operation of the command and, based on the conclusions, formulated a model of the organizational structure

of the command that is significantly more efficient.

The transformation of the current command structure defined by the Instruction in the mentioned process was carried out in accordance with the need to plan the operation. The key advantages of the considered model are reflected in its adaptability to new circumstances in the operation and the actuality of monitoring all relevant influences from the operational environment. In addition, the mentioned model is flexible, respects the principles of organization theory and management theory, which is reflected in the maximum use of individual capacities of command members through their synergistic action.

The results obtained by the research unequivocally confirmed the better performance of the considered model compared to the model given in the Instructions. The respondents gave the greatest advantage to the mentioned model in the segment of the actualization of the operational image of the battlefield, information flow and defined organizational work processes within the command.

The contribution of this work is reflected in the presentation of a new approach to modeling the organization of work of the brigade command, based on the achievements of decision-making theory. This work confirms the possibilities of integrating science and practice in order to find the optimal solution. The frameworks in which the research was conducted are realistic, and the results reached are current and applicable in practice.

This approach to a complex problem such as the optimization of the functioning of the brigade command offers one of the possible solutions and indicates the need to continue searching for new solutions. Questions that should be addressed by further research in this area are related to consideration of the optimization of organizational work processes in different types of operations, as well as in commands of temporary formations, specifically operational groups.

Also, it is necessary to work in the direction of defining time references for the realization of sub-processes and processes in the operation of commands so that output results can be standardized in some way.

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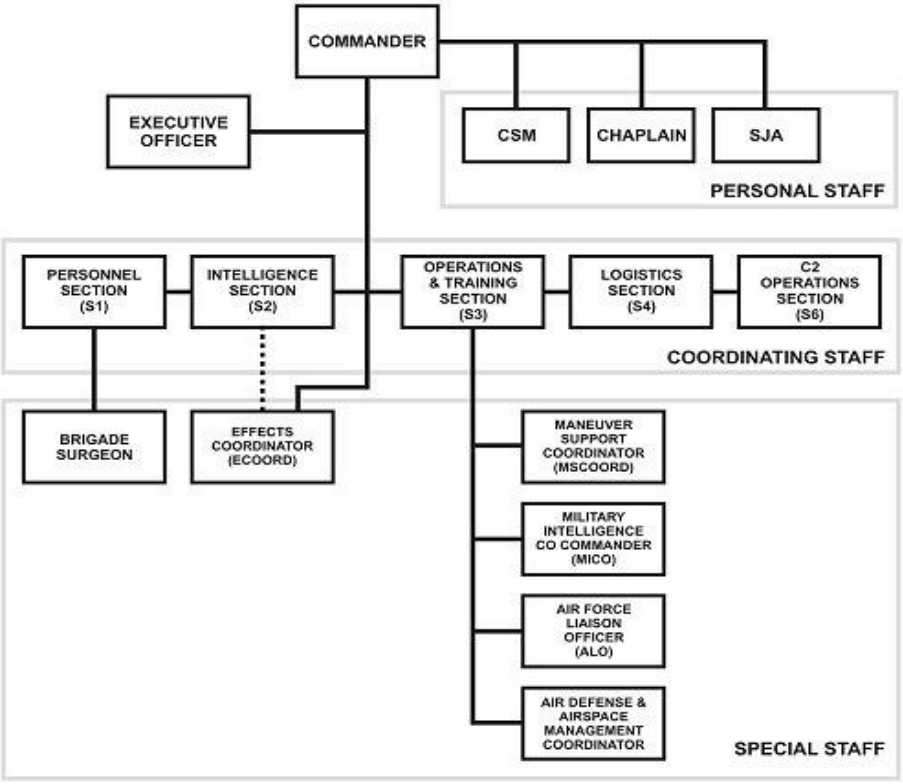
Appendix

Figure 1

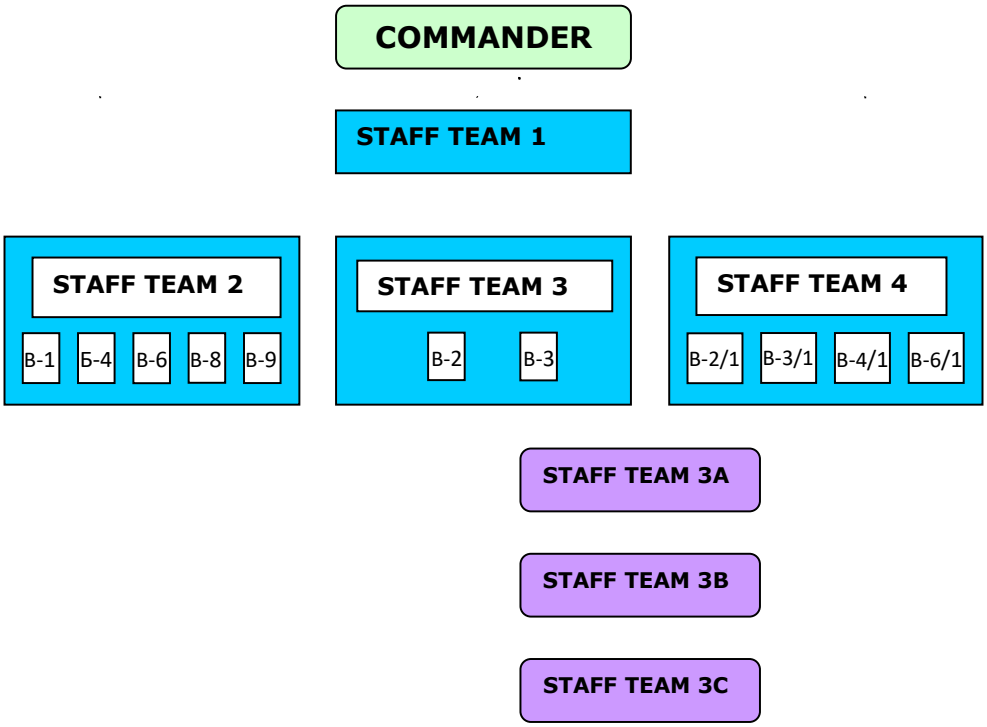
MODEL A of the organizational structure of the NATO brigade command in the process of operational planning in operations



Note. Made by the authors.

Figure 2

MODEL B of the organizational structure of the LAB command in the process of operational planning in operations



Note. Made by the authors.

Figure 3

Hierarchical decomposition of decision-making problems using the AHP method

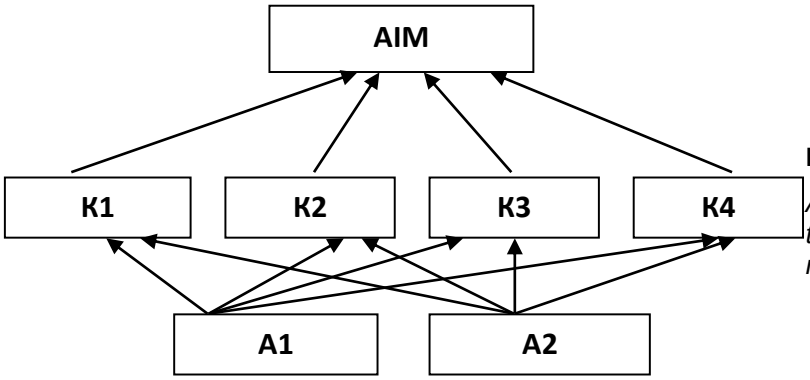
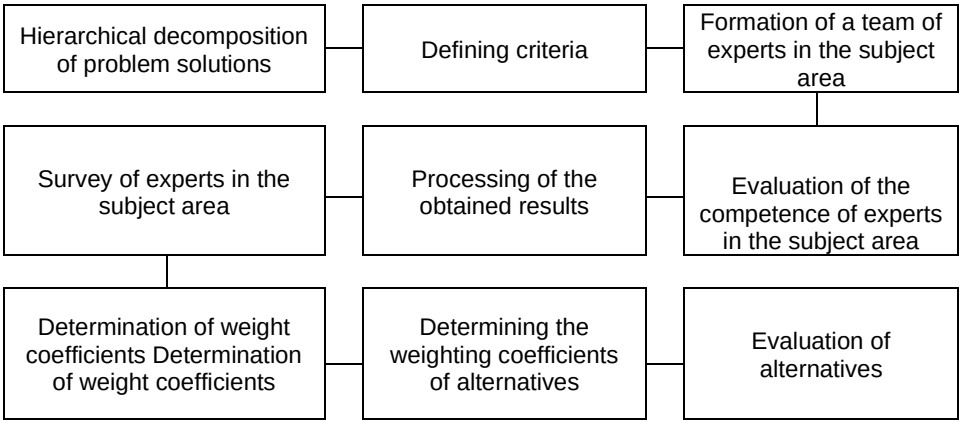


Figure 4

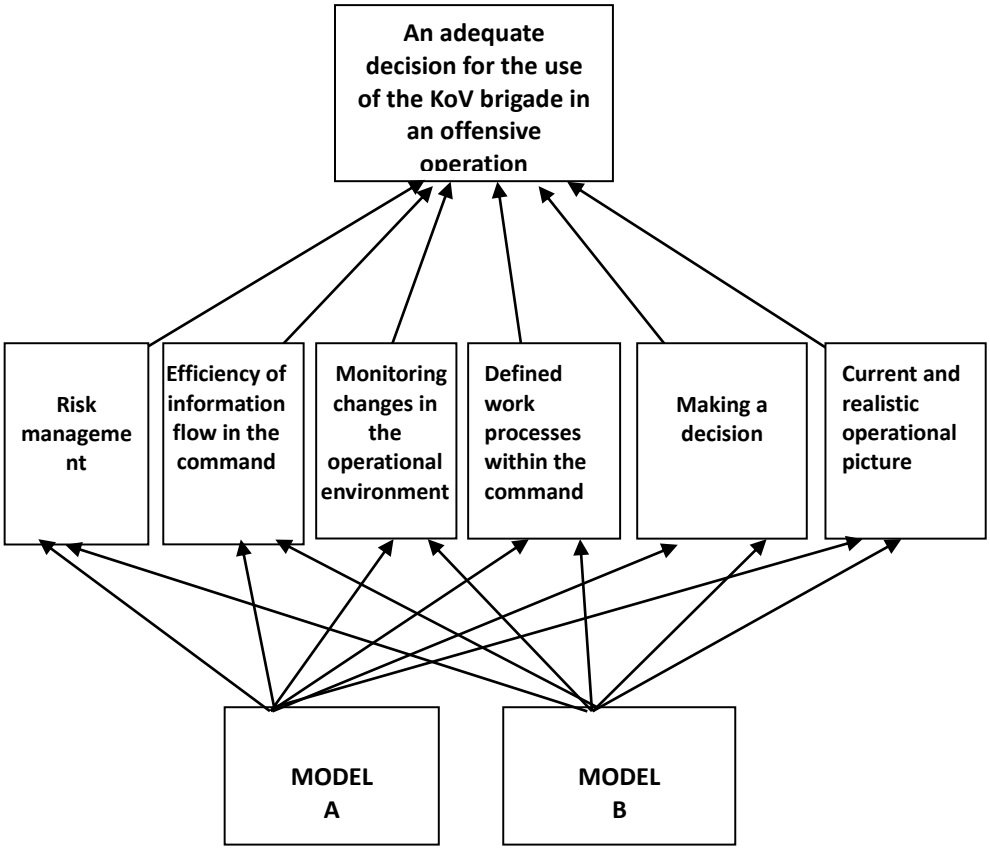
Algorithm of the research implementation process



Note. Made by the authors.

Figure 5

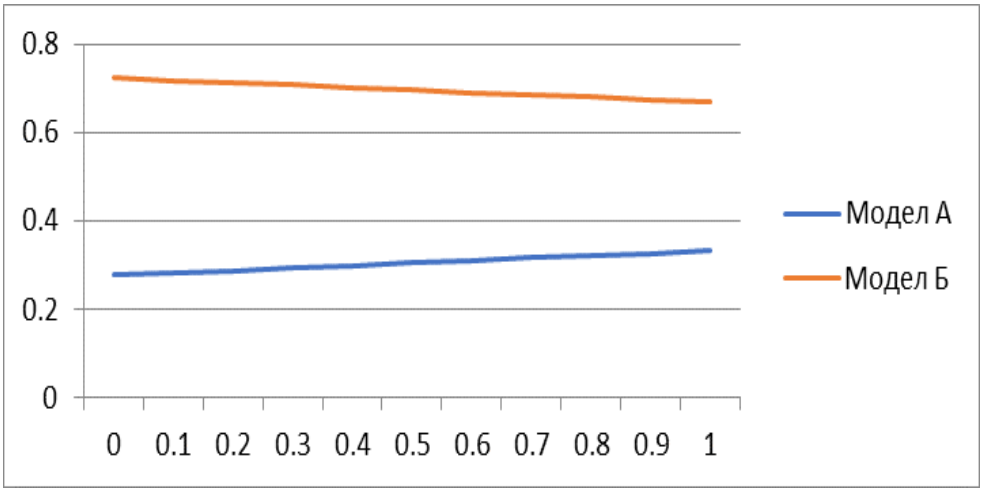
Hierarchical decomposition of problem solutions



Note. Made by the authors.

Figure 6

Graphical representation of gradient sensitivity analysis



Note. Made by the authors.

Table 1

Saaty's pairwise comparison scale

Importance	Definition	Explonation
1	Equal importance	Both activities contribute equally to the goal
3	Moderate dominance	Experience and judgment slightly favor one activity over the other
5	Strong dominance	Experience and judgment strongly favor one activity over the other
7	Demonstrated dominance	One activity is strongly favored and its dominance is demonstrated in practice
9	Extreme dominance	Evidence which favor one activity over another are of the highest possible order of affirmation
2,4,6,8	Inter values	When compromise is required

Note. Made by the authors.

Table 2

The influence of argumentation on the assessment of the competence of experts in the subject area

No.	Source of argumentation	Influence degree		
		1-high	2-medium	3-low
2)	Theoretical knowledge	0.3	0.2	0.1
3)	Teaching experience	0.3	0.2	0.1
4)	Literature	0.2	0.2	0.1
5)	Warfare expirience	0.1	0.1	0.1
6)	Intuition	0.05	0.05	0.05
7)	Other	0.05	0.05	0.05

Note. Made by the authors.

Table 3

Competency assessments respondent

Respodent	Evaluation parameters			competence coefficient
	$K_d(0.6)$	$K_a(0.25)$	$K_s(0.15)$	
У	0.504	0.250	0.150	0.904
У	0.516	0.225	0.135	0.876
У	0.484	0.250	0.135	0.869
У	0.452	0.200	0.135	0.787
У	0.476	0.225	0.105	0.806
У	0.380	0.225	0.090	0.695
У	0.484	0.250	0.135	0.869
У	0.352	0.200	0.120	0.672
У	0.464	0.225	0.120	0.809
У	0.424	0.250	0.150	0.824
У	0.508	0.200	0.120	0.828
У	0.468	0.225	0.120	0.813
Coefficient of competence of the entire group of respondents				**0,813**

Note. Made by the authors.

Table 4

Weighting coefficients of criteria

Respodent	K_1	K_2	K_3	K_4	K_5	K_6
	w_1	w_2	w_3	w_4	w_5	w_6
3)	0.060	0.240	0.288	0.150	0.088	0.168
4)	0.269	0.113	0.178	0.196	0.192	0.052
5)	0.173	0.025	0.155	0.408	0.180	0.059
6)	0.110	0.308	0.060	0.358	0.150	0.059
7)	0.109	0.330	0.118	0.329	0.079	0.080
8)	0.270	0.250	0.220	0.070	0.118	0.072
9)	0.033	0.325	0.218	0.145	0.084	0.195
10)	0.203	0.110	0.181	0.250	0.132	0.124
11)	0.162	0.215	0.144	0.051	0.265	0.163
12)	0.046	0.144	0.166	0.147	0.365	0.132
13)	0.189	0.208	0.098	0.045	0.280	0.180
14)	0.112	0.187	0.417	0.131	0.049	0.104

Note. Made by the authors.

Table 5

Values of the weighting coefficients of the criteria

K_1	K_2	K_3	K_4	K_5	K_6
w_1	w_2	w_3	w_4	w_5	w_6
0.143	0.202	0.186	0.189	0.165	0.115

Note. Made by the authors.

Table 6

Weight coefficients of alternatives

	T_1	T_2	T_3	T_4	T_5	T_6
MODEL A	0.273	0.332	0.140	0.425	0.303	0.217
MODEL B	0.727	0.668	0.860	0.575	0.697	0.783

Note. Made by the authors.

Table 7

Weighting values of alternatives and criteria

	T_1	T_2	T_3	T_4	T_5	T_6
MODEL A	0.273	0.332	0.140	0.425	0.303	0.217
MODEL B	0.727	0.668	0.860	0.575	0.697	0.783
$w_1 \ldots w_6$	0.143	0.202	0.186	0.189	0.165	0.115

Note. Made by the authors.

Table 8

Additive normalization-procedure

	T_1	T_2	T_3	T_4	T_5	T_6
MODEL A	0.273× 0,143	0.332× 0,202	0.140× 0,186	0.425×0, 189	0.303× 0,165	0.217×0, 115
MODEL B	0.727× 0,143	0.668× 0,202	0.860× 0,186	0.575×0, 189	0.697× 0,165	0.783×0, 115
$w_1 \ldots w_6$	0.143	0.202	0.186	0.189	0.165	0.115

Note. Made by the authors.

Table 9

The final values of the alternatives

	T_1	T_2	T_3	T_4	T_5	T_6	VALUE OF ALTERNATIVES (sum T_1 ..T_6)
MODEL A	0.039	0.067	0.025	0.080	0.050	0.025	0.285
MODEL B	0.104	0.135	0.160	0.109	0.115	0.090	**0.715**

Note. Made by the authors.

Table 10

Gradient sensitivity analysis of criteria-step 1

	K1	K3	K2	K4	K5	K6
w	0.143	0.186	0.202	0.189	0.165	0.115
	0.179197995	0.23308271	0	0.23684211	0.206767	0.14411
	0.161278195	0.20977444	0.1	0.21315789	0.18609	0.129699
	0.143358396	0.18646617	0.2	0.18947368	0.165414	0.115288
	0.125438596	0.16315789	0.3	0.16578947	0.144737	0.100877
	0.107518797	0.13984962	0.4	0.14210526	0.12406	0.086466
	0.089598997	0.11654135	0.5	0.11842105	0.103383	0.072055
	0.071679198	0.09323308	0.6	0.09473684	0.082707	0.057644
	0.053759398	0.06992481	0.7	0.07105263	0.06203	0.043233
	0.035839599	0.04661654	0.8	0.04736842	0.041353	0.028822
	0.017919799	0.02330827	0.9	0.02368421	0.020677	0.014411
	0	0	1	0	0	0

Note. Made by the authors.

Table 11

Gradient sensitivity analysis of criteria - step 2

K2	Model A	Model B
0	0.27613283	0.72386717
0.1	0.28171955	0.71828045
0.2	0.28730627	0.71269373
0.3	0.29289298	0.70710702
0.4	0.2984797	0.7015203
0.5	0.30406642	0.69593358
0.6	0.30965313	0.69034687
0.7	0.31523985	0.68476015
0.8	0.32082657	0.67917343
0.9	0.32641328	0.67358672
1	0.332	0.668

	а	б
Model A	0.05586717	0.27613283
Model B	-0.0558672	0.72386717

Intersection point:	400.71%

Note. Made by the authors.

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Višekriterijumska optimizacija organizacije komande brigade u procesu operativnog planiranja vojnih operacija

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Sažetak

Rad predstavlja analitičko sagledavanje aspekata organizovanja i funkcionisanja komande brigade u procesu operativnog planiranja vojnih operacija. Cilj rada je da se ponude i uporede nova rešenje za organizaciju komandi različitih nivoa (u ovom slučaju komande brigade) u procesu planiranja operacija, a da se pri tom razmotre svi aspekti ponuđenih modela organizacije. Identifikacijom mogućnosti unapređenja strukture i funkcionisanja komande, uz pomoć metode višekriterijumskog odlučivanja Analitičko-hijerarhijski proces (AHP), predstavljen je postupak izbora najbolje alternative u pogledu modela organizacione strukture komande i modela organizacije rada komande brigade, u konkretno razmatranoj situaciji. Model A, razmatran u ovom radu prilagođen je NATO modelu organizacije komande brigade, model B je modifikovan osnovni model organizacije komande brigade, definisan u našim doktrinarnim dokumentima. Na osnovu istraživanja, model B organizacione strukture je realan i kvalitetan i predstavlja osnovu za redefinisanje i unapređenje organizacije rada komande brigade u procesu operativnog planiranja vojnih operacija.

Ključne reči: višekriterijumska optimizacija, organizacija, komanda brigade, operativno planiranje, vojne operacije

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In Memoriam: Dr. Živojin Đurić

(8 February 1954 – 3 December 2022)

At the beginning of December 2022, the professional, scientific and general public was deeply shocked and saddened to hear about the sudden demise of Živojin-Žika Đurić, PhD, a Principal Research Fellow and long-time director of the Institute for Political Studies in Belgrade.

Živojin Đurić was born in 1954 in the village of Štubik, near Negotin. He completed primary and secondary education in Negotin, and graduated from the Faculty of Political Sciences in Belgrade, where he also obtained a master's degree. Under the mentorship of Prof. Miroslav Đorđević, at the same faculty, he defended his dissertation in 1994 on the topic entitled "The Question of National Sovereignty in Serbia in the Mid-19th Century", obtaining a PhD degree in Political Sciences.

During his multi-decade scientific career, Živojin Đurić, PhD, published 16 monographs and more than 60 scientific papers in journals and anthologies in Serbia and abroad as an author or co-author. His scholarly work includes topics from the modern political history of Serbia, the constitution of Serbian statehood in the 19th century, issues of national sovereignty, national identity and tradition. In his works, Đurić analyzes the processes of modernization and social changes in Serbia, studies Serbian political parties and movements during 19th and 20th century, institutions, trade unions, public administration, considers the relationship between society and religion, deals with media and public opinion, performing research on Serbian right-wing and other ideological trends in the 20th and the beginning of the 21st century. Dr. Živojin Đurić was the manager of important and multidisciplinary scientific projects in the field of social sciences and humanities, a representative of the publisher of numerous scientific monographs, textbooks and magazines, but also the initiator, organizer and member of the scientific committees of domestic and international scientific conferences. Based on the evaluation of the quality of scientific results and the quantitative presentation of scientific research results, Đurić occupied each and every scientific position – Research Associate, Senior Research Fellow and Principal Research Fellow. In addition to scientific positions, he also occupied teaching positions at higher education institutions in Serbia.

Nevertheless, despite such an extraordinary scientific career, Živojin Đurić, PhD, was remembered primarily as being a director of the Institute for Political Studies, which during more than 30 years of his leadership became one of the most significant scientific and research organizations in the field of

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humanities and social sciences in Serbia. Đurić became the director of the Institute for Political Studies in 1990, during a period of great social, political and economic changes in the Socialist Federal Republic of Yugoslavia. Leading the Institute for Political Studies in the circumstances of wars in the area, hyperinflation in 1993 and January 1994, NATO bombing in 1999 and comprehensive changes in the socio-political system after 2000, he managed to preserve the scientific and research activity of the Institute. In the past three decades, the Institute for Political Studies has developed from a small scientific research organization with a certain possibility of being closed to a prestigious institute with over 70 employed researchers, with all research and scientific titles. Thanks to Đurić, who had an ear for the development of young scientists and the employment of young people with different basic education, political scientists, lawyers, sociologists, communicators, historians, demographers, experts in the field of geopolitics, security science, social policy and other researchers from the corpus of social science and humanities are employed in this scientific institution today.

The scientific research work of Živojin Đurić, PhD, is especially reflected in the editing of the journal *Srpska politička misao* (Serbian Political Thought). Since 1997, Živojin Đurić has been the editor-in-chief of this journal. During this period, the journal became the most important journal of Serbian political science and gained the status of a national journal of international importance. He also had a prominent role in in the restoration or establishment of seven more journals in the fields of political science, international relations, national security, social policy, and public policy and administration. As the long-term president of the Publishing Council of the journal *Kultura polisa* (The Culture of Polis), he made a significant contribution to its positioning at the very top of domestic scientific journals in the field of social and humanities.

Principal Research Fellow, Živojin Đurić, PhD, was a Serbian patriot of traditional, democratic and libertarian orientation. However, in *Srpska politička misao*, other magazines, monographs and other scientific publications of the Institute for Political Studies, there was always room for the publication of different theoretical reflections, polemics between representatives of conflicting ideological directions and the publication of the conclusions of various empirical researches.

Živojin Đurić, PhD, was buried on December 6, 2022, at the cemetery in Štubik, near Negotin.

Predrag Terzić, PhD, Senior Research Associate
Institute for Political Studies, Belgrade

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In Memoriam: Dr Živojin Đurić

(8. februar 1954 – 3. decembar 2022)

Stručnu, naučnu i širu društvenu javnost početkom decembra 2022. godine godine zatekla je tužna vest o smrti dr Živojina-Žike Đurića, naučnog savetnika i dugogodišnjeg direktora Instituta za političke studije u Beogradu.

Živojin Đurić je rođen 1954. godine u selu Štubiku, u okolini Negotina. Osnovnu i srednju školu je završio u Negotinu, a Fakultet političkih nauka u Beogradu, gde je i magistrirao. Pod mentorstvom profesora Miroslava Đorđevića na Fakultetu političkih nauka u Beogradu je 1994. godine odbranio disertaciju na temu „Pitanje narodne suverenosti u Srbiji sredinom XIX veka“ i tako stekao naučni stepen doktora političkih nauka.

Tokom višedecinijske naučne karijere dr Živojin Đurić je kao autor ili koautor objavio 16 monografija i više od 60 naučnih radova u časopisima i zbornicima radova u Srbiji i inostranstvu. Njegov naučni opus obuhvata teme iz oblasti moderne političke istorije Srbije, konstituisanje srpske državnosti u XIX veku, pitanja narodne suverenosti, nacionalnog identiteta i tradicije. Đurić u radovima analizira i procese modernizacije i društvenih promena u Srbiji, izučava srpske političke stranke i pokrete u XIX i XX veku, institucije, sindikate, javnu upravu, razmatra odnos društva i religije, bavi se temama medija i javnog mnjenja, kao i istraživanjem srpske desnice i drugih ideoloških pravaca u XX i početkom XXI veka. Bio je rukovodilac značajnih i multidisciplinarnih naučnih projekata u oblasti društveno-humanističkih nauka, predstavnik izdavača brojnih naučnih monografija, udžbenika i časopisa, ali i pokretač, organizator i član naučnih odbora domaćih i međunarodnih naučnih konferencija. Na osnovu vrednovanja kvaliteta naučnih rezultata i kvantitativnog iskazivanja naučnoistraživačkih rezultata dr Živojin Đurić je biran u sva naučna zvanja – naučnog saradnika, višeg naučnog saradnika i naučnog savetnika. Pored naučnih, biran je i u nastavna zvanja na visokoškolskim ustanovama u Srbiji.

Pored sadržajne naučne karijere, dr Živojin Đurić će ostati upamćen prevashodno kao direktor Instituta za političke studije, koji je tokom više od 30 godina njegovog rukovođenja postao jedna od najznačajnijih naučno-istraživačkih organizacija u polju društveno-humanističkih nauka u Srbiji. Đurić je postao direktor Instituta za političke sudije 1990. godine, u periodu velikih društvenih, političkih i ekonomskih promena u Socijalističkoj Federativnoj Republici Jugoslaviji. Vodeći Institut za političke studije u okolnostima ratova u okruženju, hiperinflacije 1993. i januara 1994. godine, NATO bombardovanja 1999. i sveobuhvatnih

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promena društveno-političkog sistema nakon 2000. godine, dr Živojin Đurić je uspeo da sačuva naučno-istraživačku delatnost Instituta. Institut za političke studije je u prethodne tri decenije prešao razvojni put od male naučnoistraživačke organizacije s izvesnom mogućnošću gašenja do prestižnog instituta s preko 70 zaposlenih istraživača, u svim istraživačkim i naučnim zvanjima. Zahvaljujući doktoru Đuriću, koji je imao sluha za razvoj naučnog podmlatka i prijem u radni odnos mladih ljudi različitog bazičnog obrazovanja, u ovoj naučnoj instituciji su danas zaposleni politikolozi, pravnici, sociolozi, komunikolozi, istoričari, demografi, stručnjaci iz oblasti geopolitike, nauka o bezbednosti, socijalne politike i drugi istraživači iz korpusa društveno-humanističkih nauka.

Poseban kvalitet u naučnoistraživačkom radu dr Živojina Đurića predstavlja uređivanje časopisa *Srpska politička misao*. Živojin Đurić je od 1997. godine bio glavni i odgovorni urednik ovog časopisa, koji je u tom periodu izrastao u najznačajnije glasilo srpske politikologije i dobio status nacionalnog časopisa međunarodnog značaja. Imao je istkanutu ulogu i u obnovi ili ustanovljavanju još sedam časopisa iz oblasti politikologije, međunarodnih odnosa, nacionalne bezbednosti, socijalne politike, javne uprave i administracije. Kao dugogodišnji član Izdavačkog saveta časopisa *Kultura polisa*, dao je značajan doprinos njegovom pozicioniranju u sam vrh domaćih naučnih časopisa u polju društveno-humanističkih nauka.

Naučni savetnik dr Živojin Đurić je bio srpski patriota tradicionalnog, demokratskog i slobodarskog opredeljenja. U *Srpskoj političkoj misli* i drugim časopisima u čijem uređivanju je imao učešće, kao i u monografijama i ostalim naučnim publikacijama Instituta za političke studije uvek je bilo prostora za objavljivanje i drugačijih teorijskih promišljanja, polemiku između predstavnika suprotstavljenih ideoloških pravaca i publikovanje zaključaka različitih empirijskih istraživanja.

Dr Živojin Đurić je sahranjen 6. decembra 2022. godine na groblju u rodnom Štubiku, pokraj Negotina.

Dr Predrag Terzić, Viši naučni saradnik
Institut za političke studije, Beograd

EXCERPT FROM THE AUTHORS GUIDELINES (starting from 2023)

The journal Kultura polisa [Culture of Polis] publishes papers resulting from the latest theoretical and empirical scientific research from a wide range of social sciences. When writing papers, authors should refer mainly to the results of scientific research that have been published in scientific journals.

Registration fee

The journal Kultura polisa is an open-access scientific journal (OAJ) of both non-commercial and non-profit nature, and the scientific papers published by the journal to be free for readers, which we consider to be of great interest due to the dissemination of scientific knowledge and results of the latest scientific research, the journal charges a registration fee for publishing papers in the amount of 35,000.00 RSD (thirty-five thousand dinars). Authors whose papers receive positive reviews and are accepted for publication will be contacted by the editors of the journal with instructions for paying the registration fee.

Language requirements

Papers are published in English, British version (United Kingdom). Domestic authors, in addition to the text in English, should also submit the paper in Serbian, and Latin alphabet. On occasion, a paper may be published in Serbian, with the prior explicit approval of the Editor-in-Chief. Papers in both languages must fully meet the standards of proofreading, i.e. grammatical and spelling correctness, which speeds up the process of selection of papers. If the submitted papers do not meet the stated standards, they will not be considered for publication.

Paper structure

The paper should have the following structure: names and affiliations of author(s) (name and surname, address of their organization/institution and e-mail address of the author for correspondence), title, abstract (150–250 words), keywords (4–6), text, list of references. All structure elements must meet the Conditions for editing scientific journals, which are published as Annex 1 to Pravilnik o kategorizaciji i rangiranju naučnih časopisa [Rulebook on categorization and ranking of scientific journals („Službeni glasnik RS“, broj 159 od 30. decembra 2020).

Name(s) of author(s)

One paper can have a maximum of three authors. The surname(s) and initial(s) of the author(s) should be written in their original form (with Serbian diacritical marks, diacritical marks used in other world languages or diacritical marks in alphabets of national minorities and ethnic groups). The surname(s) and initial(s) of the author(s) name(s) are written without stating one's position and title.

Author's institution name (affiliation)

Full (official) name and seat of the institution/organization where the author is employed at should be stated, and, occasionally, the name of the institution where the author conducted their research. Independent researchers and authors to whom scientific research is not their primary profession should also indicate their status. In complex organizations, the overall hierarchy of that organization is stated. In the hierarchy of organizations, at least one must be a legal entity.

Contact Information

If there is more than one author, only the address of one author who is in charge of communication should be given. ORCID numbers (https://orcid.org/) should be stated for all authors.

Title

The title gives the first impression of the work which is why it is important that it describes the content of the article as faithfully as possible, but also attracts attention and provokes interest to read that manuscript. It is in the interest of the journal and the author to use words suitable for indexing and searching. Try to be concise and write the title of your paper in as few words as possible.

Abstract

An abstract is a short informative presentation of the content of an article that allows the reader to quickly and accurately assess its relevance. It is in the interest of journals and authors that abstracts contain terms that are often used to index and search articles. Elements of the abstract are the aim of the research, methods, results and a brief conclusion. The abstract may also contain other elements – national, regional, cultural context, the social background of research, national significance of the research, etc.

Keywords

Keywords are terms or phrases that thematically, theoretically, methodologically, disciplinary, subdisciplinary and in other relevant ways refer to the content of the article for indexing and searching. In principle, they should be assigned based on an international source (list, dictionary or thesaurus) that is most widely accepted either within the given scientific field (e.g. in the field of medicine, Medical Subject Headings) or in science in general (e.g. Web of Science list of keywords). In identity sciences, keywords also reflect the need to preserve the cultural, scientific and technological heritage of the Republic of Serbia. Keywords are given immediately after the abstract and in the language of the abstract. For papers to be more searchable it is recommended that keywords not be the words used in the title, unless it is a word that does not have an adequate synonymous replacement and is very important for search.

Technical Settings

The text of the paper should be in Word document format, as follows:

- font: Verdana;
- page size: 6.69" x 9.45" (17 x 24 cm);
- margins: Top 0.98" (25 mm); Bottom 0,79" (20 mm); Left 0,79" (20 mm); 0,79" Right (20 mm);
- to write the text use font-style normal font (upright), unless otherwise stated;
- line spacing in the text: 1.15 pt;
- line spacing in footnotes: 1 pt;
- font size of the title: 12 pt bold;
- font-size of subtitles: 11 pt bold;
- font-size of body text: 10.5 pt;
- font-size of footnotes: 9.5 pt;
- font size for tables, graphs and figures: 10 pt;
- indentation of the first line of the paragraph: 0.5 (12.7 mm) (option: Paragraph /Special /First line);
- text alignment: Justify;
- text colour: Automatic;
- page numbering: no numbering;
- do not break words by entering hyphens in the next line (Paragraph /Line and Pages /don't hyphenate);

- save the paper in Word 97-2003 Document format (*.doc).

A scientific article can have a maximum of 30,000 characters with spaces, including the list of references, written and formatted according to the general guidelines for word processing found at the end of this guide, in the section "Text formatting". On occasion, a monograph study may be larger, but not less than 40 pages per author. Book reviews can contain text of up to 1,500 words.

Submitting papers

The journal is published three times a year. Deadlines for submitting papers are February 15th, May 15th and September 15th.

The authors are obliged to submit a signed and scanned author's statement when submitting their paper, stating that the paper (wholly or in part) has not been previously published, i.e. that it is not auto-plagiarism or plagiarism.

The statement form can be downloaded from the journal's website:

https://kpolisa.com/Authorship-statement-the-Culture-of-Polis.pdf

Submit papers by uploading them on the electronic platform of the journal – click on the Make a Submission button, on the right side of the cover page of the journal, or find the same option in the drop-down menu (About us – Submissions).

Citation rules

The journal Kultura polisa uses the APA citation style, 7th edition, which includes citing bibliographic parentheses according to the author-date system in the text, as well as a list of references with bibliographic data after the text of the paper.

Direct quotations (verbatim – word for word) must be shown in quotation marks (note the quotation marks for the English language: ALT 147/ALT148). When quoting a text that is not in the original language of the work in which it is cited, no quotation marks are used, because there is no direct match of the words in the search engine, but the source of the citation must be indicated, as in all other cases. If a direct citation is longer than 40 words, no quotation marks are used – such a citation must be in a text block, which is indented by 0.5 inches, with the source cited before the block or at the end of the block, before the last punctuation mark. The spacing in the block is 1.5. Example:

self-regulating consensus rules governing the platform, and finally a personalized article selection mechanism for users – personalized journalism.

In the case when there were a small number of publishing houses on the journalistic market, they behaved monopolistically.

> The press had authority over setting agendas, and readers had no choice but to receive the news that the press decided was important to them. At that time, the press called readers 'the masses' and treated them as one mass (Figure 1). A mass by definition is not able to choose the news according to personal wishes (Kim & Yongik, 2018).

When they took positions, it was very difficult for the competition to enter the market, so they...

The list of references (References) begins on a new page after the text of the Conclusion. Reference sources are arranged without numbering, in alphabetical order by the first letter of the last name of the first author for each source. In the settings under the "Paragraph" tab, set the hanging indent to the value 0.5", i.e. 12.7 mm, and this value is also the basic setting of Microsoft Word. Set the spacing for the list of references as follows: Before 0, After 8.

Unlike the rules for writing titles and subtitles in the article itself, the titles of sources in the list of references are written according to the rules for Sentence case, i.e. by starting the sentence with a capital letter and all other words in the sentence with a lowercase letter, except in the case of proper names. This rule applies in the reference list regardless of how the title of the cited work is written in its original form. This rule does not apply to journal titles.

Examples:

Lee, B., Rumrill, P., & Tansey, T. N. (2022). Examining the role of resilience and hope in grit in multiple sclerosis. *Frontiers in Neurology*, *13*, Article 875133. CC BY.
https://doi.org/10.3389/fneur.2022.875133

Smith, H. (2019). Monetizing movement. In M. Graham, R. Kitchin, S. Mattern & J. Shaw (Eds.), *How to run a city like Amazon, and other fables* (pp. 570–605). Meatspace Press.

https://issuu.com/meatspacepress/docs/how_to_run_a_city_like_amazon_and_other_fables

If non-Latin alphabet material is cited in the English text, references should be transcribed into the Latin alphabet. In APA style, the list of references must be displayed in alphabetical order, which would not be possible if the references were in another alphabet. When citing sources written in another language, the title of the source (article/book/book chapter, etc.) in the list of references should be translated into English in square brackets immediately after the original title, without using italics in square brackets. The title of a journal or an edited book (collection), as well as the name of the publisher, must also be written in the Latin alphabet, but not translated. If there is an official English translation, it can be used, especially in cases where it provides a better understanding of the topic or publication.

Below are the rules and examples for inputting bibliographical data in the list of references and in the text. For each type of reference, the citation rule is given first, followed by an example of a citation in the list of references and bibliographic parenthesis.

Bibliographic parentheses are usually put at the end of the sentence, before the punctuation mark, and contain the author's surname, year of publication and the corresponding page number(s), according to the following example:

(Bjelajac, 2017, pp. 15–17).

Monograph (Book)

Single author

Surname, initial (s) of the name(s) (if the author uses a middle name, first write the initial of the personal name, space, then the initial of the middle name). Year of publication in parentheses. *Title*. Publisher (without stating the seat of the publisher, unless the seat is an integral part of the name of the publisher, such as the University of Belgrade).

Bjelajac, Ž. (2017). *Bezbednosna kultura – umeće življenja* [Security culture – the art of living]. Univerzitet Privredna akademija u Novom Sadu: Pravni fakultet za privredu i pravosuđe u Novom Sadu.

(Bjelajac, 2017, p. 25)

Fukuyama, F. (1992). *The end of history and the last man.* Free Press.

(Fukuyama, 1992, p. 65)

Two authors

Author Surname, Initial(s)., & Author Surname, Initial(s). (Year). *Title.* Publisher.

Despotović, Lj., & Jevtović, Z. (2010). *Geopolitika i mediji* [Geopolitics and media]. Grafomarketing.

(Despotović & Jevtović, 2010, pp. 34–36)

Krastev, I., & Holmes, S. (2019). *The light that failed.* Allen Lane.

(Krastev & Holmes, 2019, pp. 23–24)

Three or more authors

Author Surname, Initial(s)., Author Surname, Initial(s)., & Author Surname, Initial(s). (Year). *Title*. Publisher.

Milisavljević, B., Varinac, S., Litričin, A., Jovanović, A., & Blagojević, B. (2017). *Komentar Zakona o javno-privatnom partnerstvu i koncesijama: prema stanju zakonodavstva od 7. januara 2017. godine* [Commentary on the Law on public-private partnerships and concessions: According to the state of legislation from January 7, 2017]. Službeni glasnik & Pravni fakultet Univerziteta u Beogradu.

(Milisavljević et al., 2017, p. 37)

Editor / compiler / translator instead of author

If there is an editor instead of an author, insert the editor's name in the place of the author's, followed by (Ed.) or (Eds.) for more than one editor.

Kaltwasser, C. R ., Taggart, P., Ochoa Espejo, P., & Ostigoy, P. (Eds.). (2017). *The Oxford handbook of populism.* Oxford University Press.

(Kaltwasser et al., 2017)

Same bibliographic parenthesis, multiple references

1) *Different authors – References separated by semicolons.*

(Stepić, 2015, p. 61; Knežević, 2014, p. 158)

2) *Same author, different years – State the author's surname, and then the years of publication of different references in the order from earliest to most recent and separate them with a comma, i.e. a semicolon when stating the number of pages.*

(Stepić 2012, 2015) or (Stepić 2012, p. 30; 2015, p. 69)

3) *Different authors, same last name – Some authors have the same last name, if this happens the initials (s) of the author should be added in all citations, even if the year of publication is different.*

(Subotić, D., 2010, p. 97), (Subotić, M., 2010, p. 302)

(Williams, A., 2009), (Williams, J., 2010)

Book / Proceedings – Chapter

Author of chapter Surname, Initial(s). (Year). Title of chapter. In Editor of book Initial(s). Editor of book Surname (Ed(s).), Title of book (Edition if not first., Page numbers). Publisher.

Stepić, M. (2015). Pozicija Srbije pred početak Velikog rata sa stanovišta Prvog i Drugog zakona geopolitike. In M. Stepić & Lj. P. Ristić (Eds.), *Srbija i geopolitičke prilike u Evropi 1914. godine* (pp. 55–78). Gradska biblioteka u Lajkovcu & Institut za političke studije u Beogradu.

(Stepić, 2015, p. 61)

Lošonc, A. (Ed.). (2019). Discursive dependence of politics with the confrontation between republicanism and neoliberalism. In D. M. Vukasović & P. Matić (Eds.), *Discourse and politics* (pp. 23–46). Institute for Political Studies in Belgrade.

(Lošonc, 2019, p. 31)

Journal Article

Regular Edition

Author of chapter Surname, Initial(s). (Year). *Title of journal/periodical*, *Volume*(Number), page range. DOI (if available)

Gaćinović, R. (2020). Sistem kao izraz uređenosti određene delatnosti u društvu [The system as an expression of the orderliness of certain activity in society]. *Kultura polisa*, *17*(41), 247–258.

(Gaćinović, 2020, p. 253)

Bjelajac, Ž. Đ., Dašić, D., & Spasović, M. (2011). EU environmental policy and its criminal law framework. *Medjunarodni problemi*, *63*(4), 567–582. https://doi.org/10.2298/MEDJP1104567B

(Bjelajac et al., 2011, p. 571)

Special Issue or Special Section in a Journal

Editor Surname, Initial(s)., Editor surname, Initial(s)., & Editor Surname, Initial(s). (Eds.). (Year). Title of the special issue [Special issue]. Journal title, volume(issue). DOI broj (if available)

Bjelajac, Ž. Đ., & Filipović, A. M. (Eds.). (2020). Pedofilija – Uzroci i posledice [Pedophilia – Causes and consequences] [Special Issue]. *Kultura polisa*, *17*(1).

(Bjelajac & Filipovič, 2020).

Campbell, K., Lustig, C., & Hasher, L. (Eds.). (2020). Aging and inhibition: The view ahead [Special issue]. *Psychology and Aging*, *35*(5).

(Campbell et al., 2020)

If you are citing an article within a special section or issue (rather than the entire issue or section), use the format for a journal article. You do not need to include the title of the special section or issue.

Delibašić , V. (2020). Krivičnopravna zaštita dece od seksualnih zloupotreba [Criminal protection of children from sexual abuse]. *Kultura polisa*, *17*(1), 53–67.

(Delibašić, 2020, p. 58)

Blog

Author Surname, Initial(s). (Date in full). Title of the blog post. *Name of the blog*. URL

Lee, C. (2010, November 18). How to cite something you found on a website in APA style. *APA Style Blog*. http://blog.apastyle.org/apastyle/2010/11/how-to-cite-something-you-found-on-a-website-in-apa-style.html

(Lee, 2010)

The author of the blog may use a screen name, if this is the case then use the screen name in place of the author.

If the author is not indicated on the blog, the name of the blog is used, as well as when quoting a reference with a corporate author.

JCU Library News. (2019, May 28). Reading challenge reviews: Football heroes and tragics. *JCU Library News*. https://jculibrarynews.blogspot.com/2019/05/reading-challenge-reviews-football.html

(JCU Library News, 2019)

Newspaper or Magazine Article

Known Author(s)

Author Surname, Initial(s). (Full date of publication). Title of Article. *Title of newspaper or magazine*, page numbers. (for printed edition). URL (for online edition)

Avakumović, M. (2019, December 8). Platni razredi – 2021. godine [Salary classes – 2021]. *Politika*. https://www.politika.rs/sr/clanak/443548/Ekonomija/Platni-razredi-2021-godine

(Avakumović, 2019)

Unknown Author(s)

Title of article: subtitle, if it is given. (Full date). *Title of newspaper or magazine*, page numbers (for printed edition). URL (for online edition)

Get on board for train safety. (2012, June 17). *Toronto Star*, A14.

In text – (“one two or three words from the title”, year, page numbers)

(“Get on board”, 2012, p. A14)

Other Sources

For other sources, see the complete Guidelines for Authors on the journal's website (Encyclopedias and dictionaries, Doctoral dissertation, Reference with organization as Author, Legal acts, Video sharing websites, Tables and figures, Special cases of citing references).

Application of spelling rules

Align the papers with the spelling rules of the English language.

Please, pay special attention to the following:

– Some well-known foreign expressions should be written only in the original language in italics, e.g.: *de iure*, *de facto*, *a priori*, *a posteriori*, *sui generis*, etc.

– Do not start a sentence with an acronym, abbreviation or number.

– Always end the text in the footnotes with a full stop.

– URLs among the sources in the list of references should be linked to the hyperlink, without putting a full stop at the end of the link.

– Use quotation marks that are specific to the language (“ ”, « », etc.).

– Write a hyphen with space before and after or without space, never with space only before or only after. When enumerating, as well as between numbers, including page numbers, use a dash (–) instead of a hyphen (-). For dash use the keyboard command: Alt+150.

– Do not use bold or underline to emphasize certain words, but only italics or quotation marks or quotation marks (‘ ’).

– Idem, ibidem, op. cit. – These are not used in APA style. Always use the Author (Year) and (Author, Year) formats.

Remark

This is abbreviated guidance. Detailed instructions for authors are available on the journal's website, or the website of APA: https://apastyle.apa.org/style-grammar-guidelines

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Библиотеке Матице српске, Нови Сад

321.7

KULTURA polisa : časopis za negovanje demokratske političke kulture / glavni i odgovorni urednik Željko Bjelajac. - God. 1, br. 1 (2004)- . - Novi Sad : Udruženje Kultura-Polis : Univerzitet Privredna akademija, 2004- . - 24 cm

Povremeno. – Dostupno i na: http://kpolisa.com/. - Drugo izdanje na drugom medijumu: Kultura polisa (Online) = ISSN 2812-9466

ISSN 1820-4589 = Kultura polisa

COBISS.SR-ID 199568391

ISSN 1820-4589