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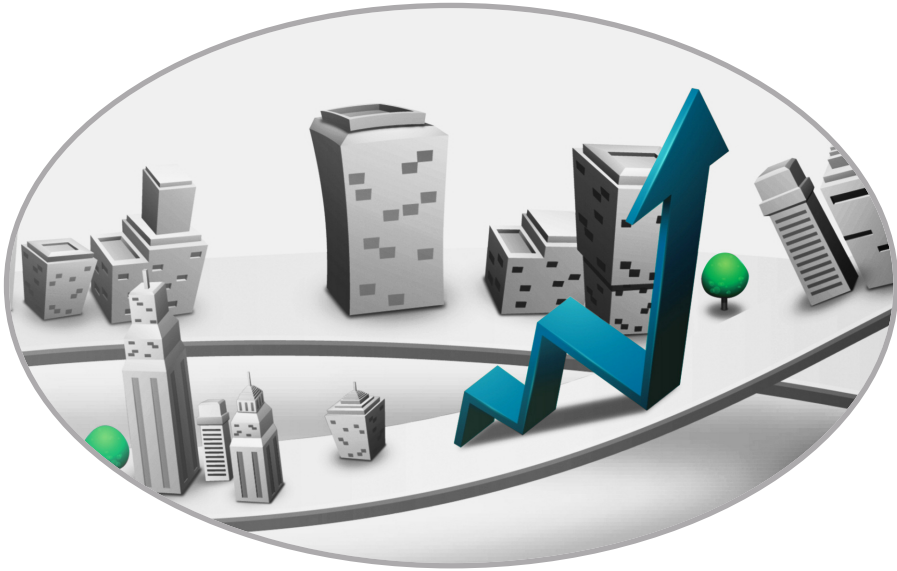
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Security Dimension of Open Balkans: Contemporary Security Challenges as a Chance for Regional Security Platform

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Abstract

The Open Balkans initiative primarily is focused on the cooperation within the economic framework between participating actors. But, bearing in mind reached declarations between Albania, North Macedonia and Serbia related to the cooperation in the fields of security, there are no doubts that this initiative also could provide a contribution in the regional security infrastructure, at this moment between participating states, but later also within the whole Western Balkans region. Leading research question of this paper is whether Open Balkans, as an initiative with pre-dominant economic sign, could also contribute in the process of creation regional security sustainability from the contemporary security threats angle. From the theoretical point of view, contribution of this paper is foreseen in the context of analysis how much regional cooperation in the field of security could contribute in wider security infrastructure. Primarily the research would be focused on the so-called soft-threats, which do not include "traditional" security threats such as territorial integrity, possibilities of foreign aggression, as well as traditional ways of war.

Key words: Open Balkans, security cooperation, contemporary security threats

Security Dimension of Open Balkans: Contemporary Security Challenges as a Chance for Regional Security Platform

Introduction

Before we focus on the security framework of the Western Balkans, it is important to point out that the theory of the regional security complex starts from the fact that the regional level is the best for understanding security (Luka Glušac, 2021, p. 42). According to understanding of Barry Buzan and Ole Waever, Western Balkans represents regional security sub complex (Glušac, p. 57) which also has huge influence on the European security mosaic. In that context, sub complexes that are locked into a complex, *id est* surrounded by the units that make up the complex, cannot affect the change of the external boundaries of the complex through their disintegration (Glušac, p. 51). However, the example of the Western Balkans testifies to a different tendency, because even though it is outside the European Union complex, composed of actors that are not members of the EU, as a region that is geographically located in the "womb of the EU" it has a significant influence on security trends both in the Union and on the continent. Security cooperation in the Western Balkans in the last 30 years, after the collapse of the Socialist Federal Republic of Yugoslavia, has been marginalized in such a way that there has always been a more pronounced interest in cooperation in this domain with partners outside the region, as opposed to a pragmatic approach and the creation of a regional security infrastructure. There are three key causes of such a situation: civil wars in the territory of the former Yugoslavia, which have contributed to a pronounced negative peace in regional frameworks, mistrust between political elites, as well as political abuse of nationalism, which has contributed to an increasingly pronounced distancing of some actors from other actors in the Western Balkans. With pronounced political hostilities, open questions from the recent war past and the pervasive phenomenon of mistrust, cooperation in the field of security has become almost impossible in

the Western Balkans. Later, that invisible line of separation in terms of security was additionally strengthened, bearing in mind that certain countries in the region became NATO member states, that NATO established its mission of unlimited time scope in Kosovo, while at the same time Serbia tried to preserve its military neutral position. bearing in mind the intervention of NATO forces in 1999, as well as the marked mistrust of Serbian society and the public when it comes to this military and defense alliance. But the goal of this work is not to determine the causes of insufficient cooperation in the area of security in the Western Balkans, but to try to recognize the possibilities of cooperation in this domain from the point of view of contemporary security challenges. In fact, the essence of the work is to answer the question of whether modern security challenges, such as organized crime and corruption (Bjelajac, 2008 & Bjelajac, 2015), migration, human trafficking, natural disasters, cyber security and terrorism can represent a common denominator for the creation of a platform for cooperation in the field of security in the Western Balkans, specifically in this work, through the analysis of capacities for security cooperation within the framework of the Open Balkans. The fact is that not all actors in the Western Balkans are included in the Open Balkans initiative, so Bosnia and Herzegovina, Kosovo and Montenegro are not participating, but this makes this paper even more relevant because it opens up the possibility to analyze the potential of security cooperation within the framework of the Open Balkans as an initiative in which currently participate two NATO member states and one state that pursues a policy of military neutrality. With this we will encourage a double debate in security science from the contemporary security challenges point of view: first, the debate will be focused on the question do the contemporary security challenges automatically generate security cooperation between political entities, regardless of their national security policy and strategy; secondly, how regional integration in the field of security contributes to the strengthening of the regional security environment, and thus the national security of the political entities in the certain region, in this case the Western Balkans. Through the analysis of the level of cooperation in the field of security within

the framework of the Open Balkans, we will try to explain why comprehensive regional integration and cooperation in the field of dealing with contemporary security challenges in the Western Balkans is desirable and how much it actually contributes to the creation of a sustainable regional security environment, bearing in mind the basis for building trust at three levels: between political elites, then between political entities and finally, comprehensively at the level of societies.

Do contemporary security threats recognize national borders or military/defense blocks/alliances?

In modern security strategies, especially in powerful and developed countries, apart from "traditional" security issues, such as ensuring political independence and territorial integrity, modern security threats and challenges that go beyond the domain of national borders are also analyzed. In this sense, developed countries deal with security issues, threats and challenges that may arise as a result of inefficiency and ineffectiveness of internal institutional infrastructure, as a result of internal political instability, as a result of economic crises, as a result of health crises and pandemics, as a result of natural disasters. From the other side, contemporary study of the possibilities of small states to resistance to security threats is far from being understood that it boils down to the classic policy of balancing and developing own military potential (Gajić, 2020, p. 63) In fact, we are talking about security threats and risks that do not recognize national borders and whose consequences, due to the all-pervading process of globalization, also have an all-pervading effect in one region, but also in wider geographical frameworks. The financial crisis of 2008, which arose within the framework of the banking sector in the USA, represents one of the most modern examples of the global spread of the crisis, respectively, its all-pervading impact on the banking sector in countries that are thousands of kilometers away from the USA in a geographical and territorial context. In this sense, the Covid-19 pandemic is also a good example for understanding the impact of modern crises and their all-pervasive nature of threat in terms of security. But we have to note that even "traditional" security threats

in the modern globalized world have an all-pervasive impact, respectively, consequences on political entities that have no geographical connection to the security threatened area. This thesis is evidenced by the wars on the soil of the Middle East and North Africa during the second decade of the 21st century. As a result, these wars have produced huge, multi-million waves of refugees and migrants, which directly and indirectly threatened the security infrastructure in the countries that were on the so-called migrant and refugee routes. When we talk about direct and indirect ways of endangering the security mosaic in countries that were on migrant and refugee routes, we can use the example of the countries in the Western Balkans region. These countries were indirectly threatened because their economic and political systems were faced with unexpected challenges that caused large economic expenditures for developing countries, while, on the other hand, they simultaneously caused internal political tensions along the lines of political blocs that consider it is necessary to open state borders for migrants and refugees and the so-called conservative political blocs that explicitly demanded the "rejection" of migrants and refugees through various military and police measures, including the construction of multi-kilometer fences on state borders as an appropriate method to deal with the migrant and refugee crisis. And when it comes to direct threats that endanger the security mosaics of countries on migrant and refugee routes, it is important to point out that these political entities were simultaneously faced with an increase in crime rates through illegal crossings of refugees and migrants, through human trafficking, through the creation of cartels that deal with human trafficking and illegal routes for the transport of migrants and refugees, up to the abuse of migrants and refugees through their forced involvement in human trafficking and the sale of illegal substances, such as drugs. Perhaps in this context, on the example of the migrant crisis, we could find a best place for analyzing the questions posed by Марјан Гјуровски (Marjan Gjurovski) and Трајан Гоцевски (Trajan Gocevski), namely: For whom to provide security? What does security refer to? From whom to protect? From which sources of threats, threats and risks? And finally with what means and

resources to do it (Gocevski and Gjurovski, p. 50)? The above mentioned examples represent a clear indication of the pervasive character of the consequences of modern security risks and threats, and in this context this paper will serve as a good academic basis for providing an answer to the question of why regional security cooperation and integration contribute to regional security sustainability and how modern security risks actually exert pressure to rational and pragmatic political elites for cooperation in the domain of security at the regional level.

Security dimensions of Open Balkans

According to Ivana Jovanović, management and security of borders in Europe, migration and free movement of persons, especially in neighboring regions that are in the process of post-conflict stabilization or preventive international monitoring, represents a significant challenge for European states and European regional arrangements and organizations dedicated to peacekeeping (Jovanović, 2015, p. 11). In that context, apart from the political-military dimension, border management and control are also connected to two other dimensions - economic and human. The economic dimension refers to border management and unified and complementary control systems through the cooperation of participating states, which aim to prevent illegal economic activities and illegal trade (narcotics and other illegal means, cross-border crime, human trafficking). Finally, the management and control of borders today is inextricably linked to the human dimension of security, in terms of respecting and realizing basic human rights (Jovanović, p. 13). In addition to the historically ubiquitous military threats, small states today are facing numerous non-traditional types security threats such as terrorist activities, hybrid threats, as well as a whole range of economic, societal and environmental threats (Gajić, 2020, p. 69). Small states today are faced with security challenges, risks and threats that a society does not interpret as a danger to the survival of the state, both such threats, risks and challenges in the long term period contribute to the erosion of an institutional system and the state

system. The threats faced by small states in the modern international system go beyond the classic military threats, interconnected economies, online infrastructure, and diasporas all present new challenges to state security that require nuanced solutions (Crandall, 2014, p. 30). Among the contemporary threats faced by small and micro states are political corruption, political clientelism and abuse of public institutions for party purposes, which in the long run makes the public system unprofessional, ineffective, and therefore ineffective for the needs of its citizens. It is actually directly related to internal security, which refers to the smooth functioning of the constitutional order, respectively the social, economic and legal system, and the protection of other goods, values and objects (Gajić, 2020, p. 65). In fact, we are talking about numerous modern security challenges that require huge resources for preventive action, which small and micro states, which are most often, in the economic sense, developing countries, do not have enough, and require huge budget expenditures to deal with them. When it comes again for the security of borders in Europe, the stability of former conflict areas, including the Western Balkans, is particularly important. As the Minister of Foreign Affairs Ivica Dacic, on behalf of the Republic of Serbia, which presided over the OSCE in 2015, stated during 2014 in the priorities of the future presidency, that the region of the Western Balkans, which for many years faced wars, hostilities, sanctions, foreign interventions, and serious violations of human rights, will be given special attention.¹ It is important to emphasize that European and Balkan security are closely and inextricably linked, especially in the context of modern security threats. This was confirmed by the Secretary General of the Regional Cooperation Council (RCC), Majlinda Bregu, who stated in Paris in 2021 that the security challenges of the European Union and the Western Balkans are increasingly connected due to a series of new global threats (Beta/Danas, 2021). In this context, the security

¹ Priorities of Serbia's OSCE chairmanship presented by Minister Dacic at a special OSCE meeting.
<http://www.mfa.gov.rs/sr/index.php/o-ministarstvu/ministar/govori/13932-2014-07-15-11-0327?lang=lat> op. cit.

dimension of the Open Balkans can contribute to the process of creating a regional security platform in the Balkans that will make the security mosaic in the region more sustainable in the long term, in the economic sense it will contribute to reducing the costs of the participating actors, and in the political sense it will contribute to increasing trust between the political elites in the region. Actual US Ambassador to Serbia Christopher Hill at the conference "Regional security challenges and events in the countries of the Western Balkans", has pointed out that the meaning of the "Open Balkans" is to create a sense of community and a way of functioning with the neighbors, and that the initiative contributes to good neighborliness and facilitates the flow of movement across borders (RT Balkan, 2023).

From the point of view of the signed agreements and declarations by the leaders of the participants of the Open Balkans, we will find that it is not only an economic regional initiative, but also an initiative that deals with certain issues of contemporary security threats. This is evidenced by the Agreement on Cooperation in Civil Emergency Situations signed in July 2021 (CCS Open Balkan, 2019). Serbia, North Macedonia and Albania also signed the Operational Plan in the field of civil protection, which is actually a continuation of the previously signed agreement. The operational plan envisages the establishment of permanent communication channels through national operational centers. This plan also envisages the organization of joint seminars, conferences, exercises, round tables, trainings, including the exchange of good practices and experiences (CCS Open Balkan, 2019). This agreement specifically provides mechanisms and procedures for planning and implementing measures to protect against floods, earthquakes, fires, environmental pollution, vessel accidents, radiological hazards, various pandemics, industrial and other disasters. Also it is agreed mutual notification and exchange of information about the threats, occurrence and consequences of a possible disaster, including the provision of mutual assistance in rescuing and eliminating the consequences of disasters by the company and air forces and vehicles for intervention in cases of mass fires, earthquakes and other disasters, as well as education and training of personnel of protection

and rescue services units, fire protection units as well as other members of rescue teams through briefings, courses, trainings, seminars and other forms of cooperation, as well as organizing and conducting joint rescue and assistance exercises, including the exchange of scientific and technical data, as well as other documents of importance for disaster protection, up to cooperation in the development and production of rescue and assistance equipment (Cooperation Agreements, 2021, p. 1). Actually it is about so-called ecological security threats, respectively, according to Jaap de Vilde, security threats that are not caused by human activities, such as volcanic eruptions, earthquakes, typhoons, meteor strikes and the like (Ejdus, 2012, p. 201), respectively about contemporary security threats, regarding which the leaders of the Open Balkans have taken concrete and defined measures. Also, in the declaration from Ohrid, adopted on November 10, 2019, one of the key priorities regarding security within the framework of the Open Balkans is the strengthening of cross-border cooperation in the field of security, and the strengthening of cross-border cooperation of police authorities in the fight against transnational crime, as well as in areas of terrorism, including the strengthening of cross-border cooperation in the areas of migration and civil emergencies (CCS Declaration from Ohrid, p. 3).

The security dimension of the Open Balkans has been already proven in practice by providing mutual assistance in the fight against the Covid-19 pandemic. In the National Security Strategy of Serbia, it is emphasized that "epidemics and pandemics of infectious diseases can threaten the population of the Republic of Serbia and carry the risk of severe economic and social consequences, and infectious disease epidemics, in addition to being unusual in terms of number, time, place and affected population, can also cause an increase in the number of patients with complications, the appearance of severe clinical forms of the disease, infectious diseases, and death" (National Security Strategy, 2019). In this context, the Open Balkans served as a kind of security platform, which enabled the participants of this initiative to provide assistance to each other in the fight against the covid 19 pandemic, specifically, Serbia, by providing medical assistance to North

Macedonia, enabled the Macedonian authorities to face timely and effective this modern security challenge thanks to this regional initiative, based primarily on economic postulates.

In addition, we have to emphasize the importance of coordination within the framework of the Open Balkans initiative in the field of contemporary migration flows through the so-called Balkan routes, which during 2014 and 2015 were relevant not only at the regional but also at the wider European level. Strengthening the cross-border cooperation of the participants of the Open Balkans in this area greatly contributes not only to the better coordination of migration flows throughout the region, where the safety of people is significantly threatened due to the existing migration flows, but also to prevention, with the aim of providing double protection, namely, on the one hand, the protection of citizens in the region, and on the other hand, the protection of migrants whose lives are most often threatened due to the pervasive phenomenon of human trafficking, but also due to illegal migration routes. It is actually about security challenges, risks and threats, which are also defined in the National Security Strategy of the Republic of Serbia from 2019, which states that "mass illegal migration represents a significant security risk, bearing in mind that the migrant crisis and illegal migration in combination with organized crime and the strengthening of religious radicalism can lead to the emergence of security threats, especially if the Republic of Serbia, as a transit country, is forced to take over, even temporarily, the care of migrants whose number exceeds its economic and organizational capacities" (National Security Strategy, 2019). In this context, cooperation within the framework of the Open Balkans, bearing in mind the fact that all current participants in the initiative are actually transit countries on migrant routes, greatly contributes to the improvement of security circumstances in each country individually, but also in the entire regional context. Cooperation in the framework of security was further encouraged by the new circumstances and the beginning of the war in Ukraine. The security crisis, which at the same time caused an energy crisis on a global level, required a response from actors in the Western Balkans, as well as actors within the framework of the Open Balkans.

Thus, in the past year, energy security has officially become a security domain through which participants of the Open Balkans promote mutual cooperation. In this context, we must point out that the energy deficit is often treated as a threat to national security, because without a sufficient amount of energy, the state can experience an economic, political and social collapse (Ejdus 2012, p. 172). Moreover, without a reliable supply, the state cannot organize its defense system, nor can it maintain internal stability and security (Ejdus 2012, p. 172). Energy security is mentioned not only in academic literature as one of the modern security sectors, but also in the National Security Strategy of the Republic of Serbia, where it is said that "the energy security of the Republic of Serbia can be threatened by the disruption of stable and regular supply of energy from other countries." When it comes to the participants of the Open Balkans, in the newly emerging security circumstances on European soil, energy security is also one of the current topics within the framework of this initiative. It is about Serbia's initiative to form a joint working group for cooperation in the energy crisis and participation in strategic projects, which will in practice deal with solving problems during the winter, but also potential cooperation on large strategic projects (Euronews/Tanjug).

In a theoretical sense, perhaps Barry Buzan has most clearly explained the necessity of cooperation in the field of security, pointing out that patterns of security relations at the regional level often have their own dynamics, which do not have to be decisively determined by the structure of the international system. Actually, we are talking about the regional security complexes of a group of states, whose primary security concerns, according to Buzan, are sufficiently interconnected that their national security cannot realistically be viewed separately (Buzan, 1983, p. 253). If we analyze the security and defense performances of small states, according the definition given by Rothsteinm, who says that a small Power is a state which recognizes that it cannot obtain security primarily by using its own capabilities, and that it must rely fundamentally on the aid of other states, institutions, processes, or developments to do so; the Small Power's belief in its inability to rely on its own means must also be recognized

by the other states involved in international politics and such thesis bring into relation with the possibilities within Open Balkans initiative, then we could make sustainable the opinion of the real capabilities of mentioned initiative in the security context, without analyzing it from the political point of view (Keohane, 1969, p. 293).

Conclusion

The Open Balkans as an initiative with an economic sign represents an excellent platform for establishing regional cooperation within the framework of the Western Balkans in the field of security. The countries in the Western Balkans are not facing so-called traditional security threats and risks in the last twenty years. But they are increasingly faced with modern security risks and threats that do not recognize national borders, including borders in the Western Balkans, which also affect and have a direct impact on endangering political independence, economic sustainability, and thus stability in society. In fact it is a context that show outlines of the Open Balkans that could be recognized as a platform that, through economic cooperation, can contribute to increasing trust between the political elites in the region, and thus to establish of acceptable political momentum for deepening cooperation in various domains and security sectors that will make sustainable not only security mosaic in the regional context, but also will improve it, and thus modernize it in terms of efficiency and effectiveness. Modern security challenges, risks and threats do not recognize national borders, nor do they recognize the borders of military alliances or the borders of military-neutral countries. In this context, and on the example of contemporary global crises, such as health pandemics, economic and financial crises on a global level, it is very realistic to establish and deepen cooperation between the countries of the Western Balkans region, within the Open Balkans initiative, in preventive action, but also in dealing with the aforementioned crises, without regardless of the national choice of the actors in the region in the context of security and defense policy.

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Bezbednosna dimenzija otvorenog Balkana: Savremeni bezbednosni izazovi kao šansa za regionalnu bezbednosnu platformu

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Sažetak

Inicijativa Otvoreni Balkan prvenstveno je fokusirana na saradnju u ekonomskom okviru između aktera koji učestvuju. Ali, imajući u vidu postignute deklaracije između Albanije, Severne Makedonije i Srbije koje se odnose na saradnju u oblasti bezbednosti, nema sumnje da bi i ova inicijativa mogla dati doprinos regionalnoj bezbednosnoj infrastrukturi, u ovom trenutku između država učesnica, ali kasnije i u celom regionu Zapadnog Balkana. Vodeće istraživačko pitanje ovog rada je da li bi Otvoreni Balkan, kao inicijativa sa dominantnim ekonomskim predznakom, takođe mogao da doprinese procesu kreiranja održivosti regionalne bezbednosti iz ugla savremenih bezbednosnih pretnji. Sa teorijske tačke gledišta, doprinos ovog rada je predviđen u kontekstu analize koliko bi regionalna saradnja u oblasti bezbednosti mogla da doprinese široj bezbednosnoj infrastrukturi. Istraživanje bi se prvenstveno fokusiralo na takozvane meke pretnje, koje ne uključuju „tradicionalne“ bezbednosne pretnje kao što su teritorijalni integritet, mogućnosti spoljne agresije, kao i tradicionalni načini ratovanja.

Ključne reči: Otvoreni Balkan, bezbednosna saradnja, savremene bezbednosne pretnje

Understanding Identity Theft and Fraud

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Abstract

Identity theft and identity fraud represent the fastest-growing forms of computer crime, having significant consequences for individuals, corporations, and financial institutions. The advancement of science and technology has endangered personal security and created opportunities for criminals to easily and deceitfully obtain financial benefits or jeopardize the security of corporations and major financial institutions. As a relatively new form of computer crime, identity theft has necessitated the alignment of criminal legislation with the emerging situation. The goal of this paper is to clarify the terminological ambiguities present in this field and highlight the current relevance of the issues related to identity theft and fraud associated with identity theft. By reviewing relevant scientific literature and applying quantitative and qualitative content analysis, comparative analysis, and comparative and historical methods, we will emphasize the importance of clear and precise definitions of identity theft and its legal incrimination. We will point out the different forms of identity theft, the most common ways it occurs, the consequences it causes, and the possibilities for prevention. Research results have shown that identity theft is expanding and that there is a need for harmonizing joint measures at an international level. Also, based on the obtained results, we can conclude that it is necessary to undertake educational measures for vulnerable categories of the population to minimize the consequences of this form of crime. Practical implications of this research indicate the need for developing a greater number of studies in this field, with particular focus on specific forms of identity theft and identity fraud.

Keywords: identity theft, identity fraud, phishing, computer crime

Understanding Identity Theft and Fraud

Introduction

The information era has brought undeniable advantages and many new opportunities, but it has also opened the door to some negative consequences that we must understand and address. The misuse of information technology and computer systems represents a serious problem, especially in the context of computer crime, which can have a broad social impact. This technological development requires appropriate legal and ethical frameworks that will protect user rights and curb abuses. The incrimination and regulation of information technologies are necessary steps in this direction. The rapid growth in the availability of information and communication technologies (ICT) has increased the amount of confidential information at risk, exacerbating the potential for financial and reputational losses for companies and consumers through identity theft and fraud.

Identity theft and fraud related to identity theft have become significant and growing problems worldwide. The internet has enabled the monitoring of communications, analysis of photographs, and access to users' personal data, often without their consent or knowledge. By disclosing their personal data, users contribute to the formation of digital traces that can be misused in various ways. These data can be used to cause harm, extortion, identity theft, and various forms of cybercrime. There is considerable confusion among the public about what is meant by identity theft.

When an average citizen hears the words "identity theft," what typically comes to mind are abuses related to payment cards, whether it involves counterfeiting the cards themselves or their misuse and withdrawal of financial funds from the victim's account. The literature contains many different definitions of identity theft and identity fraud, and popular media often use these terms without attempting to define them. A 2006 study showed that 29% of Canadian consumers agreed with the statement: "I have heard a lot about identity theft, but I'm not sure what it means" (Ipsos-Reid, 2006). However, the reality of identity

theft is more complex. Although sometimes used interchangeably, identity theft and identity fraud are two different things. Identity theft involves stealing a person's personal information (name, social security number, account numbers, etc.), while identity fraud involves the misuse of that information to obtain illicit financial or other benefits. While most frauds involve direct communication between the victim and the perpetrator as a necessary condition, identity theft is unique in that it usually does not involve any contact or relationship between the victim and the perpetrator. In this regard, it is not surprising that there are recommendations to keep identity theft outside the domain of fraud to avoid further conceptual confusion (Beals, DiLiema, & Deevy, 2015).

Identity theft causes losses to victims that can be personal, corporate, or societal. The Fraud Prevention Service based in the United Kingdom (CIFAS, 2010) has reported a drastic increase in cases of identity theft and the resulting financial losses. Although identity theft is a serious form of computer crime, it also represents a much more tedious and prolonged process of compensation and damage elimination, as it takes a lot of time, whether it involves reputation, rating, or businesses of individuals or corporations. Cole and Pontell (2006) have shown in their research that identity theft and fraud related to cybercrime are the fastest-growing in America. However, when analyzed, the situation represents a global phenomenon, and every economy worldwide faces it. When calculating damage and consequences, it is a difficult and tedious process to consider, as the impact of cybercrime and identity theft has far greater effects than can be calculated or imagined (Allison et al., 2005). Given that it represents a global problem, international entities have taken it seriously and undertaken numerous steps to counteract this form of computer crime.

Very few countries have enacted criminal legislation that specifically regulates and sanctions identity theft as a criminal offense, although most countries treat identity theft as a form of unlawful data access, fraud, forgery, copyright infringement, or as an act preceding the commission of another criminal offense. Serbia falls into the latter category. The current criminal legislation of Serbia does not specifically incriminate the act of identity theft through the use of the internet and

social networks. In the event of any form of identity theft, the provisions of the Criminal Code relating to computer fraud, fraud, forgery and misuse of payment cards, unauthorized use of another person's name and other special designations of goods or services are applied. According to data from the Ministry of Internal Affairs of the Republic of Serbia, when it comes to computer crime and cases related to identity theft, more than 90% of cyberattacks are committed in the same way: through phishing campaigns. The most common criminal acts include fraud, criminal acts against sexual freedom involving minors, the display, acquisition, and possession of pornographic material and the exploitation of minors for pornography, stalking, endangering safety, unauthorized access to protected computers, computer networks, and electronic data processing, computer fraud, computer sabotage, and others (E-kapija, 2020). According to the 2020 Identity Fraud Study conducted by Javelin Strategy & Research, there were 13 million cases related to identity theft and associated fraud in 2019, with total damages amounting to \$16.9 billion. Prosch (2009) notes that nearly 86 million data breaches occurred in the first quarter of 2008 in the United Kingdom, while the latest Kroll report (2019) showed that 33% of Indian companies reported data abuse and fraud in the last 12 months. The damage caused by identity theft can range from one dollar to trillions. It is not just about the amount but also about the time and costs involved in recovering it.

In the following text, we will attempt to clarify numerous ambiguities and confusion that arise in defining this form of computer crime. The aim of this paper is to answer questions about how identity theft occurs, what factors influence this type of criminal act, what society and individuals can do to prevent identity theft, and what should be done if identity theft occurs. We will also provide recommendations on what should be done to mitigate financial losses and data compromise for individuals and financial institutions. In a separate section, we will highlight the problem of uniformly defining this phenomenon so that successful prevention and suppression measures can be taken at an international level to prevent financial losses and all other consequences arising from identity theft and associated fraud.

Concept and Definition of Identity Theft

Identity theft represents a specific form of computer crime. Computer crime is distinct in many ways compared to other criminal acts, to which legislation until a few years ago had not adequately responded. Among the numerous legal solutions that have been employed, there is a lack of consistency and often not even the minimum required complementarity to successfully prosecute an offense. On the other hand, computer crime has a pronounced transnational dimension – such acts are typically committed in an international context, involving more than one country directly or indirectly (Komlen-Nikolić et al., 2010). Identity theft, as part of computer crime, also lacks an adequate definition that satisfies all stakeholders and legal systems. As previously mentioned, some criminal legislations do not recognize identity theft as a separate criminal offense. Consequently, numerous definitions exist, often representing a significant obstacle in combating this form of crime, which undoubtedly causes numerous consequences for individuals, corporations, and society as a whole.

Mercuri (2006) defined identity theft as "the use of someone's identity without their knowledge to transfer or use information to commit a criminal act that is illegal in the eyes of the law." According to the definition of identity theft provided by Gross & Acquisti, identity theft consists of "the unauthorized use of personal data (date of birth, current residence, phone number, occupation, personal photos) that have become publicly available" (Gross & Acquisti, 2005, p. 80). Identity theft can also be defined as the unauthorized collection, transfer, retention, or use of information relating to a natural or legal person for the purpose of committing further criminal acts such as theft, fraud, and other similar criminal acts through computer systems and networks (Abdul Manap, Abdul Rahim & Taji, 2015, p. 599). Identity theft begins with the acquisition of personal data about a person, carried out without the knowledge and consent of that person, through deception, theft, or fraud, and continues with the use of the collected data to commit criminal acts that in most cases are related

to the acquisition of unlawful property benefits by individuals who misuse the stolen identity (Nikolić – Ristanović & Kostantinović – Vilić, 2018). Roberts considers that identity theft "includes the online appropriation of identity tokens (e.g., email addresses, websites, and combinations of usernames and passwords used to access systems), usually for financial gain" (Roberts, 2008, p. 2).

Identity theft can be viewed in a narrow and broad sense (Đukić, 2017):

- In a narrow sense, it is the illegal procedure of obtaining data about one or more individuals.
- In a broad sense, besides obtaining data about individuals, identity theft includes their use or sale on the black market, transfer to other individuals, and further use for committing other criminal activities.

Identity theft usually consists of three elements: the method of committing the act, the target of the attack, and the motive. The most common modus operandi includes physical methods such as computer theft, illegal removal of data carriers, theft of electronic mail, use of internet search engines and file-sharing systems, hacking attacks. The most common targets of identity theft attacks are identification numbers (e.g., unique citizen number, social security number), personal numbers (passport number, credit or debit card number), usernames, and passwords on various internet accounts. Motives are directed towards obtaining property benefits, concealing someone's true identity, or as a preparatory act for committing another criminal offense.

Numerous international organizations have focused their attention on this type of computer crime precisely because it causes significant damage to individuals and companies worldwide. The UN has defined identity theft as "the misuse of another person's personal data with the intention of fraud" (UN, 2010, p. 12). The Organization for Economic Co-operation and Development (OECD) has also defined identity theft through its strategic documents and the ways in which it can be carried out, thereby contributing to the fight against this form

of crime. According to the OECD, identity theft occurs when a perpetrator obtains, transfers, possesses, or uses personal data of a natural or legal person in an unauthorized manner, with the intention to commit fraud or another crime, using methods such as sending and activating malicious programs, sending deceptive email content, or directing individuals to fake websites that deceive visitors into recording their personal data (OECD, 2007). The Council of Europe has defined identity theft as the misappropriation of another person's identity without their knowledge or consent (Council of Europe, 2013).

By synthesizing most definitions, we conclude that identity theft represents a form of computer crime incriminated by existing legislation, involving fraud through the use of personal and financial data from computers or other devices (smartphones, tablets) obtained via fake emails or websites, with the aim of obtaining unlawful property benefits through misrepresentation.

Risk Factors and Forms of Identity Theft

As with other forms of crime, computer crime is influenced by certain factors that facilitate its manifestation and complexity. These factors can be divided into several categories such as political, economic, social, and technological. Transition and developing countries face political and economic instability, business risks, and disorganized social systems, which provide fertile ground for the growth of computer crime, including identity theft. According to UNHCR reports (2007), numerous migrations occur each year as people from developing or undeveloped countries legally or illegally move to developed countries. This large influx of population increases pressure on the host country, leading to a rise in criminal acts related to identity theft (forgery of IDs, documents, etc.) (Passel, 2006).

Among social factors, habits and communication patterns are often key reasons for the theft of personal data. The level of digital literacy and knowledge of social media usage are crucial in maintaining privacy and security in the virtual environment. Institutions and companies take various precautionary measures to protect their confidential information and maintain the privacy of their users.

Modern individuals spend more time on social media than in the real world (Bjelajac & Filipović, 2020), making them more susceptible to the risk of personal data theft. Virtual interactions become dominant while real, deeper connections diminish. People often care more about the number of likes on their posts than about real relationships with their closest ones (Gupta & Kumar, 2020). This lifestyle makes it easier for criminals to identify potential victims, as users often share their personal information without much thought about the consequences.

Technological factors often include the internet and social networks as well as online shopping. Another significant factor contributing to identity theft is the skills an individual must possess to commit this type of criminal behavior. Generally, computer crime is characterized by the possession of skills related to working with computers and computer networks. In identity theft, these skills are refined over time and become increasingly sophisticated. Required skills typically include information theft, knowledge of financial matters such as loans and card information. Additionally, skills and knowledge about forging watermarks, holograms, magnetic chips, and magnetic strips are needed (Gill, 2017). Besides knowledge, the necessary equipment to perform certain criminal activities is also required.

In addition to practical skills for executing identity theft, certain social and intellectual skills are needed. Depending on the form of identity theft, the perpetrator must possess skills that enable them to remain undetected in a given environment. Research has shown that the first attempt at identity theft often involves entering someone's office and the ability to present oneself as someone else, which is the most challenging part, as they must control their emotions and facial expressions to extract certain information while appearing calm and normal without arousing suspicion (Bourke et al., 2012). They also need to be emotionally stable, with strong self-confidence and certain acting skills, including dressing, manner of speaking, etc. (Copes & Vieraitis, 2012).

In domestic literature, works focusing on the criminogenic factors of identity theft are rare. Discussions about the criminogenic factors of computer crime are more common. One such classification

divides them into exogenous and endogenous factors of computer crime (Vilić, 2017):

- Exogenous criminogenic factors include the speed of information technology development, the number of users, computer illiteracy, confusion and lack of adaptation to new technological changes, lack of awareness about the security risks of using the internet, anonymity (pseudo-anonymity) of users, the mismatch between normative and real, inadequate technical equipment and insufficient knowledge of how devices function, protection of information systems, personnel and material problems of authorities responsible for preventing this form of crime, and lack of education about internet security.
- Endogenous factors are represented by the effect of online disinhibition, which manifests in six points: dissociative anonymity, invisibility, asynchrony, dissociative imagination, solipsistic introjection, and minimizing authority. However, it is also indicated that the desire for abuse and establishing power over others, internet addiction syndrome, and lack of self-control are internal factors leading to the occurrence of computer crime.

One of the most highlighted and research-proven risk factors for identity theft is online shopping. The most common form of victimization was the theft of existing credit card or bank account identity. Those who engage in daily online shopping were more than five times more likely to fall victim to credit card/bank account identity theft than those who do not shop online (Burnes, DeLiema & Langton, 2020).

When discussing identity theft, it most commonly refers to the misuse of data and personal identity for financial gain. However, financial identity theft is just one type of identity crime. In addition to this form, the literature often encounters medical identity theft, child identity theft, abuse and forgery of payment cards, identity theft for tax fraud, selling personal data on the dark web, and similar activities.

Financial identity theft most commonly occurs when new online shopping accounts or new bank accounts are opened in the victim's name. This theft can be executed through various methods, including stealing physical documents, technical manipulations, or accessing data on the victim's computers or mobile devices. Credit card-related identity theft is one of the most prevalent forms of identity theft. In our region, it is also dominant among other forms of computer crime. While microchips in credit cards have supposedly helped curb direct purchase fraud, mobile and online transactions have now taken the lead. Fraud and identity theft where the payment card is not physically used have surged in recent years. Cases where the card is not physically lost or used for payment, yet money is taken from the account, are increasingly common. The victim usually learns of the fraud when they receive a message from the financial institution that a transaction has been made. The money is typically withdrawn somewhere abroad, where the victim most often has never been. One of the terms used in this area of crime and found in both domestic and foreign literature is "carding." Carding has emerged as a significant form of cybercrime encompassing various frauds related to the misuse of payment cards. This practice involves unauthorized use of stolen or forged credit card data for financial gain. The evolution of technology has enabled the expansion and complexity of carding, posing significant challenges to financial security and privacy worldwide (Stojković et al. 2023).

Medical identity theft most commonly occurs in the USA because the health insurance system is designed in such a way that stealing and abusing someone else's data enables the perpetrator to receive healthcare. Medical identity theft occurs when someone uses another person's name, and sometimes other parts of their identity, such as insurance information, without that person's knowledge or consent, to obtain medical services or uses that person's identity information for false claims about medical services (World Privacy Forum, 2024). Medical identity theft is one of the hardest types of identity theft to resolve and can cost much more than financial identity theft. If criminals are treated in the victim's name, incorrect medical records can lead to delayed

treatment, wrong prescriptions, or incorrect diagnoses, affecting the victim's ability to receive adequate healthcare and insurance in the future (Rocha, 2013). Medical identity theft is the least researched and documented type of identity theft in the literature.

Child identity theft is also a form of identity theft that has long-lasting and significant consequences for the victim. Child identity theft is much easier and less noticeable because parents, due to their busyness, do not pay much attention or regularly check the child's identity (Beltran, 2013). Criminals use children's personal data to open bank accounts and other financial manipulations because children's data are not exploited in society as is the case with adults. It remains undetected for many years and is one form of so-called synthetic identity theft, which involves a fictitious identity. Criminals create a new identity by combining real and fake data (a real personal identification number with a fake name and surname). Typically, children's or deceased persons' data are used for this type of identity theft.

Selling information about individuals' identities from certain financial institutions for a fee is one way to collect the necessary data for creating false identities or abusing existing ones. This is, of course, just a small part of the pervasive corrupt forms and activities (Bjelajac, 2015 & Bjelajac, 2008). Some employees in such institutions abuse their positions and enable individuals from criminal backgrounds to access protected databases with client information. The dark web or darknet serves as a highly profitable market where criminals can buy such data, whether stolen or obtained through corrupt actions. Additionally, individuals with ICT knowledge and skills breach security systems and access financial institutions' databases, collecting information about clients (personal data, account numbers, PIN codes, etc.) for further fraudulent activities.

How Does Identity Theft and Fraud Occur?

Identity theft and fraud typically unfold in several stages. One model explaining identity theft and fraud outlines three phases (Sproule & Archer, 2007):

- Information gathering

- Creating a false identity
- Criminal acts committed using the false identity

According to this model, the initial phase involves gathering identity information, which entails obtaining personal data about another person without their authorization. There are numerous ways criminals can obtain someone's identity information. These include stealing or finding lost personal documents (passport, ID card, credit card), phishing, skimming, eavesdropping or secretly viewing personal data when the person is using it, hacking into databases of certain institutions, using malicious software, and intercepting wireless data transmissions containing identity information. As we can see, identity information can be obtained physically (through theft), electronically, through interaction with the victim, or a combination of these methods. Most of these methods of acquiring identity information are illegal and criminalized by law, while some methods are not subject to criminal prosecution (finding documents or papers with information).

One of the most commonly used methods for obtaining information about a person is phishing. The term "phishing" comes from the English word "fishing," which metaphorically describes the process by which unauthorized users lure internet users to voluntarily reveal their confidential information. It is mainly carried out without contact (most often via email or telephone). It represents a form of social engineering in which the attacker tries to fraudulently obtain confidential information from the victim by falsely presenting themselves as a trusted person (Jagatic et al., 2005). The term phishing is used to describe the process of illegally collecting sensitive information obtained by deception in cyberspace, where the attacker presents themselves as someone trustworthy who has the right and need to handle such information. Traditional phishing involves creating fake websites that are visually identical to the originals, with the purpose of capturing confidential personal data. Phishing attacks involve activities where unauthorized users use fake email messages and fake web pages of financial organizations to entice the user to reveal confidential personal information. This primarily refers to data such as credit card numbers, usernames, PIN codes, etc., although

there are other alternatives (Dinarević & Softić, 2021). Phishing can be carried out in various ways and typically involves three execution phases (OECD, 2007, p. 17):

- In the first phase, the perpetrator sends an email to the potential victim, appearing to be from the bank the victim uses or from another organization that might be close to the victim and could request certain personal information.
- The second phase begins when the victim reads the email, responds to it, or forwards the message to the appropriate fake website, leaving certain personal data.
- The third phase involves forwarding the victim's data directly to the perpetrator, who uses the obtained data to commit another illegal or criminal act, which is usually considered a fraud.

One form of phishing is *pharming*. Pharming is a complex form of internet fraud that focuses on manipulating the *Domain Name System (DNS)* to redirect users to fake websites to steal their personal or financial information. This fraud technique differs from phishing in that it does not require active user participation, such as clicking on suspicious links in emails. Instead, pharming uses technical flaws or malicious software to change DNS records so that users are redirected to fake sites instead of legitimate ones. Simply opening such an electronic message can download a computer virus, Trojan, malware, or key generator onto the victim's computer, stealing all the victim's important data – passwords, usernames, and credit card numbers used on that computer (Beal, 2016).

Unlike traditional phishing, which uses general methods of sending fake emails to many users hoping someone will take the bait, spear *phishing* is a targeted and personalized fraud. Spear phishing is a sophisticated internet fraud technique that focuses on targeting specific individuals, organizations, or user groups. Attackers conducting spear phishing carefully research their targets to create convincing and personalized messages. This research may involve gathering information about the victims through social networks, internet

searches, or even hacking email accounts. Once they gather enough information, the perpetrators use this data to personalize their messages, often using names, positions, or company information to appear authentic.

A special type of attack that uses text messages or SMS to execute fraud is *Smishing*. Typical smishing techniques involve sending messages to mobile phones via SMS that contain links the user can click on or a callback phone number the user can call. Smishing is particularly dangerous because it uses direct communication via mobile devices, where users might not be as cautious as on other platforms such as email. Vishing is another form of internet fraud that combines telephone call technology with the aim of manipulating the user to reveal sensitive information or perform unwanted actions. The name comes from the combination of the words "voice" and "phishing," indicating that vishing uses voice communication to commit fraud, unlike traditional phishing, which relies on email. A typical vishing scenario involves receiving a phone call from an attacker who falsely represents a legitimate institution or company, such as a bank, tax office, or tech support (Newman, 1999). The attacker may use various manipulation techniques, such as false promises, threats, or creating an urgent situation to get the user to reveal sensitive information such as usernames, passwords, credit card numbers, or personal data.

One of the techniques of identity theft most commonly associated with payment cards is skimming. It is a process in which, using a device known as a "skimmer," information from the victim's card is illegally copied when it is used on a specific device (Gupta & Kumar, 2020). This attachment is usually connected to a machine such as an ATM or a card payment device and copies all the card data during its use. Often, an additional device, such as a hidden camera, is used to record the user's PIN entry. At first glance, a skimming device may look like an ordinary card payment device, but the key difference is that it copies the card information and transmits it to the criminals instead of sending it to the bank, as is usually the case. This activity allows criminals to illegally access the victim's financial resources, often leading to identity theft or financial losses.

Artificial intelligence (AI) is a new method used for identity theft and fraud. It has advanced to the point where it can independently create certain malware used to steal information and personal data. AI offers multiple advantages when it comes to analyzing and predicting human behavior, institutional behavior, or the functioning of business and financial systems, thereby enabling the identification and exploitation of vulnerabilities (Filipović et al., 2023). As the latest form of information technology development, besides all the advantages it brings, it has provided criminals with another tool for carrying out their criminal activities, among which identity theft and fraud hold a special place.

Overview of Legal Regulations

The international community, along with the scientific and professional public, has recognized identity theft as a serious and expanding problem affecting numerous individuals and financial institutions. As part of high-tech crime, many international documents address identity theft and fraud associated with identity theft. Significant international organizations, such as the UN, EU, Council of Europe, Organization of American States (OAS), International Telecommunication Union (ITU), and specialized crime-fighting organizations Interpol and Europol, have contributed to the fight against this type of crime. Numerous conventions, declarations, and other acts have been harmonized at the international community level to combat identity theft and mitigate its consequences. Despite many documents, there is no consensus among member states on the definition of identity theft, its forms, and ways of criminalizing it.

Legislation in some countries defines identity theft as a separate criminal offense (USA, UK, France), while many EU countries (Austria, Bulgaria, Belgium, Hungary, Greece, Germany, Ireland, Italy, Netherlands, Poland, Romania, Spain) do not recognize identity theft as an independent criminal offense but incorporate it into the acts of other crimes. These countries enable the prosecution of identity theft perpetrators through other legal acts that complement criminal law. Serbia belongs to this group and does not prescribe identity theft as a

separate criminal offense in its Criminal Code. The current Criminal Code of the Republic of Serbia from 2006 includes a special section on criminal offenses against the security of computer data, which contains the following criminal acts: damage to computer data and programs (Article 298), computer sabotage (Article 299), creation and introduction of computer viruses (Article 300), computer fraud (Article 301), unauthorized access to a protected computer, computer network, and electronic data processing (Article 302), preventing and limiting access to a public computer network (Article 303), unauthorized use of a computer or computer network (Article 304), and creation, acquisition, and provision of tools for committing crimes against computer data security (Article 304a). These criminalizations aim to protect the use of information technology for permissible purposes and ensure the proper functioning of information technology (Stojanović, 2016). Besides these criminal offenses, if identity theft occurs, the Criminal Code provisions related to fraud (Article 208), forgery and misuse of payment cards (Article 243), and unauthorized use of another's business name and other distinctive marks of goods or services (Article 238) are also applied.

Therefore, there is no unified description of the act of committing the criminal offense of identity theft, which poses a problem in international cooperation and information exchange with other countries. Although Serbia has ratified and accepted numerous international conventions and documents, it has not fully implemented their conclusions and recommendations. The Law on the Organization and Competence of State Authorities for Combating High-Tech Crime regulates the jurisdiction of state authorities in dealing with cases related to identity theft, thus somewhat facilitating the fight against this form of crime.

Consequences and Prevention Possibilities

The consequences of identity theft are multifaceted and significant, affecting both the individual victim and the entire system and society. Although few studies have focused on the consequences of identity theft, most research has concentrated on the financial

impact on individuals. Studies conducted in the USA indicate that documented losses resulting from identity theft include financial and legal problems, primarily stemming from the recovery of financial assets and the protection of personal data. Compared to property crimes, identity theft tends to be more costly for the victim on average (Golladay & Holtfreter, 2017). The average amount lost due to property crimes is \$915, whereas the average amount lost due to identity theft is \$2,183. Identity theft victims experience more than double the losses compared to victims of property crimes, with direct and indirect losses estimated at around \$24.7 billion in 2012 (Harrell & Langton, 2013). In addition to the financial losses suffered by individuals and financial institutions, identity theft also brings other significant consequences. Identity theft is not only a financial problem but also a deeply invasive experience that can have long-term effects on the victim's life and well-being. Victims of identity theft may face numerous legal issues, such as repaying loans and debts, criminal prosecution for offenses committed under their identity, difficulties in reissuing documents, job loss, and more. Identity theft also causes numerous emotional and physical effects on the victim, such as fear for personal safety, feelings of anger and betrayal, helplessness, shame, sleep disorders, inability to concentrate, frustration, and anxiety (Identity Theft Resource Center, 2014). For financial institutions and corporations, in addition to financial losses, one of the biggest problems caused by identity theft is the loss of reputation and rating, which is challenging to restore and always raises doubts among potential future clients. Therefore, most financial institutions implement significant security measures to protect their databases and user accounts. They also conduct numerous preventive activities aimed at showing how to avoid potential identity theft and how to act if data theft occurs. These activities are carried out at an international level, and several declarations and other legal acts dealing with high-tech crime, including identity theft, have been adopted. Preventive activities are usually focused on educating clients about the possibilities and methods of identity theft and providing guidance on how to prevent identity theft and minimize damage if it does occur.

The most common steps to reduce the risk of identity theft include:

- Creating strong passwords with a combination of different symbols, letters, and numbers. Also, using two-factor authentication when the system allows it, which can make hacking more difficult even if the perpetrators have the victim's username and password.
- Avoiding accepting and opening unsolicited messages, suspicious calls from unknown numbers, and not sharing payment card information, account details, or passwords online.
- Checking for spelling errors or incorrect domains in online links (for example, an address that should end in “.gov” but ends in “.com” instead), and ensuring the name is spelled correctly without any substitutions (like replacing a letter with a number).
- Not sharing sensitive information during online shopping and primarily shopping through reputable providers with good reviews. Using applications directly provided by sellers of certain goods and services is best.
- When paying by card in stores, using contactless payment methods is recommended.

If identity theft occurs despite all preventive measures, it is crucial to respond promptly and swiftly to prevent further potential misuse. In the event of financial losses, it is essential to notify the bank or corporation about the data compromise as soon as possible to block further unwanted transactions and change passwords and PIN codes.

Conclusion

The latest data on the consequences of identity theft and related fraud indicate that this type of crime is expanding worldwide. The damage caused by this criminal activity is enormous both for individuals and for states. With the advancement of science and technology, methods of execution are becoming more complex and sophisticated.

Criminals are finding new ways to obtain personal or financial information, which they often misuse for economic gain. Given the way business is conducted and the omnipresence of the internet, virtually everyone is at risk of becoming a victim of identity theft. Consequently, international institutions and stakeholders are making efforts to successfully combat cybercrime and identity theft. The results of this study indicate that regulatory frameworks are inconsistent and diverse, complicating international cooperation, evidence gathering, and prosecution of perpetrators of these crimes. It is essential to harmonize laws so that the nature of the criminal offense can be uniformly treated across all or most countries. Additionally, adequate training and continuous professional development of personnel involved in combating cybercrime are necessary to effectively respond to contemporary challenges and advancements in science and technology. The preventive activities of financial institutions and client education about the risk factors of identity theft are crucial in mitigating financial losses and victimization. Moreover, in cases of data compromise and identity theft, a significant procedure and protocol for victims to react and behave appropriately, whom to contact, and how to prevent or minimize consequences are essential. All of this necessitates continuous collaboration among all relevant societal actors (financial institutions, specialized state bodies within the prosecution, judiciary, and police) at the international level to achieve better results in preventing these forms of crime.

The lack of research in this field is a particular issue that the scientific community must address. The results and evaluation of studies and projects dealing with identity theft and fraud form the basis on which successful policies and measures for preventing and combating financial losses of individuals and corporations should be built.

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Kako razumeti krađu identiteta i prevaru

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Sažetak

Krađa identiteta i prevara identiteta predstavljaju najbrže rastući oblik kompjuterskog kriminala koji ima velike posledice na pojedince ali i na korporacije i finansijske institucije. Razvoj nauke i tehnologije doveo je u opasnost ličnu bezbednost svakog pojedinca ali i stvorio mogućnosti kriminalcima da na lak i perfidan način dođu do imovinske koristi ili ugroze korporacijsku i bezbednost velikih finansijskih institucija. Kao relativno nov oblik kompjuterskog kriminala, krađa identiteta je prouzrokovala i potrebu usklađivanja krivičnih zakonodavstava sa novonastalom situacijom. Cilj rada je da razjasni terminološke nedoumice prisutne u ovoj oblasti i istakne aktuelnost problema krađe identiteta i prevare vezane za krađu identiteta. Pregledom relevantne naučne literature, primenom kvantitativne i kvalitativne analize sadržaja, komparativne analize i uporednog i istorijskog metoda, ukazaćemo na značaj jasnog i preciznog definisanja krađe identiteta i njegove zakonske inkriminacije. Ukazaćemo na različite oblike krađe identiteta, način na koji se najčešće dešavaju i posledce koje izazivaju kao i mogućnosti prevencije. Rezultati istraživanja su pokazali da je krađa identiteta u ekspanziji i da je neophodno usaglašavanje zajedničkih mera na međunarodnom nivou. Takođe, na osnovu dobijenih rezultata možemo zaključiti da je neophodno preduzeti mere edukacije ugroženih kategorija stanovništva kako bi se posledice ovog oblika kriminala svele na najmanju moguću meru. Praktične implikacije ovog istraživanja ukazuju na potrebu razvijanja većeg broja istraživanja iz ove oblasti sa posebnim osvrtom na pojedine oblike krađe identiteta i prevare identiteta.

Ključne reči: krađa identiteta, prevara identiteta, phishing, kompjuterski kriminal

The Concept of Criminal Profiling in Contemporary Crime Suppression Policies

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Abstract

Crime, as a constant accompanying phenomenon in the development of every society, is taking on increasingly serious proportions in modern times. The expansion of violent and serious crimes contributes to growing insecurity and concern within the international community. Current crime trends, in addition to their transnational nature, indicate increasing mobility, inventiveness, sophistication, and a certain ruthlessness. This negative social phenomenon not only obstructs the social, economic, political, and cultural development of the community but also represents one of the greatest threats to human security. Therefore, contemporary crime prevention policies must provide effective responses to the dynamic nature of crime, primarily through setting high criteria for the selection of police officers, criminal investigators, judges, and prosecutors, alongside mandatory periodic education and evaluation. This process includes knowledge and enhancement of the concept of criminal profiling, as an important component of criminal investigation that is inseparable and functionally connected with crime prevention policies. This coincidence also reflects the aim of this work.

Key words: crime, criminal profiling, crime prevention policy, criminal investigation, human security

The Concept of Criminal Profiling in Contemporary Crime Suppression Policies

Introduction

Today, more than ever since the establishment of civilization as a higher stage in the development of human society, humanity faces numerous security challenges, risks, and threats. Environmental devastation, poverty, unemployment, and pervasive destitution threaten the survival of humans as biological beings. Health, peace, and prosperity, as civilizational goals we strive to establish in democratic societies, remain a list of beautiful wishes and "dead letters."

Globalization and dynamic technological advancement, projected to serve the prosperity of humanity, have caused unforeseen side effects. Simultaneously, disease, poverty, and violence have become part of our bleak everyday reality. In such a depressing and pessimistic environment, a new empire grows, develops, and spreads its sinister tentacles: the empire of evil – organized crime. The rise of global crime becomes a permanent threat to the rule of law, without which there can be no sustainable world development. Criminal groups now "cruise" around the globe, trading in drugs, women, children, human organs, toxic waste, weapons, artworks, natural resources, and parts of protected animals, engaging in all criminal activities that bring profit (Bjelajac, 2015a:31). The increase in violent crimes and murders is present in many regions of the world, and for criminals, race, nationality, and skin color pose no barrier to mutual cooperation. Furthermore, the governments of many countries, prone to high-level corruption (Bjelajac, 2015b & Bjelajac, 2008), encourage criminals and become safe havens for their refuge. A broad array of social factors must be included to explain these phenomena.

For all these reasons, the international community is trying to find effective strategies and solutions in a feasible and efficient manner. Modern crime prevention policies are based on crime prevention models that are not unified but instead contain various programs. Many perceive crime solely as evil, where criminals are dealt with in a repressive manner, implemented through extreme state sanctions such

as imprisonment, and sometimes even the death penalty. This approach is specific because it emphasizes the general deterrent effect of harsh sanctions, which should be sufficient to "convince" others not to engage in criminal activities (Bjelajac, 2015a:32). However, such viewpoints are not well-founded because they contradict prevention.

Crime prevention involves well-designed measures and strategies that aim to prevent crime and its harmful impacts on society and individuals. This approach prevents crime and victimization, achieving sustainable development goals by reducing violence, crime, and injustice to a level that is tolerable for society. Effective crime prevention is a specific challenge that certainly yields adequate long-term results. It is known that early interventions through educational programs aimed at children, starting from preschool age, contribute to strengthening self-control, reducing externalizing behaviors, decreasing the likelihood of involvement in criminal activities later in life, and fostering the building of a stable social community. This approach simply promotes purposeful investment in future generations. When people "invest wisely" in this way, they are not necessarily seeking quick results but rather those that will have long-term, sustainable, and practical benefits.

It is understood that crime prevention, as a key part of crime control policies, encompasses all actions that participate in stopping or reducing crime as a social phenomenon, ultimately to a level that is tolerable for society. The primary agents of preventive roles must be entities for crime suppression (law enforcement agencies and the judicial system) and non-criminal entities of crime control policies (family, school, social services, media, NGOs, researchers, and scientists). Crime prevention logically requires a multidisciplinary approach reflected through the synergy of multiple initiatives and the practices of "community policing." In this regard, it is crucial to distinguish between conceptual models oriented toward victims and/or offenders. Crime prevention concerning victims includes common standards: armored doors, alarm systems, video surveillance, physical and technical security, and overall design that serves to deter criminal activities. Crime prevention aimed at potential and actual offenders includes educational programs in schools, addiction treatment, psychological and psychiatric support, and other measures provided by the criminal justice system.

If crime prevention is a crucial part of crime control policies, then we could rightfully assert that psychological/criminal profiling is a fundamental part of crime prevention. The foundations of criminal profiling were actually built by psychiatrists and psychologists who attempted to decipher the behavior of individuals who threaten human safety to assist law enforcement agencies in investigating serious violent crimes. Their work seems most accurately represented in the American television series "Mindhunter," which depicts behavioral analysts engaged in the FBI's Behavioral Science Unit within the Training Division at the FBI Academy in Quantico, Virginia, on a project of interviewing convicted serial killers to gain insights into their criminal minds with the tendency to apply these findings to solve ongoing cases. Their work, previously based on personal experience and gathered knowledge, is now enhanced with analysis techniques supported by computer and information technologies with programs for predicting certain traits of perpetrators of serious crimes. Thus, psychological/criminal profiling, besides having an important role in the context of reconstructing the crime scene, detecting, fixing, securing, and interpreting traces, including identifying and finding the perpetrator, can also have a proactive role (early signs for detecting potential perpetrators - before the crime occurs) in determining specific profiles of potential violent or "latent" criminals. For preventive action, it would be useful for not only police officers, security agency officers, and criminal investigation agencies, prosecutors, and judges but also parents, teachers, social workers, and others to be familiar with basic profiling techniques.

Methodology

In conducting descriptive research, we formulated research questions in an adequate and concise manner to examine the concept of criminal profiling in contemporary crime prevention policies. We utilized qualitative research methods to perform a deeper analysis and provide more detailed explanations, offering a comprehensive and broader view of the rise and diversity of crime and the suppression of this negative and socially dangerous phenomenon, aiming to answer questions related to the objective of this work. Through the method of

comparative analysis, we discovered the potential application of the concept of criminal profiling in modern crime prevention policies.

We demonstrated that there are significant possibilities for psychological profiling as a tool not only for effectively processing all available information about the crime, crime scene, and victim to "create" the profile of the perpetrator but also in the context of protective factors as positive influences that, as preventive measures, can improve individuals' lives and the safety of the living environment.

Crime suppression policy

From a historical perspective, traces pointing to the need for societal reactions to crime can be found from ancient times. Enlightenment thinkers such as Montesquieu (fr. Charles-Louis de Secondat Montesquieu) emphasized the tendency to build a legislative framework that would suppress crime and guarantee basic individual rights. Naturally, with the development of communities, perceptions of crime prevention policies evolved in line with societal perceptions, influenced by varying degrees of development. However, the essence has remained the same even today. Thus, the common feature or general goal of "all crime prevention policies" pertains to reducing crime and increasing the security of citizens and their property (Bjelajac, 2015a:182).

The term "crime prevention policy" was first used by Paul Johann Anselm Ritter von Feuerbach, a renowned German legal theorist and founder of the classical school of criminal law (1804). He used this term to denote "legislative and state wisdom in the function of achieving the purpose of criminal law solutions" (Horvatić & Cvitanović, 1999:3). Marc Ancel stated that crime prevention policy is both a science and an art, or rather a skill in opposing crime (Ancel, 1975). From a theoretical perspective, criminal policy in the fight against crime involves "how and by what means society, in accordance with its socio-political system and with respect for social, material, and spiritual development, can most effectively combat crime" (Petrović & Dobovšek, 2007:109).

The fight against organized crime fundamentally involves not just criminal policy but also prosecution policies, penal policies, and sanction policies, requiring broader engagement of all societal actors, not just certain state structures (police, courts, etc.). Analysis of professional and scientific literature and the opinions of certain authors (Bošković, 2004:203) indicate that countering organized crime entails undertaking preventive and repressive measures. When defining the policy for combating organized crime, it is necessary to distinguish it from classic crime due to several different factors that characterize organized crime as opposed to unorganized crime (Smajić, 2010).

The characteristics and essential features of organized crime include the existence of a criminal group or organization; structure; hierarchy and subordination; organized activities; the non-ideological nature of the group; a specific subculture; discipline; loyalty to the criminal association; responsibility; secrecy in procedures and operations; a wide range of illegal activities; territory, mobility, and transnational character; functioning over an unlimited or extended period; adaptability; connections with state organs, the judicial system, and criminal investigation agencies; violence and corruption; selectivity and limitation in membership acceptance; monopoly; specialization; professionalism; financial power; specificity of activities and methods of operation; and an authentic name of the criminal association.

Figure 1. Characteristics and essential features of organized crime

Characteristics of organized crime	Important features
Formal organization	Criminal organization, hierarchy, criminal structure
Organized structure in the contextual sense	Planned, continuous, perpetual criminal activity
Acquisition and increase of economic profit, monopoly and power	Acquisition of economic profit, illegal enrichment, investment in legal businesses, etc.
Exerting influence on state institutions, individuals and other social control entities	Corruption, extortion, use of force or threats, instilling fear, etc.

(Šikman,2009)

It is known that in the early stages of state formation, as a primary means of combating crime, primitive forms of repressive measures were applied, characterized by punishing individuals with brutal physical and psychological methods of coercion. In later periods, especially after the French bourgeois revolution, there was a humanization of criminal sanctions and the development of criminal justice systems. However, even then, the policy of combating crime relied on laws and punishment as its basic instruments, directed towards the individual perpetrator of the crime.

In today's modern era, the policy of combating crime moves away from its repressive characteristics and focuses on social prevention, promoting more humane approaches and treatments, especially regarding the severity and type of sanctions. Effective means for combating crime include comprehensive implementation of prevention measures and resocialization (reintegration into society). At the same time, contemporary crime policy faces numerous challenges due to new trends in criminal behavior and the globalization of crime (Bjelajac, 2015a:185).

Therefore, the use of modern methods to combat organized crime requires specific personnel and organizational changes. In addition, the application of specialized investigative actions has proven to be an effective method, considering that traditional methods of collecting and proving criminal offenses related to organized crime often had negative outcomes. The implementation of these methods requires educational and specialist measures for police and judicial personnel. This fact indicates that modern criminal organizations use the achievements of modern science and technology in committing serious criminal offenses.

Nevertheless, the ongoing fight against organized crime involves both preventive and repressive measures. Preventive measures aim to eliminate the causes and completely eradicate organized crime, while repressive measures are implemented through legal norms and laws, with the action of specific specialized law enforcement agencies aiming to secure and prove criminal offenses. Such measures require long-term planning and the use of modern achievements in humanistic, legal,

sociological, and social sciences to reduce general fear of organized crime and bring it to the level of social control (Smajić, 2010).

All democratic societies practice social control (social action aimed at affirming socially acceptable/adapted behaviors) and respect for social norms, with appropriate sanctions provided for their enforcement. Sanctions can be positive (rewards given for adhering to norms) and negative (punishments for violating norms) and play a crucial role in social control. They can be formal or informal. Spitting on the street, blowing nose contents or throwing cigarette butts on the street can result in informal sanctions usually through disapproval in face-to-face social interactions. On the other hand, for example, helping elderly people or children safely cross the street can earn positive informal reactions. Formal sanctions reflect ways to identify and acknowledge maladaptive behaviors, or violations of specific norms, resulting in certain penalties. Someone who displays violent behavior may be arrested or imprisoned.

Criminal policy consists of criminal law measures against crime and delinquency, as well as crime and delinquency prevention, reflecting that criminal law repression does not yield adequate results. A country's criminal policy is influenced in a certain way by demographic, economic, national, historical, cultural, political, psychological, and other characteristics specific to that country (Milutinović, 1986:14). In other words, criminal policy encompasses a planned and coordinated system of social activities, which are diverse in content and involve various subjects as their bearers, unified by a common goal. Thus, the division of criminal policy into prevention measures and repression measures can be accepted. The former are said to be applied ante delictum, aiming to eliminate the causes and conditions that provoke criminal behavior, while the latter are applied post delictum with the aim of influencing the criminal to avoid committing new criminal acts (Lazarević, 1988:8). The policy of combating crime certainly surpasses the level of political and legal elaboration and encompasses various multidisciplinary fields and mechanisms. In addition to police officers, agencies for conducting criminal investigations, prosecution, criminal justice, numerous state bodies, the NGO sector, the education system (preschool, elementary,

secondary, and higher education), and above all, the family as a fundamental social group play a significant psychological, educational, and socialization role. Complementary action by these entities can create a healthy environment based on fostering a culture of peace and non-violence, ensuring citizens have the prerequisites for a peaceful and secure life in an organized environment. Therefore, from the above, it is observed that the policy of combating crime is based on two fundamental orientations: repression and prevention.

Repression (Latin: *repressio*) refers to prevention, suppression, stifling, curbing, and restraint. In the context of criminal law, this term implies the suppression of behaviors classified as criminal acts. However, in a broader sense, criminal law repression encompasses not only the application of punishment or other criminal sanctions but also the threat of punishment. The generalized perception that repression is taken after the commission of a criminal act has become irrelevant in recent times. Namely, repression as a permanent societal reaction is not merely oriented towards the past but to some extent towards the future, aiming to prevent the commission of unauthorized behaviors (Bjelajac, 2015a:188).

Security challenges, risks, and threats faced by modern society call into question its presumed function and role in improving all spheres of contemporary human life and work. Based on these circumstances, there is a general consensus that an exclusive and aggressive application of repressive measures cannot lead to an effective and sustainable crime prevention policy. Instead, the primary orientation in modern crime prevention policy is firmly rooted in preventive action, supported by the results of numerous theoretical and practical studies.

Prevention, derived from the Latin word "*praevenire*," can be narrowly translated as anticipation or prevention, or more broadly as preventing a disease, disorderly behavior, or an occurrence that leaves consequences for individuals, groups, or society (Bjelajac, 2015a:191). One possible definition of prevention measures is provided by the European Crime Prevention Network (EUCPN): "These are measures aimed at reducing or otherwise contributing to the quantitative and qualitative reduction of crime and the feeling of insecurity among

citizens, either through direct deterrence from criminal activities or through policies and interventions designed to reduce the potential for crime and its contributing factors. This includes the work of the government, competent authorities, criminal justice institutions, local authorities, professional associations, private, voluntary, and civil sectors, scientists, and the broader media public" (Jović, et al., 2009).

Preventive measures can be categorized into general, specific, and individual prevention. General prevention encompasses all social activities of a social, economic, health, educational, cultural, ideological, and other nature, which influence the elimination or mitigation of general social criminogenic factors contributing to the commission of crimes. Specific prevention includes the same measures as general prevention but differs in its more direct action aimed at eliminating specific criminogenic factors in certain areas of social life. Individual prevention relates to specific situations where there is a risk of committing a criminal offense (Jović, et al., 2009).

According to some perspectives, contemporary trends in prevention also address the so-called pre-delinquent behaviors (especially in the treatment of juveniles), which fall within the domain of sociopathological behaviors in a society. Its fundamental contents and basic characteristics can be described as follows: prevention of punishable behaviors as part of a broader social policy or system of social regulation (control) and guidance; prevention equally directed towards delinquent and non-delinquent populations, i.e., towards those who have been punished at any time in the past, as well as those who have never committed a criminal offense; primarily (to the greatest extent) achieved through action on pre-delinquent behaviors (pre-delinquent prevention); prevention achieved through action on complex criminogenic factors, taking into account the phenomenology and etiology of criminal behaviors; prevention represents a unified and global activity according to its intention and purpose, while its content depends on the measures and instruments applied; organized, planned, and primarily prognostic-oriented approach to preventive activities is an essential component of contemporary crime prevention (Horvatić & Cvitanović, 1999:182).

For these reasons, crime prevention policy should focus on the crucial area concerning juvenile delinquency, as this type of

delinquency hampers and disrupts the prosperity of every society. Moreover, it is widely believed that the position of youth is of crucial importance for social progress. In this regard, the UN Guidelines on the Prevention of Juvenile Delinquency – Riyadh Guidelines (Basic Principles 1 and 5a) state: "Preventing juvenile delinquency is a key part of crime prevention in society. Young people can develop non-criminal attitudes in legally regulated, socially beneficial activities, and by adopting a humanistic orientation towards society and a humanistic view of life... Advanced preventive policy should include the creation of educational opportunities that meet the diverse needs of young people and serve as a mechanism to support the development of their personalities, especially those who are clearly at risk or exposed to social risks and require special care and protection."

Figure 2. Crime prevention is conducted through three levels

Primary	Its aim is to reduce all identified factors at the level of family, community, institutions that contribute to the development of crime, and it is implemented through the educational and informational system, cultural institutions, assistance and work with families, social protection institutions, non-governmental sector, especially youth organizations, and other means..
Secondary	It is carried out through specific programs in various areas targeting phenomena, groups, and individuals at higher risk of engaging in criminal activities.
Tertiary	It is focused on actions when crime has already occurred, as well as preventing recidivism and the commission of serious criminal offenses. All preventive efforts are fundamentally directed towards: the situation (creating an environment unfavorable for committing crimes), the social environment (family, school, peers, cultural institutions, etc.) of potential offenders and offenders (behavioral control and change), potential victims (reducing the likelihood of becoming victims of crime), and collaboration with citizens to respond to criminal occurrences.

(Jović, et al. 2009).

Primary prevention involves activities aimed at addressing a wide range of at-risk groups who could potentially become perpetrators or victims of crime. State structures are directed to pay attention to underlying causes such as poverty, unemployment, domestic violence, and others, since criminals often come from various social spheres, reflecting economic, political, familial, and other community relationships. Furthermore, states are encouraged to take measures such as research, informational and media campaigns aimed at raising awareness and education, along with intensifying social and economic initiatives for primary crime prevention (Bjelajac, 2015a:195). Primary prevention (focused on the public and the environment in general) is achieved through improving general social conditions, specifically by addressing the root causes of crime. Its manifestation is most pronounced through activities like social integration, removing social barriers, and reducing various structures that foster criminal environments. It is primarily implemented targeting minors, unemployed individuals, maladjusted groups, etc. (Northoff & Stroth, 1996). This type of crime prevention represents a widely spread activity and includes: environmental design (appropriate architectural solutions, public lighting, access control to buildings or spaces), neighborhood watch, engagement of security agencies, and educating citizens for self-protection. All these aims are fully intended to eliminate the causes of crime occurrence and objectively enhance individuals' subjective (in)security within the community (Meško, 2002:57).

Secondary prevention typically focuses on law enforcement agencies. This type of activity (programs) involves identifying areas within local communities with varying levels of crime rates. The focus of interest lies in the causes of crime (etiology), aiming to suppress or reduce specific types of prohibited behavior by individuals or groups. General prevention programs mostly include monitoring, monitoring crime within local communities, patrol activities, and the development of programs primarily focused on specific criminal acts, etc. This primarily refers to property crimes such as robbery, motor vehicle theft, shoplifting, burglary in homes, cars, or business premises, domestic violence, school violence, drug abuse (Kratcoski, et al.,

2000). Today, the emphasis is particularly on the fact that secondary prevention enhances situational and interactive aspects of certain criminal acts, thus attempting to reduce opportunities for committing such crimes. This activity is implemented in various ways, notably: security-technical measures (construction, electronic, optical, etc.), measures for optimal security of homes and private houses, measures involving direct or indirect police presence, working with potential victims to reduce opportunities for successful commission of crimes (Northoff & Stroth, 1996). As observed, secondary prevention intervenes towards potential offenders in a manner that prevents them from committing criminal acts. This form of prevention aims to prevent the deepening or spread of criminal behavior by early identification of young people who may be considered at risk due to their tendencies towards potential involvement in criminal activities.

The **tertiary area of crime prevention** is focused on individuals who have been convicted of criminal offenses and still pose a significant threat to society (criminal potential). It applies treatment measures aimed at preventing them from committing further crimes in the future (Hiss, et al., 2009:59). Tertiary prevention programs represent the most concrete and specific part of crime prevention. These programs are directed towards individuals and involve various measures such as increased surveillance and control of recidivists (reporting obligations to police stations, monitoring movements, specific police sector measures, and involving citizens in monitoring recidivists). Recently, there has been a global focus on the use of technical surveillance and tracking devices, such as modern electronic systems with radio transmitters and computer monitoring (Muratbegović, 2006:48).

In addition to these measures, there are interesting approaches that use socio-psychological and psycho-sociotherapeutic treatments for certain categories of recidivists, such as perpetrators of sexual offenses, where psychological treatment is conducted in parallel with medication therapy (Albrecht, 1999). Thus, tertiary prevention is applied in phases of victimization and traumatization to mitigate the psychophysical violence consequences and provide psychosocial

assistance and protection. From the perspective of tertiary prevention, it is also necessary to adjust sentencing policies so that penalties for criminals are proportionate to the crimes committed. Moreover, it is crucial that activities and interventions within this type of prevention program help individuals deviate from criminal behavior and prevent them from committing crimes in the future.

Ultimately, the affirmation of crime prevention policy correlates with the engagement of crime suppression entities, particularly the functioning of the police and its role in combating crime. Modern policing strategies, police preventive activities, repressive police activities, police functionality, and the overall problem-solving strategies have limited results without collaboration with the local community. Within these frameworks, this collaboration can also extend to prosecution, criminal justice, criminal sanction execution systems, and the scopes of non-criminal subjects of crime prevention policy, notably families, schools, and media.

In crime prevention policy, particularly in preventive activities, it is essential to emphasize the understanding of the origins of criminal behavior and subsequently the application of criminal profiling as part of developmental potentials that inspire strategies and measures aimed at achieving desired effects through timely interventions to minimize the likelihood of crime escalation and multiple harmful effects on individuals and society, where fear predominates as the primary emotion, intensely manifesting due to perception of imagined, real, or serious threats.

Origin of criminal behavior as an introduction to criminal profiling

Recently, in an effort to more clearly identify the etiology of criminal behavior and channel activities towards a proactive approach, akin to preventive problem-solving, a matrix approach has been adopted, similar to that used in the medical community. For example, in assessing the risk of diabetes, a disease influenced by genetic factors, lifestyle habits, or environmental factors, doctors procedurally gather patient health history data, including family history, lifestyle,

diet, obesity, blood pressure, stress, etc., to measure risks to their health. After assessing risks, doctors propose ways for patients to neutralize or reduce them. This mechanism can be effective in determining the type of intervention that suits the needs of young people, especially those exposed to specific risk factors for delinquency (Bjelajac, 2023:88).

Thus, the perception of the origins of criminal behavior can serve as a good prelude or tool for criminal profiling. Parents, educators, teachers, and particularly psychological and pedagogical services in schools, should be educated in basic techniques for profiling minors and recognizing early signs to detect tendencies towards criminal behavior. Such a proactive approach is actually a "pledge" for their future and healthy upbringing.

There is noted interaction among multiple risk factors - predictors for delinquency and behavioral disorders, which explain the nature and persistence patterns in criminal behavior. Risk factors in the social environment (socioeconomic status, preschool experiences, educational failure and truancy, quality of after-school care, peer rejection, association with antisocial peers, etc.) can be strong predictors of general delinquency. Risk factors associated with parents and family (dysfunctional family dynamics, broken home, parenting styles and practices, parental supervision, alcohol and substance abuse by parents, influence of siblings, parental psychopathology, neglect and abuse, etc.) highlight the crucial role of these factors in predicting criminal behavior. It is assumed that family problems not only predict criminal behavior but also play a significant role as potential causes of later persistence in criminal acts (Bjelajac, 2024).

The role of psychological factors in predisposing to criminal behavior is consistent and pronounced. These factors include personality traits, comorbid psychiatric conditions, value judgments and cognitions, affective components, and motivation. Their interactive effects produce various levels of antisocial conditions and problematic behaviors. Attachment disorder is a condition that affects mood or behavior and hinders people from forming and maintaining relationships with others. Risk factors for this disorder may include

caregivers with poor parenting skills, neglect by parents, emotional, physical, or sexual abuse, parental anger, parents with psychiatric conditions, prenatal exposure to alcohol or drugs. Exposed children may suffer from conduct disorders, lack or absence of empathy, which is the ability to understand and share feelings with others. They may also have other disorders such as cognitive-communication disorders, attention-deficit/hyperactivity disorder, oppositional defiant disorder, and so on (Bjelajac, 2024).

Of course, the risk factor catalog is incomplete without considering biological factors/relationships with criminal behavior, primarily in the domains of genetics and antisocial behavior, psychophysiological factors (temperament), environmental risk factors (neurotoxins), exposure to nicotine, alcohol, and drugs, traumatic brain injuries, brain developmental abnormalities, brain plasticity (neuroplasticity), hormones and neurotransmitters, including neuropsychological factors.

Additionally, the origins of criminal behavior must be viewed within the framework of learning and situational factors. Among other approaches, we can mention the behavioral approach to criminal behavior; operant learning and criminal behavior; social learning and criminal behavior; expectancy theory; imitation aspects of social learning in the context of criminal model imitation; differential association-reinforcement theory of criminal behavior; the role of frustration in criminal behavior; and situational determinants of criminal behavior.

Lastly, numerous psychiatric disorders and neuropsychological conditions can be associated with criminal behavior, aggression, and violence. Therefore, it is crucial to consider psychopathy, mental disorders, and criminal behavior. Psychopathy, in particular, deserves attention due to its high prevalence in the population and its various interactions with persistent and continuous patterns of aggressive and violent behavior (Bjelajac, 2023:221). As explained by Reid Meloy, author of "The Psychopathic Mind: Origins, Dynamics, and Treatment," psychopathic serial killers are emotionally detached from their actions and therefore indifferent to the suffering of their victims. Their ability

to emotionally detach from their actions and their denial of responsibility effectively neutralizes any guilt or remorse that others might feel in similar circumstances. Their lack of affect makes them almost invisible to detection (Meloy, 1988).

The question of what constitutes a mental disorder is crucial and forms the foundation of psychiatric philosophy, with significant practical implications for clinicians and patients alike. Moreover, there is a real possibility that different types of social deviations or variations in behavior may be misclassified as disorders when better conceptualized using other categories, such as non-pathological individual differences, lifestyle choices, or crime (Stein, et al., 2021 & DSM-I. Washington, 1952). The link between most individuals diagnosed with mental disorders and criminal behavior is not consistent. However, for certain mental disorders, it can be highlighted that they generate risk factors for certain criminal acts. Individuals with schizophrenia (especially in the paranoid form), bipolar disorder, if they have comorbid alcohol and substance abuse, often exhibit explosive affect, making them prone to violence and increasing the risk of aggressive and/or criminal behavior (Bjelajac, 2023:251). Therefore, criminal behavior is a complex phenomenon influenced by numerous factors. Certain mental health issues are not necessarily triggers for criminal behavior, but it cannot be ruled out a priori that specific conditions may increase the likelihood that individuals will engage in serious criminal acts.

Considering the sequence of risk factors for the development of criminal behavior, we cannot overlook the influence of mass media, especially the internet, which constitutes a new subculture and has a suggestive effect on modern individuals (Bjelajac & Filipović, 2020). They affect, among other things, the creation of different people's attitudes. The destruction of mass media, which is very often superior to responsibility, introduces us into the latent world of immorality, perversion, hatred, lies, divisions, while giving us a picture of the lavish life and power of criminals, suggesting to the gullible viewer that criminal behavior can be profitable. In this way, the phenomenon of alienation and dehumanization is affirmed in contemporary society, thus openly promoting feelings of alienation and lack of empathy that

can lead to various social problems and deviations, exacerbating psychosomatic disorders, and ultimately implying criminal behavior.

Criminal profiling as a protective factor and prediction of risk factors

The origin of criminal behavior is, in fact, an introduction or precursor to criminal profiling. Questions about how to penetrate the criminal mind have always aroused curiosity and fascination. By delving into the mind of a criminal, we can observe characteristic patterns of antisocial behavior, deviant thoughts and actions, impulsivity, disloyalty, selfishness, lack of empathy. We can understand and detect signs of criminal intent and use them in crime prevention. We can also dare to assume the risk factors that led individuals to engage in criminal activities. Therefore, the concept of profiling, as a protective factor, has the potential to be an important countermeasure to risk factors (Bjelajac, 2023:88). Thus, through practical application of criminal profiling in detecting and preventing crimes, a close and natural connection is established between the origin of criminal behavior (described and listed risk factors) and the modus operandi of behavioral analysts.

"The most important thing to know about profiling is that in and of itself, there's nothing inherently wrong with it. Generally, profiling is not illegal. It's not inappropriate. It's actually something that we all do every day. If you're married or dating someone, you've profiled that person before you got involved with them. If you've gotten a dog from a humane society or an animal shelter, you've even profiled that dog. You had an idea of the kind of dog you wanted when you walked in there. Then you looked at the dogs in front of you, looked at their characteristics, studied them, tried to see if some of their characteristics matched the characteristics you thought you liked. That's profiling. Everyone profiles every day, so do police officers. Law enforcement officers make a living at profiling. If you enjoy watching the BBC's Sherlock or CBS's Criminal Minds, then you enjoy a show that's about people who make a living looking at characteristics, clustering characteristics, and suggesting that person A is more likely than person

B to act a certain way based on certain characteristics they have in common with a whole bunch of other people who have those characteristics and who are known to have done those acts" (Weaver, n.d.). "A profiler is a person who possesses certain psychological methods thanks to which he manages to predict the behavior of a person in this or that situation. Based on seemingly basic things, such as characteristics, appearance, verbal and non-verbal behavior, the profiler sees the interlocutor from the inside. In his work, the profiler uses the technology of reading body language, facial expressions, and reading between the lines. For example, there is a suspect who wants to cover up the case of committing a terrorist act. Of course, when the same is examined, the examiner follows his speech and tries to control his behavior. But when a criminal investigator asks about luggage left at the station, the eyes of the suspect are filled with a light alarm, he practically imperceptibly strains his arm – an experienced specialist should notice that" (Profiler – Šta je to?, n.d.). "The art of identifying the smallest details in another person's behavior requires the profiler to have a lot of knowledge and professional skills. It is essential to clearly understand what exactly needs attention and what can be pushed into the background. Often in his work, the profiler (verifier) uses a dictaphone or a video camera to record a conversation or video of the situation as a whole. This method works effectively because when you have personal contact, you can miss seemingly insignificant details, and the recording fixes everything. After the conversation, you can simply turn on the recording and listen to it/view it and carry out a certain analysis. The verifier observes facial expressions, gestures, behavioral characteristics, examines psycholinguistic speech patterns, paralinguistic signs of verbal production" (Profiler – What Is It?, n.d.). This is actually an approach that is an alternative to the polygraph, a device widely used for lie detection, which monitors physiological changes in the body of the person being examined. The level of excitement, anxiety, pulse, blood pressure, breathing, represent physiological responses that are associated with lies. Skilled criminal profilers are living lie detectors, as opposed to favored artificial intelligence, which is increasingly used to recognize emotions and a violent mentality.

While the polygraph is widely used in the work of criminal enforcement agencies and other environments as a tool for detecting deception, its scientific validity and reliability are widely debated. The accuracy of the polygraph has been questioned by research showing that people can learn to manipulate their physiological responses and that the device can produce false positives or false negatives (Saxe, et al., 1985). Profilers, as part of law enforcement teams, use their knowledge, intuition, and experience to reconstruct the crime from start to finish and create psychological profiles of potential suspects. Through analysis of behavior and physical evidence surrounding the crime, they gather information that points them toward the most realistic scenario. This significantly narrows the search for law enforcement agencies and directs efforts solely toward individuals who meet the criteria for flagged criteria (Bjelajac, 2022). Therefore, the skill of a profiler is based on creating a portrait of criminals that is identical or nearly identical to their actual appearance. The key mission of a profiler is to clearly define the boundaries between lies and truth. However simple it may seem, that by listening to a person whose dialogue is characterized by illogicality, confusion, contemplation over answers, nervousness, etc., you can conclude that they are a perpetrator or accomplice in a criminal act, practice shows that premature reasoning can be deceptive. Profiler tasks are not simple. Observing people who commit crimes or have such inclinations, predicting their activities, real intentions, and actions requires more than mental strain" (Bjelajac, 2023:90-91). Understanding the complex human character traits, recognizing lies through body language, expressions, and other signals, sometimes is difficult for detection due to the complexity of human nature. As lies and deception are common human behaviors, the ability to separate lies from truth is a crucial element in criminal investigations. However, lying in comparison to telling the truth entails psychological pressure. If added to greater cognitive complexity, the signals of lying and suspicious behavior may be symptomatic.

Many scientists and researchers dedicated their work on this topic, and one of the most renowned scientists with greatest results in

this field is Paul Ekman. Dr. Ekman is a psychologist known for his work on emotions and facial expressions, and he has also contributed significantly to the field of lie detection. Ekman's research on facial expressions and nonverbal behavior has informed his approach to lie detection, which is based on the idea that certain facial expressions and other nonverbal cues can reveal when someone is lying. Ekman and his colleagues developed a method of lie detection based on the Facial Action Coding System (FACS), which is a standardized system for describing facial expressions. According to Ekman's approach, when people try to conceal their emotions or lie, their facial expressions may reveal "microexpressions" or brief, involuntary expressions that contradict their verbal statements (Ekman & Friesen, 1974). Ekman's method involves observing the subject's facial expressions and nonverbal behavior while they are being questioned, and looking for signs of deception such as microexpressions, changes in vocal tone, or other subtle cues. He has also developed training programs to help people improve their ability to detect deception by recognizing these cues. While Ekman's approach to lie detection has been controversial and is not universally accepted, it has had a significant impact on the field and has contributed to our understanding of the relationship between emotions, facial expressions, and deception. Additionally, Ekman has developed training programs to help people improve their ability to detect deception by recognizing these cues (Bjelajac & Filipović, 2023). Despite conflicting opinions on how effective profiling can be in preventing crime, proponents of criminal profiling rightly argue that profiling can help prevent criminal behavior by providing police insight into the psychological makeup of offenders, which can help predict and prevent future crimes. For example, a profiler could identify specific behaviors or patterns indicative of a particular type of offender, such as a serial killer or sexual predator, which can assist police in focusing their investigations and increasing the likelihood of apprehending criminals before they commit further crimes (Canter & Alison, 1999). By analyzing evidence from crime scenes and identifying common characteristics among offenders, profilers can provide law enforcement agencies with information about potential future offenders

and the types of crimes most likely to be committed in specific areas (Canter & Alison, 1999). It is wrong to assume that the primary function of criminal profiling is the detection and apprehension of perpetrators. While the knowledge that criminals will be caught and deprived of their freedom is generally a good preventive measure, which serves to deter potential criminals from committing crimes, we must have a broader understanding of this profession.

Given the broad applicability of this specialty, it would be appropriate for parents or guardians, educators in preschools, teachers, professors in secondary and higher education, pediatricians, psychologists, educators, social workers, police officers, and all others who work with children, to learn basic skills in detecting early signs of bullies, individuals with maladjusted behaviors, and sociopaths. It is unnecessary to expect them to be on the same level as people whose professions are closely related to profiling: psychiatrist, psychologist, criminal investigator, polygraph examiner. In addition to having higher or incomplete higher education, a profiler must possess certain personal qualities, such as empathy, honesty, stress resistance, emotional stability, perseverance, caring, and willingness to help others, etc. (Bjelajac, 2022). We must understand that education for this specialty is not unattainable and demanding. Of course, to master certain skills, in addition to education playing a crucial role, other prerequisites such as will and dedication are necessary. The mission to contribute to a safer community life is a good reason to consider the concept of profiling as a protective factor and a countermeasure to risk factors for the development of criminal behavior.

Parents and teachers should "take small steps" to apply basic knowledge of profiling so that they can react effectively and prevent early cases of maladjusted behaviors from ever developing into more serious ones. For example, changes in mood, behavior, appearance, hygiene, psychophysical health, can be a reason to suspect that a child is using drugs. Signs of drug use can be easily sought through breath, hair odor, clothing, eye changes (redness, heavy eyelids, narrowed pupils). Prevention measures and early actions can begin with checking common places where the child sleeps and stays. Do not neglect the

mobile phone and other digital devices that may indicate suspicious contacts and actions. Getting to know your child's friends and peers and being involved in their lives is the right reaction. Lastly, do not hesitate to occasionally test your child for substances. By the way, remember that a new expensive iPhone in the hands of a high school student, which she says she received as a gift from a friend, can be an early sign that someone is sexually exploiting the child. Sometimes neglect and lack of attention to a child having new clothes, makeup, and other items without a real explanation of how they acquired them, can be an introduction to a classic scenario related to prostitution.

Discussion

If we promote the tendency to engage in proactive action in the context of crime prevention and the concept of criminal profiling as a protective factor, we cannot ignore the fact that Serbia was shaken by two cases of senseless violence and mass murder in May 2023, resulting in dozens dead and injured in two separate incidents. The first mass crime occurred at an elite elementary school in Belgrade on May 3, 2023, and we will give special attention to it in our discussion in an analytical, substantive, and content-oriented sense, because the perpetrator was a juvenile, K.K., and the crime was accompanied by numerous controversies.

The second mass crime occurred on May 4, 2023, in Mladenovac, a town less than 50 km south of Belgrade. It was committed by a 21-year-old, U.B., who used firearms to kill 8 people and injure 14 others, one of whom later died. During a search of the suspect's weekend house, the police found a considerable amount of weapons, ammunition, and explosives. The Mladenovac killer was already known to the police. According to his neighbors, he had killed their pets around the village. He had been arrested for theft, possession of weapons, and physical assault on a police officer. There was an obvious failure in the response of the police, the criminal justice system, and the entire community safety system, with a lack of subjective and objective accountability. In both cases, there is a

significant parental responsibility for serious crimes against public safety, preceded by neglect and tolerance towards antisocial behavior.

Figure 3. The case of mass shooting in elementary school Vladislav Ribnikar in Belgrade, Serbia

Basic information	The profile of underage perpetrator	Family /School/ Environment
<p>Crime Scene: The Model Elementary School Vladislav Ribnikar is an elite educational institution with tradition and quality. It is located in Vračar, Belgrade.</p> <p>Crime Description: On May 3, 2023, in the morning hours, K.K. (13), a seventh-grade student, entered the school with firearms (two of his father's pistols) and homemade Molotov cocktails, committing a horrific crime. He killed eight students and a security guard, while a severely injured girl passed away twelve days later. He also wounded six other students and a teacher.</p> <p>After the Crime: After the massacre, he calmly called the police and surrendered. According to police reports, he said, "I killed them because I am a sociopath." The weapons used in the crime were found, along with four Molotov cocktails. A list of children who were "priority targets" for K.K. was discovered, along with a sketch of the school's entrance and exit and the layout of classrooms and the classes they held. The motive for the murders has not yet been determined, although it is suspected. According to the</p>	<ul style="list-style-type: none"> • It is evident, from the analysis of available information, that the minor K.K. exhibited behavioral problems conditioned by individual risk factors: poor conflict management skills; low social skills; access to weapons; external attribution model; experiences of humiliation or rejection; victim of abuse or neglect (physical, emotional, sexual); poor relationships, isolation (Justicia, et al., 2006). • Difficult and unpredictable temperament (innate tendencies or natural ways we express emotions and behaviors). • Demonstrated patterns of frustration (emotional reactions to stress, a condition that arises from the inability to satisfy our needs under the burden of some barrier). • Pressure from ambitious parents who demanded flawless performance in school and excessive extracurricular activities. • Competitive nature contributed to occasional conflicts with children who may have been better than him in a particular class. 	<p>Family: Maladjusted parental activities; ineffective parenting styles and practices; low supervision or control; pronounced or latent family conflicts and misunderstandings; low emotional support; inconsistent discipline.</p> <p>School: Peer rejection; ineffective responses from teachers; poor coordination between parents or guardians and educators, teachers, psychological and pedagogical services.</p> <p>Epilogue: The Public Prosecutor's Office in Belgrade has filed charges against the boy's father and mother, as well as the owner and instructor of the shooting range. The boy's father is charged with a serious offense against public safety for training his son to handle firearms and airguns a year before the mass murder at "Vladislav Ribnikar" Elementary School and taking him to the shooting range. The prosecution has requested the maximum sentence of 12 years in prison for him. The boy's mother, whose DNA was found on one of the discharged bullet casings in the history classroom, has been charged for her involvement,</p>

police report, he had been planning the crime for a month. More details will be known after psychiatric evaluation. As reported by the media, he remorselessly stated that he regretted not having killed all the children on his list. "I regret not killing them all. I wanted to go back and kill them, but I dropped my backpack with Molotov cocktails in the schoolyard and couldn't do it," the boy told social workers after the shooting.

- Some described him as depressive, quiet, withdrawn, and lonely, with little communication with peers. Consequently, he was not accepted in his new class, where he was transferred.
- Maladjusted behavior, lack of empathy, and motives to develop social feelings or adapt to social relationships resulted in rejection by most peers. Odsustvo krivice i kajanja su važne informacije koje stručna lica upućuju da dečak ubica iz nekog razloga nema formiranu važnu komponentu ličnosti, takozvani superego.
- The boy killer is in psychiatric clinic isolation and shows no remorse. He is cold and calm, has not sought to contact anyone, nor does he show interest in his parents. His only inquiries are encapsulated in two questions: "When do I get out?" and "What impact did what I did have?"

(Author's research, 2024)

According to Sigmund Freud's theory, the founder of psychoanalysis, the superego is the ethical component of a person's personality that provides moral standards based on which the individual behaves. The superego primarily develops during the first five years of a child's life in response to parental rewards and punishments. The child absorbs moral standards from their parents, family traditions, and the society in which they grow up, forming the superego that controls aggression and other socially undesirable impulses. When a child has a well-developed superego, they feel guilt or anxiety when they violate ethical standards set by their superego and have a need to make

amends for their mistakes. In the case of the boy killer, none of this exists. He does not feel guilt and, in fact, eagerly awaits the moment when he will be released from the clinic, convinced that it should happen any moment. He is not given sedatives because he is completely calm (Jevtić, 2023). The presented case highlights the importance of profiling juveniles by the psychological-pedagogical service (PPS), teachers, and parents. Juvenile K.K. exhibited clear signs of maladjusted behavior, and there were numerous opportunities for proactive measures to prevent a negative and tragic outcome, especially through the actions of parents, PPS, and teachers. These actions could have included assessments, engaging in conversations, and providing support. However, unfortunately, the mentioned services and individuals showed irresponsibility, lack of awareness, or disinterest in recognizing early signs of antisocial behavior (Bjelajac & Filipović, 2023). Such neglect, negligence in work, disregard, irresponsibility, or ignorance cannot be justified, as such an approach is highly unacceptable given the seriousness of the situation.

Conclusion

We understand the importance of safety in the hierarchy of human needs, yet in facing crimes, pervasive violence, and their consequences, the system built to ensure community safety fails to align with the demands of social trends. Instead of focusing on primary prevention aimed at reducing all identified risk factors at the family and community levels through educational and informational systems, or secondary prevention targeting particularly vulnerable groups and individuals prone to delinquent behavior, there is a reliance on tertiary prevention aimed at addressing situations where crime has already occurred. The two mentioned cases of mass murders underscore how proactive action is crucial in recognizing risk factors for the development of criminal behavior.

One of the key factors in primary prevention rightly involves criminal/psychological profiling. Had teachers, school psychologists, and educators recognized the maladjusted behavior of the boy K.K. and his traits indicating a lack of empathy, and had they incidentally

discovered that the child was exposed by his father to behavior unsuitable for his emotional development, including training in a shooting range, they would have provided necessary psychological support for the boy, potentially influencing the avoidance of this tragic outcome. If someone had recognized the animal abuse and killings by the young man U.B. as a precursor to more serious crimes (most serial killers in childhood/youth have a history of animal abuse and killings), perhaps the tragedy could have been averted.

In short, understanding the origins of criminal behavior and recognizing early signals to detect potential perpetrators should not be seen as an option but as a necessity to be embraced in the daily work of teachers, educators, psychologists, security personnel, police officers, social workers, and above all, parents or guardians.

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Koncept kriminalističkog profilisanja u savremenoj politici suzbijanja kriminaliteta

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Sažetak

Kriminalitet kao permanentna prateća pojava u razvoju svakog društva u današnje vreme poprima sve ozbiljnije razmere. Ekspanzija nasilnih i teških zločina doprinosi sve većoj nesigurnosti i zabrinutosti međunarodne zajednice. Aktuelni trendovi kriminala, pored transnacionalnog karaktera, ukazuju na sve veću mobilnost, inventivnost, sofisticiranost, ali i svojevrsnu beskrupuloznost. Ova negativna društvena pojava, pored toga što opstruira društveni, ekonomski, politički i kulturni razvoj društvene zajednice, predstavlja jednu od najvećih pretnji za ljudsku bezbednost. Stoga savremena politika suzbijanja kriminaliteta mora da pruži delotvorne odgovore na dinamičnu prirodu kriminaliteta, prevashodno kroz postavljanje visokih kriterijuma za izbor policajaca, kriminalističkih istražitelja, sudija, tužilaca uz sprovođenja obavezne periodične edukacije i evaluacije. Ovaj proces uključuje poznavanje i usavršavanje koncepta kriminalističkog profilisanja, kao važne komponente kriminalističkog istraživanja koje je neodvojivo i funkcionalno povezano sa politikom suzbijanja kriminaliteta. Ta koincidiranost odražava i cilj ovoga rada.

Ključne reči: kriminalitet, kriminalističko profilisanje, politika suzbijanja kriminaliteta, kriminalističko istraživanje, ljudska bezbednost

Characteristics of Local Self-government in Serbia with the Overview of the Organization of Authority

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Abstract

Local self-government represents a form of territorial decentralization. It exists in the states where local self-governments have been given the right to make autonomous decisions on local matters, without the interference of state power, through their local bodies which are chosen by the citizens or in which the citizens have direct vote. The elements which are constituent to the concept of local self-government in Serbia, as well as in the majority of states worldwide are: 1) it is guaranteed and regulated by the Constitution and more closely by law, 2) it is implemented in local communities where the citizens live and meet their everyday needs, 3) it is based on autonomous and original competences which are exercised without state interference, 4) citizens participate in making decisions on local matters directly, or indirectly via local bodies chosen in free elections and the state cannot interfere in their appointment. Self-government authority has been structured towards an assembly model which makes it different from the model of a rationalized parliamentarism at the state/republic level. This model asserts the election of the president of municipality or mayor, in case of cities. The solution from the previous Law on self-government from 2002 has been presented in this paper. It foresaw the direct election of municipality presidents and city mayors which entailed problems in local political practice. The legal framework of the present Law on self-government from 2007 has also been discussed. It provides that municipality presidents and city mayors are elected by local representative bodies. This indirect election of municipality and city leaders in political practice may have the character of direct voting, which is the fact that should not be neglected.

Key words: local self-government, the Constitution, the Law on local self-government, original competences, organization of authority, Republic of Serbia

Characteristics of local self-government in Serbia with the overview of the organization of authority

Introduction

To shed light on local self-government in a legal system is a demanding task which the authors of this text have endeavored to achieve. But before underling the characteristics of local self-government in the Republic of Serbia, it is necessary to observe the characteristics of self-government in general. Self-government is a form of decision making and governing in local communities which are formed on smaller parts of the state territory. These activities are performed directly by local community citizens or through their freely elected representatives. Local community represents a means for restricting centralism, but also it is an autonomous organization, independent from the central state institutions. This kind of organization creates a fertile ground for the independent decision making of the citizens on local matters. This organization or institution is the part of the constitutional matter and its autonomy is inaugurated by the constitution, which means that it enjoys its protection. It is hard to imagine the history of constitutionalism without the history of local self-government, i.e. without the fight of local communities for governing their own destiny.

Local self-government is one of boundary stones of the rule of law (since, in fact, we are speaking here about the vertical division of power). In the major document of international character – the European Charter of Local Self-Government, local self-government is defined as the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population (Article 3). “The concept of the local-self-government shall be determined by the legislation of the signatory state and, where possible, the constitution.” “Local authority expects from the central authority necessary and versatile means for its unobstructed

functioning, while the state authority assumes that local authority is able and ready to follow the central authority in its mission and to aid and support the national strategy and implementation of its complementary policies. From the insight into the current state of the correlation between the central and local authority, the government and self-government and the choice between "localism" and "integrationalism", it seems that this latter option is more successful and on more solid ground – instead of strengthening the independence of these two poles, the preference is given to their interdependence and functional closeness" (Damjanović, 2002, p. 15). As a matter of fact, this functional closeness should encourage and not prevent local self-government to enjoy a certain degree of freedom in exercising its rights and duties.

Organization of self-government authority

"The term authority has various meanings in different social spheres: politics and law, versatile social groups and forms of organization, family, school. In that context we should distinguish the term authority from the term power, even the word authority¹ has various meanings, which are more or less inherent to governing authority, making it powerful and respected. Hence, the word authority here assumes the state authority as a legal and political institute supported by the means of supreme force: armed formations and physical force. Here the force does not imply that the state authority is merely the force of an organized community which is called "state", but it is rather a comprehensive system of domination linked by institutions which constitute state bodies. State authority, from the semantic point of view, represents the authority of one whole entity – the state, but it is executed in various forms and is delegated to different state bodies: government, judiciary, armed forces. If the bureaucracy or other bodies perform the activities of state authority according to same principles, then we can speak about a unique branch

¹ „Unlike the (state) authority, authority in general assumes that approval or implementation of a decision is made voluntarily because the decision itself is good, beneficial and in general interest" (Pavičević, 1974, p. 79).

of state power, or one state function – the state authority” (Orlović, 2008, p. 15).

The bodies of the self-government authority are organized according to the model found at the state level. Namely, the Law on local self-government defines the local bodies, their competences and mutual relations. The system of rationalized parliamentarism is established at the state level, while the system of local authority inclines towards the assembly model of governance. The model of local self-government authority is assembly-based because it reflects the significant position of municipal assembly. In the assembly model, “assembly should simultaneously represent the highest legislative and executive body, where the executive branch of power does not and cannot have its own will, different from the will of assembly” (Lukić & Košutić, 2008, p. 118).

In addition to assembly, a municipality also has its president, municipal council and municipality administration. Local ombudsman, the protector of citizens, can be instituted for one or several municipalities. Here we have the situation of, so called, decentralization of ombudsman, which is “explained by the need to secure a successful protection of human rights and the requirement that the external control of government must be exercised at lower levels of authority as well; therefore, one ombudsman and its office at the national level would not be enough to deal independently with all of this” (Klarić, 2020, p. 92). On that note, the first ombudsman at the local level was established under the name of the protector of citizens in Subotica in 2002 based on the Statute of the municipal assembly. In mixed nationality communities, a separate body may be established – the Council for interethnic relations.

Municipal assembly is the highest body at the local level whose major characteristics, competences and composition are defined by the Constitution while other elements are left to be more closely defined by the legislator. Municipal assembly consists of 19-75 members, the city assembly up to 90 members, while the assembly of the capital city has the fixed number of 110 members. The election of the assembly president and the appointment of the secretary² (who manages the

assembly administration) are the activities which lead to the formation of the assembly³ and from that moment starts the four-year term of office of its members. The term of office can be shortened in case the Government decides to dissolve the municipal assembly because it has not convened the session for three months, has not elected the president of the municipality and municipal council (here the deadline is one month), or has not adopted the municipal statute and budget. Municipal assembly adopts decisions publicly with the majority of votes of the present members if the session is attended by majority of the total number of assembly members. The president of the assembly leads and represents the assembly and can be replaced by the deputy in case of his/her absence or incapacity. Municipality president is elected from among the assembly members for a four-year term of office by the majority votes of the total number of assembly members and at the proposal of at least two thirds of assembly members. However, the president of municipality can be recalled before the expiration of his term of office, in the same way he was elected. Assembly members enjoy only material immunity – they cannot be held accountable for the opinion they expressed or the vote they cast. “Thus, an assembly member’s scope of immunity is considerably narrower than MP’s since it only includes the guarantees for non-accountability and does not include inviolability” (Marković, 2014, p. 420).

Municipal assembly has and implements a number of competences foreseen by the Constitution, law, statute and rulebook on the organization of work. Assembly’s normative competences include: adoption of statute, budget and annual statement of account, then a development plan, urban plan, various regulations, decisions

² Secretary of municipal assembly is appointed for a four-year term of office at the proposal of municipality president and may be re-appointed (secretary of municipal assembly must have a law degree, passed professional exam for the work in government bodies and at least three years of work experience). This person is in charge of performing professional activities related to convening and holding assembly sessions and the meetings of its working groups and is responsible for managing administrative activities related to their work.

³ Assembly’s constitutive session is convened by the president of previous assembly within ten days from the date of publishing the decree on awarded assembly seats on the official website and must be held within 30 days from the date of publishing the decree on awarded assembly seats on the official website (National Assembly of the Republic of Serbia, 2022, Art. 65).

and other general acts. These acts include the decisions related to municipal taxes, fees and public debt. The election and recall of a president of municipal assembly and his/her deputy, members of municipal council, local ombudsman, as well as the election of assembly management: president, deputy and secretary and other permanent and temporary working bodies – constitute its voting and election rights. The creation of administrative departments, public enterprises, institutions and organizations, establishment of municipal office for emergency situations and the municipal election committee – constitute an assembly's founding rights. Assembly's competences pertaining to control and inspection activities are connected to its relation with the municipality president and municipal council. These bodies should inform assembly about their work on regular basis and are the subject to recall. Municipality president may be recalled by the majority of the total number of assembly members which assumes the automatic recall of his deputy and municipal council. Assembly may also recall any individual member of municipal council. That this model of local authority resembles the state one can be seen in the fact that municipal executive bodies may not dissolve municipal assembly. Municipal assembly has specific competences which include: launching a municipal referendum, providing opinion related to the Republic of Serbia spatial plan and other spatial plans, providing opinion on the laws related to local self-government, initiating a procedure of the assessment of the constitutionality of a law before the Constitutional Court, providing a consent for the use of municipality name and coat of arms, signing the agreements with local self-governments from another countries with the approval of the Government, etc.

Assembly members are elected based on the lists of candidates of political parties, coalitions of political parties or a group of citizens. An electoral list must meet three criteria: 1) must be supported by at least 30 voters per each proposed candidate on the list (a voter can sign in support of one electoral list only and the signature must be verified according to law regulating the verification of signatures); 2) must comprise sufficient number of candidates, at least one third of the total number of members to be elected; 3) at least 40% of

candidates of less represented gender must be on an electoral list so that after every fifth candidate in order on the list, the election list must contain three candidates of one and two candidates of the other gender (the first 5 positions, the second five positions, and so forth) (National Assembly of the Republic of Serbia, 2007, Art 41). The order of the candidates on an electoral list is decided by the party, coalition of parties or the group of citizens which submit the lists. "Every adult citizen of the Republic of Serbia over whom parental rights have not been extended, or who has not been wholly divested of legal capacity, with permanent residency on the territory of the local self-government unit in which he/she exercises the right to vote, shall have the right to elect the assembly member and to be elected as an assembly member. A person partly divested of legal capacity may elect assembly members and be elected as an assembly member, unless a court has declared him/her incapable of exercising the right to vote under the decision on partial deprivation of legal capacity" (National Assembly of the Republic of Serbia, 2007, Art 3). The President of the National Assembly passes the decision on calling the elections for assembly members whereas no less than 45 days, and no more than 60 days shall elapse between the day of calling the elections and the day of holding the elections. Electoral commission and polling boards of the local self-government units are responsible for conducting the elections for assembly members. Electoral commission publishes the election results upon the completion of the election. The seats are allocated to the candidates from electoral lists in proportion to received votes. „Only electoral lists that have received at least 3% of votes cast may participate in the distribution of seats. If no electoral list has received 3% of total votes cast, then all electoral lists that have received votes may participate in the distribution of seats.“ (National Assembly of the Republic of Serbia, 2022, Art 61)

The political parties and the coalitions of political parties of national minorities shall participate in the distribution of seats even they have received less than 3% of the votes cast. "It is important to make it clear that the quotients of national minority electoral lists that have won less than 3% of the votes cast shall be increased by 35%

because when this rule was introduced in February 2020 there were different interpretations – whether the quotients are increased by 35 % even when a national minority electoral list has received more than 3% of the votes cast – now it is explicit that this increase refers only to minorities' lists that have remained below the threshold" (Pásztor, 2022, p. 17). Whether a political party or a coalition of political parties of national minorities qualifies to have such a status is decided by the electoral commission of local self-government unit at the proposition of the given party or coalition which has to be enclosed when submitting the list. Electoral commission decides on the number of seats allocated to each electoral list by applying the method of the largest quotient – D'Hondt method. In fact, "there are different mathematical techniques for the distribution of seats in a proportional system and the most commonly used one is the method of electoral quotient, D'Hondt method, Baden system and Hare quota" (Živković, 2017, p. 112). Thus, the application of the method of the largest quotient is regulated by Article 62 of the Law on local elections: "Seats shall be distributed by dividing the total number of votes won by an electoral list participating in the distribution of seats by each consecutive number from one to the number equal to the total number of assembly members. The quotients thus derived shall be sorted by size, and the number of seats allocated to each electoral list shall be equal to the number of its quotients among the highest quotients of all electoral lists. The number of the largest quotients shall be equal to the total number of the assembly members. If two or more electoral lists get same value quotients based on which a seat should be allocated, the electoral list that has received larger number of votes shall have priority. If the number of seats due to a certain electoral list is greater than the number of assembly candidates, the seat that is not allocated to that electoral list shall be allocated to the electoral list having the next highest quotient for which the seat has not been allocated. An electoral list that has passed the electoral threshold, to which pursuant to the system of the highest quotient no seat is due, shall be allocated one seat at the expense of the electoral list having the last quotient based on which a seat should be allocated, but which

is not a national minority electoral list and which got more than one seat" (National Assembly of the Republic of Serbia, 2022, Art 62). „Within seven days from the date of publication of the general report on the results of local elections, electoral commission shall allocate seats to candidates keeping the order in which they are listed on the electoral list, starting from the first candidate on the electoral list, by passing a decision and issuing certificates of their election as assembly members" (National Assembly of the Republic of Serbia, 2022, Art. 63). „Term of office of an assembly member shall start on the day of the confirmation of his/her term of office. The assembly shall decide on the confirmation of the term of office of its members at the constitutive session (National Assembly of the Republic of Serbia, 2022, Art. 64). If a member's term of office is terminated, then the next candidate from the electoral list shall become an assembly member, and if the list belongs to a coalition of parties, then the first candidate from the same party shall become the assembly member.

The Constitutional Court of the Republic of Serbia, with its decision of May 2020, established that the previous provision of the Law on local elections according to which a party, coalition of parties or a group of citizens shall determine upon the election which candidate from its electoral list shall be an assembly member regardless of order (Article 43) and the provision on pre-signed resignations (Article 47) are not in accord with the Constitution and, therefore, they became ineffective. The selection of the members of assembly based on party's free will and regardless of their position on the electoral list would mean that they were not elected in direct election as foreseen by Article 180.3 of the Constitution, but that it was rather an indirect election since the parties, coalition of parties and the groups of citizens which submitted electoral lists appeared as the mediators between the voters and their representatives after the election. Instead of being selected in order, according to their position on the list, the candidates became the assembly members based on the „choice" made by the holders of electoral lists. The Constitutional Court concluded that the status of an assembly member could be obtained in accord with the Constitution only in the election in which

citizens voted directly for him/her. On the other side, the pre-signed resignations which the candidates for assembly members enclosed to the agreements signed with the party, the coalition of parties or the group of citizens which submitted the electoral lists turned a free term of office of the candidate into an imperative term of office of the given party. Taking into account that a pre-signed resignation neither represents the expression of the candidate's actual will nor it has been freely expressed, the Constitutional Court established that the provision of the law which regulated pre-signed resignations was not in accord with the Constitution and ratified international agreements. Consequently, the changes and amendments of the Law on local elections from 2011 prescribe that a member of assembly may tender his/her resignation, certified by the body authorized for the verification of signatures, directly to the president of the assembly of a local self-government unit within three days from the date of its certification. The assembly president shall put the resignation for vote at the next assembly session by including it in its agenda.

President of the municipality, i.e. city mayor is the chief executive officer. Local self-government units in Serbia have two executive bodies – municipal (city) council and the president of the municipality (city mayor). Here we have a dual executive scenario. Thus, according to the Law on local self-government from 2007, municipality president is indirectly elected by municipal assembly from among the assembly members for a four-year term of office by the majority votes of the total number of assembly members and by secret ballot. The president of the municipal assembly proposes a candidate for the president of the municipality. Deputy president also needs to come from among the assembly members and is elected by the municipal assembly in the same way as the president of the municipality. The law prescribes that the municipal council should not consist of assembly members. This means that the president of the municipality, his/her deputy and council members should come from among the assembly members, but their term of office is terminated at the moment of their election for another position. Thus, as it is also the case with the authority at the state level where the Government

cannot consist of the members of the National Assembly, the municipal council cannot include the members of municipal assembly.

The previous Law on local self-government from 2002 foresaw the direct election of the president of the municipality for the same term of office. He/she was chosen by the local population by secret ballot (National Assembly of the Republic of Serbia, 2002, Art. 40.2). This method had its advantages - the executive officials had larger democratic legitimacy since the citizens knew who were the candidates for the municipality president or city mayor, that is whom they were going to give their trust. However, soon the problems of cohabitation and obstruction of institutional work appeared in practice in the situation when the president of the municipality was from one party and the majority of the municipal assembly from another political group. Thus, Bogoljub Milosavljević spoke about the problem which occurred in September of 2004 when, following the local elections, the local assemblies and municipality presidents, i.e. city mayors were elected. This author further states: "Soon after the local elections were finalized, the functioning of local institutions appeared to be a serious problem. In more than one third of local municipalities and cities the work of local bodies was blocked because the municipality presidents or city mayors belonged to one political party and the majority of municipal assembly members were from another political group. Therefore, the idea that municipality presidents and city mayors should be elected in direct elections was abandoned in 2006 with the adoption of the new Constitution of the Republic of Serbia" (Milosavljević, 2012, p. 751). Direct election of mayors is the solution which is being applied in a number of European countries, such as in Croatia and Bosnia and Herzegovina, Serbia's neighboring countries. However, based on the law from 2002, Croatia witnessed the same cohabitation problems that were encountered in Serbia. The following has been noted: „After the introduction of the model of direct election of municipal counsellors and presidents, city mayors and the mayor of the capital city Zagreb, one of the major weaknesses of this model came to light – the issue with cohabitation. On the other side we have a model of indirect election of mayors which is dominant on European soil and is applied

in majority of cities in Austria, Switzerland, the Netherlands, Sweden, France, Spain" (Milovanović, 2015, p. 41). A municipality president in Serbia has two roles. In the first role he/she represents the municipality, submits proposals how certain issues should be resolved by municipal assembly and guides and directs the work of municipality administration. In the second role, municipality president represents the municipal council and is authorized to convene and preside its sessions. He/she is also responsible for ensuring the legality of work of municipal council and suspending the execution of its decisions if he deems they are not in accord with law. The term of office for which he/she was elected may be shortened if he/she is recalled with no confidence votes of at least one third of assembly members in the same way he/she was elected. If the recall of municipal president fails, the same group of assembly members who submitted the proposal for his/her recall cannot re-submit the same proposal until the period of six months from the date of the previous recall voting has expired. The recall of municipality president assumes the recall of his deputy and the municipal council members since the candidate for the municipality president proposes the candidates for his/her deputy and for municipal council members.

President of municipality is authorized to propose the recall of his/her deputy and a municipal council member before the expiration of their terms of office which is then decided by the municipal assembly in the same way as they were elected. This recall may also take place at the proposal of one third of assembly members. Simultaneously with submitting the proposal for the recall of his/her deputy or a municipal council member, the president of municipality needs to submit the proposal for their replacement. Then, municipal assembly passes a simultaneous decision on the recall and the election of a new deputy or council member.

Municipal council is a collegial executive body of the municipality. Colloquially, it is a municipal government. It consists of the municipality president, his/her deputy and municipal council members whose number is determined by the municipality statute and who are elected by secret ballot for a four-year term of office by

majority of votes of the total number of municipal assembly members. The candidate for the municipality president proposes the candidates for municipal council members. "The municipality president deputy is a member of municipal council by his/her function. Municipal council, whose members are elected by municipal assembly at the proposal of the municipality president, may consist of 5 members for the municipalities with up to 15000 citizens, 7 members for the municipalities with up to 50 000 citizens, 9 members for the municipalities or cities with up to 100000 citizens or 11 members for the cities with over 100000 citizens based on the data from the latest census. Municipal council members elected by the municipal assembly cannot be assembly members at the same time, but they can exercise one or several duties from the competences that belong to that municipality. An assembly member's term of office is automatically terminated with his/her election for the position of a municipal council member. The members of municipal council may have a full time employment contract with the municipality." (National Assembly of the Republic of Serbia, 2007, Art. 45.5-9). Municipal council is responsible for the following activities „1) to propose the statute, budget and other decisions and acts to be adopted by municipal assembly; 2) to directly execute or monitor the execution of the decisions and other acts of the municipal assembly; 3) to adopt a decision on temporary financing in case the municipal assembly has not adopted the budget before the start of the fiscal year; 4) to monitor the work of municipality administration and to cancel and terminate its acts which are not in accord with law, statute or other municipal general acts and decisions passed by municipal assembly; 5) to resolve the cases in the administrative procedure of second instance related to the rights and obligations of citizens, enterprises, institutions and other organizations on the administrative matter in domain of the municipality competences; 5a) to monitor the realization of the program of activities and coordinate the work of public enterprises founded by the municipality; 5b) to submit to the municipal assembly a quarterly report on the work of public enterprises for the purpose of further reporting according to the law regulating the legal status of public

enterprises; 6) to ensure the execution of delegated competences within the framework of the rights and obligations of the Republic of Serbia, i.e. the autonomous province; 7) to appoint and recall the head of the municipality administration, as well as the heads of the specific fields of administration; 8) to perform all other activities prescribed by law." (National Assembly of the Republic of Serbia, 2007, Art. 46). „Municipal council may adopt decisions if the session is attended by the majority of the total number of council members. It adopts decisions by simple majority of present council members unless the law or the statute prescribe other forms of majority voting for certain kind of topics. Municipal council's organization, work method and decision making are closely regulated by its statute and rulebook on work organization which are in accord with the law." (National Assembly of the Republic of Serbia, 2007, Art. 47.4-6).

According to the current Law on local self-government, municipality administration has received the status of a specific municipal body. „According to the previous Law on local self-government, municipality administration had the status of a professional department, a phrase that embodied the essential characteristic of municipality administration as a municipal body. Municipality administration is the holder of administrative function, which represents one layer of the executive function in the municipality" (Marković R., 2014, p. 424). „Municipality administration: 1) prepares the drafts of regulations and other acts to be passed by municipal assembly, municipal council and municipality president; 2) executes the decisions and other acts passed by municipal assembly, municipal council and municipality president; 3) resolves the cases in the administrative procedure of first instance related to the rights and obligations of citizens, enterprises, institutions and other organizations on the administrative matter in domain of the municipality competences; 4) performs the activities of administrative control of the execution of regulations and other general acts of municipal assembly; 5) executes laws and other regulations whose execution was delegated to the municipality; 6) performs professional and administrative-technical activities facilitating the work of municipal

assembly, municipal council and municipality president" (National Assembly of the Republic of Serbia, 2007, Art. 52). „Municipality administration is organized as a unique body while the municipalities over 50000 citizens may form additional administrative units for specific fields. Municipality administration as a unique body is governed by the head of the municipality administration who needs to have a higher education degree – completed basic academic studies in the field of legal sciences corresponding to at least 240 ECTS credits or master academic studies, master applied studies, a four-year program of basic academic studies and specialization studies, then, at least five years of work experience in the given field and passed state exam for the work in state administration bodies. Municipality administration which is formed as a unique body may have its internal organization structured in such a way allowing the formation of separate organizational units for the execution of related activities. When a municipality administration is organized to include several additional administrative units, these units are governed by the head of the administrative unit. The head of the administrative unit created for a specific field needs to have a higher education degree – completed basic academic studies in specific scientific field related to the scope of work of that administrative unit corresponding to at least 240 ECTS credits or master academic studies, master applied studies, a four-year program of basic academic studies and specialization studies, then, at least five years of work experience in the given field and passed state exam for the work in state administration bodies. Within an administrative unit, separate organizational departments may be formed for the execution of related activities. The head of municipality administration or the head of the administrative unit for a specific field is appointed for a five-year term of office by public vote of the municipal council. Head of municipality administration may have a deputy who performs the head's duties in case of his/her absence or incapacity The deputy head of municipality administration is appointed in the same way and under same conditions as the head of municipality administration. Heads of organizational units within the municipality administration are appointed by the head of the municipality

administration. The head of the municipality administration, for his work and the work of his administration, reports to municipal council according to the municipality statute and the act regulating the organization of municipality administration. The municipality statute may foresee that assistants to the municipality president may be appointed for specific fields (economic development, urban planning, primary health protection, environmental protection, agriculture, etc.). Assistant of the municipality president is appointed and recalled by municipality president. These assistants may launch initiatives, propose projects and give opinion related to the issues which are significant for the development in the field for which they are appointed, as well as perform other activities as instructed by municipality president. The assistants of the municipality president are appointed to work in the municipality president's cabinet during his/her term of office. One assistant to the municipality president may be appointed for the municipalities with up to 15000 citizens, two assistants in the municipalities with up to 50 000 citizens and three assistants in the municipalities with up to 100000 citizens based on the data from the latest census. The act on the organization of municipality administration is passed by municipal assembly at the proposal of municipal council. The act regulating the internal organization and job positions in municipality administration, its departments and units is compiled by the head of municipality administration and forwarded to the municipal council for adoption. By performing the activities in domain of administrative control, municipality administration may: 1) order, by issuing a decree, the execution of measures and activities within certain timeframe; 2) impose a fine; 3) file a complaint to authorized body for a criminal act or a commercial offence or submit a request for initiating an infringement procedure; 4) issue a temporary order or ban; 5) inform another body, if applicable, about the measures undertaken in domain of its competences; 6) undertake any other measure it is authorized to execute according to law, regulation or general act. The authorizations and organization of the activities from the paragraph 1) of this article are more closely defined by a decision passed by

municipal assembly. In the procedure which is performed before the municipality administration related to the cases pertaining to the rights, obligations and interests of the citizens and legal entities, the provisions of the administrative procedure act are applied. Municipal council resolves the conflict of competences between the municipality administration and other enterprises, organizations and institutions when, based on the decision of a municipal assembly, it decides on certain rights of citizens, legal entities and other parties, as well as between internal organizational units. The activities of municipality administration related to the execution of rights, obligations and interests of the citizens and legal entities are performed by the individuals who need to have an adequate degree, passed professional exam for the work in state administration bodies and an adequate work experience prescribed by law and other regulations. The issue on the exemption of the head of the municipality administration that is of the head of the administrative unit for specific field is decided by municipal council. The issue on the exemption of an official from the municipality administration is resolved by the head of the municipality government" (National Assembly of the Republic of Serbia, 2007, Art. 53–64).

It should be noted that city mayor may appoint maximum 3 assistants in the cities with up to 100000 citizens or 5 assistants in the cities with more than 100000 citizens based on the data from the latest census. In the capital city Belgrade, based on an explicit legal provision, the position of the mayor's assistant for the field of economic development is reserved for the city manager. However, the city of Belgrade Statute may allow that mayor's assistants can be appointed for other fields as well, for example for urban planning, primary health protection, environmental protection and agriculture. The mayor of the city of Belgrade appoints and recalls his assistants. The mayor's assistants' duties are to launch initiatives, propose projects and give opinion related to the issues which are significant for the development in the fields for which they are appointed, as well as perform other activities as instructed by the mayor. "The maximum number of five mayor's assistants, including the city manager, may be appointed in

the city of Belgrade". (National Assembly of the Republic of Serbia, The Law on the capital city, 2007, Art. 37.5).

Concluding remarks

In the course of last two centuries, local self-government in Serbia has developed from a common law institute to the constitution law institute which restricts the state power. Like elsewhere around the globe, local self-government in Serbia is characterized by the right to self-organization synchronized with the application of original competences. In this paper we have attempted to analyze the basic elements of the concept and the position of local self-government in the constitutional system of the Republic of Serbia. These elements are the right of citizens to self-organization and protection, democratic decision making, original competences, etc. This analysis has yielded certain conclusions. Local self-government is the focal point of direct democracy because of its democratic organization, the authorities being as close as possible to the citizens, thus facilitating direct participation of local population in decision making process. It has already been noted that the right of citizens to local self-government is, actually, the clashing point of two opposing processes. Thus, the state strengthening process, particularly in the form of a welfare state, has undermined the execution of certain local self-government competences taking them back to the central level. Therefore, here we can speak about the decentralization in principle and not about the decentralization in substance. The second process, citizens' direct participation in decision making via the institutes of local referendum or public vote has been reduced to a single activity – direct vote for the election of local authority and representative bodies (municipal or city assembly) and, to a certain extent, the heads of local self-government units.

Direct election of municipality presidents and mayors in Serbia was foreseen in the legislation that was in effect from 2002 to 2007 which proved to be inefficient due to cohabitation issues preventing unobstructed functioning of local institutions. The law was changed to include indirect elections of municipality presidents and mayors who

were no longer chosen by the citizens, but by local representative bodies. In this way their democratic legitimacy has been reduced, but not minimized since citizens often know who the candidates are for municipality presidents and mayors they will vote for. Namely, political parties and the coalitions of political parties during their election campaign present their candidates and the leaders on their electoral lists and, in this way, personalize the local election campaign. Thus, the elections for the municipal assembly members (which are direct) are at the same time the elections for municipality presidents and mayors (which are formally and legally indirect elections), but which, as Giovanni Sartori put it, resemble to direct elections.

Local self-governments cannot exist without original competences. These are the affairs which the state gave up voluntarily or under the pressure of public opinion, interest groups and opposing political establishment, transferring them to local self-governments. They execute assigned original competences according to law which to a certain extent restricts or narrows down the original nature of these affairs. Initially, one of original competences of local self-government is its right to self-organization (we have discussed it in this paper in detail) which is also regulated, which means restricted, by law. The legal nature of the right to self-organization has been modified making it closer to delegated and further away from original competences. Municipal assembly, defined as the supreme local authority body (which has moved the system of authority in Serbian local self-governments towards an assembly model) originally represents, according to the Constitution, one layer of the right of local self-government to self-organization. Other local bodies: municipality president, municipal council and municipality administration are the subject of detailed legal observations and are not elaborated by constitutional provisions. Speaking about this classification to original and delegated competences, an issue is raised related to the quality of the inspection of the central authority of the activities performed by local self-government. The final word on the constitutionality and legality of the execution of local affairs lies with the Constitutional Court. The position of the local self-government cannot be absolute

without its right to protection which is institutionalized by specific laws, but also by general acts. Here the final word is also given to the Constitutional Court as the body which is independent from the central level of authority.

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Phenomenological Aspects of Video Game

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Abstract

In the era of digitalization, globalization, and the fourth industrial revolution, human knowledge is rapidly increasing every day, and the amount of information and data being generated is growing at unimaginable scales, transcending all barriers and becoming crucial in almost all spheres of life. Digital technologies and computers are increasingly permeating culture and everyday life, transforming traditional cultural forms and practices and creating space for profound anthropological changes. This process reaches its peak in the phenomenon of video games, which, although initially conceived as a means of entertainment, have evolved into a dominant form of virtual culture. Video games have quickly surpassed their original purpose, becoming a ubiquitous phenomenon that contributes to the creation of new sociocultural practices and the expansion of anthropological identity. With their unique virtual-interactive tools, video games open up space for a new understanding of creativity, life, freedom, art, and aesthetic values, while carrying significant political and ethical implications. Like any new phenomenon, video games are a field with insufficiently developed and systematized scientific theory, interpretation, and understanding of basic concepts. Science needs to focus on the ontology and epistemology of video games to better understand their essence and place in the contemporary world, providing answers that only the philosophy of video games, with its metaphysics as a way of understanding and describing the era of video games, can offer. This work is an attempt to identify and understand certain phenomenological and noumenal aspects of video games, thus making an additional step towards the systematic philosophical study and deconstruction of video games, one of the most important phenomena of the modern world.

Key words: video game, phenomenon, noumenon, eidetic aspects, philosophy, ludology

Phenomenological Aspects of Video Game

Introduction

Video games are the most elaborate and imaginative digital worlds and environments. As such, they contain the greatest potential for immersion and presence in the digital world. The combination of this nature and the competitive online component gives purpose and function to this digital world, as well as an additional reason to spend more time there. It is also important that in most online video games, a session cannot be paused because the game is played with other people, either as collaborators or competitors. This creates a tendency for excessive playing, leading many to point out its harmful effects on mental and physical health (Bjelajac and Filipović, 2020a). According to the Statista Market Forecast, the video game market is projected to reach a revenue of \$282.30 billion by 2024. Many who suggest a consistent relationship between the use of violent video games and an increase in aggressive behavior use this data to highlight the powerful global video game industry that influences society's indifferent response, employing latent corrupt practices (Bjelajac, 2008 & Bjelajac, 2015).

The phenomenological “processing” of video games is not a simple task. This is not only because video games and their mystical and sometimes esoteric nature elude any sense and purpose other than the purpose of play and playing but also because a significant part of the ontological corpus of video games lies far beyond human sensory and phenomenal experience. Thus, a researcher who insists on the phenomenal aspect of video games might find that what they are looking for is mostly not where they expect it to be.

The phenomenological processing of video games is in a certain way hindered, or at least made uncertain and challenging, by the expected and upcoming symbiosis of video games and ubiquitous artificial intelligence (AI) (see more: Filipović, 2023). People fear the unknown, they fear everything they cannot understand, predict, or control, especially phenomena that exist beyond their will. This

psychological-mental framework can be applied to the question, "Can AI be evil?" And if it can be evil, can its malevolence contaminate the video games it helps create? The dilemma is not simple because the omnipresence of artificial intelligence brings a series of profound ethical and legal questions and dilemmas that require careful consideration and the establishment of responsible frameworks (more in: Bjelajac, Filipović, Stošić, 2023).

A video game, as an ontological extension or imago of the game, is a pre-human entity; its ontological being was not created by humans, nor did humans play any role in shaping or determining its characteristics. Upon gaining consciousness, humans found the game on the planet as a self-existing divine remnant, which, like its creator, is an end, meaning, and purpose in itself. A video game, like any other game, is much more a matter of human impulses than human senses, and especially the human mind (see more in Kant, 2008). Being older than humans and having neither a beginning nor an end, the game is a phenomenon "beyond purpose" (Fink, 1984).

A video game is, more than any other game, an extra-human activity; it represents a game that merely plays itself through humans because humans are the only entities capable of initiating the game and giving it life (see more: Fink, 1984, p. 292)¹. For Gadamer, the human player, in relation to the game, is always in the background. In the relationship between humans and the game, humans are insignificant; they are merely tools, mere playthings of the game, which uses them to play the game and be played within it (Gadamer, 1978):

"Gadamer strips humans of their playful subjectivity to proclaim the game as the subject of the play. It is not the human who plays, but the game that plays, using the human as its toy. Since everything is at the level of given phenomena, the game is possible even without a player, and the appearance of humans in the game does not give the game any specificity or quality.

¹ "The game is an exclusive possibility of human existence. Only humans can play. Neither animals nor gods know how to play."

The human is merely a medium through which the game unfolds, and in this sense, the human is, concerning the game, on the same level as waves, toys, or a ball..." (Grlić, 1975).

Video games have definitely changed the world and continue to do so. According to data from a competent website (WebTribunal), as of March 2023, there were 831,000 video games in at least 30 genres worldwide. The number of players who played all these games slightly exceeded three billion (Statista, 2024). Today, a year later, the number of released video games has surpassed one million, and by the end of the year, the number of players could reach 3.3 billion (TrueList, 2024). By changing the world, video games are also changing humans and their ontological being, adapting them to future times and preparing them for the dystopian challenges of destructive alienation that inevitably awaits humanity and human society in the not-so-distant future. Before our eyes, an era has seemingly formed on its own, which needs to be properly described from the beginning, starting from its "is." Heidegger wrote that "metaphysics establishes an epoch by providing a foundation for the epoch in its essential form through a particular interpretation of being and a particular understanding of truth" (Hajdeger, 2000, p.60).

In the times of digitalization, globalization, and the fourth industrial revolution, the total knowledge possessed by humanity is dramatically increasing every day. The amount of information and data being generated in every field of life is becoming unimaginably large, overflowing all barriers and becoming essential in almost all areas of life. Computer and digital technologies are beginning to actively penetrate culture and everyday life, significantly transforming the design of many traditional cultural forms and practices, thus creating space for far-reaching anthropological transformations (Fabian, 2007). The undeniable pinnacle of this powerful intrusion "into everything" is the phenomenon of video games as a form of undeniably dominant virtual culture in the digital world, although video games were initially conceived, created, and focused solely on entertainment functions. Video games have quickly and easily outgrown this format, establishing themselves everywhere as a multifaceted phenomenon. They already

contribute to generating new sociocultural practices and expanding the boundaries of anthropological identity (Branco, 2012). Due to their unique virtual-interactive procedural tools, they become a space for the explication of a new understanding of creativity, life, freedom, artistic, and aesthetic values, while also carrying significant political and ethical meanings. At the same time, "video games carry many cultural and anthropological risks and uncertainties, fundamentally deconstructing current concepts of human corporeality and personal uniqueness, avatarizing and blurring the self-identity of the person playing" (Belyayeva, 2020).

Like all emerging phenomena, video games are, proverbially, an entity with a very underdeveloped and insufficiently systematized scientific theory, interpretation, and understanding, even of elementary concepts. The task of science is to, in order to properly determine the place and essence of video games, "descend" into ontology and epistemology and there begin seeking answers that only the philosophy of video games, with its metaphysics as a way of understanding and describing the epoch, can provide. In our case, the epoch of the video game.

This task is significantly hampered by the public perception of video games, which is today unacceptably biased, still mostly situated in the sphere of the childish, unserious, and entertaining, heavily stigmatized by moral panic and many psychological and ethical, regularly negative prejudices and modern, often dystopian myths (Filipović, 2016). At the same time, the philosophical, scientific, and academic discourse worldwide still treats video games with a degree of suspicion, even disdain, often considering them too profane a subject for serious study. Consequently, on the one hand, the contemporary cultural and anthropological significance of the video game phenomenon, and on the other, the persistence of many scientific prejudices and everyday stereotypes, highlight the importance of a philosophical perspective on video games in the context of cultural and human dimensions.

The Phenomenological and Noumenal in Video Games

Given the speed of changes, adoption of new technologies, and density of innovative events in the digital sphere, video games seem to have originated in the distant past. Initially, what we now call video games were by no means intended to be games, especially not for entertainment. Video games represent a young form of media, technology, or artistic expression, with just over half a century of real history. The academic study of games as a systematic field of research is even younger – it has been less than 25 years since the opening of the first scientific and educational center in Denmark specialized in video games. Nevertheless, within this brief period, Game Studies has already established a tradition of philosophical consideration of video games through the lens of specific realism and object-oriented phenomenology associated with it. The main focus is on the distinctive characteristics that differentiate the experience of video games from that of the real world, and the separation of the world into "virtual" and "real," or as we have put it in several works, the experience of inhabiting worlds "on this or the other side of the monitor" or another display where the game unfolds. The experience of video games allows for discerning the flexibility and plasticity of human nature, which philosophers had only hinted at before the emergence of this entity.

The current development of playing video games retains, in ontological and epistemological terms, as a necessary constant, the enormously growing segment of serious gaming. In recent decades, the use of the internet, pushing the development of video games as software and hardware, has acquired a universal social and ethical form but has also, as an unintended consequence, provoked numerous ethical and legal dilemmas by opening up space for the misuse of human intimacy, which until recently was a blatant taboo topic (Bjelajac and Filipović, 2020b). Besides fulfilling the fundamental impulse of human beings, the instinct to play, what has conquered the global media space are at least three ludistic-media phenomena: online entertainment, social networks, and the mobile phone as a channel for ICT connectivity. All three phenomena "significantly enhance the

representational possibilities of video games and emphasize the social function of video games as a new, dominant interactive medium and its influence on user activities in physical environments, as well as the ability to manage the impression users leave on other members of social networks and society in general" (Filipović, 2022).

In our previous work, we have been free to provide our own definition of games and video games, as well as the essence of video games, a definition that included the description of phenomena that were not known at the time when the classics of game theory were giving their still unsurpassed definitions.

As a reminder, our definition (as stated in Filipović, 2022) characterizes a game as:

Voluntary activity of conscious beings that, due to the needs and demands of the game entity, consciously shifts into a spatially and temporally delimited altered reality within physical or virtual realms, adhering to predetermined game rules or spontaneously creating them on the spot, as permitted or envisioned by the game entity.

Unconditional acceptance of altered reality and adherence to game rules are mandatory conditions of the game, with the goal of the activity being the gameplay itself as actual or meta-activity in obligatory meta-reality. The aesthetic, ethical, and logical reception of the game entity as a phenomenon temporarily situated in "meta-reality within actual reality" is based on altered adequate strategies that create the game world with an unprecedented relationship between player, life (reality), and game. This reception, when it comes to games with sine qua non meta-activities, is equally susceptible to sensory as well as higher cognitive and receptive forms of aesthetic and ethical processing.

The existence of the game entity is limited only by the existence of the player and the game itself, and the game entity is given and unchangeable to the extent that it is also given and unchangeable as a social and psychological being of each player and their imagination as the ability to combine elements of the game entity and images and

value judgments from their own experience to create representations, concepts, and ideas that do not exist in their previous experience, often not anywhere else.

A video game is something different, although primarily a game and an inseparable part of the social and ontological corpus of the existence (being) of the game. To begin with, we offer our definition of a video game, which states that

A video game is a game created in software form, played with the aid of corresponding hardware, which represents a designed ethical object in which one or more players achieve its objectives through their own gameplay experience, using embedded mechanics and rules of the game that cannot be altered by the will of one or more players outside of the already embedded values (op. cit).

However, further studying the specificities and unique aspects of video games, we are inclined to offer a more abstract definition focused on interactivity and the relationship between players and the game world:

A video game is a game in virtual reality, object-oriented towards the player, without whom it cannot exist. Through interaction with hardware, the player activates pre-defined game software. Together, within the game's own space and time, they create its alternatively real world, whose perceptual existence is displayed on the screen of an electronic device. The virtual entity remains confined within the parallel world of the game alongside the player's avatar, with neither entity aware of the other or dependent upon each other (op. cit.).

When discussing video games as a form of human creativity, it's time to contemplate them from the perspective of classical phenomenology, which requires us to address the routine phenomenological question: What is phenomenal in the phenomenology of video games? This question can temporarily be simplified to inquire about what distinguishes the experience of playing and experiencing video games within the worlds of video games from other human

experiences. Specifically, whether there are differences between the given video game per se, as a noumenal entity that transcendently exists independently of how the player apprehends it, and the experience of that video game as perceived by a specific player, thus experienced phenomenally, sensorially, within the limits of possible experience, albeit not the totality of human experience, but rather the experience of the specific player who begins playing that particular video game (see more: Kant, 2012).

Studies of video games can achieve a more comprehensive understanding of this subject and contribute to a broader understanding of human nature. To embark on such research, we must first reassess our intuitive understanding of video games and get to the heart of their subjective experience. This is not easy, primarily due to the inconsistency of theoretical positions and the differing priorities of various authors. Therefore, one of the most important assumptions that must be respected should be the "assumption of equal ontology" (Zdanevich, 2019). No part that constitutes a video game is ontologically more significant than others. Video games are not merely software, nor are they commands executed by a processor, nor solely cultural phenomena, nor specific existential experiences, but rather all of these simultaneously and as a whole.

As a young field of study, game studies should not allow itself to favor any particular perspective—all are equally important and valuable in answering the central question: "what are video games really," or whether they "are," what they truly "are," and why they "are what they are" (op. cit.).

Traditionally, philosophy presupposes at least four key areas or disciplines: ontology, epistemology, logic, and ethics (Smith, 2018). Ontology is the study of being, i.e., what something is and how and why it "is" what it is. Epistemology is the study of knowledge, i.e., how we know what we know. Logic is the study of formal correct reasoning—how we conclude. Ethics is the study of right and wrong—why we consider something right or wrong and how we should behave. In the last century, phenomenology has undoubtedly been added to this highly informal list. According to the Stanford Encyclopedia of

Philosophy, phenomenology is the study of our experience—how we perceive what we perceive and how we build and accumulate our experience:

Basically, phenomenology studies the structure of various types of experience ranging from perception, thought, memory, imagination, emotion, desire, and volition to bodily awareness, embodied action, and social activity, including linguistic activity. The structure of these forms of experience typically involves what Husserl called "intentionality", that is, the directedness of experience toward things in the world, the property of consciousness that it is a consciousness of or about something. According to classical Husserlian phenomenology, our experience is directed toward—represents or "intends"—things only *through* particular concepts, thoughts, ideas, images, etc. These make up the meaning or content of a given experience, and are distinct from the things they present or mean (Smith, 2018).

In our endeavor to provide an answer, we should start from Heidegger's rigorously exact definition of everything that "is," particularly from his insistence on the actual character of everything that exists (Hajdeger, 2000)². Consistently paraphrasing Heidegger and applying his ontological views to entities that did not exist in his time, our video game is indeed a thing. Heidegger reminds us that, "According to Kant, the whole world,... even God Himself, is such a thing, a thing that does not itself appear, i.e., a thing in itself" (op. cit.). However, unlike things that exist and appear, such as, as Heidegger says: "hammer, shoe, axe, clock" (op. cit., p. 10), a video game is a thing "that does not appear" until its phenomenological features are presented to the player and their senses, and until those features become a somewhat coherent object of perception for the player. In this sense,

"The task of phenomenology is not to ascertain how something is a natural object, how it is an object of our surrounding world,...

² „Im Ganzen nennt hier das Wort Ding jegliches, was nicht schlechthin nichts ist“ (Broadly speaking, the word "thing" here denotes everything that is not simply nothing)

nor to debate the reality of a thing, i.e., what makes something precisely that thing. Phenomenology does not aim at investigating the perceived as an existent in itself, but rather emphasizes the perceivedness of a certain existing thing, or more precisely: the perceptibility of a specific object. The manner in which something is perceived structurally differs from how it is represented in consciousness. By pointing out what is perceivedness, i.e., what is "perceived as such," it refers to the mode of existence of that which is perceived (and not to the mode of existence of the object of perception itself). What is perceived does not belong to the perceived thing but to the structure of perceptibility, to perception itself, i.e., intentionality." (Heidegger, 1979, p. 53, in: Uzelac, 2009, pp. 46–47).

Therefore, a video game, as a thing, in the sense of Heideggerian hermeneutic-phenomenological ontology, emerges only when it, the game, manifests its phenomenological attributes to the player's consciousness—image, sound, and in the last decade, some haptic effects like game controller vibrations, chair movements, or entire gaming setups. There is no guarantee that the video game will appear to the player as envisioned and created by the game developers or as experienced by another player. Instead, it will appear and present itself to the player as he perceptually experiences it and constructs his own world of the video game, independent and sovereign in his gaming experience.

In this sense, one of the issues with our previous definitions could be an overreliance on the noumenal aspects of video games and their mystical essence. Besides the necessary noumenal aspect that video games have, and the beautiful noumenal impressions and experiences of playing and residing in the worlds of video games that they offer people, video games also possess their very pronounced, sometimes profane, but always indispensable phenomenological features and contents. Furthermore, we must necessarily view the noumenal in video games as a variable extension and enhancement of the phenomenal, without which the existence of a video game is difficult, if not impossible, to conceive and execute.

To contemplate and consider the noumenal aspects of video games, therefore, those aspects which we experience through higher, super-sensual cognitive receptors, we must first delve into the sphere of the sensory and build a clear and undisputed stance on the phenomenological aspects of video games. Phenomenological constructions of anything material are, with perhaps the exception of contemplating the sublime (Kant, 2011, in: Filipović, 2022)³ and always, the older phenomenological aspects necessarily precede noumenological constructions. However, it is worth noting (or perhaps just a hypothesis that needs proving) that the process of this transition is not necessarily reversible. If in the genesis of experiencing and contemplating gameplay we had to start from the first perceived, i.e., the phenomenological, in order to even reach the noumenological, for the reverse journey there might, or at least could, exist a shortcut that does not necessitate returning to the phenomenological within the being of the video game. To clarify further: if a player of a video game, having transcended the phenomenological aspects, reaches the heights of noumenological aspects of experiencing the video game, they do not necessarily have to regress back to the phenomenological aspects. In the margins of the hypothesis (Szirmay-Kalos & Magdics, 2022) concerning the "curvature" of the meta-entity of the video game being, once the game, processed through sensory, i.e., phenomenological receptors, is "loaded" into the player's cephalus and remains there long enough to inundate their memory units, there may no longer be a need for any phenomenological update or input to continue playing. There are works (Dudai, 2002; Dudai, 2003) referring to "synaptic consolidation" as the process of transferring and storing data from short-term to long-term memory in humans, claiming that "within the

³ In video games, the beautiful is experienced sensorially, while the sublime must be experienced through transcendent receptors. Confirmation of this thesis can be found in Kant, who writes that the sublime aesthetically differs from the beautiful just as the soul's yearning for the otherworldly differs from the mind's dwelling in the worldly realm: in the beautiful, the mind "calmly contemplates," revealing the purposiveness ("purposiveness without purpose") of individual objects in nature (the worldly realm), while under the influence of sublime objects, the soul enters a state of "agitation," "disturbance," and "frustration," feeling that it progresses towards "absolute totality," yet sensing it can never fully grasp it."

first minutes or hours after acquisition, an engram (memory trace) is encoded within synapses, becoming resistant to external disturbances." This concept has been explored and explained in eidetic theory in general, particularly in eidetic theory of video games (Behrenshausen, 2007), concerning how the experience of a video game "beyond the monitor" residually affects the player's psyche and their real world "this side of the monitor," changing the player and adapting them to the world of the video game with newly created phenomenological and noumenological aspects.

It is entirely certain that there is a possibility for a player to continue the game within themselves and in their personal memory, even when the computer or other device on which the game is played and the results displayed is turned off. This is because sensory experiences of the game and gameplay, once processed in the player's brain, evolve into irreversible noumenological mental categories that can remain in the player's memory for a very long time, perhaps even forever. This process is possible because throughout evolution, humans developed imagination "as a special and blessed power of the soul which, along with hope, enables man to separate himself from facticity, from the inexorable thus-it-must-be..., to temporarily forget misery and to withdraw into happier dream worlds" (Fink, 1984, p. 292). Fink further wrote that "imagination, inspired by hope, provides privileged access to the possible as such, it is dealing with what could be and has the power of opening of immense significance. Imagination is simultaneously dangerous and timely good for man – without it his existence would be comfortless and without creativity. And finally – although it runs through all areas of human life, imagination resides in a privileged way in play" (op.cit).

What gives stability and meaning to a video game as a phenomenological object that ontologically unquestionably 'is', is the way it communicates with each player individually through sensory pressure. Through this sensory pressure, the video game acquires substance, while its display on the monitor gives the video game its form. Milan Uzelac (2009) writes:

"Contrasted with psyche (ψυχή) as the form (εἶδος – μορφή) of life, whose highest form is intellect (νοῦς) and which manifests as foundation, purpose, and meaning (έντελέχεια), stands physis (φύσις) as a mode of existence, as the manner in which a being exists and acts. Metaphysics should have as its subject matter what is in the 'background' of the existence of physis and is found in psyche, which is designated as foundation, purpose, meaning. In this way, the question of being posed by individual consciousness equates with the question of how that same being sees itself when it finds itself in a position to thematize its existence, further confirming that there exists a distinction between the act of knowing and the concrete being as the object of knowledge."

The synthesis of matter and form gives rise to the concept of video games as "things" that equally correspond to natural objects and useful items, thus we obtain an eidetic⁴ character and eidetic aspects of the video game. This is a new field in defining the video game because it no longer represents just a narrative or a system of conditional transitions governed by rules actualized in the simulation process, but it begins to represent a new entity, transforming into something that necessarily enters into interaction with another self⁵. Getting new and different phenomenological and noumenological aspects that necessarily vary from player to player, as different as their perceptions are, but also as different as the representations of individual subjects that can interact quite differently with the same video game. In this sense, we should talk about the phenomenology of video games, describing how the game world that appears on the screen each time redefines the forms in which we perceive both the world of the video game and our own world and the world around us.

⁴ Eidetic (from Gr. eidos – form, essence): relating to the essence of things, their meaning. The term is often used in Husserl's phenomenology: eidetic reduction is a method of reflection involving the infinite variation of representational content (e.g., ideas of emotion) in order to isolate the essence of things (the universal character of emotion as momentary incapacity to adapt to the situation).

⁵ The self (personal identity, selfhood, individuality) represents the complete essence or ideal spiritual magnitude that, as a super-concept, encompasses the conscious self in terms of completeness.

In video game research, this problem is known as the problem of simultaneous involvement and conditioning of gameplay experience (Salin, n.d.). On the one hand, during gameplay, the player must be engaged in a process without which the game becomes a boring and uninteresting activity; on the other hand, the player must be aware of the conventionality of this process. Due to the duality of conventions and involvement inherent in the gaming experience, the boundary between the player's world and the game world becomes blurred, but it is blurred because the world of the video game insists on this blurring. The possibility of discussing the boundary between the player's world and the game world is ensured by the thesis of player involvement, according to which the world of the game itself must assume a place where the player can and must identify with their avatar and accept the agreement by which the alternatively real world of the video game and the real world of the experience of the video game intermingle and intertwine, so that the player and their avatar in the player's imagination can exchange places, with total identification of the player with their own avatar being the ultimate goal and limit of the implementation of the real player in the alternatively real world of the video. This allows us to repair a certain area of mediation, namely the area that simultaneously belongs to the player and the game world, and it is precisely this area of mediation that is also the boundary between the player's world and the worlds of the game.

To determine what is common in the experience of existence in these worlds, we need to consider two concepts from Husserl's phenomenology: "horizon" and "point." In Husserl's phenomenology, the "point" refers to the intentional object – what consciousness grasps from that object and towards which consciousness is directed. In consciousness, the point is situated against the background of the horizon, which represents the set of all possible perspectives of all other intentional objects. The point itself contains an inner horizon – the set of all other perspectives from which knowledge can encompass the intentional object (Merleau-Ponty, 1978, pp. 115–116).

Husserl wrote about virtual worlds, referring to those worlds that were accessible to him: the world of the stage in theater or film, and the world of the book. Adapting Husserl's ideas to the present time and applying his teachings to the world of video games, we consider that by participating in activities in a virtual world, the video game player objectifies not the monitor, stage, or page, but the action that unfolds on the screen, stage, or page. Therefore, the world of the video game must be highlighted as a distinct realm. Of course, Husserl neither wrote nor thought about the world of video games or other virtual worlds, but the mental categories he discussed fit perfectly within his phenomenological theory. During interaction with the world of video games, knowledge makes transitions between points in a very conservative, closed scheme, which aligns more with the world of books than with real worlds.

Phenomenological ontology and eidetic aspects of video game

Although the term "eidetic" was not explicitly used in classical philosophy in the way it is used today, classical philosophy, especially Greek and German philosophy, provides foundational concepts and perspectives for considering eidetic aspects. Some classical philosophers and their philosophical concepts (Plato, Aristotle, Descartes, Husserl, Heidegger, Gadamer) can be relevant for understanding phenomena related to identity, perception, and reality, which are key elements of eidetic analysis.

Phenomenology, developed by Edmund Husserl (1975a), plays a leading role in understanding eidetic aspects, although Husserl did not address eidetics in the context of video games or digital media. Husserl developed the concept of fundamental phenomenological transcendental epoché, known as transcendental phenomenological reduction, which involves the suspension and setting aside of assumptions and previous judgments to arrive at pure phenomena (Husserl, 1975b). Through this process, the subject directs attention to the phenomena themselves without prejudice. This approach can be useful in the analysis of video games, where players may apply a

similar strategy by disregarding their prior knowledge or expectations to explore the phenomena within the game.

Husserl's theory of intentionality (Dreyfus, 1982) describes how consciousness always "goes beyond itself" toward objects. This concept can be relevant for understanding how players experience virtual worlds in video games. The player's consciousness is directed towards virtual objects in the game, even though these objects are merely digital representations.

Husserl used eidetic reduction to approach the essence of things, isolating their essential characteristics. This method can be applied to analyze video games by exploring the essential characteristics of games or virtual worlds, regardless of their particularities or individual instances. Although Husserl did not directly consider video games or digital media, his phenomenological methodology and concepts have broader applicability in the analysis of human experience, including digital phenomena. Studies using Husserl's approach can provide deeper insights into how people perceive, experience, and engage themselves in video games.

The connection between eidetics and phenomenology is rooted in their shared exploration of human experience and perception. Eidetics delves into eidetic memory, where individuals vividly recall and detail mental images or memories of visual, auditory, and emotional elements—especially within the dynamic realm of video games. It seeks to unravel how these memories form, why they vary among players, and how they adapt to different contexts.

Phenomenology, conversely, is a philosophical discipline that scrutinizes firsthand phenomena or experiences. It probes deeply into how individuals perceive and engage with their surroundings, how these experiences shape their understanding, and how different types of experiences interconnect. The interplay between these fields lies in their mutual emphasis on experience and perception. While eidetics focuses on the nuances of memory and mental imagery, phenomenology casts a broader net over the intricate tapestry of human experience and its perceptual dynamics.

Exploring the eidetic dimensions of video games unveils the profound richness of experiences this medium offers. From forging deep emotional connections with virtual characters to navigating intricate virtual landscapes, video games captivate our senses, stimulate our memory faculties, and ignite our creative imagination in unforeseen ways. Eidetic elements within video games highlight players' innate ability to construct vivid, detailed mental images or memories of visual, auditory, and often emotionally charged elements encountered during gameplay. This concept is anchored in the notion of "eidetic memory" or "photographic memory," illustrating the vivid and meticulous recall of visual stimuli.

Central to these eidetic aspects is the role of visual memory itself. Engrossed in gameplay, players encounter diverse terrains, architectural wonders, character archetypes, and immersive environments that leave indelible imprints. Whether navigating through an enchanted forest in an adventure game, traversing a dystopian urban sprawl in an action-packed saga, or exploring futuristic vistas in a sci-fi epic, each visual element etches a lasting impression in the player's psyche. This visual imprint transcends mere recollection; it becomes an active tool for strategic decision-making and spatial orientation within the game world. Players frequently harness their visual memory to navigate complex terrains, uncover hidden pathways, or decipher adversary strategies. Moreover, visual memory aids in pattern recognition and tactical planning, empowering players to anticipate and effectively respond to dynamic gameplay challenges.

Beyond visual landscapes and encounters, sound design emerges as a pivotal catalyst in shaping the eidetic dimensions of video games. Ambient soundscapes, combat reverberations, character dialogues, and thematic musical motifs collectively contribute to crafting the game's ambiance and evoking emotional responses. Distinctive sound compositions often become hallmark signatures of the game, fostering profound emotional connections between players and the game's narrative and characters. Iconic theme melodies or evocative sound effects serve as potent triggers that immerse players

deeper into the game's narrative fabric, eliciting visceral emotional reactions.

The interactive interplay between players and video games frequently cultivates intense emotional bonds and enduring memories. From adrenaline-pumping triumphs to poignant narrative twists that evoke profound emotional responses, players continually navigate a spectrum of emotional experiences during gameplay. These poignant moments crystallize into lasting memories that players passionately share and debate, underscoring their profound impact within the gaming community.

In essence, the eidetic aspects of video games not only invoke powerful experiences but also underscore the profound influence games wield over perception, memory, and emotional engagement. Through the lens of visual and auditory memory, games transport players into expansive realms and narrative landscapes, reshaping their understanding of reality through an interactive medium uniquely their own. Eidetic facets encompass not only emotional responses but also the enduring bonds players forge with games, leaving an indelible mark on their gaming journey and communal discourse.

Conclusion

In this context, it should be noted that player engagement with the world of video games is still far from a satisfactory level. This is because the aesthetics of video games have not yet achieved the level of immersion in the world that, for example, books—literature in general—offer. The world of video games imposes too many given elements, which, like a curse, block or even disable the player's imagination and condemn them to adopt forms devised by the game creators that necessarily appear on the screen. Hence, there are sometimes feverish efforts to apply noumenological experiences—not phenomenological ones—of the game world and experience, akin to reading a book. This may sound problematic to some, but hasty conclusions should be avoided. Given that game creators cannot achieve the level of player engagement comparable to the experience

of reading a book through phenomenological aspects, they strive to incorporate instances in the aesthetic channel of connection at a higher cognitive level than just visual and auditory senses.

In constituting the aesthetic experience of a video game, both senses are naturally indispensable. However, if the story ended there, the sensory processing level in video games would be identical or similar to that of movies or comics, and such an aesthetic experience would sometimes be poorer than that derived from reading a book. The reason is that reading, although excluding the sense of hearing, involves imagination and the formation of one's own world of the book, which, in the case of individuals with developed imagination, can be very rich. When you start reading a book, you form images of the characters in the book yourself, just as you form images of landscapes and everything else. When you start playing a game, you already have characters, landscapes, and everything else devised by someone else, not for you but for a player with average emotional and all other types of intelligence.

Therefore, the aesthetic experience of a video game must be based on completely new aesthetic strategies that enable a unique relationship between the player, life (reality), and the game—a relationship that may be closer to logic than aesthetics at times. This is because the experience of a video game is often where human senses lose ground and give way to higher forms of cognition and experience. The aesthetic reception of a video game itself is limited only by the existence of the player and the game. In this regard, the intentions and strategies of game creators are just one pole in the game of ambiguity, where the creator (or artist) assumes and creates imagined aesthetic strategies for the video game for any reason. However, it is only the player who truly experiences the aesthetic interpretations of the creator's intentions on the field, in the virtual world that represents both a parallel and alternative world, in flagranti, as they want and can. This is because the "free play of ambiguity conditioned by the rules of the game of ambiguity" (Uzelac, 2004) is present both during the creation of the video game and later during its experience by the player. The right of the video game creator to

create aesthetic strategies (Eco, 1973) is equal to the right of the player, and even the observer, to experience the game in their own aesthetic way and to structure the game's elements in each of their specific interpretations.

Here, it is about the sovereignty of the video game entity to sovereignly create aesthetic strategies and experiences within the gameplay without interference from anyone. Such sovereignty does not exist in any other game.

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Fenomenološki aspekti video igre

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Sažetak

U doba digitalizacije, globalizacije i četvrte industrijske revolucije, ljudsko znanje se rapidno povećava svakog dana, a količina informacija i podataka stvara se u nezamislivim razmerama, prelazeći sve barijere i postajući ključna u gotovo svim sferama života. Digitalne tehnologije i kompjuteri sve više ulaze u kulturu i svakodnevni život, menjajući tradicionalne kulturne oblike i prakse i stvarajući prostor za duboke antropološke promene. Ovaj proces dostiže svoj vrhunac u fenomenu video igara, koje su se, iako prvobitno zamišljene kao sredstvo zabave, razvile u dominantan oblik virtuelne kulture. Video igre su brzo nadišle svoju prvobitnu namenu, postajući sveprisutan fenomen koji doprinosi stvaranju novih sociokulturnih praksi i proširenju antropološkog identiteta. Sa svojim jedinstvenim virtuelno-interaktivnim alatima, video igre otvaraju prostor za novo shvatanje kreativnosti, života, slobode, umetnosti i estetskih vrednosti, dok u sebi nose značajne političke i etičke implikacije. Kao i svaki novi fenomen, video igre su oblast sa nedovoljno razvijenom i sistematizovanom naučnom teorijom, tumačenjem i razumevanjem osnovnih pojmova. Nauka treba da se posveti ontologiji i epistemologiji video igara kako bi se bolje razumela njihova suština i mesto u savremenom svetu, pružajući odgovore koje može da ponudi samo filozofija video igara sa svojom metafizikom kao načinom razumevanja i opisivanja epohe video igara. Ovaj rad je pokušaj da se identifikuju i razumeju određeni fenomenološki i noumenološki aspekti video igre, i tako načini jedan dodatni iskorak ka sistematskom filozofskom proučavanju i dekonstrukciji video igre jedne od najvažnijih pojava savremenog sveta.

Ključne reči: video igra, fenomen, noumen, eidetički aspekti, filozofija, ludologija

Contemporary Concepts of Urban Development of Banja Luka in the Post-socialist Heritage

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Abstract

The post-socialist development of Banja Luka, the second largest city in Bosnia and Herzegovina, is characterised by several important features that are noticeable through the transitional processes of establishing a capitalist, democratic society. The reurbanisation of the urban centre, the conversion of the social standard facility, the gentrification of certain parts and zones of the city, as well as the increase of social segregation and redistribution of the population, leave permanent consequences on the urban development of Banja Luka. Construction of a business urban centre will cause the most obvious changes in the urban space, while the use of available public facilities of the socialist period is institutionally transformed into facilities of new content and purpose, whose further use is unquestionable, but functionally changed. Such facilities show that they had, and still have, the same symbolism of meaning, but in two different social systems. This paper sets up a hypothesis that new development patterns based on market development and private ownership do not necessarily give the expected outcomes of urban development modelled after Western cities. Comparing the two periods of development of Banja Luka from the middle of the 20th century to the fall of socialism in 1989, and the period from 1990 to the present, the paper analyses the diversification of urban functions and urban contents, which, on one side lead to spatial redistribution of population, loss of public space and content, but also to the growth of consumption space as a typical feature of the consumer society. Through these processes, the quality of life of urban residents of Banja Luka changes, which leads to the formation of new urban habits and a specific way of life.

Key words: post-socialism, transformation, transition, privatisation, reconstruction

Contemporary Concepts of Urban Development of Banja Luka in the Post-socialist Heritage

Contextual framework for understanding post-socialist cities

In analysing post-socialist cities, we often tend to fall into the trap of whether there is a universal concept of transformation of cities modelled on capitalist ones. Some authors have paid special attention to the study of the urban development of post-socialist cities, following their transformation into capitalist cities as a model to be pursued because of the desirable pattern of development. This type of comparison led to conclusions about the backward modernisation of the former socialist part of Europe, while neglecting their advantages and understanding of the context of time and other relevant factors. An additional complication in terms of analysing the post-socialist development is the comparison of a particular city with a particular prototype (Beauregard, 2003 as stated in Wiest, 2012, p. 834). Furthermore, according to some known interpretations, former socialist cities are increasingly getting the form of capitalist cities (Häussermann, 1996), while this paper shows a kind of peculiarity of post-socialist transformation.

Most often, the problem of studying post-socialist cities stems from the fact that we tend to overstate the specifics of socialism, or fit them into a universal pattern of development, and explain them as qualitatively different from those in the West (Bodnár, 2001, p. 14). At the same time, it is forgotten or neglected that the socialist socio-economic formation, regardless of its peculiarities, necessarily contains elements of the development of cities of capitalist organisation simply as a result of development processes that necessarily take place, and not in order to achieve identification with the development of cities in the West. The point of understanding the development of cities can be analysed only in the context of knowledge about social conditions and ruling ideologies, i.e. the characteristics and peculiarities of social formations. The processes of urbanisation themselves were different from capitalist cities and took place under different motives and

conditions. Thus, the post-socialist cities of Central and Eastern Europe require different aspects of analysis, that are not limited only to new studies in relation to capitalist cities, even though we admit that they increasingly resemble them. New approaches of post-socialist development require multidimensional analysis not only through the economy, but also through cultural and political perspective with comparative presentation of active global economic, cultural and political processes that are localised (2001, p. 184).

However, in understanding of post-socialist cities, we should start from the fact that the socialist system was not the same in European countries. It is certainly necessary to take into account the socio-historical contexts, heritage, as well as transitional reforms that did not take place in the same circumstances in all post-socialist countries. In principle, a general conclusion can be drawn that most post-socialist cities have taken the direction of capitalist development, but that cities still have visible elements of urban development from the previous system, and that they cannot be spatially removed. Such cities necessarily move by their own independent development, in which they fit the development elements of capitalist cities into the existing elements of the urban structure. Specific creation of business centres (CBDs) in socialist cities is limited by the already built facilities that are mostly undergoing conversion in the new social system. Gentrification processes specifically show that there is a significant share of capital in the formation and structuring of urban space, especially in the most attractive central parts of cities in order to achieve better use of the centre itself. However, smaller cities that were left without significant industrial potential in the processes of transition and transformation, and were not regionally positioned as cities that could represent regional centres, still retain the features of the former socialist system without visible capitalist development and without gentrification processes. Apart from the real estate market managed by investment capital, almost nothing or very little has changed in their spatial and development structure. Such cities tend to have large outflow of population, in search for better living conditions in larger urban areas. Considering that Banja Luka, in addition to its industrial

potential, has been developing the sector of education, culture, health, etc., thus imposing itself as a regional centre, it experienced faster transformation processes accompanied by gentrification processes, as well as by the interest of foreign and domestic investors in investing in economic development. However, service activities, service maintenance, the financial sector are dominantly developing, and a new higher social class is growing. Gentrification processes can be an indicator in understanding transition processes mostly in larger cities, while in smaller urban areas they lack. The socio-spatial structure of the population also shows the peculiarity of the post-socialist development of cities in relation to capitalist cities. The former working middle class, whose members have acquired their occupancy right through the process of allocating social housing, still remains in the central city zones. Thus, the age structure of the population is very diverse in many socialist cities, where the establishment of the real estate market has led to increase in housing construction, whose housing prices in the central parts have mostly attracted higher social classes and intellectual capital. What can be stated as a common feature of all socialist countries is central planning (although the former Yugoslavia in that sense was also different, since it introduced significant decentralisation, leaving dominance in terms of economic and urban development to the capital cities of the Federal Republics of Yugoslavia). Centralist management was more retained in the domain of one-party political system. The processes of transformation and weakening of central planning development began in the 1990s and became visible in urban systems, and the first indicators can be seen in the privatisation of housing, and land privatisation, that led to the occurrence of private entrepreneurs and commercialisation of urban space. The state is decentralised, so urban development is reduced to the local level of decision-making (Tosics, 2003). The functions that cities had, as well as their role and position in the regional context will mostly determine the further perspective of development, so in that sense it can be said that the transition affected the weakening of some especially smaller cities, while strengthening other larger environments. In socialism, central planning policy took care of quite

homogenous urban development. Given the typology of development of post-socialist cities (Tosics, 2003) according to the capitalist model, the cities of the former Yugoslavia can be included into the category of slow transition and low investment, which is certainly conditioned by ethnic (war conflicts) and division of the state into several independent republics. During that period, many companies went out of business, and market relations with other parts of the former common country and abroad were severed, which will be discussed further.

Specificity of Yugoslav socialism

The post-socialist development of cities took place after the establishment of market relations in the economy, as well as a new system of political pluralism characterised by the preference of democratic values through strengthening of civil society. Decentralisation of government is characterised by the transfer of decision-making from state to local level, so the development policy of cities depends on both, the local government and its economic potential. Diversification between urban development arises mainly due to the fact that larger cities, because of initially better position in terms of level of development, have imposed themselves as cities that become centres of economic, political, educational and cultural development, while smaller towns are rapidly declining and losing significant part of work potential, leaving into larger places for better living conditions and greater employment opportunities. Market principles of the economy will cause disproportionate foreign investment in cities throughout the former Yugoslavia, preferring urban areas that initially stand out as centres with visible development potential.

Socialist period in the former Yugoslavia was different from other countries that were under the patronage of the USSR. The schism between Tito and Stalin culminated in 1948, when the Communist Party of Yugoslavia left the Information Bureau and started its own independent path of developing a socialist system with many specifics. The eclectic model of socialism accepted certain premises of capitalism (Erić, 2009), which was significant difference from the state socialism

of other Eastern Bloc countries. It has been worked on the development of a market economy, while companies were in social and not state ownership, which developed a system of workers' self-government.¹ Economic development was stimulated by the interests of the working class and its independent decision-making on its own interests and the interests of companies. However, it is important to note that workers' management could not always foresee far-reaching consequences of certain decisions, nor did it always make decisions in the interest of the company versus the personal interests of workers. Liberalisation of the economy (from 1950 onwards), decentralisation of power, as well as the domination of the social over state ownership created favourable conditions for development of the old Yugoslavia, and for cooperation with other non-communist countries in Europe. Transfer of a significant number of competencies to the federal republics meant the decentralisation of power and the possibility of independent development of the republics (which will become independent states after disintegration of Yugoslavia). What also made socialism in the old Yugoslavia specific was the concept of balanced development, which meant a state policy that worked on the balanced development of all federal units on the basis of mandatory tax revenues and other forms of allocation from the republic level, which led to the construction of industrial plants in all cities. Industry was considered a generator of economic and social development. However, it can be concluded that the post-socialist cities of the former Yugoslavia unfortunately did not take advantage of other CEE cities, which under the ideology of Soviet socialism were far more centralised and with far less possibility of independent market development. Thus, the liberalisation of the market from year to year increased the unemployment rate, which rose from the original 6% in 1970 to 16.4% during 1990. This process was accompanied by inflation, whose annual

¹ Since 1974, with the adoption of the new Constitution, the state economy has been restructured in such a way that workers' management has been strengthened, and this has included the right to a share of profit made in companies on the principle of proportionally invested labour.

average rose from about 10% in 20 years to 30% (Woodward 1995, as stated in Neduči, 2014, p. 19).

On the other hand, it is evident that the former socialist socio-economic system did not enable the transition of industrial to post-industrial cities (Backović, 2005, p. 29). This problem can also be seen in urbanisation, which is specific to capitalist cities. The neo-Marxists argue that the degree of dependent capitalist production conditions the disproportionate urbanisation that is typical of the Third World countries (Petrović, 2004, p. 21). Urbanisation processes depend on the manner and degree of production (Harvey, 1988). The neo-Weberian approach considers that urban forms, and thus urbanisation depend on the way in which the socio-economic system is organised (Backović, 2005, p. 28). In socialist cities, there was a noticeable disparity between industrial development and the influx of population on the one hand, and investment in housing and urban infrastructure on the other hand. This concept of suburbanisation was developed by Szelényi (1996), emphasising that it is a spatial expression of the socialist system. Such a situation led to a lower concentration of inhabitants in cities who retained housing in rural areas (Bodnár, 2001) but worked in industrial plants in cities, preventing an uncontrolled increase in population that urban areas could not absorb (Perić Romić, 2018, p. 15). There was a tendency to massive raise of industrial capacities, while there was no synchronised activity in terms of housing the population who were workers in the developed industry. Many of them illegally built housing facilities on the outskirts of the city, and one part continued to live in the countryside daily travelling to work. In addition, the initial investment in housing was below a satisfactory standard. The need to make the maximum rational use of available urban land was absent for the above reasons, so socialist cities abound in large un(arranged) green areas or public spaces, which will change in the post-socialist period through interpolation processes into already built physical structures. Accordingly, in socialist cities, there is an irrational use of available urban space, which is partly caused by the lack of pressure of sudden concentration of population in cities, and the lack of entrepreneurial initiatives since construction companies

were under the jurisdiction of the state and society. A feature of all former socialist cities is the lack of market value of land, which caused its irrational use, so the most attractive urban locations closer to the centre were not used for construction of CBD² zones (as is the case with capitalist cities) but for the construction of social standard facilities and cultural and historical monuments which, as a rule, glorified the political ideology of the communist system. In former socialist cities, urban development depended on state-level planning documents. Their implementation was carried out by the city administrations without the authority to substantially change them, except within the permitted limits. Every urban development was directly related to the level of economic development at the state level. The state had construction land at its disposal, taking on the role of both investor and contractor. (Stanilov, 2007a). Due to the decentralised system in the former Yugoslavia, this phenomenon of urban development and strict planning was transferred from the state level to the level of the republics, which certainly ensured much easier development process. The state, in cooperation with the governments of the socialist republics, retained the ability of controlling balanced urban development.

Position of smaller towns

Smaller urban places have special attention in studying the post-socialist transformation of cities, because the abolition of state control over balanced development has left the most severe consequences on them. The transformation itself referred to the establishment of new relations in market processes and a new type of relations and communication between the local and state levels of government (Sykora, 1993). Cities that relied mainly on the industrial sector without the development of other institutional segments with the collapse of industry that failed to transform into a post-industrial phase in the privatisation and transition processes, are beginning to decline, with significant part of their population moving to larger urban centres with more facilities and better living conditions. Such urban

² Central Business Zone

environments were less attractive to foreign investors who saw no human, infrastructural or spatial potential in them. The advantage is given to those cities that have managed to keep at least one part of their industrial potential functional, and they have also gained the advantage as regional centres of education, culture and health care systems. Such cities still have better position in terms of attracting foreign investments, which are in the initial process of post-socialist transformation recognised through sharp increase in trade and commercial activities, mainly in the form of opening shopping centres and entrepreneurial initiatives of small and medium-sized enterprises. In this process, a functional and annuity gap occurs (Sykora, 1993 as stated in Backović, 2005, p. 33). Inadequate use of urban land in socialism will lead to the need for its rational use, which will affect the replacement of unprofitable functions with those that bring higher incomes. As a result of these processes, we have the commercialisation of the urban centre and the growth of service activities. Urban centres are becoming places with new facilities, and dominance of service activities is caused by willingness of investors to pay and offer a higher price. Urban centres are becoming business premises, which includes the processes of gentrification or investment in certain abandoned and neglected buildings in order to create more luxurious housing on the one hand (at least in some areas where it is possible to achieve) and business premises on the other hand. However, these processes are far more intense in cities that had significant economic potential in the socialist period, which is the case with Banja Luka as a city that during socialism was the regional centre of FR Bosnia and Herzegovina, but not the capital. Even in the earlier historical development, Banja Luka was the seat of the Bosnian pashaluq during the Turks in the 16th and 17th centuries, and during the The Kingdom of Yugoslavia it was the centre of the Vrbas Banovina with intensive urban development. Due to its geographical position and significant natural wealth, Banja Luka experienced rapid industrial development after the Second World War, which led to a significant influx of population and which will enable its parallel development of other functional spheres of urban life, so in 1975 it founded the Pedagogical Academy, which will be a precursor to

the establishment of many faculties and the development of the University. Today, Banja Luka has the attributes of the capital of the Republic of Srpska, although according to the Constitution, the capital is East Sarajevo. Based on the development potential, as well as its previous position of a regional centre, in the period from 2003 to 2010 the Administrative Centre of the Government of Republic of Srpska was built, which gave the city one completely new dimension recognised in institutionalising the political life of this entity of Bosnia and Herzegovina. Based on the above, it can be concluded that the transition from the Fordist to the post-Fordist model of urban development is conditioned primarily by the strategic importance of individual cities in the urban network, as well as the starting potential they had in the post-socialist transformation, respecting historical development. The diversification of functions is certainly a feature of all post-socialist cities, although the increase in activity in the central zones is not necessarily the result of commercial activities, but also of the institutional strengthening of the city.

Characteristics of socialist development of Banja Luka

After the devastating earthquake in 1969, and then the adoption of the Urban Plan in 1975, heavy industry was positioned in five industrial zones located mainly on the southern outskirts of cities, while in the urban central zones sporadic positioning of some light industry plants could be observed. One of the zones of light industry in the city itself belonged to the great industrial giant "Rudi Čajavec". Further development of industry meant its expansion to the eastern and northwestern zone of the city. The traffic infrastructure connected clearly defined zones of housing, work, and recreation, extending along the longitudinal traffic axis (Perić Romić, 2018, p. 25). The Urban Plan took into account the existing inherited cultural and historical facilities, increase in the number of inhabitants, as well as the economic growth, the roads that connected not only the inner zones of the city but also the city with other urban centres. The construction of residential settlements was mainly planned in the north longitudinal direction (Urban Plan 1975, pp. 107–109) due to the fact that the expansion of

the city was largely tied to the coastal belt of the Vrbas River to maximise this natural potential for housing. Positioning of commercial and other social activities was planned in the city's semi-functional centres, while the construction of schools and kindergartens, as well as sports fields, was planned in the residential areas themselves. The goal was to increase the availability of services and reduce traffic congestion. The accommodation of residential workers' settlements in whose construction workers participated through the system of funds for housing construction was achieved through the recommended square metres of the apartment per capita which was 15.7 square metres (Urban Plan 1975, p. 58) and the existence of public green areas as part of residential settlements whose quality of construction and infrastructural equipment significantly improved after the 1969 earthquake. As in other socialist cities, the central parts of the city remained underutilised with a lower coefficient of population density and construction than was the case with residential areas of the city which were actually settlements of industrial workers, i.e. the middle working class. The original residential facilities that were built before intensive socially owned housing (i.e. before the earthquake) by the structure of the city development occupied zones closer to the city centre, and over time became quite devastated compared to new housing, and their infrastructure was far worse. Rather old population remained in these apartments, while younger working-age population was concentrated in the newly built residential zones through the principle of allocating social housing. As in other socialist cities, the central zones of the city are dominated by social standard facilities with obvious lack of business premises and private entrepreneurial initiatives. In almost all socialist cities, in the very centre, there was a department store - a grocery and consumer goods store that was a symbol of the socialist system. The squares and parks that occupied (and still occupy most of the available space in the heart of the city) strengthened the sense of urban commodity and socialist ideology of comfortable and cozy living achieved through monumentality and spatial width. Since the development of the economy was state and socially owned, the absence of private entrepreneurial initiatives did

not encourage better utilisation of urban centre, and later privatisation processes will often lead to uncontrolled sale of city land and illegal privatisation of many socially owned buildings, which will disrupt the concept of rational and sustainable spatial expansion of the city. Generally speaking, almost all post-socialist cities were suddenly left without significant available land areas, transforming into a capitalist system, but with far less financial capacity to build social standard facilities, which will soon be recognised as a significant disadvantage. Private construction investors and construction companies mainly build residential buildings with the maximum availability of spatial coverage and to the detriment of green areas, parking spaces and other necessary facilities.

a) Housing policy in Banja Luka

The establishment of self-governing socialism, which, in the old Yugoslavia, started in 1953 and officially lasted until 1989 in response to Stalinist socialism in which all economic and any other development originated from the centre, led to certain specifics that affected urban development and quality of life of urban residents of Yugoslav society. Decentralisation of housing policy in Yugoslavia began in the 1950s (Petrović, 2004). Workers' management of enterprises portrayed a kind of free socialism, and the establishment of Self-governing Interest Communities (since 1974) gave workers the opportunity to participate in building flats and resolving their tenancy issue by voluntarily allocating funds from their material income (salaries). However, this model of housing did not meet all the needs of the working population because only 25% of the total housing stock of Yugoslavia was socially owned (Vujović, 1997)³, but certainly increased the quality of housing and better use of available urban space (Perić Romić, 2018). Resolving the occupancy right and obtaining a social flat for use was accompanied by many irregularities in terms of determining the priority of allocating flats. This certainly influenced the emergence of mass often illegal construction

³ Hence, built through solidarity funds for needs of workers of less developed companies or through the allocation of self-governing interest communities.

of individual housing in the peripheral parts of cities, which permanently disrupted the spatial image of cities and the possibility of further consistent urban planning. The monotony of housing estates and the prefabricated type of construction influenced the aestheticisation of housing estates characteristic of socialist societies, although in this context the old Yugoslavia differed from other countries, as it had a high degree of decentralisation and a high degree of autonomy of federal republics, which independently developed their concepts of modern construction incorporated into the dominant ideology of socialist society. Banja Luka, as the second largest city in Bosnia and Herzegovina, had another advantage over other socialist cities in the former Yugoslavia. The devastating earthquake, which completely destroyed a large number of residential and social standard facilities, on the other hand enabled Banja Luka to receive, in accordance with socialist solidarity, large financial help from other federal republics, but also help from abroad. The period of urban renewal and construction of the destroyed city, and the parallel strengthening of industrial capacities influenced the rapid growth of the urban population, which doubled after the Second World War until 1960, and was about 57,000. After the adoption of the Urban Plan in 1975, the estimated increase in population in the following years was 220,000, but that number has not been exceeded even today. The reason for that can be found in the collapse of the industrial sector and the processes of poorly implemented privatisation, which did not restore pre-war production capacities and which, due to the dismissal of workers, ceased to be factor in attracting a large working-age population. Since Bosnia and Herzegovina entered the war in the early 1990s and changed the social and political system, the transition from the industrial to the post-industrial period was prevented. In 1992, the law on housing relations was adopted, which started the process of privatisation of flats. In this way, a new concept of both housing construction and the acquisition of the right to housing started, which is essentially conditioned by the socio-economic status of the population. The privatisation of housing has led to the emergence of social segregation. Former workers' settlements today represent a concentration of elderly population, which was impoverished by the

collapse of the industrial sector, but which gained ownership of the flat through privatisation. In the post-war period, especially after 2000, the expansion of investment urbanism will lead to a drastic increase in housing construction, which still maintains a high level of construction in the core urban area and sporadically in peripheral parts of the city where the price per square metre is much cheaper. The central residential zones that expand around the already traditional and business zone of the city cause the concentration of a richer population, which shows new forms of socio-spatial distribution of the population. The most famous such settlements are Nova Varoš, Ada, Petrićevac, etc. Thus, in smaller post-socialist cities, the construction of suburban settlements is far less intense because the process of city development is slower, which still allows interpolations into insufficient content and functionally built spaces.

b) Transformation of the economic sector and conversion of constructed areas

Favouring industry, as well as stifling entrepreneurial initiatives, is a feature of a centralist system in which state (in the former Yugoslavia social as well) ownership dominates and in which planned development is the result of planned economy. Although the intensive development of Banja Luka is connected to the period from the beginning of the twentieth century when some of the representative facilities of this city were built, under the rule of Ban Svetislav Milosavljević Tisa (Banski dvor and Banska uprava, theatre, etc.), industrial development gained momentum after World War II and became a permanent feature of this city. Among the largest industrial giants of that period, it is important to mention the factories "Rudi Čajavec", "Incel", "Kosmos", "Jelšingrad", "Unis" and many others. According to the statistical office, in the period from 1960 to 1980, over 60% of the population worked in the industrial sector. Transition to market-oriented economy was preceded by privatisation processes that began in 1989. Due to the beginning of the war during 1990/91, many contracts and foreign trade agreements on import-export policy of semi-finished products and raw materials were terminated and lost,

which led to great losses and almost unstoppable collapse of this branch of economy. The loss of these arrangements will also affect companies that were not oriented to foreign markets. Due to the stopped production, they did not have the opportunity to place their raw materials in the internal national economic space. An example of latent corruption (Bjelajac, 2008 & Bjelajac, 2015) is reflected in the fact that many companies from that period were privatized by individuals from the new post-war quasi-elite and controversial businessmen who saw in them as their own personal interest for enrichment through sale of earlier social capital, rather than a desire to restart production capacity. Bankruptcy proceedings, as well as liquidation proceedings, are other outcomes of these processes, and what they have in common is that they produced a large number of layoffs, directly endangering their material existence and suppressing the social domination of the former middle working class.

When it comes to Banja Luka in particular, the total number of privatised companies by the end of July 2020 was 134, of which about 670 million euros were realised, while 22 companies are still non-privatised. By the decision of the Government of the Republic of Srpska, 18 companies were declared companies of strategic importance, which means that they will not be subject to privatisation, at least in the near future. Other companies are in bankruptcy and the liquidation procedure over one of them has been completed. In the period from 2000 to 2014⁴, about 71% of companies planned for privatisation were privatised. Among them, there were 15 strategic companies that generated over 90% of revenues in relation to the total revenues implemented in the privatisation process. The transition from planned, i.e. command, to a market-oriented economy in the conditions of unsuccessfully carried out privatisation process will encourage the opening of small and medium enterprises whose dispersion in space depends on the influence and power of local entrepreneurs and investors, as well as the flexibility of local government actors to make decisions in their interest. Complete shutdown and collapse of the light industrial sector in the urban area of

⁴ Information on the situation in the economy and employment of the City Administration of Banja Luka, Department of Economy.

the city conditioned the conversion of abandoned spaces into new purposes, mainly of a commercial nature. Specifically, one part of the premises of the Čajavec factory has been converted into the shopping centre, while one part of the available facility is used as office space of various bureaus, headquarters of political parties and similar. The space for technical preparation of the Kosmos factory, for example, has been renovated for the needs of the Medical School. In the former heavy industry zones outside the city centre along the eastern transit, several private companies started their business activities after the privatisation, but with significantly reduced production capacity and labour force compared to the period of full industrial momentum when "Incel" employed about 6,500 people. This giant included: "Elektroliza", "Viskoza", "Celuloza", etc. and today the only serious plant is "Celex" (production of paper products) of investors from Slovakia, with significantly smaller number of employees. Transformations of built spaces refer not only to industrial plants but also to buildings that had different purpose. Today, the former military barracks are adapted for the needs of the faculty and the functioning of the university city, as is the case with the former barracks "Vrbas". The space of the former railway station was turned into the Museum of Contemporary Art, etc., while the space of the Mortgage Bank is used as the Palace of the President of the Republic of Srpska, and today's National Assembly is the former House of the JNA Army. However, the conversions of built spaces reflect the rational use of existing facilities, but certainly lead to diversification of urban functions that were not projected in this way in earlier urban planning. However, a far bigger problem is the illegally implemented privatisation of city construction land, as is the case with the land of the Agricultural School in Banja Luka or the area of the former bus station, which left the city without significant spatial resources. An additional problem is the future regulatory planning that must take into account the existence of private ownership in the mentioned localities.

Planning and spatial transformation of Banja Luka

In its spatial development, Banja Luka is guided by documents and urban plans of a lower order, because after the expiration of the

Urban Plan from 1975, a new plan was never adopted. Frequent changes in regulatory plans reflect the influence of capital on the creation of urban space, while housing and service functions increasingly occupy the former production areas (Mandić, 2013). The impossibility to adopt a new Urban Plan is a confirmation of the current situation in which investment urbanism becomes the backbone of the development of cities and the planning documents are adjusted to it. In the urban planning of post-socialist cities, partial planning is in force, while integrity and synthesis in urban planning are increasingly being avoided (Čaldarović, 2012). Complete urban planning disappeared when the state ceased to be the controller of the entire state development. As a result, today in the post-socialist cities of Yugoslavia we have dysfunctional zoning, lack of vision of the entire urban development, mutual intertwining of urban content and similar. Diversification of urban functions is present in all post-socialist cities.

Available urban land is becoming the subject of appetite of many large investors, while city administrations see the possibility for fast filling of local budgets by selling construction land, which actually ensures survival in conditions of poorly and inadequately implemented privatisation. This situation will cause an increasing lack of control regarding size, appearance and function of newly built buildings that are often interpolated into already built residential structures, which also affects the ambient incompatibility. Existing planning regulations are subject to frequent changes and manipulations, which was obvious evidence of weakening state control, which in most CEE countries depended on foreign investment, opening new markets, credit arrangements and other adjustments in the process of joining the European Union. Insufficient restriction of the will of investors was justified under the pretext of attracting investments at any cost, with a reasonable lack of protection of general, i.e. public interest. Urban space under these processes is increasingly losing consistency and there is spatial fragmentation. Urban planning under such challenges has often been forced to incorporate the existing situation into itself without being able to correct it. In all larger CEE cities, there is a significant increase in suburbanisation, while in smaller cities these processes are

significantly slower and to a lesser extent. The reason for that is that smaller cities are not attractive to investors due to the demographic and economic stagnation. In addition, in smaller cities it is not possible to talk about suburbanisation due to their size, so construction investments are visible on available land within the city itself. Smaller post-socialist cities that had the opportunity to retain some of their potential in transition processes with population growth are also recording the development of new urban settlements, but construction investments are still intensive in central city zones and residential areas where it is possible to achieve a higher degree of construction through interventions in the existing constructed housing structures. In these processes, unfortunately, mostly public green areas suffer, which leads to better use of available urban space, but often impairs the quality of life of residents. Spatial segregation is more distinctive in larger cities, while in smaller post-socialist areas rich population is still concentrated in urban centres in newly built housing, with a still high percentage of the elderly population living in socialist housing and mostly retired. As a comparison, Sofia is a city that had government and administrative buildings built in the very centre, but with the presence of residential buildings that contained commercial space on the ground floor. Also, in the centre of the city of Sofia, built historical residences of ambassadors, government officials and merchants can be recognised. In the socialist period, suburban housing estates developed, while there was no investment in the historical core (Hirt, Stanilov, 2007, pp. 222-223), which was the case with smaller cities such as Banja Luka. Several significant cultural and historical buildings built in the centre of Banja Luka were used, and are still used, for administrative activities. Built residential buildings in the centre remained trapped in the time when the residential construction continued to expand outside the urban cultural and historical centre of the city. In the post-socialist period, private investors, with the help of changes in regulatory plans, significantly intensified construction in the central city zones more than in the peripheral zones, which will make a noticeable difference between the rich population, which can afford housing in the centre, and the elderly population, which has remained in old housing that has been affected by the ravages of

time. In Sofia, after 1990, there was a significant adjustment of the city centre to commercial and office needs and the replacement of older buildings with larger facilities, but there was no significant increase in population density in these zones. Mainly due to these processes, the lower and middle class were displaced, while more affluent population successfully avoided displacement. Gentrification of flats in central areas was slower than the commercialisation process (2007, p. 223). In the second phase of Sofia's post-socialist development, old residential buildings were demolished and commercial spaces on the ground floor and luxury housing on the upper floors were built. In Banja Luka, this process did not occur, and older residential buildings are still represented closer to the city centre. In larger post-socialist cities, as is the case with Prague (Sýkora, 1999b), during time, it will be shown that in central urban areas, commercial activities dominate over residential activities, which will affect the vitality of cities.⁵ Also, due to the privatisation of land, many cities have given up the right to build social standard facilities on undeveloped plots by selling to private entrepreneurs, which will prove to be a shortcoming in terms of the quality of urban life. Intensive housing construction in the immediate vicinity of the traditional core and / or business centre leads to traffic congestion, which proves to be an additional problem in everyday functioning.

Increase of commercial activities

In the period of post-socialist transformation, there was a sharp increase in commercial activities, i.e. an increase in the construction of shopping malls and shopping centres as an announcer of new modern development of society. Commercial zones in Banja Luka occupy a significant part of the available land, which was often envisaged in previous regulatory plans for the construction of a social standard facility, or it served as a public space of mainly sports and recreational character. The demise of public spaces is manifested as

⁵ In Sofia, residential luxury housing zones spread south and east along major boulevards and public parks toward Mount Vitosha, while neighborhoods of the poor are visible in the northwest, where industry, railways, and many industrial warehouses are concentrated (Hirt, Stanilov, 2007, p. 227).

an expression of supermodernity (Auge, 2001) which consequently influences new forms of social relations appropriate to the consumerism of consumer society. Transformation of public spaces into privatised spaces of consumption is also an expression of the creation of urban lifestyles of the belonging class, which is conditioned by the purchasing power of the inhabitants.

Gentrification processes will also cause the occurrence of new luxury housing zones that are intersected with business activities of a mainly tertiary nature. Therefore, the construction of residential buildings implies business activity on the ground floor and the first floor, while housing is planned for higher floors, which is the case with other socialist cities as well. However, Banja Luka has kept the traditional historical core in an almost unchanged state with the revitalisation and reconstruction of the urban centre, contributing to the aestheticisation of urban space. Gentrification meant the demolition of old, and construction of new residential buildings in previously built spaces, while respecting the allowed number of floors, as well as their overall dimensions. As an indicator of good management of urban development, the construction of a shopping centre in the immediate vicinity of the traditional city centre was stopped, and the new regulation plan in that part plans to build a monument to fallen soldiers of the last war that fits into the overall ambient context of historical heritage. The development of the business centre, which is dominated by institutions of the banking sector, insurance companies etc., is connected to the main street (former "Carski Drum" and today King Peter I Karađorđević Street). Since Banja Luka has become the main urban centre of the Republic of Srpska, many social facilities have been transformed into facilities for the functioning of the institutions of the system, but have retained their earlier form, thus preserving the recognisable appearance of this city. However, in Banja Luka, gentrification processes are less visible than urban renewal and revitalization, as is the case with the traditional historic core that stretches along Gospodska Street, which is dominated by commercial facilities within the pedestrian zone. Considering that at the exit from the promenade (Gospodska Street)

there are representative facilities Banski dvor (Cultural Centre) and Banska uprava (City Administration) and the Orthodox Church of Christ the Savior, the revitalisation of this part of the city meant not only aestheticisation of urban space but also preservation of cultural identity of the city. In the very centre of the city, there was a certain demolition of barracks (old craft facilities) with the aim of building a park and public space that refers to the wider scope of the traditional historical core, which includes expanding the green area and building memorials to fallen fighters of the last patriotic war. The increase in commercial facilities through the conversions of residential buildings diversifies urban functions, but still not to a drastic extent, given that the construction of shopping malls is still missing from the city centre and is more represented in transit zones. For example, Mercator gravitates towards the eastern transit, while the Emporium and Centrum shopping centres are located along the western transit. In this way, even changes in consumer habits, as well as the construction of specific lifestyles, remain the commitments of residents that do not affect changes in available facilities within the city centre, which is mainly reduced to retail. Therefore, rational urban policy, even faced with the challenges of post-socialist transformation, does not necessarily have to change essential urban features by violating the recognisable urban context, but on the contrary, to dislocate new urban habits into spaces that in terms of urban and traffic structure can withstand stated transitional processes as an expression of market liberalisation and growth of capitalist values.

Conclusion

Contemporary development of Banja Luka is conditioned by two important factors; the first which refers to the fact that Banja Luka positioned itself as a regional centre in terms of economic, political, educational and health sphere, and the second which refers to the fact that the transformation from the socialist to the post-socialist period did not take place under the same conditions as in the other socialist countries, primarily due to the war in Bosnia and Herzegovina, which caused the complete collapse of economic (industrial) potential.

Processes of privatisation, deregulation and decentralisation have affected: privatisation of housing, reduced role of the state in the field of protection of common interests, as well as the transfer of competencies from state to local level (Petrović, 2009, as stated in Mirkov, 2017, p. 36), which on the other side caused investment urbanism, the privatisation of many public companies that eventually ended their business activities, and local strategic planning and decision-making that could not amortise and compensate for the former economic potential. Post-socialist development of Banja Luka was characterised by sharp increase in trade and service activities, as well as the conversion of certain urban spaces into new-purpose spaces, but with unchanged cultural-historical core. The growth of business facilities in the city centre can be taken only as a conditional move towards the development of CBD centres as possible feature of capitalist cities, since Banja Luka still retains and upgrades a high percentage of housing function in the central zones of the city. Diversification of the city's functions is conditioned by the previous socialist legacy, while the mobility of the population to suburban settlements or central zones is conditioned by the material status of the inhabitants, with a significant presence of the former working population in the zones gravitating towards the centre. Construction of eastern and western transit strengthens the city's position as a regional centre. Banja Luka is the centre of the Government of the Republic of Srpska, which significantly affected the visibility of the city in European and international frameworks, and strengthened economic development through foreign investments. Nowadays, the city has more and more features of an organised Central European city, which is characterised by balanced economic, cultural and every other development. Despite its development potentials, it still faces insufficient development of social standard facilities that affects the accommodation and quality of urban life, which is often concealed by the intense growth of the real estate market and the creation of new consumer society lifestyles, which are connected to higher social class.

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Savremeni koncepti urbanog razvoja Banje Luke u postsocijalističkom naslijeđu

Sažetak

Postsocijalistički razvoj Banje Luke drugog po veličini grada Bosne i Hercegovine odlikuje nekoliko važnih karakteristika koje su uočljive kroz tranzicione procese uspostavljanja kapitalističkog, demokratskog društva. Reurbanizacija urbanog središta, prenamjena objekta društvenog standarda, džentrifikacija pojedinih dijelova i zona grada, kao i porast socijalne segregacije i redistribucije stanovništva ostavlja trajne posljedice na urbani razvoj Banje Luke. Izgradnja poslovnog urbanog središta usloviće najočitije izmjene urbanog prostora dok se upotreba rasplodivih javnih objekata socijalističkog perioda insitucionalno transformiše u objekte novih sadržaja i namjene čija je dalja upotreba neupitna ali funkcionalno izmijenjena. Takvi objekti pokazuju da su imali i imaju istu simboliku značenja, ali u dva različita društvena sistema. U radu se postavlja hipoteza da novi razvojni obrasci zasnovani na tržišnom razvoju i privatnom vlasništvu ne daju nužno očekivane ishode urbanog razvoja po uzoru na gradove Zapada. Pad socijalističkog režima, kao i ratna i postratna dešavanja, te tranzicija sprovedena u ovakvim uslovima, dovodi do nekozistentnog razvoja grada u kome procesi privatizacije društvenog vlasništva utiču na nekontrolisani rast apetita privatnih građevinskih preduzeća koji pod fleksibilnim zakonskim normama u velikoj mjeri definišu dalji razvoj grada, i u kome se preferira razvoj multifunkcionalnih zona, te narušava jasna granica između urbane i ruralne sredine. Komparirajući dva perioda razvoja Banje Luke od polovine 20. vijeka do pada socijalizma 1989. i period od 1990. pa do danas, u radu se analizira i diverzifikacija urbanih funkcija i urbanih sadržaja koji sa jedne strane dovode do prostorne redistribucije stanovništva, gubitka javnih prostora i sadržaja ali i porasta prostora potrošnje tipične odlike potrošačkog društva. Kroz ove procese mijenja se kvalitet života urbanih stanovnika Banje Luke što dovodi do formiranja novih urbanih navika i specifičnog načina života.

Ključne riječi: postsocijalizam, transformacija, tranzicija, privatizacija, rekonstrukcija

Security and Credibility of Information about Wartime Conflicts on the Internet

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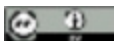
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Abstract

The complex dynamics of information that is constantly being marketed in the modern digital age lead to an excessive amount of information of questionable accuracy and credibility. Fake news, misleading information, rumors and satire take precedence over instinctive information, especially in the domain of information about war conflicts, which are rapidly losing their credibility. This social phenomenon is labeled as an information disorder. War conflicts in the modern era are taking on a new form, we are introduced to the term hybrid war, which, in addition to physical battles, is also realized through the struggle for control over information systems. Information warfare is aimed at achieving control over the consciousness of the people of a country, especially through the distribution of false and misleading news, and as a countermeasure, the services of "fact-checkers" organizations can be used. We look at information warfare and the distribution of fake news through the prism of the latest war conflicts between Israel and Hamas in the Gaza Strip.

Keywords: information, fake news, information disorder, hybrid war, Fact-Checker.

Security and credibility of information about war conflicts on the Internet

For more than twenty years, many researchers have analyzed various aspects of the Internet's impact on human life and society. This may indicate that from its inception, the Internet was recognized as such a powerful phenomenon that it could become decisive for many spheres of life and work of the modern human. (Bjelajac & Filipović, 2020). We live in an era of digital transformation in which the Internet plays a key role in information and communication, both between individuals and between businesses and states. The ubiquitous use of the Internet, however, also brings us various challenges regarding the security and reliability of the information we receive in this way. It is especially important that we pay attention to the credibility of information coming from war-affected areas because war events, political tensions and military operations are reflected and transmitted through electronic media. In this way, the way is opened for manipulation, misinformation and the spread of false information.

The aim of this paper is to investigate the security and credibility of information about war conflicts on the Internet with special reference to the challenges in the modern information environment. When analyzing the wide spread of digital platforms in the transmission of information, we will pay special attention to the mechanisms that contribute to data security and the preservation of data integrity during wartime conflicts.

In this paper, we investigate how different parties in conflicts use the Internet as a tool for manipulating public opinion, spreading propaganda, and creating disinformation. At the same time, the role of new technologies such as artificial intelligence and deep learning in the creation of sophisticated forms of disinformation is considered.

We will also analyze the effectiveness of existing information protection mechanisms on the Internet, as well as technological innovations that can be applied in order to improve information security. This work aims to contribute to a better understanding and a more effective coping with the challenges brought by the digitization

of information about war conflicts in the context of security and credibility on the Internet.

The digital age and the challenges it brings

The digital age is an era in which digital information technology is a key driver of social, economic and cultural change. This period is marked by the rapid development and use of digital technologies through the process of digital transformation, which deeply affects the way of life of people and organizations. Digital transformation represents a comprehensive process of applying digital technologies in various aspects of society, economy and everyday life. Digital transformation is terminologically used to explain or describe social changes that take place under the influence of new technologies, as well as how these changes as a whole have an impact on the operations of companies and the work of public services. (Celik, 2019)

Digital transformation has brought changes at all social levels and in all economic fields, so that it encouraged not only leaders and large companies, but also the whole world to think differently. Thanks to social media and the exchange of ideas made possible by their use, even the areas of political and social freedoms have gained a new dimension. The Internet and social networks are powerful weapons for shaping thoughts and ideas, but also for communication, so there is almost no person who does not have an account on one of the popular networks and does not use the Internet. (USAID)

In the digital age, information is readily available through the Internet, mobile devices, and other digital media. Technologies such as computers, smartphones, the Internet of Things (IoT), artificial intelligence (AI) and blockchain play a key role in shaping everyday life. Communication takes place through social networks, email and other digital channels, facilitating global connectivity.

Given the amount and flow of information, information has actually turned out to be the most important and sought-after resource in the modern business context. That's why we can conclude that the basic factor of digital transformation is the information itself that is marketed through the media.

Digitization of the media and their exponential growth has led to such a rapid flow of information that it is impossible to check how accurate and true they are and with what motive they were published. The Internet was originally conceived as a network that would allow the dissemination of information, ideas and opinions regardless of borders and without the influence of any government. However, over time the Internet changed its shape, when it became apparent that freedom of expression had turned into its own opposite. Individuals, as well as different groups, political, extremist, and all others, began to understand this freedom literally, in the sense of the impossibility of anyone preventing them from expressing their views and opinions in a way that can be offensive to other members of society. This led to the appearance of hate speech, the strengthening of extremist attitudes and insults on various grounds (national, religious, ethnic, etc.), which mean a violation of one's value system and strengthens intolerance. (Vučković, 2021)

However, in 2016, in the election campaign for the American president, journalists went a step further. They used the freedom of speech in order to spread fake news as a combination of untrue, inaccurate and incomplete information. This was not an isolated case, the results of the vote for "Brexit" in Great Britain as well as the canceled national election results in Kenya led to the conclusion that this phenomenon directly affects democracies in various countries of the world. The amount of fake news such as misleading information, fake reviews, fake advertisements, rumours, false political statements, satires and so on, which have been presented as authentic has increased dramatically, which has led to the need for very serious scientific analyzes of this phenomenon. (Sukhodolov & Bychkova, 2017). This phenomenon is defined in the Council of Europe Report from 2017 as an information disorder with the aim of introducing some kind of regulation of information that is marketed via the Internet and social networks as the most active and massive channels of communication today. (Wardle & Derakhshan, 2017)

Wardle and Derakhshan (2017) introduced a new division of false information to their report using as a measure the amount of

harm and lies they bring. So they divided the information that leads to information disorder into three groups (Figure 1):

- Mis-information – it is false information, but it does not cause harm, such as an unintentional mistake by a journalist,
- Dis-information – this is false information that is knowingly shared with the aim of harming someone (an individual, a social group or the state), and
- Mal-information – this is true information that is shared to cause harm to someone, usually by sharing private information publicly.

As society as a whole has come to a situation where fake news is now more popular and spreads faster through social media than mainstream media (Balmas, 2014), fake news has become the main concern of both the industry and the scientific community with the goal of building an effective system to detect fake news. In order to do this, we must first get to know the characteristics of fake news.

Zhang and Ghorbani (2020) say that every fake news has (Figure 2):

- The volume or spread of fake news because there are many websites that are deliberately set up to market fake news and stories, such as: denverguardian.com, wtoe5news.com, ABCnews.com.co, etc.
- Variety, fake news can be in the form of rumours, satirical news, fake reviews, misinformation, fake advertisements, conspiracy theories, false statements by politicians, etc.
- Speed, fake news tends to spread very quickly because most of such news is focused on current events and hot affairs to easily grab the attention of online users.

Detection and identification of fake news on networks is very difficult because it spreads very quickly, it is complicated to estimate how many online users are involved in a certain part of a current message, and it is also difficult to say when and how the far-reaching consequences of fake news stop.

War conflicts in the Internet environment

Digitization as a process of transition from analog to digital technologies has brought changes in various spheres of society, so the military area is not left out of it either. It is manifested through the integration of high-tech digital systems, artificial intelligence and information technologies in military operations. These advanced technological elements enable faster exchange of information, more precise analyzes and more efficient conduct of war operations. Also, digitalization enables military forces to operate more effectively in the domain of cyber warfare, where the fight for control over information systems is being waged. Therefore, the way of warfare has gone through significant transformations, under the influence of technological progress, globalization and changes in the geopolitical environment.

"In the 21st century, war does not have to start with an armed attack, but with a series of hostile activities designed to weaken the state. Strategic futurists speculated that it could be a computer attack from an unidentified source, a projected economic crisis or even a pandemic" (Mandić, 2016).

Forms of conflict that have moved into the information space are becoming a key field of struggle. They include propaganda, disinformation, psychological warfare via social media as major parts of warfare strategies, and as such bring new concepts to war terminology. The concepts of special, hybrid, information warfare are concepts that arose at the end of the 20th and the beginning of the 21st century.

By trying to look at the diversity of emerging terms, researchers have offered different perspectives, thereby significantly enriching the discussion of the field. Although it is a relatively new term, its definition is often confusing, imprecise and leaves numerous dilemmas. (Subotic, 2018).

Rančić and Beriša (2018) determined that the term "hybrid war" contains different meanings, starting from cyber war, information war, various scenarios of asymmetric conflicts of low intensity, via global

terrorism, piracy, illegal immigration, corruption, ethnic and religious conflicts, transnational organized crime, up to the systematic economic collapse of states with the aim of creating demographic changes and the application of weapons of mass unification.

The use of a new name for today's wars and aggressions, by politicians and military officials, affects a better perception by public opinion, which is always important for approval and agreement with certain decisions of state authorities. The term hybrid war is useful from the point of view of state officials because, on the one hand, it elevates the issue in the eyes of the public, and on the other, it enables security structures to more comprehensively and responsibly plan and develop responses in crisis situations. (Cvetković et al., 2019)

The hybrid model of warfare is based on avoiding the declaration of war, which avoids both state responsibility and the influence of international law. It uses conventional capabilities, irregular tactics and formations, terrorist and criminal acts, which aim to achieve a common result of the physical and psychological dimensions of the conflict. (Slijepčević, 2023).

Hybrid warfare maintains a constant atmosphere of tension that is often neither in the domain of war nor in the domain of peace. The gray area between peace and war is renewed by periodic escalations in different dimensions of the conflict, with each new escalation gradually becoming more severe than the last. The strategic gradualism exhibited here serves as a means of testing the will and commitment of the opposing side to political goals in a hybrid conflict. (Pejić, 2019).

In their work, Cvetković et al. (2019) conclude that the most significant content of hybrid warfare can be taken as the following forms of action against the opponent in order to force the fulfillment of demands:

- Information-psychological-ideological action;
- Political action;
- Economic pressures;
- Intelligence-subversive activity;

- IT methods;
- Criminal activities;
- Terrorism and armed insurgencies, as well as
- Conventional military action.

In addition to the concept of hybrid war, space in the literature is also occupied by the concept of information war, which exists as a consequence of society's dependence on information and communication technologies, which creates numerous weak points.

From a military point of view, information warfare in the world is defined as activities undertaken to achieve information supremacy, attacking the opponent's information, i.e. data, information-based processes, information systems and computer-based networks, while at the same time protecting and defending one's own data, information processes and systems and computer networks. (Marinković, 2018).

However, Rančić and Beriša (2018) claim that the aspiration of information warfare is to gain complete control over the consciousness of the people of the state – the victims of aggression, and therefore to gain opportunities to influence their future.

Alispahić (2020) believes that propaganda as a "mind control" and demoralizing weapon, directed against the population of the target country, is one of the most effective instruments for achieving the occupation's goals. The occupation of the mind and soul – the abstract part of the human being, accomplishes and achieves much more than the military occupation of the territory.

Therefore, we conclude that it is very important to understand information warfare, because it exists independently of physical warfare, and has unfathomable dimensions on society as a whole because it is very difficult to control.

How to get accurate information?

In today's information-inundated world, where the rapid availability of content on the Internet often makes it difficult to identify accurate information, fact-checking programs and organizations are becoming essential to the formation of an informed society. With the

spread of misinformation, fake news and information manipulation, there is a growing need for independent entities dedicated to verifying claims and assessing the accuracy of statements. Verifying the reliability of news and ensuring information security are key steps in the era of digital information availability.

Slijepčević (2023) states that fact-checking has become a new element of the media system that has its foundations in investigative journalism, and on the other hand, it is clearly separated from media that have lost the trust of the audience. Special fact-checking organizations have become a new, independent part of the modern information system.

Fact-checkers mainly deal with checking and establishing, putting in a certain context and explaining what journalists, and especially "anti-journalists" (those who produce fake news and engage in fake journalism) publish; on the other hand, when media companies need reliable, verified, credible information, they can certainly rely on fact-checking platforms. Fully verified information, obtained from all relevant sources and clarified from every aspect, is exactly what fact-checkers bring. It can also be a starting point, an important source or an important segment of a new story, a new research. Such, as fact-checkers call it "unproblematic fact", can become a sure foundation for any future good journalistic story. And there will be no mistakes. (Obrenović, 2022)

Fact-checker organizations were originally focused exclusively on investigating the claims of politicians, but there are also those that are focused almost exclusively on the media. Also, in addition to these, organizations have also developed to verify scientific and health information, as well as for information that is marketed in the entertainment industry. We will provide an overview of several well-known fact-checking programs and platforms:

- FactCheck.org: This independent organization focuses on fact-checking related to politics in the United States of America. FactCheck.org provides analyzes of the claims of political leaders and political campaigns.

- Snopes: Snopes is the leading platform for checking urban legends, myths and misinformation on the Internet. They investigate and evaluate claims from various fields.
- PolitiFact: This Poynter Institute project evaluates the accuracy of statements by political leaders and political campaigns. They use a "Truth-O-Meter" to assign grades.
- AFP Fact Check: Agence France-Presse (AFP) provides a global fact check in various languages. They evaluate politicians' claims, viral news and other information.
- BBC Reality Check: The BBC provides fact-checking through its Reality Check platform, focused on political claims and other significant events.
- The Washington Post Fact Checker: This publication provides fact-checking for politicians' statements and other relevant information. Use the "Pinocchio scale" to rate the accuracy of statements.
- Google Fact Check Tools: Google has developed fact-checking tools that allow users to check information directly from search results. This includes a browser extension that helps identify fake information.
- Istinomer: Istinomer is a media that since 2009 has been engaged in fact-checking by evaluating the statements of public officials and politicians, as well as through analyzes of important social and economic issues. Statements are evaluated according to the criteria of truthfulness, consistency and fulfillment of promises.

Since July 2020, Istinomer has been the official partner of Meta for Serbia in combating misinformation on social networks Facebook and Instagram. Istinomer daily checks the content and scans misinformation in the Serbian language that is published on these platforms. And he analyzes the manipulations that spread in the media and on social networks (istinomer.rs).

It's important to note that critical thinking and comparing multiple sources is still key in fact-checking. No program is completely

perfect, so it is advisable to use multiple resources to create a complete picture. Developers and the scientific community play a key role in finding solutions to effectively detect fake news, including various technological innovations, algorithms, data analysis and cooperation with news organizations.

One of the proposals is the development of a system that will provide credible automated indexing, or rating the credibility of different publishers and news contexts. A methodology is proposed to create a model that will detect whether an article is authentic or fake based on its words, phrases, sources, and titles, by applying supervised machine learning algorithms to an annotated dataset that has been manually classified and guaranteed. Then, feature selection methods are applied to experiment and select the best matching features to obtain the highest accuracy, according to the results of the confusion matrix. (Khanam, 2021). The use of machine learning for the purpose of detecting fake news is covered through the topic of smart systems and in the work of Jain et al (2019).

Fake news detection is also discussed from a data mining perspective, including feature extraction and model construction, as well as a discussion of datasets and evaluation metrics. (Shu et al. 2017). Also, the perspective of the use of artificial intelligence, which analyzes and evaluates information based on various parameters in order to detect fake news, was also discussed (Kozik et al. 2024).

The rapidly growing activity of automated fact-checking initiatives and research by both academic researchers and professional fact-checking organizations, and the consensus within both groups that fully automated fact-checking remains a distant goal. The most promising developments today are in automated fact-checking tools that help fact-checkers respond more quickly and effectively to political lies, online rumors, and other forms of misinformation. Automated fact-checking is an area of unusually close collaboration between researchers and practitioners. Further progress will depend mainly on two factors: continued financial support for basic research and real-world experiments, and progress by governments and civil society groups in establishing open data standards (Graves, 2018)..

Current conflicts and their projections on the world of information

The state of war conflicts in the world changes over time, but we have witnessed that in the last few years the state of the world has worsened significantly with the outbreak of new conflicts and the escalation of wars.

The Palestinian extremist group Hamas carried out an attack on Israel on October 7, 2023, in which more than 1,400 people were killed and more than 220 were kidnapped. This attack was the biggest threat that Israel faced, and the Israeli army was taken aback, but soon launched a bombing of Gaza on an unprecedented scale - and declared the goal: the total destruction of Hamas and their structure. But a huge number of civilians were killed in the bombing. According to the Hamas-controlled Ministry of Health, 23,000 people, including many women and children, have died in 100 days of fighting. Thousands of dead are believed to be still under the rubble. Palestinian officials say 85 percent of Gaza's population has been displaced. (Davis, 2024).

Israel responded to the latest attacks by Hamas with military force, but for the first time also in cyberspace. Although Israeli cyber experts and various military and civilian groups have attacked Palestinian cyber-infrastructure before, the main goal now is to completely cut off the Gaza Strip from the Internet. The "digital war" in Gaza is different – Israel's goal is not only to disable communication, but also to prevent news, photos and videos from the front lines from going out into the world.

On the night between October 7 and 8, one of the biggest DDoS cyber attacks since the internet has existed was recorded. DDoS stands for "Distributed Denial of Service" and is one of the most common types of "massive" cyber-attacks. In this case, the DDoS attack on systems in Israel was with 1.25 billion requests to just a few IP addresses in Israel, belonging to the Ministry of Defense and the Government. By October 9, two entire state networks (operational subnets) were disabled. Although Israeli and American experts believed that such a large attack could not come only from the Gaza

Strip, since Hamas does not have such cyber resources, due to the general confusion it was not possible to determine the exact source of this much "fake" Internet traffic. A few days later, it was found to be a network of more than 14,000 "zombie" computers (computers of ordinary users infected with a computer virus), many of which were located throughout the Middle East, Turkey and European countries. This way of "working" is very characteristic of hackers from another country in the region - Iran.

On the other hand, the most famous and largest Indian hacking group, "Indian Cyber Force", supported Israel and took responsibility for taking down the websites of Palestinian Telecom, the Palestinian National Bank, as well as Hamas itself. Experts estimate that at least 80 hacker groups from all over the world are currently carrying out cyber attacks in Israel and Palestine.

A major online disinformation operation has been launched by both sides, and media around the world have great difficulty independently verifying claims from the ground, as well as videos and photos appearing on social media. (Trajković, 2023).

Censorship that is present on the Internet is systematic and refers to a large number of Palestinian and pro-Palestinian Internet accounts. Journalists are censored and their content is unjustifiably removed if they have anything to do with Palestine. At the same time, Hebrew content, especially hate speech, inflammatory content and open calls to violence, remain untouched on the Meta platform simply because it does not have 'classifiers', i.e. AI algorithms to detect and automatically remove such content in the Hebrew language, which violates standards. their online communities.

The Israeli government is also paying YouTube, which is owned by Google, to reduce anti-war content and promote pro-Israeli narratives. Thus, the Western public cannot see the footage of the massacre of children and civilians in Gaza. We are witnessing the same practice on Facebook and LinkedIn.

Here we can also introduce the term digital occupation of Palestine, because Israel controls the ICT infrastructure in the occupied territories. This allows them to shut down the Internet and cut off the

flow of information, which they have done at least 10 times in the Gaza Strip. Even before the war, its inhabitants only had access to a 2G mobile network, while the rest of the world switched to 5G mobile networks. (Mazlić, 2024)

And in these conflicts we can see the characteristics of information warfare regarding the distribution of fake news. The most common form of news manipulation is the manipulation of existing events, i.e. changing the context of the event, its location or time of occurrence, which happens in a large number of cases. These are real events that have been decontextualized. All of this points to the influence of various corrupt forms and activities (Bjelajac, 2015 & Bjelajac, 2008), which, supported by mass media, remain in the gray zone, inventive and invisible.

Such a video, which is claimed to show Israeli airstrikes on Gaza in the first days of the October conflict between Israel and Hamas, has spread among Telegram and Facebook users and in our language. However, we are talking about the shots of the bombing of Ariha, a Syrian city, which also happened at the beginning of October. (Kilibarda, 2023). (Figure 3)

In a similar way, the photo from 2018)

image showing the use of white phosphorus weapons in Syria is being shared on social networks along with information about the use of these weapons in Gaza, without mentioning that it is an old photo. (Murić, 2023), (Figure 4).

One of the frequently used characteristics of information warfare is blaming the opposite party and shifting responsibility, as well as the use of audiovisual materials that can be assumed to affect the emotions of media consumers. Most often, it is about generally accepted values of society.

Social media users have shared footage of children locked in cages claiming it depicts prisoners of war in the current conflict in the Middle East. While some claimed that the footage showed "kidnapped Israeli children", others claimed that it was "Palestinian". The disputed video is not related to the current conflict between Hamas and Israel and does not show victims of the war in the Middle East. The clip was

posted on TikTok days before the Palestinian militant group Hamas attacked Israel on October 7, 2023. (Tančić, 2023) (Figure 5).

Unfounded accusations against the Palestinians that they use "crisis actors" and manipulate the number of casualties in Gaza are spreading on social networks. This time, the recording, made in 2013 in Egypt, is being presented as current "proof" that Palestine is faking victims. In the 19 seconds of the video, the corpses of civilians killed in Gaza are allegedly shown. As most of the "dead" in the video are moving, conspiracy theorists insist that it is a planned action to stage the death and increase the number of dead in Gaza. The original video was published on October 28, 2013 by the Egyptian portal Elbadil. The title in Hindi reads "Performas with dead bodies inside Al-Azhar University". (Kilibarda, 2023) (Figure 6).

Conclusion

This paper provides an insight into the complexity of problems related to the security and credibility of information about war conflicts in the context of fake news, fact-checking mechanisms and modern information warfare. Analysis of war-related fake news reveals deep-rooted challenges in interpreting events, which points to the need for additional efforts in media literacy education and awareness to equip the public to critically understand information.

Fact-checking platforms have shown significant potential in suppressing disinformation, but at the same time they face challenges in the speed of response to dynamic changes in the information space. Their efficiency can be improved by continuous development of technological solutions and cooperation with the media, scientific and educational institutions and social networks.

In terms of modern information warfare, the need for a strategic approach in defense against digital threats was emphasized. Institutions and states must continuously adapt their policies and strategies to adequately respond to changes in tactics and technologies used in information warfare.

Through a comprehensive review, we conclude that it is necessary to establish a holistic approach that includes cooperation

between governments, technology companies, media organizations and civil society. Only through joint efforts can we build resistance to disinformation, improve the credibility of information and strengthen security in the digital age, thereby contributing to stability and peace in the global context.

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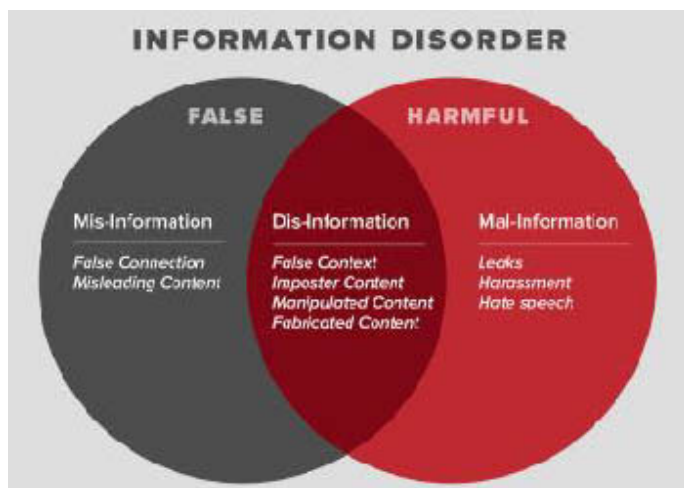
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Appendix

Figure 1

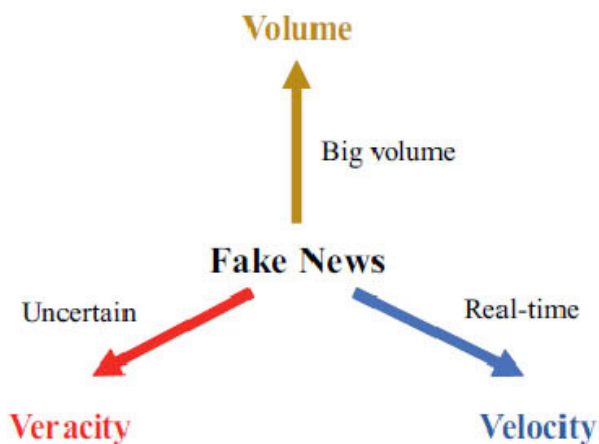
Types of information in information disorder



(Wardle & Derakhshan, 2017, p. 5)

Figure 2

The volume, variety and speed of fake news



(Zhang & Ghorbani, 2020, p. 2)

Figure 3

Bombardment of the Syrian city of Ariha



(Kilibarda, 2023)

Figure 4

Attack with white phosphorus



(Murić, 2023)

Figure 5

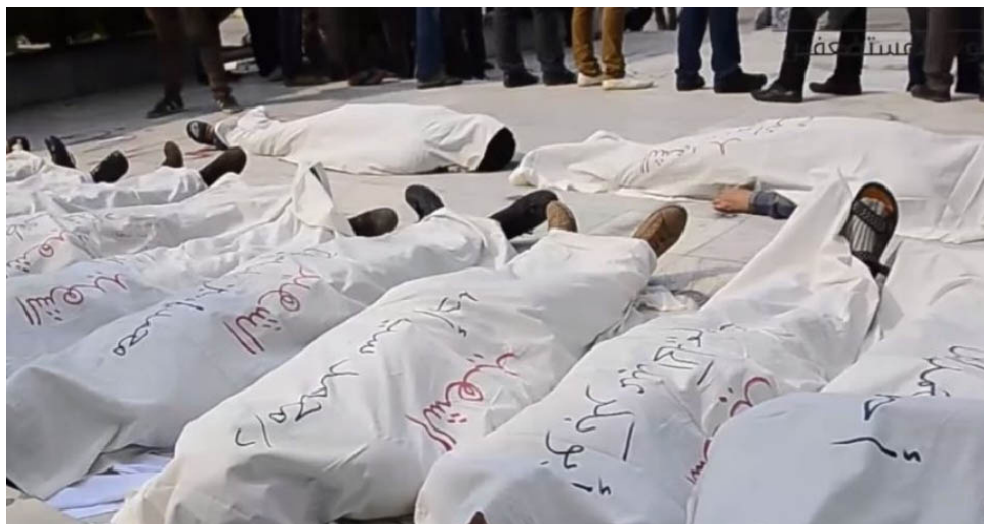
A picture of children in cages



(Tančić, 2023)

Figure 6

Demonstrations in 2013 in Cairo



(Kilibarda, 2023)

Bezbednost i verodostojnost informacija o ratnim sukobima na Internetu

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Sažetak

Kompleksna dinamika informacija o koje se u savremenom digitalnom dobu neprestalno plasiraju dovode do prevelike količine informacija upitne tačnosti i kredibiliteta. Lažne vesti, obmanjujuće informacije, glasine i satire preuzimaju primat nad instinitim informacijama, posebno u domenu informacija o ratnim sukobima, koje rapidno gube svoju verodostojnost. Ovaj društveni fenomen ozmačen je kao informacijski poremećaj. Ratni sukobi u savremenom dobu dobijaju novi oblik, upoznajemo se sa pojmom hibridni rat, koji se pored fizičkih borbi ostvaruje i kroz borbu za kontrolu nad informacionim sistemima. Informacijsko ratovanje usmereno je na postizanje kontrole nad svešću naroda jedne države naročito putem plasiranja lažnih i obmanjujućih vesti, a kao kontra mera mogu se koristiti usluge organizacija za proveru informacija "fact-checkeri". Informacijsko ratovanje i plasiranje lažnih vesti posmatramo kroz prizmu najnovijih ratnih sukoba između Izraela i Hamasa u pojasu Gaze.

Ključne reči: informacija, lažne vesti, informacijski poremećaj, hibridni rat, Fact-Checker.

Legal Remedies Against the Detention Decision with Reference to the Practice of the Supreme Court

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Abstract

Personal freedom represents one of the basic human rights in modern civilized and democratic societies, a value that is strongly protected by both national and supranational legal instruments, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms. This right is certainly not of an absolute nature, and international instruments, as well as domestic regulations, allow this right to be limited. It is precisely the order on pre-trial detention in criminal proceedings, as one of the measures to ensure the presence of the accused, that represents a limitation of this freedom. As it is about restricting one of the basic freedoms, strict conditions have been set that must be met in order for such a restriction to be socially and legally acceptable. Thus, the Code of Criminal Procedure defines the conditions for ordering detention, the purpose of which is to achieve a balance between the individual's right to freedom and the state's interest in the orderly conduct of criminal proceedings. In addition to those conditions, and based on the constitutional guarantees in the case of deprivation of liberty and the right to a legal remedy, the Code of Criminal Procedure provides for and ensures the right to appeal against the first-instance detention decision, which appeal is decided by the Chamber referred to in Article 21, paragraph 4 of the Code of Criminal Procedure, whose decision, as a second instance, is final and legally binding. This paper analyses the positive legal rules on the determination of detention and the right to appeal against such a decision, especially analysing the judgment of the Supreme Court, which, following a request for the protection of legality, had to take on the creative role of a legislator and resolve the issue unsettled by the positive law – the admissibility of a legal remedy against a second-instance decision on detention, and the consequences of this position of the Supreme Court.

Key words: detention, personal freedom, appeal, case-law, Supreme Court

Legal Remedies Against the Detention Decision with Reference to the Practice of the Supreme Court

Introduction

Of all the measures to ensure the presence of the accused in the criminal proceedings, pre-trial detention appears as the harshest and most restrictive measure. Bearing in mind the extent of restrictions and denial of rights that detention entails, reducing the duration of detention to the minimum possible is an absolute imperative (Bjelajac, 2017), but in order to achieve the aforementioned balance, an intensive judicial review of detention is also necessary, which is made possible, first of all, by allowing the defendant an effective right to appeal against the decision of the court that ordered the detention (Dragojlović & Stamenković, 2016, p. 240), respect for basic human rights and the exclusion of any corrupt actions and elements (Bjelajac, 2008 & Bjelajac, 2015). If these principles are not applied correctly or at all, the criminal procedure could be obstructed and thus the application of any other procedural institution would be significantly more difficult or impossible. On the other hand, improper application of these institutes could lead to the prolongation of criminal proceedings and the violation of the right to a fair trial (Trešnjev, 2016, 1).

These principles are elaborated in detail in the European Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe, Convention for the Protection of Human Rights and Fundamental Freedoms, [ECHR]. (1950).), which defines in detail the reasons for ordering detention, and insists that everyone who is arrested or deprived of liberty must without delay be brought before a judge or other official designated by law to perform judicial functions and must have the right to be tried within a reasonable time or to be released until trials. In this sense, the ECHR specifically guarantees that "[e]veryone who is deprived of his liberty has the right to initiate proceedings in which the court will urgently examine the legality of the deprivation of liberty and order his release if the deprivation of liberty is unlawful." (Art. 5, para. 4). The provisions of

the ECHR are particularly significant for Serbia, i.e. domestic courts, given the fact that Serbia is a member of the Council of Europe, but also that the rights and freedoms guaranteed by this convention are provided with judicial protection at the European level – before the European Court of Human Rights (hereinafter: European Court).

International standards regarding the determination of pre-trial detention, as a legitimate form of deprivation of liberty, are of particular importance since they define minimum uniform standards regarding one of the basic human rights – freedom (Bjelajac, 2013; Bjelajac, 2015). However, in addition to the above, international standards in this matter are important because the Constitution (National Assembly, 2006) stipulates that the ratified international agreements are directly applied, and they represent an integral part of the internal legal order of Serbia (Art. 16, para. 2), and that provisions on human and minority rights are interpreted in accordance with valid international standards of human and minority rights, as well as the practice of international institutions that supervise their implementation (Art. 18, para. 3). From this, it clearly follows that Serbia, which implies both its courts and the criminal procedure itself, is bound not only by the text of international treaties, but also by the practice of international courts (Majić, 2008, p. 196), including the ECHR and the European Court, which often, with its practice, the ECHR gives content to abstract guarantees.

The application of the above is of particular importance in the situation dealt with in this paper, which implies a procedural situation that is not regulated by positive legislation, and where the defendant's right to freedom was completely limited by ordering pre-trial detention, so the Supreme Court, as a way out of this situation, resorted to the direct application of the rights guaranteed by the ECHR and the Constitution, taking into account the practice of the European Court.

Ordering of Pre-Trial Detention at the Request of the Public Prosecutor

Bearing in mind that pre-trial detention most encroaches on the rights and freedoms of the defendant, pre-trial detention represents

the most serious measure for ensuring the presence of the defendant and the orderly conduct of criminal proceedings (Ilić Drecun, 2003, p. 51). Although detention is the most effective measure for ensuring the presence of the accused and the smooth conduct of criminal proceedings, its sensitivity, as a coercive measure, is reflected in the possibility of repressive action against the possible perpetrator of the criminal act, so and an innocent person (Memedović, 2006, p. 825). The decision on detention can always be made only by the court. This is a generally accepted standard, so there is almost no state in the world that transfers this authority to another body (Ananian-Welsh, 2015, 757). The procedure for determining, extending or revoking pre-trial detention is, therefore, regulated by the rules contained in the Code of Criminal Procedure, which comprehensively regulate the matter of the reasons for determining pre-trial detention, the subject-matter, territorial and functional jurisdiction of the court that decides on the pre-trial detention of the defendant in the appropriate phase of the criminal procedure, the need the existence of the initiative of the parties to the proceedings, as well as other issues governing detention as a measure to ensure the presence of the accused.

In terms of general protections, the Code stipulates that detention can be ordered only under the conditions stipulated by the Code of Criminal Procedure, and the condition is that the same purpose cannot be achieved by another measure (Matijašević-Obradović, 2016). Due to the nature of pre-trial detention as a measure, and as a consequence of the fact that pre-trial detention is the most difficult measure to ensure the presence of the accused, there is a legal provision that stipulates that during the entire procedure, pre-trial detention must be terminated as soon as the reasons on the basis of which it was determined cease to exist (National Assembly, 2011, Art. 210, paragraph 3). As a special protection, defined as the duty of acting authorities, the obligation of all authorities participating in criminal proceedings and authorities providing them with legal assistance to reduce the duration of detention to the shortest necessary time and to act with particular urgency if the defendant is in pre-trial detention is prescribed (Art. 210, paragraph 2). These basic

protective provisions are further developed through individual provisions of the Code.

When he believes that there are reasons for ordering detention, the public prosecutor is an authorized entity that can propose to the court to order detention. In this respect, Article 212 of the CPC makes a distinction between two procedural situations: 1) ordering pre-trial detention before confirming the indictment and 2) ordering pre-trial detention after confirming the indictment. In the first procedural situation, pre-trial detention will be ordered at the proposal of the public prosecutor, which implies that the initiative of the prosecutor is necessary for ordering pre-trial detention. On the other hand, in second procedural situation, the Code authorized the court, *proprio motu*, to order pre-trial detention, after the indictment has been confirmed, so no initiative of the public prosecutor is necessary.

A special rule for ordering pre-trial detention is provided when the issue of ordering pre-trial detention is decided in the investigation phase. Namely, this situation is governed by the provisions of Article 214 of the CPC (National Assembly, 2011), which stipulates that detention during the investigation can be ordered by the judge for preliminary proceedings or the panel from Article 21, paragraph 4 of the CPC. The rule that detention, during the investigation phase, can only be ordered at the initiative of the public prosecutor is completely logical and understandable, bearing in mind that the concept of public prosecutor's investigation implies that the public prosecutor is the primary body of the procedure and is to the greatest extent responsible for its legal and efficient conduct. As a logical consequence of this setting of the prosecutor's investigation, in which the court has a supervisory function, the rule emerges that when the public prosecutor makes a proposal to order pre-trial detention, the court cannot add any new grounds for ordering or extending detention beyond that proposal, unless it can, in a situation where if the public prosecutor proposed two or more grounds, remove one of them. From the above, it can be concluded that, in terms of ordering pre-trial detention during the investigation phase, the court is a somewhat passive body, which

will strictly adhere to the presented proposal of the acting public prosecutor.

In any case, before ordering pre-trial detention, the court is obliged to hear the defendant about the reasons for ordering pre-trial detention as well as all the circumstances that are important for deciding on the proposal for ordering pre-trial detention (Art. 212, para. 2, National Assembly, 2011).¹ The public prosecutor and the defense attorney may attend the hearing of the accused on the circumstances of the reason for ordering detention, before ordering detention or afterwards. The court is obliged to inform these persons in a convenient way about the time and place of hearing the accused. Given that the Code provides that the public prosecutor and the defense attorney can attend the hearing, which means that their presence is not mandatory, the only condition for the hearing is that they have been properly informed (Art. 212, para. 3, National Assembly 2011). Regarding the standard of suspicion, when ordering pre-trial detention, the court sets out to determine whether there is reasonable suspicion and whether there are legal reasons for ordering pre-trial detention. The functional jurisdiction of the court for ordering pre-trial detention is different and depends on the stage in which the proceedings are.

When the court is satisfied with regard to the standard of suspicion and the existence of a legal basis for ordering pre-trial detention, and after hearing the defendant, the court makes a decision on the proposal for ordering pre-trial detention - in the form of a decision (Matijašević-Obradović & Zarubica, 2018, p. 7). The decision on the determination and extension of pre-trial detention (hereinafter referred to as: the detention decision) is a strictly formal act, i.e. an act in which all the elements are exhaustively and precisely determined (see Art. 213, para. 2, National Assembly, 2011), and a special element of this decision is a lesson on the right to appeal against that decision.

¹ From this rule, however, certain understandable deviations are foreseen, which are contained in Article 195, paragraph 1, points 1 and 2 of the CPC, as well as in the event that there is a threat of delay. In these cases, within 48 hours from the time of arrest, the court will hear the defendant about the existence of reasons for ordering detention. After the hearing, the court will decide whether to leave the decision on detention in force or to revoke the detention (Art. 212, paras. 2, 4-5, National Assembly, 2011).

Appeal on the Decision Determining or Extending Detention

The right to appeal is one of the basic rights in modern democratic societies. As a rule, it is always available and available to individuals when deciding on their right, obligation or legal interest.

The procedural institute for legal remedies, which guarantees the adoption of a legal and correct judicial decision, is the basic premise for achieving a fair trial, which is proclaimed as the goal of criminal proceedings.

The Constitution of the Republic of Serbia also guarantees the right to a legal remedy as one of the basic human rights, which stipulates that everyone has the right to appeal or other legal remedy against the decision about his right, obligation or interest based on the law (Art. 36, para. 2, National Assembly, 2006). As the detention decision limits, or withholds, freedom as one of the basic human rights, such a decision is certainly subject to review by legal remedy, in the sense of the above – mentioned article of the Constitution. The appeal against the decision achieves two goals. First, judicial control of the lower court is enabled, which, in itself, contributes to the realization of the principle of a fair trial. Secondly, bearing in mind the nature and importance of the rights that are limited by detention, it is justified and necessary for another, independent, objective and law-based court to review the reasons for determining such a drastic measure, thereby contributing to the protection of the defendant's rights and reducing the likelihood of arbitrariness by the first instance court.

With this in mind, the Code of Criminal Procedure (National Assembly, 2011) sets out the rules related to the appeal of decisions imposing or terminating pre-trial detention. Thus, the decision determining or extending detention is one of the decisions against which an appeal is always allowed – Article 214, paragraph 3 and Article 216, paragraph 5 of the CPC – explicitly, by using the wording "against the decision from paragraph 2 of this article" – allows appeal against the decision. Certainly, the permissibility of filing an appeal against this decision comes as a reflection of the issue that is being decided by this decision – the freedom of the individual, as a basic

human right. Otherwise, if the detained person is not given the right to contest the detention decision immediately, this would violate the detained person's right to an effective legal remedy, but it would also unreasonably interfere with the right to freedom.

In terms of the above, the parties and the defense counsel may file an appeal against the decision on detention in the investigation referred to in Article 21, paragraph 4 of the CPC, provided that the appeal does not delay the execution of the decision. The appeal, decision and other documents are submitted immediately to the Chamber, which is obliged to make a decision within 48 hours. After the indictment has been filed against the decision on detention, the parties and the defense attorney can file an appeal, which, as in the previous case, does not delay the execution of the decision. The appeal, decision and other documents are submitted immediately to the Chamber of the second-instance court, which must decide on the appeal immediately, because the procedure in detention cases is urgent, but not bound by a deadline (Art. 214-216, National Assembly, 2011). Only in the first situation, when detention is determined by the decision of the judge for the preliminary proceedings, the appeal will be decided by the non-trial Chamber of the same court (Art. 21, paragraph 4, National Assembly, 2011). The second-instance decision, that is, the decision made following an appeal against the first-instance decision on pre-trial detention, is final and legally binding, which is a feature of all second-instance court decisions. This follows from the provision of Article 277, paragraph 1 of the CPC (National Assembly, 2011), according to which the decision becomes legally binding when it can no longer be challenged by appeal or when the appeal is inadmissible. Second instance decisions, as a rule², are not subject to appeal, but possibly to extraordinary legal remedies.

² An appeal against a second-instance decision in criminal proceedings can only be made in the case of Article 463 of the CPC - "An appeal can only be made against a verdict by which the second-instance court reversed the first-instance verdict acquitting the accused and issued a verdict declaring the accused guilty." As the provision itself says, this is about an appeal against a *verdict*, not against a decision, while the provisions governing appeals against a decision, i.e. corresponding application (Art. 468-469), do not provide for the corresponding application of Article 463 of the CPC, from which, in our opinion, the CPC does not foresee the possibility of appealing to the second-instance decision.

Since the special provisions that contain the rules for determining, extending and canceling detention do not contain specific reasons for challenging this decision, by applying the rules from Article 469 of the CPC (National Parliament, 2011), the decision on detention can be challenged for all the reasons provided for challenging the verdict, which reasons are contained in Article 437 of the CPC (National Assembly, 2011), namely: 1) significant violation of the provisions of the criminal procedure; 2) violation of the criminal law; 3) incorrect or incompletely established factual situation; 4) due to the decision on criminal sanctions and other decisions.³

It has already been pointed out that an appeal against a decision on detention of a judge for preliminary proceedings is decided by a panel of the same court referred to in Article 21, paragraph 4 of the CPC, and that an appeal against a decision on detention by a trial panel (or non-trial panel) during the proceedings is decided by a panel of the immediately higher court (Art. 467, National Assembly, 2011). Thus, the CPC (National Assembly, 2011) stipulates that: "the court examines the decision within the grounds, part and direction of the refutation highlighted in the appeal. The appeal against the decision of the first-instance court is decided by the second-instance court in the session of the panel, unless this Code provides otherwise. The parties may be notified of the panel session if the court considers that their presence would be useful for clarifying the matter. The panel of the same court decides on the appeal against the decision of the judge for the preliminary procedure (Article 21, paragraph 4), unless otherwise specified by this Code. The court can inform the parties about the panel session if it considers that their presence would be

³ At this point, we point out that, although the text of the legal provision does not explicitly mention it, that is, it does not exclude this ground for contesting the decision, we believe that the decision on pre-trial detention cannot be contested on the grounds of a wrong decision on criminal sanction. As the criminal sanction, by its nature, is part of the meritorious decision that is made at the end of the criminal procedure, this reason is unsuitable to be used as an appeal ground for refuting the decision on pre-trial detention, or even other decisions that are made during the procedure. Although the legislator technically acted correctly by using the words "apply accordingly", we believe that, for the sake of precision, it is desirable to narrow the application of reasons for appeals against decisions in criminal proceedings by excluding the reason from Article 437, point 4 of the CPC.

useful for clarifying the matter. Ruling on the appeal, the court can by decision reject the appeal as untimely, illegal or irregular, reject the appeal as unfounded, or accept the appeal and modify or reverse the decision and, if necessary, refer the case for a new decision. The court is obliged to deliver the decision on the appeal with the files to the procedural body that made the decision within 30 days from the day when it received the files with the public prosecutor's proposal, unless otherwise specified by this Code".

Analyzing this article, it is clear that the panel from Article 21, paragraph 4, i.e. paragraph 2 of Article 467, is what the legislator meant in the first paragraph of that article when he used "unless this Code provides otherwise."⁴ Observing these provisions, together with the provision of Article 465, paragraph 4 of the CPC, according to which "no appeal is allowed against the decision of the second-instance court, unless otherwise specified by this Code", the conclusion is reached that against the decision of the panel from Article 21, paragraph 4 of the CPC⁵ cannot file an appeal directly to a higher court. The decision of the panel is legally binding and final.

By adopting such an approach, the legislator opened the door to procedural situations in which the first-instance decision rejects the public prosecutor's request to order pre-trial detention, and the

⁴ At this point, it should be pointed out that the determination of the legislator to entrust the decision-making authority on the appeal against the detention decision of the judge for the preliminary proceedings to the panel of the same court is not in accordance with the general principle of devolution and the two-tiered authorities that decide on the disputed issue, and also, at least when it is about the basic court, inconsistent with the Law on the Organization of Courts (National Parliament, 2023; which is essentially identical to the previous legal text), where Article 25, paragraph 2, point 1 expressly stipulates that **the higher court is** the one to decide on appeals against the decisions of the basic court on measures to ensure the presence of the accused and for the orderly conduct of criminal proceedings. Although, it is true, Article 24 establishes that the basic court performs other competences and tasks determined by the law, we believe that the intention of the legislator was not to, without an explicit legal basis in the substantive law, expand the actual jurisdiction of the basic court through the procedural law. The same can be applied to the relationship between the higher court and the appellate court. However, as a matter of fact, this approach of the legislator does not seem to have created difficulties in practice.

⁵ Although it is not, strictly speaking, a "court of second instance", the decision of this panel is of second instance, and it is exclusively competent to decide on the appeal to the decision of the judge for the preliminary proceedings, it should be considered that it is a court of second instance.

second-instance court (or panel), ruling on the public prosecutor's appeal, orders pre-trial detention to the defendant in a modified decision. In such, albeit rare, procedural situation, the defendant was detained for the first time only by a second-instance – and legally binding – decision, against which appeal is not allowed, according to general rules, and bearing in mind the fact that it is a court decision and there is no legal basis for the application of Article 463 of the Code of Criminal Procedure. A detained person in such a procedural situation does not have an effective legal remedy at his disposal.

Right to Appeal in Case of Legal Gap – Created by the Decision of the Supreme Court

Unlike the usual and typical situations that arise during criminal proceedings, to which the rules presented in the previous chapters absolutely apply, from time to time a situation arises in practice that is not regulated by positive procedural legislation, and that is exactly the situation when the first-instance decision of the acting court rejected the proposal of the public prosecutor to order detention, so that decision would be modified by the second-instance decision, which created the procedural situation mentioned above. Thus, the Supreme Court had the opportunity to face this problem, when in its judgment no. Kzz 1052/23 of 17.10.2023, deciding according to the defense attorney's extraordinary legal remedy, considered the aforementioned procedural situation which is not regulated by positive regulations.

Namely, according to the facts stated in the Verdict (VS Kzz 1052/23):

From the case file, it is determined that by the decision of the judge for the preliminary proceedings of the Basic Court in Pančevo Kppd 107/23 of 27.08.2023. rejected the proposal of the public prosecutor of the Basic Public Prosecutor's Office in Pancevo, to order the defendant AA into pre-trial detention, which decision was modified by the decision of the criminal panel of the Basic Court in Pancevo Kv 579/23 of 30.08.2023 by accepting the appeal of the public prosecutor of the Basic Public Prosecutor's Office in Pancevo, so that the defendant was ordered to be detained for up to 30 days, in accordance with the

provisions of Article 214 in connection with Article 211, paragraph 1, point 3) of the CPC. The second-instance court is deciding on the appeal of the defendant's defense attorney filed against the decision of the criminal panel of the Basic Court in Pančevo Kv 579/23 dated August 30, 2023, judged it illegal, finding that the panel from Article 21, paragraph 4 of the CPC, of the Basic Court in Pancevo, decided on the appeal filed against the decision of the judge for the preliminary proceedings of that court; and rejected it as illegal, referring to the provisions of Article 467, paragraph 4 of the CPC.

Having previously found that in the specific case, it is an issue of importance for the correct application of the law (Art. 486, paragraph 2, National Assembly, 2011), the Supreme Court began its analysis with the statement that "The Code of Criminal Procedure did not regulate a specific procedural situation, that is, whether the defendant can file an appeal against the decision of the non-trial panel, which accepted the public prosecutor's appeal and changed the decision of the judge for the preliminary proceedings, which rejected the public prosecutor's proposal to order detention." (para. 10, VS Kzz 1052/23).

We certainly believe that, faced with such a situation, the court cannot simply refuse to deal with the disputed issue, but had to go into the merits and make a decision. This is certainly in accordance with the position of the European Court of Human Rights in Strasbourg, which held that the national court must respect the European Convention if the domestic legislation does not provide for a certain legal situation, i.e. if there is a legal gap, so that, in the interpretation of legal gaps, the ECHR must also be respected (McBride & Macovei, 2004, 23).

Bearing in mind the above, the Supreme Court proceeded with the decision on the merits under an extraordinary legal remedy. Thus, the Supreme Court took the position that when the measure of detention was determined for the first time, the defendant "in any case has the right to file an appeal against that decision, even when it was decided by the decision of the criminal panel (Article 21, paragraph 4 of the CPC) ", by which the first-instance decision rejecting the

proposal was changed, because, according to the ruling of the Supreme Court, "such a decision, although second-instance, in the formal procedural sense for the defendant has the character of a first-instance decision ordering him to be detained, which is why the defendant in a specific procedural situation should be allowed the right to appeal against the decision of the non-trial panel." (para. 11, SC Kzz 1052/23).

With this, in our opinion, completely correct position, the Supreme Court, in a certain part, deviates from legal provisions. Although, as we have seen, there is no express provision of the wording "against this decision no appeal is allowed", such a legal conclusion can be made quite clearly by applying the provisions mentioned in the previous chapter.

The Supreme Court, explaining its decision, starts from the fact that Article 5, paragraph 1 of the ECHR stipulates that "everyone has the right to freedom and security of person, and according to paragraph 4 of the same article of this convention, it is determined that everyone who is deprived of his liberty has the right to initiate a procedure in which the court will urgently examine the legality of the deprivation of liberty and order release if the deprivation of liberty is illegal." The Supreme Court connects this general principle from the European Convention with the right-guaranteed provision of Article 36, paragraph 2 of the Constitution (National Parliament, 2006) a guaranteed right to a legal remedy, so that everyone has the right to appeal or other legal remedy against a decision that decides on his right, obligation or interest based on law.

Connecting and applying the principle from Article 5, paragraph 4 of the ECHR and Article 32, paragraph 2 of the Constitution, the Supreme Court took the view that the High Court in Pancevo, in the specific case, "violated the right of the defendant to appeal against the decision on detention guaranteed by the cited provisions of the European Convention on human rights and the Constitution of the Republic of Serbia" (para. 14, SC Kzz1052/23). Proceeding from the above, the Supreme Court accepted the request of the defendant's defense attorney, so it quashed the decision of the High Court in

Pancevo and sent the case back to the High Court in Pancevo for a new decision on the defendant's defense attorney's appeal.

Certainly, the consequence of this decision of the Supreme Court is far wider than an individual case. On this occasion, the Supreme Court filled a legal gap that existed since the adoption of the current Criminal Procedure Code. Although the explanation of the judgment of the Supreme Court is relatively short and concise, with general references to certain provisions of the European Convention and the Constitution, without reference to the corresponding practice of the European Court and without a detailed analysis and explanation of why the court went beyond the text of the CPC, the decision on its merits represents a strong positive step in the interpretation of criminal legislation in favor of the accused.

Although there is no explicit legal basis for the application of Article 463 of the CPC, we believe that the court could have explained much more easily the analogous application of this – already established - legal rule, i.e. the legal principle contained in it, and that there was no need to resort to the creation of a completely new legal rule and formulations such as "the right to appeal should be allowed" (para. 11, VS Kzz 1052/23). Certainly, the court, and especially the Supreme Court, should take on the creative role of the legislator in a situation where there is a legal gap, in order to fill that gap, all in the interest of legal certainty, as well as a fair trial. However, the court, and not even the Supreme Court, is not unlimited in performing that creative role. The court should choose the path and the option that a reasonable legislator would have chosen if he could have foreseen the situation that arose. Certainly, we believe, a legal gap in criminal law cannot harm the defendant – the defendant cannot suffer for the omission of the legislator. Although we do not touch the result achieved by this judgment of the Supreme Court – what's more, we welcome the position of the court - we believe that the Supreme Court should have reached that result by a different path. A reasonable legislator provided a rule in Article 463 of the CPC that the second-instance revising decision to the detriment of the defendant, by which he is convicted, will be subject to another appeal, in order to decide on his

guilt in two stages. We also agree with the Supreme Court that the right to appeal should be provided for, but it is not. It is far simpler to imagine, accept and reason that the same reasonable legislator who provided the rule from Article 463 would also provide for its corresponding application to the pre-trial detention decision (if not to other decisions), because the goal of such a provision is to in two stages, two independent courts (or panels) consider in detail and decide on the deprivation of liberty of a person.

If, on the other hand, the Supreme Court opted for the approach it did, we believe that it should have been explained in more detail, both from the aspect of analyzing the relevant provisions and the doctrinal approach, as well as with the support of the corresponding judicial practice. The essence of the detailed explanation is not only to make the judgment not seem arbitrary, but also to make it impossible for a later court or a later panel to, on a whim, deviate from the previous practice. Although judicial practice is not a formal source of law, it has long been settled the issue that the unequal treatment of courts in the same or substantially similar factual and legal issues represents a violation of the right to equal protection before the law and the right to a fair trial (see e.g. Decision of the Constitutional Court UŽ 4411/15).

Bearing in mind everything that has been stated, as well as the fact that it was performing the creative role of a legislator, setting a rule for all future similar cases, the Supreme Court could and should have provided a more detailed explanation of its position.

Conclusion

It has long been established that penal legislation is *the lex stricta*. Regardless of the fact that, when it comes to penal legislation, it is taken as an irrefutable assumption that the legislator was perfect, and that he predicted everything he wanted to predict exactly in the way he wanted to, reality often shows the opposite. No legislator is perfect and no one can predict all the circumstances, situations and contingencies that may arise in the application of a penal regulation in

practice. However, when such a situation arises in practice, the state authorities, primarily the courts, cannot allow the defendant to suffer negative consequences due to an imperfect legislator. It is then that the courts must assume a creative role, which usually belongs to the legislator, and enable the application, even immediate, of those rights guaranteed by the Constitution to every person.

Since detention limits one of the fundamental human rights, which is protected not only by national but also international instruments, the need for a careful and serious approach to the issue of detention is necessary. Only the absolute regulation of all material and procedural issues concerning the determination, duration and termination of detention will lead to complete legal certainty. It seems unimaginable that, in modern society, the existence of the right to a legal remedy – as one of the basic and universally accepted human rights – depends on the majority in a five-member panel of the Supreme Court.

In particular, it should be pointed out that the court must certainly take on the creative role of the legislator when deciding in situations where there is a legal gap, it is not limited in this. On that occasion, one should be guided by the idea of how a reasonable legislator would act if he could imagine the disputed situation at the time of the adoption of the regulation, and in that effort, as little as possible disturbs or violates the principles and provisions already found in the regulation, but rather by analogous application of other provisions and the spirit of the regulations, a satisfactory and fair solution is reached. Otherwise, the power of the judicial branch of government would be worryingly, almost unlimited.

Speaking *de lege ferenda*, we believe that the legislator should correct his omission and introduce a provision in the Code of Criminal Procedure that will regulate this procedural situation - the case when the second-instance decision ordered the defendant into pre-trial detention for the first time. The legislator could achieve this by providing for the corresponding application of Article 463 of the CPC to the situation when the first-instance decision was modified by a second-instance decision and the defendant was ordered to pre-trial detention, when an appeal to the second-instance decision would be

expressly allowed. This would eliminate any possibility of legal uncertainty, and would prevent a subsequent panel of the Supreme Court from changing its position. Also, we suggest that the decision-making in the third instance, i.e. on the appeal of the second-instance decision, is carried out by a court immediately higher than the court that made the second-instance decision.

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Pravna sredstva protiv odluke o pritvoru sa osvrtom na praksu Vrhovnog suda

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Sažetak

Sloboda kretanja predstavlja jedno od osnovnih ljudskih prava u savremenim civilizovanim i demokratskim društvima, vrednost koja se snažno štiti kako nacionalnim, tako i međunarodnim pravnim instrumentima, poput Evropske konvencije za zaštitu ljudskih prava i osnovnih sloboda. Ovo pravo, svakako, nije apsolutnog karaktera, pa i međunarodni instrumenti, ali i domaći propisi omogućavaju da se ovo pravo ograniči. Upravo određivanje pritvora u krivičnom postupku, kao mere za obezbeđivanje prisustva okrivljenog, predstavlja ograničenje ove slobode. Kako se radi o ograničavanju jedne od osnovnih sloboda, to su postavljeni strogi uslovi koji moraju biti ispoštovani kako bi takvo ograničenje bilo društveno i pravno prihvatljivo. Tako, Zakonik o krivičnom postupku opredeljuje uslove za određivanje pritvora, a čija je svrha ostvarivanje balansa između prava pojedinca na slobodu, te interesa države za neometanim vođenjem krivičnog postupka. Pored tih uslova, a polazeći od ustavnih garancija u slučaju lišenja slobode i prava na pravno sredstvo, Zakonik o krivičnom postupku predviđa i obezbeđuje pravo žalbe na prvostepeno rešenje kojim se određuje pritvor, a o kojoj žalbi odlučuje vanpretno veće iz člana 21, stav 4 Zakonika o krivičnom postupku, čija je odluka, kao drugostepena, pravnosnažna. Ovaj rad analizira pozitivnopravna pravila o određivanju pritvora i prava žalbe na takvu odluku, posebno analizirajući presudu Vrhovnog suda koji je, po podignutom zahtevu za zaštitu zakonitosti, morao da preuzme kreativnu ulogu zakonodavca, te razreši pozitivnim pravom neuređeno pitanje dozvoljenosti pravnog leka na drugostepenu odluku o pritvoru, te posledice ovakvog stava Vrhovnog suda.

Ključne reči: pritvor, sloboda kretanja, žalba, sudska praksa, Vrhovni sud

The Question of Legal Subjectivity of a Cooperative Founder

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Abstract

The current aspiration towards development and improvement of the cooperative sector in Serbia, observed in the context of modern business conditions and imperative market demands regarding the establishment of sustainable development of business entities, provides at the same time an opportunity to evaluate the legislative solutions within this area. The paper shall first, through observing the elements of the cooperative identity, determine the general features of a cooperative and its importance in the modern economic environment, and then, by analyzing the legal regulations of Serbia, Croatia, Bosnia and Herzegovina and Montenegro, using a comparative method, it shall critically enlighten our legal regulation as it pertains to the regulation of the establishment of cooperatives with an emphasis on the question of legal subjectivity of a cooperative founder. It is the aim of the research in this paper to: 1) examine whether the answer to the question of legal subjectivity of the cooperative founder as envisioned by our legislation, observed in the context of modern market conditions, contributes to the sustainable development of the cooperative and to the improvement of its economic potential, and 2) to propose *de lege ferenda* solutions that would create a more stimulating legislative framework within the area regulating the question of legal subjectivity of a cooperative founder.

Keywords: cooperative, establishment of a cooperative, legal subjectivity of a cooperative founder, self-help, sustainable development of cooperative, *de lege ferenda*

The Question of Legal Subjectivity of a Cooperative Founder

Introduction

A cooperative is a voluntary enterprise where the members of the cooperative realize their different aspirations guided by cooperative values and operating based on cooperative guidelines. However, a cooperative is also a market competitive actor and an economically feasible business entity (Vitez, 2018, p. 19). Although the business operations of a cooperative are not exclusively focused on gain, the impression is that, in the modern business environment characterized by the absolute domination of capital and the imperative of profit achievement, it is expected from a cooperative, even more than from a classic business enterprise, to contribute to economic growth and the development of society (International Cooperative Alliance [ICA], 2013). Such expectations are also present in Serbia and manifested through the current aspirations towards the development of the cooperative sector. Although the institutional and financial support to cooperatives in Serbia, intensified in recent years, does represent a certain step forward, the basis for the existence, sustainability and development of the cooperative sector is ensured through legislative framework (Zakić & Nikolić, 2018; Vitez, 2010). In that regard, the intention for the development of cooperative organizing in the Republic of Serbia presents itself as an opportunity to examine the significance and position of a cooperative in the modern economic environment, as well as an opportunity to analyse the positive legal and comparable legislative solutions governing the fundamentals of functioning of the cooperative. It is the opinion of the author that one of the key fundamentals is the establishment of the cooperative emphasizing the regulation of the question of legal subjectivity of a cooperative founder. The selection of legislation governing cooperatives analyzed in this paper was made based on the fact that Croatia, Bosnia and Herzegovina, Montenegro and Serbia, all had a long-standing evolution within the same legal system, while also taking into account the fact

that in the last decade the Croatian cooperative legislation has been evolving in accordance with the European legal system.

General Features of a Cooperative and its Importance in the Modern Economic Environment

A cooperative represents a specific form of business organization based on principles of democracy and self-help and is different from other forms in terms of establishment, membership, governance, fundraising, business goals and other characteristics. (Laidlaw, 1980, p.3; Nikolić, 2018, p.68). These specific cooperative features are determined by the definition of cooperative, as well as its values and principles, all being mutually connected and conditioned elements of the cooperative identity, as adopted in form of the Statement on the Cooperative Identity by the International Cooperative Alliance at its 31st congress, held in September of 1995 in Manchester. As per the above, the Statement on the Cooperative Identity defines a cooperative as an autonomous association of persons united voluntarily to meet their common economic, social, and cultural needs and aspirations through a jointly-owned and democratically-controlled enterprise (ICA, 1995). The same document states that the values a cooperative is based on are: self-help, self-responsibility, democracy, equality, equity and solidarity, honesty, openness, social responsibility and caring for others, while the cooperative principles as guidelines by which cooperatives implement their values into practice, are defined as: voluntary and open membership, democratic member control, member economic participation, autonomy and independence, education, training and information, co-operation among cooperatives and concern for community.

The specificities of a cooperative as per the elements of the cooperative identity, as well as their implementation in business operations, have contributed to the fact that the cooperative sector today has a significant place within the modern economic environment, as indicated by the data stating that 279.4 million people, that is a 9.46% of the total employed world population, is engaged by cooperatives making 2.1 billion US Dollars, annually. (Eum, 2017, p.

12). It is safe to assume that this intensity and volume of the global cooperative business operation is a consequence of its primary focus on the satisfaction of the joint needs of its members based on mutual equality and solidarity, with the simultaneous existence of significant potential for social responsibility and concern for community. Also, the modern cooperative sector is characterized by multidimensional diversity, multiple varieties of cooperative forms and their significant vitality, giving it, without a doubt, the epithet of one of the most important and prospective segments of the economic environment (Fici, 2012, p.5; Nikolić, 2014, p.33). Cooperatives have a key role in stabilizing the economy, especially in those sectors that have a high level of uncertainty and price volatility, thus representing a more efficient form of association than traditional investment enterprises, which is why their significant potential requires adequate support (Mićović, 2017, p.1207; Bateman, 2010, p.106). As an interesting middle size organizational system, existing between big, centralized organizations and numerous small, individual businesses, a cooperative has the potential of using and combining the advantages of small businesses with the assets of big business systems, thus contributing to the social and economic development, encouraging the growth in employment and influencing a more equal wealth distribution (Hagen, 2001, p.43; Borzaga & Galera, 2012). By taking into account the positive effects of cooperative business operations, in the developed world, and especially after the global economic crisis of 2008, the cooperative model is now seen as an important science with a significant presence in the educational programmes of elite universities. (Zakić & Zakić, 2019, p. 25).

As all other business enterprises, a cooperative aims to achieve positive business results, striving towards continuous development of stability and certainty of socio-economic opportunities that it exists within. However, it is a fact that the current global economic environment is characterized by economic, legal and technological changes that are creating a lack of stability and exerting intense and growing pressure on business enterprises to evaluate their competitive advantages and their ability to participate in a market aggressive

environment. (Nikolić, 2009, p. 15). In that regard, all business enterprises today are faced with the task of redefining and optimizing as per the changing and highly competitive market conditions, with the aim of efficiently achieving the goals they were established to realize. The imperative of the modern market business model is a sustainable development of an economic entity, and its growth and business operations being based on knowledge and competence (Brkić & Tomaš Simin, 2022). These demands are increasingly being made on cooperatives as well, even though cooperatives, as opposed to classic enterprises, operate by adhering to the values of self-help, relying almost exclusively on their own personal and material resources, therefore facing significant challenges and difficulties in the process of realizing their economic aspirations. Since it almost exclusively relies on the capital contribution of its founders and members, the financial position of modern cooperatives is hardly sustainable, while profitability is difficult to achieve due to the fact that cooperatives are significantly closed to third parties (Dukić Mijatović et al., 2022, p. 1234). Therefore, a cooperative is faced with a complicated task of finding the optimal solution with the aim of meeting the demands of a modern market business model, while at the same time preserving the self-help function as its basic value.

Establishing a Cooperative – the Question of Legal Subjectivity of a Founder

Compared to classic capital enterprises, the establishment of a cooperative is characterized by a number of specificities primarily determined by the cooperative identity. In accordance with the cooperative principle of voluntary and open membership, the establishment of a cooperative represents an agreement of will of the founders of a cooperative regarding the mandatory elements of its legal status (Vitez, 2003, p. 163). Also, especially important for the establishment of a cooperative and the acquiring of its status as a legal entity, is the legislative framework defining the required number of founders of a cooperative, that is the legal subjectivity of persons who can be cooperative members, the modality of the cooperative

establishment agreement and adoption rules of such agreement, as well as the cooperative rules stating the principle of autonomy of the cooperative and defining in detail the organizational and operational principles. Taking into account that cooperatives are organizations focused on persons, the issues governing the position of a founder or membership of a cooperative represent the most important segment of the cooperative legislation of any country (Hagen, 2005, p. 26). The founders, or cooperative members, are at the same time its co-owners and main business decision makers, therefore representing the essence of a cooperative concept, establishing the *modus operandi* of a cooperative and projecting its plans for the future (ICA, 2015). Therefore, compared to a classic business enterprise, the market position of a cooperative is significantly different, as it is directly conditioned by its self-help function which, as a proclaimed cooperative value, represents an essential and inseparable element of a cooperative identity. The success of a cooperative business enterprise, and consequentially its sustainability, depend on the scope and intensity of the engagement as well as the competence and innovative ability of its founders or members. Therefore, in terms of optimization of cooperative business operations and the simultaneous ensuring of a stable self-help function as the base of a cooperative identity and its sustainability in response to the demands of the modern markets, it is reasonable to question the issue of legal subjectivity of the cooperative founder and its legislative framework.

In the foreign legal cooperative theory the question of legal subjectivity of a cooperative founder is almost indisputable, since the universally accepted definition of a cooperative established by the International Cooperative Alliance makes no difference between persons who can be cooperative founders, meaning that it equally allows for both natural persons and legal entities to exist as founders. As long as the basic democratic principle of cooperative management stating that one member has one decision-making vote is adhered to, the law should not impose any restrictions regarding the type of entity allowed to establish a cooperative (Hagen, 2001, p. 73). As per the aforementioned, the participation of a legal entity in establishing a cooperative is desirable

as long as it does not affect the traditional cooperative system based on equality as a basic cooperative value. The opinion that the law should allow for the possibility of legal entities to participate in the establishing of a cooperative is also prevailing in domestic literature. By introducing legal entities as founders of a cooperative, the self-financing function of the cooperative would be strengthened, while also elevating the level of business expertise and cooperative management (Mitrović et al. 2021, p.88). In that regard, the concept of legal entities as cooperative founders contributing their resources and participating in the business operations of a cooperative, would ensure the stability of a cooperative and would strengthen self-financing as an important element of the self-help function of a cooperative, possibly representing a realistic way of meeting imperative market demands. By merging the capacities of natural persons and legal entities, cooperatives could become more competitive (Ševarlić, 2015). As per the aforementioned, merging cooperatives with the infrastructure, skills and competences available to a legal entity could be essential for the development of a cooperative as a profitable and competitive economic enterprise. By legally limiting the ability of business entities to participate in establishing a cooperative, cooperatives are unjustifiably denied resources thus having a market disadvantage compared to classic business enterprises (Timčić, 2016, p. 164). If a cooperative is expected to operate exclusively on the bases of self-financing, while simultaneously being denied the access to resources available only to legal entities and not natural persons, a cooperative is faced with an inability to achieve its full economic potential, as opposed to classic business enterprises that have multiple and diverse possibilities and capital raising mechanisms available. It is the opinion of Vitez (2018) that a legal entity is a desirable founder of a cooperative since the personal exclusivity of cooperative organizing prevents business enterprises, as experts in their field, from becoming members and managers of a cooperative, thus contributing to the expertise and business efficiency and management of a cooperative (pp. 28-29). As per the aforementioned, it is safe to assume that the participation of legal entities in the establishment and operations of cooperatives through capital placement, but also through the investment of

knowledge, expertise, business skills, experience and previously achieved market position, while completely respecting the identity of a cooperative, would contribute to the development of the cooperative sector and to the strengthening of its self-help function as well as to the creation of conditions for increase of job opportunities, new business opportunities and the development of inventions, all being signs of improvement that every society aims for.

Having in mind the different business operation goals a cooperative has compared to other business enterprises, the issue of attracting legal entities and stimulating them to participate in cooperative organizing becomes especially important. Taking into account the growing importance of the socially responsible business principle, also identified as a contribution to the development of local communities, and having in mind the growing interest classic business enterprises have in acquiring the socially responsible business status, it is the opinion of the author that the issue of attracting legal entities could be resolved by implementing this principle into the process of merging cooperatives and classic business enterprises at a local community level. In that regard, a classic business enterprise with a cooperative founder status would have the opportunity, in accordance with cooperative values and principles, of actively participating, through different placements of their varied resources, in the development of a cooperative business within the local community, thus acquiring the socially responsible business title. At the same time, a cooperative would maintain its self-help function while being able to better respond to market demands through the engagement of a legal entity. The assumption is that this concept would be in agreement with the obvious global business hybridization, which is intensely pushing the boundaries of corporate sustainability in a direction of strategies suggesting that profit and social responsibility have a more equal footing (Alberti & Varon Garrido, 2017).

In continuation the paper will present a review of legislative provisions governing the establishing of cooperatives in Croatia, Bosnia and Herzegovina, Montenegro and Serbia.

According to the cooperative legislation of Serbia (Narodna skupština Republike Srbije, 2015), a cooperative is a special form of organization of natural persons who, by operating based on cooperative principles, realize their economic, social, cultural and other interests and who manage and control a cooperative. A cooperative can be founded by a minimum of five legally capable domestic and foreign persons, with the condition that the minimum number of cooperative founders may not include persons living in a shared household with the founder. Depending on the objectives and required funds for the establishment and operations, cooperatives can be established through contributions or membership fees, as per the establishment agreement and cooperative rules. The cooperative establishment procedure entails holding a constituent assembly, signing the establishment agreement, adoption of cooperative rules and election of cooperative governing bodies. As per the aforementioned, we can conclude that our law insists on restricting the legal subjectivity of the founder by not allowing for a legal entity to participate in establishing a cooperative, thus characterizing a cooperative as a highly personalized form of business enterprise.

According to the cooperative legislation of Croatia (Hrvatski sabor, 2011), a cooperative is defined as a voluntary, open, and independent enterprise managed by its members, who through their work and other activities, or through use of the services of a cooperative, on the bases of commonality and mutual assistance, improve and protect their individual and common economic, financial, social, educational, cultural and other needs and interests, in order to achieve the goals for which the cooperative was established. The establishment of a cooperative requires a minimum of seven founders, both legally capable natural persons as well as legal entities. According to legal procedure, a cooperative is established at a constituent assembly, where the cooperative rules are adopted, governing bodies are elected and a decision regarding a member's contribution is made. As per the aforementioned, we can conclude that the Croatian cooperative legislation governs the question of legal subjectivity in complete agreement with the definition of cooperatives stated in the

Statement on the Cooperative Identity, the principles of open membership and governing opinions of cooperative theoreticians, thus enabling legal entities the possibility of becoming cooperative founders.

According to the cooperative legislation of Bosnia and Herzegovina (Parlamentarna skupština Bosne i Hercegovine, 2003), a cooperative represents an organizational form of voluntarily joined members working to achieve their common economic, social and cultural needs and goals, through joint ownership and democratic business control. The minimum number of cooperative founders is five natural persons or legal entities, meeting the personal requirements as per cooperative rules, where the law states that the rules of the cooperative can prevent legal entities from becoming members of a cooperative. The cooperative is established by signing the establishment agreement. As per the law, through this document a higher number of founders can be determined. Depending on its goals and required funds, cooperatives are established through contributions and other assets of the founders as per the establishment agreement and cooperative rules. By a majority of votes, the cooperative rules are adopted at the constituent assembly. As per the aforementioned, we can conclude that within the cooperative legislation of Bosnia and Herzegovina the question of legal subjectivity is particularly defined, since although it enables legal entities to participate in establishing a cooperative, at the same time it states that the rules of a cooperative can exclude a legal entity from becoming a member of a cooperative, questioning in a way the observance of the open membership principles.

The cooperative law in Montenegro (Skupština Crne Gore, 2015) recognizes a cooperative organization defined as a voluntary form of joining and organizing of natural persons and legal entities, members of the cooperative, with the aim of realizing economic and other interests, The founders of the cooperative can be natural persons registered at the agricultural manufacturers registry in accordance with the law, and legal entities registered at the Central registry of legal entities engaged in agricultural production and processing. The minimum number of founders is five, and they can make both financial and non financial contributions. A cooperative is established at the

establishment assembly, where the founders adopt the establishment agreement by a majority of votes, adopt the operational rules of the cooperative and elect its governing bodies. As per the aforementioned, we can conclude that the Montenegro cooperative legislation, like the Croatian, governs the issue of legal subjectivity in complete agreement with the definition of cooperatives stated in the Statement on the Cooperative Identity, the principles of open membership and governing opinions of cooperative theoreticians, thus enabling legal entities the possibility of becoming cooperative founders.

Conclusion

Beginning with the indisputable economic potential of a cooperative, the developing goal of every community and the task of every government of creating conditions for the development of cooperatives through progressive legislation, (Dukić Mijatović et al., 2023, p. 3; Vitez, 2010), it becomes essential to resolve the issue of how to ensure a sustainable development of cooperatives and their organized and stable business operations based on knowledge, capabilities and expertise, thus enabling them a more equal market participation. Aside from the necessary institutional and financial support, one of the solutions is the creation and implementation of stimulating legislative framework for cooperative organizing, one that will enable cooperatives to have a stable development, and a stable growth of their business potential.

Based on the comparative analysis, it is possible to deduce that the observed legislative frameworks for the establishment of cooperatives have some similarities, but also significant differences. Together with the slight differences regarding the required number of founders, the format of the establishment agreements and the procedure of their adoption, we can confidently state that the essential difference between the observed comparative legislations and our law is contained in the provision stating that in Serbia only natural persons can be founders of cooperatives. Through this provision, the potential pool of interested cooperative founders is reduced both in terms of quantity and quality. At the same time, cooperatives are denied the

possibility of making use of a variety of resources and economic potential available to a legal entity. Considering this, and taking into account the analyzed literature, we come to a conclusion that our legal solutions stating that only natural persons can be founders of a cooperative are, in a way, not in agreement with the modern tendencies of the European cooperative legislation, as well as outdated even in comparison to the cooperative legislation of Bosnia and Herzegovina and Montenegro.

By observing the specificities that are characteristic to the domestic cooperative sector in a context of international documents within the area of cooperative law and modern market and business conditions, it is possible to create a law that would simultaneously enable cooperatives the strengthening and growth of their self-help function, their sustainable development and an equal market position compared to other business enterprises. As per the aforementioned, our legal provisions should be revised and amended with the following legal solution the author suggests to the law maker as a *de lege ferenda* proposition:

Enable a provision stating that, while completely respecting the identity of a cooperative and adhering to the implementation of the governing rule that says that one cooperative member is entitled one vote, the interested legal entities can participate in the establishment and operation of cooperatives, in a way where, through their resources, knowledge and competences, they enable its sustainability, strengthening its self-help function, while at the same time contributing to the overall economic development of a community.

However, it is important to have in mind that not even the best law on cooperatives is sufficient in order to establish a stable cooperative system (Hagen, 2002, p.48). In that regard, promoting the significance of the economic potential of cooperatives, attracting, motivating and incentivizing interested legal entities to participate in the establishment and operations of cooperatives, while obeying all elements of cooperative identity, might be the necessary prerequisites for the appropriate and complete implementation of the proposed legal solutions.

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Pitanje pravnog subjektiviteta osnivača zadruga

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Sažetak

Aktuelna težnja za razvojem i unapređenjem zadružnog sektora u Srbiji, posmatrana u kontekstu savremenih uslova poslovanja i imperativnih tržišnih zahteva za uspostavljanjem održivog razvoja privrednih subjekata, ujedno je i prilika da se sagledaju zakonodavna rešenja u ovoj oblasti. U radu se najpre kroz prikaz elemenata zadružnog identiteta determinišu opšta obeležja zadruga i njen značaj u savremenom privrednom ambijentu, a potom se analizom zakonskih propisa Srbije, Hrvatske, Bosne i Hercegovine i Crne Gore, korišćenjem komparativne metode, kritički osvetljava naša zakonska regulativa u delu koji uređuje oblast osnivanja zadruga s posebnim akcentom na pitanje pravnog subjektiviteta osnivača zadruga. Cilj istraživanja u ovom radu je: 1) da se ispita da li rešenje pitanja pravnog subjektiviteta osnivača zadruga koje je sadržano u našem zakonu, posmatrano u kontekstu savremenih tržišnih uslova, doprinosi održivom razvoju zadruga i unapređenju njenog privrednog potencijala, i 2) da se predlože rešenja *de lege ferenda* kojima bi se kreirao podsticajni legislativni okvir u oblasti koja uređuje pitanje pravnog subjektiviteta osnivača zadruga.

Ključne reči: zadruga, osnivanje zadruga, pravni subjektivitet osnivača zadruga, samopomoć, održivi razvoj zadruga, *de lege ferenda*

Detection of risk factors and prevention of violent behavior in the education system

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Abstract

Schools should be defined as social institutions that deal with education and the upbringing of children, places where these goals are achieved in a safe and secure environment. However, in the past ten years, schools have become stages for displaying different forms of violence, which have become increasingly common, and more serious in terms of analyzing the consequences. The purpose of this study is to indicate the risk factors which are the foundation of violent means of behavior of an adolescent, and which could be recognized before the externalization of violent behavior patterns in school environments. This study analyses the significance of individual personality characteristics, family dynamics and social interactions during the period of the formation of a personality while maturing, by comparing the results of the studies we have had so far, in order to find a method to determine the risk factors which are more probable to, relatively early in life of a person, indicate the greater probability for manifesting different forms of antisocial behavior in the social environment. This study signalizes the significance of educating family members and raising the level of professional awareness of school workers, as well as of those employed in other structures of social community for the sake of recognizing early signs that school children may be liable to committing violent acts, with the aim of making preventive intervention multisectoral, timely and effective.

Key words: school violence, risk factors, protective factors, prevention

Detection of risk factors and prevention of violent behavior in the education system

Introduction

Violence is a complex social phenomenon that requires the attention of experts from various profiles, institutions, families, and schools. Educational institutions should represent a safe place for every child and employee. However, modern societies bring with them numerous problems, among which are various forms of violent behavior in educational institutions. Violence in schools appears more and more common in the most diverse forms and represents any form of verbal or non-verbal behavior done once or repeatedly that has the effect of actually or potentially endangering the health, development, and dignity of the personality of a child/student or adult/employee. Violence and abuse can occur in the form of physical, psychological (emotional), sexual, social, and/or digital.

According to the special protocol for the protection of children and students from violence, abuse, and neglect in educational institutions (Ministry of Education of the Republic of Serbia, 2007), the system is obliged to provide all children, who are an integral part of it, with safe and optimal conditions for a smooth stay and education, as well as to protect them from all forms of violence, abuse, and neglect. Any of the aforementioned forms of violence constitutes a violation of one of the child's basic rights stated in the Convention on the Rights of the Child adopted by the General Assembly of the United Nations in 1989, which is the right to life, survival, and development.

According to the current legislation and by-laws of the Republic of Serbia, the rights of children and students in the Republic of Serbia are exercised in accordance with the Constitution of the Republic of Serbia, ratified international agreements, the Criminal Code ("Official Gazette of the RS", no. 85/05, 88/05 - correction, 107/05 - correction, 72/09, 111/09, 121/12, 104/13, 108/14, 94/16 and 35/19), the Law on Juvenile Criminal Offenders and Criminal Legal Protection of

Juveniles ("Official Gazette of the RS", no. 85/05), the Criminal Procedure Code ("Official Gazette of the RS", no. 72/11, 101/11, 121/12, 32/13, 45/13, 55/14, 35/19, 27/21 – US and 62/21 – US), the Law on Misdemeanors ("Official Gazette of the RS", no. 65/13, 13/16 i 98/16 – US, 91/190 – other law, 91/19 i 112/22), the Family Law ("Official Gazette of the RS", no. 18/05, 72/11 – other law, and 6/15), the Law on General Administrative Procedure ("Official Gazette of the RS", no. 18/16 i 95/18 - authentic interpretation and 2/23 - US), the Law on Prohibition of Discrimination ("Official Gazette of the RS", no. 22/09 and 52/21), the Law on Prevention of Domestic Violence ("Official Gazette of the RS", no. 94/16 and 10/23 – other law), the Law on Special Measures for the Prevention of Criminal Offenses Against Sexual Freedom against Minors ("Official Gazette of the RS", no. 32/13), the Law on the Basics of the Education and Training System ("Official Gazette of the RS", no. 88/17, 27/18 – other law, 10/19, 6/20, 129/21 and 92/23), the Law on pupil and student standards ("Official Gazette of the", no. 18/17, 55/13, 27/18 – other law and 10/19 – other law) and other regulations regulating the rights of children and students, as well as relevant international acts ratified by the Republic of Serbia, which regulate the rights of children and students.

In addition to the legal acts regulating matters related to violence and protection from violence in the educational system, we are increasingly witnessing the tragic consequences of violent forms of behavior in modern practice, the media, and everyday life. Laws, certainly, regulate the domain of consequences, activating them in situations where violence occurs. Nevertheless, in order to prevent the factors that lead to the consequences, it is necessary to take timely, preventive action as a primary measure to prevent violence in schools.

The special protocol for protecting children and students from violence defines prevention measures and intervention measures, which include structured and precisely defined activities aimed at creating a safe environment for students' lives and work, as well as interventions in situations where manifestations of violence occur. Precisely defined prevention measures include the creation and nurturing of a climate of acceptance, tolerance, and respect; inclusion of all interest groups

(children, students, teachers, professional associates, administrative and other staff, directors, parents, guardians, and the local community) in the adoption and development of prevention programs; raising the level of awareness and increasing the sensitivity of everyone involved in the life and work of the institution to recognize violence, abuse, and neglect; defining procedures and methods for protection against violence and responding in situations of violence; informing everyone involved in the life and work of the institution about the procedures and methods for protection against violence and reacting in situations of violence and improving the competences of teaching and non-teaching staff, children, students, parents, guardians, and the local community for noticing and solving problems of violence, abuse, and neglect. The analysis of the aforementioned activities concludes that, in addition to these activities, all actors participating in the educational system, starting with the child and continuing through the family, teachers, and experts in the field of social protection and mental health protection, should engage in continuous multisectoral action to detect and recognize individual warning signs and risk factors for potential violent offenders. This implies that educated participants in the process of violence prevention at the level of educational institutions work to recognize problematic behaviors and activities of potential juvenile perpetrators of violence so that, after the initial screening, they are provided with adequate support and help in solving the observed problems. To apply this prevention principle, it is first necessary to educate all structures that are part of the educational system directly or indirectly (teachers, pedagogues, psychologists, and parents).

Methodology

By analyzing and comparing the results of research carried out in our country and around the world in the past two decades, the topic of which is juvenile violence in educational institutions, we tried to define the concept of violence prevention in schools in relation to risk factors and protective factors, as well as to try to determine so-called early warning signs that could indicate potential minor perpetrators of violence in the school environment. We compared studies using similar

methodological approaches to gain a more precise overview of the issues addressed in this paper, aiming to minimize diversity and error. Special emphasis was placed on studies that dealt with revealing the personality characteristics of juvenile perpetrators of violence in schools, as well as those that used narrowly specifically constructed and standardized assessment questionnaires adapted to the school-age population. The assessment aimed to answer the question of which variables, based on the results of the applied tests, are more likely to predict the possibility of displaying maladaptive forms of behavior with signs of aggression. This methodological approach indicated the possibility that, through certain specific variables, a set of "precursors" for the violent behavior of a certain minor person can be defined which is similar to the process of profiling an unknown perpetrator. This approach brings the field of analyzing the characteristics of potential juvenile offenders closer to the criminal analysis of a perpetrator's personality in forensics. A prerequisite for such analyses is certainly a basic knowledge of the fundamentals of criminal behavior.

The origin of violent behavior

The assessment of different forms of human behavior, especially maladaptive ones, begins with the analysis of possible causes for a certain behavioral pattern. It bears similarities to the violent behavior patterns that emerge during puberty and adolescence. Each person is an individual for themselves and, as such, is a unique experiment in nature. Their biological predispositions, early experiences in the family environment and later in the wider social context, and the influence of environmental factors (peer groups, authorities, media content) play a key role in the formation of personality attitudes, ways of thinking, and attitudes towards themselves and others.

There are a number of attempts to explain the nature of aggressive or violent behaviour. We can classify these attempts into several groups:

1. Theories about the biological basis of aggressiveness
2. Frustration theory of aggressiveness

3. Theories of aggressiveness as an outcome of social learning
4. Theories of social information processing
5. Theory of "mind" (cognitivist)
6. Theories about violence as a group phenomenon
7. Ecological (systemic) approach
8. Concept of risk and protective factors
9. Concept of resilience

Orpinas and Horne's initial research on violent behavior sought an explanation within the framework of aggressiveness theories (Orpinas & Horne, 2006). However, no single theory has provided a satisfactory explanation of this complex phenomenon. Recently, attention has been focused on the so-called integrative models of aggressive behavior, primarily Bronfenbrenner's ecological model of development (Bronfenbrenner, 1979). According to this model, it is easier to categorize potential risk factors in the occurrence of violence and analyze their interrelationships. This approach could be labeled as a broader theoretical approach, akin to a meta-theory, from which more specific theoretical approaches emerge. According to Kurt Lewin and Bronfenbrenner's ecological systems theory, each person develops five ecological systems: the biosystem, microsystem, mesosystem, exosystem, and macrosystem. Activities, roles, and relationships with other people within life contexts determine the individual's development in such a way that broader contexts (school, state, etc.) cause changes in the person's macrosystem, which in turn leads to a change in behavior. According to this theoretical approach, violence does not occur in isolation. This phenomenon is encouraged and/or inhibited by complex connections between the individual, family, peer group, school, community, and culture, as international and our researchers emphasize in their research (Espelage & Swearer, 2010; Kon, 1991; Popadić, 2009). The described model, based on additional analyses by the mentioned authors, views the social context as a multi-layered ecological structure with complex interactions and strong interdependence, ultimately influencing an individual's development. The effects of different factors at different levels, in combination, increase the

probability of an individual exhibiting violent behavior. This is about the factors of the external environment that have a direct and indirect effect and act in combination with individual, psychological, and biological characteristics of the personality in the period of early childhood.

Forms of juvenile violence in schools

There are different forms and characteristics of interpersonal violence in the real and virtual world (Merdović, Vujović, 2022). School violence is a generic term that encompasses numerous maladaptive forms of behavior such as assault (with or without a weapon), threats of force, bomb threats, sexual assault, bullying or intimidation, arson, extortion, theft, and gang activity (Furlong, 2000). Initially a criminal justice problem, school violence has become a global social and health problem. The term "school violence" came into widespread use in the early 1990s to describe violent and aggressive acts on US school campuses (Debarbieuk, 2003; Jewkes, 2001; Finkelhor, 2005). In terms of the scope of its consequences, frequency of occurrence, or qualitative characteristics, violence in schools has not abated or decreased since then. We are still seeking adequate methods to solve this continuous, global problem. According to research, between 3 and 27% of schoolchildren commit violence and between 9 and 32% suffer from it, making it a worrisome phenomenon and a significant social problem (Stassen Berger, 2007; Sušac, Rimac & Ajduković, 2016). According to most researchers, there are five main modalities of violence within the educational system: verbal, social, physical, sexual violence, and so-called *bullying*, i.e., mistreatment or agonizing, which contains some of the elements of the previous four types of violent patterns of behavior at school.

According to numerous authors, verbal violence is one of the most common forms of violence because it can have an immediate impact, often in front of an audience, with very little effort on the perpetrator's part. One can direct name-calling, insulting, threatening, and unpleasant remarks at one or more individuals, aiming to create vulnerable groups of people. Sexual orientation, ethnicity, and learning disabilities are important for those who want to gain power at the expense of others.

Physical violence encompasses not only physical acts such as hitting and kicking, but also indirect forms such as taking property, damaging property, or destroying school supplies, all aimed at incapacitating an individual; in other words, there is a physical manifestation of violence, but it does not necessarily result in physical pain. Such forms of violence encompass extortion (a tactic in which the threat of violence compels the victim to surrender money or property), as well as the use of physical violence or intimidating gestures and body language. When a disagreement between students escalates into a fight, we rarely refer to it as violence because there is no intention to cause harm. By all means, there is an intention to hurt the other party, and individuals may feel pain, but such an interaction differs from violence because of the equal social power of those who fought.

Social violence is defined as intentional exclusion from social groups or intimidation within a group. Similar to other types of violence, social violence can occur directly, resulting in the victim's exclusion, or indirectly, occurring without the victim's presence. The victim doesn't experience it until they learn about it or attempt to join the group and face rejection.

The US Centers for Disease Control and Prevention defines sexual violence in schools as any attempted or realized sexual act or sexual contact, followed by abuse without contact, where the victim either does not consent, is unable to consent, or refuses to consent (Centers for Disease Control and Prevention, 2002). Research identifies several characteristics of juvenile perpetrators of this form of violence, including antisocial behavior, a general tendency towards aggressive behavior, the use of psychoactive substances, poor quality relationships with parents, exposure to parental violence, inadequate parenting practices and styles, and a lack of support within the primary family. Peer group members often express a close association with delinquent or violent peers. Some narrowly specific risk factors for committing sexual violence include irrational beliefs, such as myths about rape, the attitude that "the victim is to blame" and that they "asked for it," deviant sexual fantasies, and perceived peer support for

such an act. The second group of potential risk factors, according to DeGue and Massetti, are the factors of the organization of the educational institution: the aloofness of the school, inadequate organization of work, lack of control mechanisms of the school system, and the availability of psychoactive substances in the environment (DeGue&Massetti GM, 2013).

Bullying or agonizing is defined as the systematic abuse of power by peers through repeated aggressive behavior or intentional injury. It involves a power imbalance between the victim and the bully. It can take the form of direct bullying, which includes physical and verbal acts of aggression such as hitting, stealing, or calling names, or indirect bullying, which is characterized by the victim's social exclusion and the spreading of rumors about him. Children who bullied others, those who were bullied, and those who were both bullied and were bullies had significant, almost identical health problems, including psychosomatic disorders and mental health problems (depression, suicide attempts, anxiety, hyperactivity, substance abuse, and disorders in nutrition).

Permanent "use" of social networks (Bjelajac & Filipović, 2020a), as well as the absence of a security culture, contributed to the emergence of specific forms of digital violence, including Internet pedophilia (Bjelajac & Filipović, 2020b). A specific form of bullying in schools today is increasingly common digital bullying (cyberbullying), which is defined as "deliberate and repeated harm to another person" that manifests itself in the form of threats, harassment, ridicule, and exclusion of a person on social networks and in the virtual environment. This form of bullying also includes sexual harassment of minors and sharing their personal content via networks or outside of them (explicit photos, intimate videos, etc.). Research shows that the consequences of digital victimization are more pronounced compared to traditional victimization and that they lead to depression, anxiety, social isolation, reduced self-confidence and self-esteem, physical health disorders, and the emergence of suicidal ideas and intentions (Schrock et al., 2011; Giumetti&Kowalski, 2016).

Risk factors of violent behavior of minors

According to Greenberg, risk factors for certain behaviors are scientifically defined characteristics or determinants for which there is evidence of a strong causal relationship with a particular problem (Greenberg, 2013). These factors, according to research from the nineties of the last century in the field of criminology, can have a direct impact on the individual experience of an individual or remodel the links between the risk of violent behavior and the manifestations of such behavior (Zingraff et al., 1993). This means that certain biological and psychological personality traits identified in the population of young children can increase their vulnerability to negative environmental influences during development and cause various forms of non-adaptive behavior styles, including violence during puberty and adolescence.

Numerous factors contribute to the emergence and strengthening of violent patterns of behavior among children and young people. We can divide factors that influence the manifestation of violence into internal and external categories. Internal factors pertain to the individual's personality, encompassing inherited and acquired traits (psychophysical personality characteristics), while external factors encompass the social environment (family, school, and peer group). The existence of these factors and the causes of violent behavior, among other things, should be sought both in the child's personality as well as in the conditions of life in the family, family-interpersonal relationships, (mis)understanding of parents and children, as well as between children, in the educational procedures and attitudes of parents.

According to Romano et al., factors related to a child's functioning at school include problems and frustrations stemming from lower grades, misunderstandings with teachers, punishments for tardiness and non-attendance, misunderstandings with peers, and violence stemming from the need to feel strong, "big", significant, due to a lack of empathy, an overly strong desire to prove, as well as in society as a whole due to economic-political, social, and moral crises,

wars, unemployment, and disruption of the value system (Romano et al., 2005) All the factors mentioned in complex interrelationships increase the risk of the possible expression of violent patterns of behavior under certain circumstances, as well as in cases where one of the factors becomes a "trigger" in terms of intensity.

Research on the topic of manifestations of violence in the school-age population indicates two possible trajectories of the onset of violence. The first would imply sequences of escalating behaviors in the preschool period, such as early aggressiveness, defiance, and non-compliance with norms and rules of behavior. According to the study's results, such children are more likely to exhibit various forms of maladaptive and even criminal behavior in the later stages of their lives. The second, more common trajectory of violence suggests that the first signs of violent behavior emerge between the ages of 13 and 14, peaking between 16 and 18 (Satcher, 2001). Whether or not a certain young person in the period of his development, before and during the period of puberty and adolescence, will have a tendency to display violent forms of behavior will depend on the complex constellation of risk and protective factors that are part of the personality's life history.

As we have already stated, numerous studies indicate the existence of various risk factors underlying maladaptive, violent, and even antisocial forms of behavior. We can group all these factors based on their occurrence during childhood, and whether they are individual personality characteristics or the result of external environmental factors. According to Bjelajac, each person has his own developmental path, the characteristics of which can be identified relatively early. The developmental perspective is actually a path on which numerous risk factors can be observed, which in a certain period of a person's life can lead to the triggering of violence and even antisociality (Bjelajac, 2023).

One of the classifications, accepted in the world's professional circles, distinguishes three groups of developmental risk factors for the emergence of behavioral problems during the period of puberty and adolescence (Justicia et al. 2006):

1. Individual/psychological
2. Family
3. Risk factors related to school and peer group

The role of psychological risk factors as predisposing factors in the emergence of various forms of maladaptive behavior is evident. These factors include personality characteristics, comorbid psychiatric conditions, value systems and attitudes, affective components, and motivation. The mutual interaction of psychological factors can consequently lead to problematic behaviors.

Individual and psychological risk factors for violent behavior during puberty and adolescence include characteristics and patterns such as poor conflict management skills, manifestations of anger, a poor repertoire of social skills, the availability of weapons, experiences of humiliation or rejection, patterns of threats or abuse of others, experiences of abuse or neglect (physical, emotional, or sexual), social isolation, and learning difficulties.

Numerous studies have examined the relationship between gender and aggressiveness, as well as violence in the peer population. The results of studies indicate that boys in the preschool period are more prone to aggressive behavior than girls (Keenan & Shaw, 1997). We assume that cultural factors and gender-related temperamental characteristics play a role in this. Furthermore, boys have a higher prevalence of conduct disorder and oppositional defiant disorder than girls. According to Lahey et al., the symptoms of conduct disorder in early childhood are more pronounced in boys, which manifest themselves in the form of inflicting physical injuries on other children (Lahey et al., 2000).

According to current diagnostic criteria, the main characteristic of the oppositional defiant disorder is a repetitive pattern of irritable behavior with elements of anger, quarrelsome or defiant behavior, and/or vindictiveness (DSM V). It is crucial to conduct a thorough psychological and psychiatric evaluation and long-term observation of children suspected of having oppositional defiant disorder, to avert potential significant outbursts in school and the wider social environment, and to mitigate the consequences of these behaviors.

When we talk about risk factors, we certainly have to refer to the primary family, which represents the environment in which the child grows up, forming his way of thinking, reacting, building moral and other attitudes, and adopting patterns of desirable and undesirable behaviors. Parents undoubtedly have the greatest influence on children, especially in the early stages of their development. In addition to the security it provides to the child, the family can also be a generator of risk factors determined by the structure, characteristics, and interactions within it. Among the risk factors related to the primary family, the most frequently mentioned are poor financial status of the family, maladjusted activities of the parents, ineffective parenting styles, absence or reduced supervision and parental control, absence of emotional support, and inconsistent discipline. Some of these factors are static, while others are dynamic. A criminal history, parental mental health issues, and early childhood abuse and neglect are examples of static risk factors, whereas appropriate prevention and treatment programs can modify dynamic risk factors (inadequate parental behavior, domestic violence, and parental addiction). Exposure to a greater number of the listed risk factors places the family in the high-risk category. Criminological studies emphasize the importance of the primary family as a key etiological factor in the origin and development of antisocial behavior in children and adolescents (Bjelajac, 2023). We should certainly not overlook the importance of parenting styles and practices, which represent parental patterns of behavior and ways in which parents and guardians communicate with their children. We can classify some parenting styles and practices as risk factors because they appear to contribute to delinquency. An authoritarian style of upbringing, based on the child's negative feelings in the form of resistance and fear, can, in the case of child disobedience, lead to problematic child behavior not only in puberty but also in later periods of life. In a permissive upbringing style, the child has low social responsibility and apparent independence, as a result of which he can easily fall under the influence of different, often delinquent, peer groups. An avoidant or neglectful parenting style, which fails to provide the child with adequate warmth and control, can lead to the child

feeling insecure, unloved, and lonely within the family. Children can transfer their negative and frustrating emotions to the school environment, causing them to feel alienated and unable to react emotionally with their peers, potentially leading to antisocial behavior.

Parental supervision, or the degree to which the child receives supervision, discipline, and direction, is a significant dimension of parental style. Children of parents who do not establish clear boundaries in relation to violent behavior towards peers and adults (permissive parents) will increase the child's aggression and thus the risk of later violent behavior. According to Olweus, if the child does not receive punishment for their aggressive behaviors, they tend to integrate these aggressive reactions into their repertoire, as they fail to adopt the mechanisms that inhibit aggression. With their attitudes, a permissive and tolerant parent can influence a child's increased aggressiveness (Olweus, 1980). Under the supervision of the parents, who respect the pre-set rules in the family, it is possible to prevent certain risks for the child and expose him to inadequate, frustrating, or even aggressive content, all while respecting his independence.

No less important factor that can increase the level of a child's violent forms of behavior is the physical punishment of the child and the violent emotional outbursts of the parents. According to one of the studies, children who behave violently towards their peers at school grew up in families where parents tend to be violent towards each other or towards children. Such families explain the violent behavior of children and adolescents as learned behavior (Baldry, 2003). In addition to child abuse, witnessing violence in the family is also a risk factor for the manifestation of aggressive behavior and, thus, violence among peers.

The turbulent and sensitive period of growing up and schooling presents numerous challenges, including a qualitatively new form of socialization, building relationships with authorities, and interacting with peers, all of which significantly impact a minor's personality development. Peer relationships are unique and specific, and they can be a source of both joy and frustration. Peer rejection during puberty and adolescence can significantly impact a child's sensitive, immature

personality, particularly during this period when peers' influence surpasses that of the family. The reasons for rejection are various and numerous. Studies reveal that children who face rejection from their peers often experience elevated anxiety, feelings of loneliness, depression symptoms, substance abuse, aggressive behavior, decreased academic performance, and even school dropout. Young people in puberty and adolescents seem to use specific cognitive strategies to deal with everyday challenges, and their brain structures continue to mature during the transition to adulthood. Considering the importance of peer relations in this period, the negative consequences of rejection by peers can be numerous and very intense. Peer group rejection typically signals an individual's "unworthiness," with the group's influence on self-evaluation peaking between the ages of 13 and 17. It often happens that a student, rejected by his peers, starts socializing with antisocial peers who have gone through similar experiences of rejection. Such interactions and relationships can be potentially risky due to the "association" and aggravation of feelings of injury, which can consequently lead to the manifestation of aggression aimed at "punishing" and taking revenge on the peer group that rejected and excluded them as unworthy.

Among the most significant risk factors in the context of the school environment are aggressive forms of behavior in classes, experiences of peer rejection, association with deviant peers, destruction of material goods, and vandalism. If the response of teachers, school pedagogues, and psychologists to such forms of behavior is ineffective, with an inadequate, unstructured atmosphere in classes and in the school environment, the probability of maladaptive and even violent forms will be higher.

The twenty-first century and the modern era is an era of high-tech development, that has brought numerous benefits to mankind. However, these technological advancements have also resulted in the alienation and dehumanization of man. People have become consumers of digital technologies, passively absorbing the content offered to them. Uncritical consumption of media "products" overflowing with aggressive, explicit, and immoral content on a

subconscious or subliminal level leads to changes in certain attitudes, especially "liberation" of one's own behavior and established moral norms, which in today's society are, to say the least, "loosened." When analyzing the harmful effects of such content on the adult population, we cannot help but wonder what such content is doing to the population of school and preschool children. Television, newspapers, and the Internet have become an inexhaustible source of the most diverse, uncensored content that is available to everyone, from preschool children to the geriatric population. At every step, we see the consequences of the media's destructive influence. Under the influence of media manipulation, modern man has reshaped himself. Children have become "uncritical devourers of Internet content," active participants in the "virtual gamer community," and "followers of influencers" whose work is not subject to censorship or whose censorship in the virtual world is superficial and formal.

Protective factors

Any research that examines the risk factors of a phenomenon or problem seeks to identify counterbalances, i.e., specific factors that could have an opposite effect to the risk factor. When it comes to violent behavior, the focus is on identifying influences that model the relationship between the risk factors for violent behavior and its initial manifestation. These influences are referred to as protective factors.

The observation that children who grew up in high-risk conditions or experienced stressful or traumatic events did not develop behavioral disorders or show mental health problems in adulthood, due to the presence of certain individual characteristics and/or environmental support, led to the emergence of research on protective factors almost by accident. The study of these characteristics of children and young people (the so-called characteristics of psychological invulnerability) led to a new concept: the concept of resistance, that is, resilience, and its meaning in risk-protection relations. Protective factors represent individual characteristics and certain socioeconomic and cultural factors that help protect children from the likelihood of engaging in criminal behavior in the future

(Bašić, 2009). Previously, people believed that protective factors meant the absence of risk or something conceptually distinct from risk. In subsequent stages of research, these factors marked the opposite pole of the continuum in relation to risk factors.

Modern views on protective factors imply that they are characteristics or conditions that interact with risk factors to reduce their impact on violent behavior. These are variables that strengthen resistance and prevent the occurrence of a certain problem (Marković, 2020). Some of the most significant variables found in the literature are:

- Individual factors: female gender, higher IQ, resilience, positive temperament, healthy beliefs, prosocial orientation, ability to adapt and recover from stressful situations, social problem-solving skills, self-discipline;
- Peer factors: positive peer group, problem-solving skills, communication skills, positive conflict resolution skills, positive self-image, taking responsibility for one's own behavior, empathy and sensitivity towards others, prosocial peer groups;
- Family factors: the positive role of adults as role models, positive communication with the family, involvement of parents in the lives of young people, clear rules and consequences within the family and school, strong connection with parents, agreement with the family, supportive family climate, i.e., family support (Merdović, Počuča, Dragojlović, 2024; Merdović, Vujović, 2021);
- School factors: connection with school, supportive school environment, participation in school activities, successful inclusion in school, individual school achievement, strong emphasis on school achievement at the school level;
- Community/environmental factors: connection with the community, positive and clear norms and values in the community, successful preventive policy, absence of weapons, and armed conflicts.

Mutual interaction of risk factors and protective factors

Risk and protective factors have a cumulative effect. The presence of a large number of risk factors in an individual's development environment inevitably increases the probability of violent forms of behavior occurrence and repetition. In contrast, the presence of a greater number of protective factors reduces the probability (Kretman et al., 2009). However, the direction of social development depends on the number and type of risk and protective factors, as well as their interrelationship. Risk and protective factors do not act in isolation from each other; rather, there is a kind of dynamic interaction between them. The theory outlines at least three models that explain the mutual interactions between these factors:

1. Complementary model, according to which risk factors are combined, additionally reinforcing mutual influences. In general, it can be said that multiple risk factors reinforce each other.
2. The stimulus or protective model describes a relationship in which stress that is not too severe, as a risk factor, increases competence. The protective model thus explains that protective factors modulate or stop the effects of risk factors.
3. The causal model assumes causal chains that help understand risk and protective mechanisms. One event triggers several others and creates a chain that leads to negative outcomes. That chain is of a reciprocal nature (e.g., reciprocal interactions between a child and a parent).

Rather than drawing a definitive conclusion, we can only emphasize that a multitude of factors serve as risk factors for the occurrence of violence. The research findings indicate a whole series of factors that can contribute to the appearance of violent behavior in an individual. The list of risk factors for violent behavior is not exhaustive, as it only includes those identified in previous research. Some research studies have identified certain factors as risk factors, while others dispute this. Certain factors, such as family dysfunctionality, clearly represent risk factors, while others, such as the student's gender, age, and school size, are less certain. It is important to point out that not all risk factors

will contribute to the occurrence of violent behavior in every individual case. Researches confirm that not all children exposed to these factors become bullies, but that in addition to the risk factors in the environment in which the child grows up, protective factors act to reduce the likelihood of violence. In fact, it is the specific interaction between protective and risk factors that determines, in a specific case, whether violence will occur or not. For these reasons, the concept of protective factors and risk factors is primarily probabilistic in nature. This concept indicates the probability of violence occurring in individuals exposed to their cooperation.

Prevention of violence in the educational system

The term "prevention of violence in schools" refers to taking all necessary measures and activities to suppress peer violence or prevent its recurrence. Jerković explains the difference between primary, secondary, and tertiary prevention (2010). The goal of primary prevention would be to prevent the appearance of violent forms of behavior; secondary prevention measures would prevent the further progression of problems that lead to violence; and tertiary prevention activities would mitigate the consequences of violence that already exists among children. We can group various and numerous measures against school violence according to the target groups they aim at. Goldstein, one of the most famous authors of violence prevention programs, gave an overview of the measures taken in the United States of America in the early 1990s. He registered 137 different interventions, which he classified into nine groups: interventions aimed at the student, teacher, school program, school administration, physical school environment, parents, security, community, and state. The school district typically sets rules for school discipline, which include varying levels of punishment and few rewards in the procedure (Goldstein, 1992). Failure to comply with the stipulated rules, as well as the inconsistency of teachers and other school employees, leaves enough room for students to display various types of violent behavior. The school cannot directly influence the solution to social problems, but it can and must be involved in solving the problems that society

reflects. The advantage of the institutions of the educational system in the process of prevention is the possibility of simultaneous action on a large number of children, as well as the possibility of rapid education of educational workers for preventive action (Jerković, 2010). The school has the capacity to impact a significant number of children simultaneously. One of the important indicators of the successful implementation of preventive measures at the school level is the creation of an atmosphere of mutual respect, cooperative relations, a sense of appreciation and respect for peers and teachers, and work on strengthening self-confidence and self-esteem.

It has been found that the primary prevention program for school violence works best when it includes outside education, supervision, and support (Mihic & Bašić, 2008), along with the principle of zero tolerance for corrupt practices (Bjelajac, 2008 & Bjelajac, 2015). This means that only those preventive programs that are systematic and structured, conceived of as joint multisectoral action and consistent implementation of pre-defined activities, combined with education, supervision, and support for all program participants, aimed at early interventions that reduce the likelihood of individual violence manifestations, can provide satisfactory results.

The term primary prevention of violence among minors refers to a variety of preventive activities based on universal strategies, the aim of which is to educate and inform children and adults at all levels, from the family through the school to society as a whole. Educators trained in primary prevention interventions provide teenagers, parents, and school teachers with information about child development, as well as various risk factors that underlie violent forms of behavior in relation to certain developmental stages of minors (preschool age, elementary school, and high school). Education and information cover individual, family, and social risk factors. One of the most commonly used activities in primary prevention involves promoting and strengthening students' individual strengths, skills, attitudes, and knowledge through group education during regular school hours. This is achieved by showcasing educational materials through presentations, or by utilizing mass media and digital technology. According to the majority of

previous studies dealing with resilience, one of the most important protective factors is the existence of nurturing, supportive relationships with significant adults in the environment. Directing resources to youth support programs, as well as adult education, creates conditions for a safer upbringing of young people and provides necessary information to adults, sensitizing them to the importance of developing a culture of caring for the school population.

Students with a noticeable increased risk of violence are the target of secondary prevention activities. Among the most prominent predictors of the perpetration of violence are prior involvement in violence, history of violence, and experience of victimization. Naturally, we should also focus on the use of psychoactive substances and beliefs that contradict the community's moral values, like the conviction that it's acceptable to destroy material possessions while intoxicated, and the association with a group of delinquent peers. Young people who experienced physical or sexual abuse in the family or close environment, grew up in dysfunctional primary families, and had parents who were addicts also belong to this category, with an increased risk of exhibiting aggressive forms of behavior. Students with mental disorders, impulsivity, and alcohol abuse should also receive attention (Swahn & Sullivent, 2008).

Tertiary prevention measures are defined as activities undertaken in situations where violence has already occurred, and the focus is on minors who have already been involved in violence. In our country, we rarely apply defined programs to treat maladaptive patterns of behavior, except in cases of extreme forms of violence, where the law mandates the involvement of police, prosecutor's office, and judiciary institutions.

Optimum growing-up conditions are one of the most important prerequisites for the successful prevention of dysfunctional forms of behavior in children and adolescents (Turbin et al., 2006). Therefore, we should organize preventive activities to guide parents, teachers, and other important adults who participate in the education of children and young people. A healthy and stable family plays a big role in growing up, and parents model children's behavior to a significant

extent through their personal example. We must minimize stressful events in the family and school environment, and equip young people with the necessary skills to overcome them. Adults should be sensitive to the needs of children, but at the same time decisive enough to oppose the negative behavior of children and young people. A safe environment, as well as a lot of understanding and support, contribute to preventing the occurrence of violent behavior during the development of children and adolescents.

Discussion

Bearing in mind the fact that every day we witness numerous news regarding violent forms of behavior in the environment, where the perpetrators are getting younger and the forms of violent behavior are extreme, there is a need to approach this complex problem with continuous, structured, and multisectoral activities. By promoting proactive preventive measures within the framework of primary prevention, which would be strategically defined and continuously implemented, it would be possible to influence the reduction of the frequency of violence in schools. In that context, profiling as a form of early screening in the juvenile population would be one of the most important primary prevention tools and a protective factor for juvenile violence. With regular psychological screenings at the level of the student population and mapping of individuals at increased risk, it would be possible to respond in a timely manner in order to provide assistance to potential perpetrators of violence before violence occurs.

Continuous education programs for students, parents, and teaching staff would raise awareness of possible forms and consequences of violent behavior, as well as reactivity to early warning signs among potential perpetrators of violence within the educational system.

If we go back just one year, we can't help but look back at the two mass murders that took place in Serbia in the space of 24 hours. In one of them, on May 3, 2023, the criminally irresponsible perpetrator K.K., a student in the seventh grade of a reputable elementary school in Belgrade, killed nine minors and one adult with

his father's firearm. The very next day, a 21-year-old U.B. killed eight and injured 14 people in Mladenovac with a firearm that also belonged to the perpetrator's father.

The mass murder of students by minor K.K. took place on the school premises in the early hours of the morning. After killing the school guard and the students, the killer departed the classroom and the school yard, dialed the police, and identified himself as a "psychopath who requires calmness." On that occasion, he put down his weapon and raised his hands above his head.

According to information from print and electronic media, minor K.K. comes from a "respectable" Belgrade family. He is the older of two children, born from a married union of academically educated parents. Unverified reports suggest that when he was under eight years old, his parents "took him to a speech therapist due to a crisis of consciousness." The speech therapist then recommended a visit to a psychiatrist (during the initial examination, the speech therapist allegedly recommended further work with the child. However, the parents later took him to a private psychiatrist, who confirmed the child's well-being). Neither the teacher nor the class teacher stated during the testimony in the civil proceedings that they noticed "major behavioral outbursts" (he was a cultured child, who completed school assignments successfully, not overly sociable). Yet, there are allegations that he had an "arrogant attitude" in relation to his peers, that he did not enter into conflicts, but that he "liked to judge" in the conflicts of his peers, as well as that he was "competitive." One of the significant findings is the allegation from the perpetrator's teacher that "he spent more time with her than with his parents." Some of the behavioral descriptions could indicate a lack of empathy and social isolation in relation to the peer group, as well as weaker adaptive capacities. Reaction to rejection (change of class because he was not invited to a birthday party) speaks in favor of reduced frustration tolerance and potential impulsivity. Data from numerous extracurricular activities may suggest that the boy was subjected to excessive pressure from his parents and their personal ambitions, which were then "transposed" into his behavior. Parental control and

excessive demands on the one hand, coupled with the absence of adequate support and tacit approval of using the Internet in longer time intervals on the other hand, speak of the "double messages" he was exposed to in the primary family. Additionally, the minor had access to legal firearms and received training from his father at the shooting range. Simultaneously, an examination of his internet usage history revealed his exposure to a variety of violent games and documentaries (such as the TV series called "Criminal Minds", the video game Valorant, and documentaries about mass murders).

According to public police reports, a teenager, who was less than fourteen years old, had been planning a murder for a month. He had prepared a "killing list," calmly went to school, fired a firearm, and killed a security guard. He then killed three girls in the school corridor. After that, he went to his class and shot his history teacher, followed by his friends and classmates.

He showed no remorse for the massacre after the crime, leading to his placement in the Clinic of Neurology and Psychiatry for Children and Youth, where he has remained for over a year. Criminal and civil proceedings are underway against the boy's parents, who remain unresolved. The school's responsible individuals have not publicly announced their involvement in this case, nor have they assumed any responsibility for the institution's role within the educational system.

We can assume certain risk factors for the minor K.K.'s execution of the massacre with a certain probability based on the available data.

- Assumed (possible) personal factors:
 - Narcissism
 - Lack of empathy
 - Asociality
 - Reduced frustration tolerance
 - Suspected neurological/psychological problems ("crises of consciousness")
 - Weak coping skills

- The tendency to "run away" from reality into the "virtual" world
- Obsession with violence and death
- Family factors:
 - Pressure from parents, with high standards (and expectations)
 - Lack of parental warmth
 - Authoritarian parenting style
 - Exposure to the model of parenting that created anger in K.K. that he could not express
 - Availability of firearms
- Social factors (school):
 - The experience of being rejected by a peer group
 - Social isolation
 - Suspected depression
 - Competitiveness with consequent frustration
 - Personal experience of "injustice" (the so-called "corrector" of injustice)

As for the massacre in Mladenovac, the perpetrator was an adult, but with reduced capacities for adaptation, as indicated by the feeling of not belonging to the environment in which he lived and a history of delinquent behavior (arrested on several occasions: theft, assault on an official, possession of weapons). In earlier periods, he showed aggression and cruelty towards animals.

In both cases, it was the family, but also the social environment, in the first case, the school; in the second, the surroundings, i.e., the environment. The lack of reaction from those responsible (primarily parents), as well as those in charge (schools and police), created an atmosphere of fear and insecurity among students and parents. That is why it is necessary to work on creating and raising a safety culture in all segments of society, primarily in educational institutions, with the goal of creating a safe atmosphere in schools.

Although the results of research that dealt with the topic of mass murders and shootings in schools in previous years indicate that there is no classic, clearly defined profile of a mass murderer, as well as a defined combination of risk factors for this extreme form of violence, it should be pointed out that "isolated" certain common denominators.

Ten key common denominators in school mass killings, according to Voskuilet al. (2002):

1. Incidents of targeted school violence were rarely sudden, impulsive acts.
2. Before most incidents, other people knew about the attacker's idea and/or attack plan.
3. Most attackers did not directly threaten their "targets" before executing their attack.
4. There is no accurate or "useful profile" of students who have committed mass murders in school.
5. Before the incident, most of the attackers exhibited some of the behaviors that caused concern to others or indicated the need for help.
6. Most attackers had difficulty coping with significant losses or personal setbacks. Moreover, many have considered or attempted suicide.
7. Many attackers felt mistreated, persecuted, or hurt by others before the attack.
8. Prior to the attack, the majority of attackers had access to and used weapons.
9. In many cases, other students were involved in some capacity.
10. Most incidents involving firearms in schools end in a different way, rather than with a police reaction (suicide of the perpetrator and the like).

The things listed above only show how important primary prevention and early screening are for finding some of the early

"warning" signs, like behavior that makes the potential perpetrator worried, problems, big losses and personal failures, suicidal thoughts, and information about possible past experiences of being abused or rejected by peers.

Assessing a potential threat, primarily by analyzing activities, communications, and specific circumstances that could indicate an individual's intention to carry out an attack and their engagement in planning and preparation is undoubtedly one of the most important measures of primary prevention. Fein defined six principles on which threat assessment is based (Fein et al., 2006). During assessments, it is crucial to focus on both students who pose a threat (having the plan to harm someone) and those who represent a threat (participating in behaviors that suggest intent or plan the attack). The analysis process entails identifying any major losses or perceived failures that the student may be struggling with, as well as a mandatory check to see if the student has access to weapons or firearms.

Six principles of potential threat assessment:

- Violence directed at planned targets is the end result of an understandable, often observable process of thinking and behavior.
- It results from the interaction between the individual, the situation, the environment, and the "target."
- An exploratory, skeptical, and inquisitive mindset is key to a successful threat assessment.
- Effective threat assessment relies on facts, not characteristics or "persons."
- The risk assessment process should use an integrated, systemic approach.
- In the threat assessment process, the central question is whether the student poses a threat, not whether the student threatened.

Conclusion

A sense of security, a safe environment, and modern schools where the process of education and upbringing takes place without fear of a possible escalation of aggression are the needs of every student, parent, and teacher. Regrettably, we observe that the current system fails to meet the demands and needs of contemporary society, failing to adapt to swifter and more significant changes such as the relativization of behavior, the lowering of behavioral standards, the imposition of questionable and distorted moral values in the media, and the exposure to uncensored digital content. The imbalance between society's real needs and the current measures taken by the system has consequences that can be tragic for probably the most sensitive population in society: children in the primary educational system and adolescents. Last year's massacres in our country confirm this. Therefore, it is necessary to educate and strengthen all actors involved in the implementation of primary prevention measures at all levels: from family, through school, to society as a whole, with the aim of recognizing and reducing the effects of risk factors that are the basis of the violent behavior of minors.

We wonder if the psychological-pedagogical service of the elementary school, which also serves as the competent center for social work in another case, could have prevented the mass massacres perpetrated by thirteen-year-old K.K. and twenty-one-year-old U.B. through early screening and psychological profiling. Although we cannot answer this question at the moment, in the future we can work on more effective responses from the entire community to these types of threats.

The mass murders that took place last year were a difficult experience for all of us: parents, educators, competent institutions, and society as a whole. Moreover, we should learn an important lesson from these events, ensuring that in the future, all actors involved in primary prevention receive education and training to respond promptly and within their authority, thereby averting the potential consequences of violence in educational institutions.

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Detekcija faktora rizika i prevencija nasilničkog ponašnja u sistemu obrazovanja

Snežana Đorđević

Specijalna bolnica za psihijatrijske bolesti „Kovin“, Kovin

Sažetak

Škole bi trebalo da predstavljaju društvene, vaspitno obrazovne institucije, čiji je cilj vaspitanje i obrazovanje dece u bezbednim i sigurnim uslovima. Međutim, u proteklih deset godina školske sredine postale su pozornice za manifestaciju različitih oblika nasilja, koja su sve učestalija, ali i ozbiljnija u pogledu posledica. Cilj ovog rada je da ukaže na faktore rizika koji leže u osnovi nasilnih oblika ponašanja maloletnog pojedinca, koji bi mogli biti prepoznati pre nego što dođe do eksternalizacije nasilnih obrazaca u školskom okruženju. U radu je analiziran značaj individualnih karakteristika ličnosti, porodične dinamike i socijalnih interakcija u formiranju ličnosti tokom sazrevanja, komparacijom rezultata dosadašnjih studija, sa ciljem da se dođe do determinacije onih faktora rizika koji sa većom verovatnoćom, relativno rano u životu ličnosti mogu ukazati na veću verovatnoću ispoljavanja različitih formi antisocijalnog ponašanja u okruženju. Rad ukazuje na značaj edukacije članova porodice i podizanje nivoa profesionalne svesti zaposlenih u školama, ali i drugim strukturama društvene zajednice u domenu prepoznavanja ranih znakova nasilničkih sklonosti kod školske dece, sa ciljem da preventivno delovanje bude multisektorsko, pravovremeno i efikasno.

Ključne reči: nasilje u školama, faktori rizika, protektivni faktori, prevencija

AUTHORS' GUIDELINES (starting from 2024)

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. The Editorial staff of the Journal reserves the right to adjust the manuscripts to the editorial rules and policies of the journal.

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 States). 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.

Title case capitalization

(<https://apastyle.apa.org/style-grammar-guidelines/capitalization/title-case>)

APA Style uses two types of capitalization for titles of works (such as paper titles) and headings within works: title case and sentence case.

In title case, major words are capitalized, and most minor words are lowercase. In sentence case, most major and minor words are lowercase (proper nouns are an exception in that they are always capitalized).

major words: Nouns, verbs (including linking verbs), adjectives, adverbs, pronouns, and all words of four letters or more are considered major words.

minor words: Short (i.e., three letters or fewer) conjunctions, short prepositions, and all articles are considered minor words.

In title case, capitalize the following words in a title or heading:

- the first word of the title or heading, even if it is a minor word such as “The” or “A”
- the first word of a subtitle the first word after a colon, em dash, or end punctuation in a heading major words, including the second part of hyphenated major
- words (e.g., “Self-Report,” not “Self-report”) words of four letters or more (e.g., “With,” “Between,” “From”)

Lowercase only minor words that are three letters or fewer in a title or heading (except the first word in a title or subtitle or the first word after a colon, em dash, or end punctuation in a heading):

- short conjunctions (e.g., “and,” “as,” “but,” “for,” “if,” “nor,” “or,” “so,” “yet”)
- articles (“a,” “an,” “the”)
- short prepositions (e.g., “as,” “at,” “by,” “for,” “in,” “of,” “off,” “on,” “per,” “to,” “up,” “via”)

Use title case for the following:

- titles of articles, books, reports, and other works appearing in text

In the book *Train Your Mind for Peak Performance: A Science-Based Approach for Achieving Your Goals*

In the article "Turning Frowns (and Smiles) Upside Down: A Multilevel Examination of Surface Acting Positive and Negative Emotions on Well-Being"

- titles of tests or measures, including subscales

Beck Depression Inventory–II

- all headings within a work (Levels 1–5; these are also bold or bold italic)
- the title of your own paper and of named sections and subsections within it

the Results section

- titles of periodicals (these are also italicized)

Journal of Latin Psychology

Chicago Tribune

- table titles (these are also italicized)
- figure titles (these are also italicized), axis labels, and legends

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.

Text of the paper

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.

Thank-you note

The name and number of the project financed from the budget, i.e. the name of the program within which the article was written, as well as the name of the scientific research organization and the ministry that financed the project or program, are stated in a special note after the conclusion, before the list of references.

Previous versions of the paper

If the article was presented at a conference in the form of an oral statement in a previous version (under the same or similar title), that piece of information should be stated in a special note at the bottom of the first page of the article. A paper that has already been published in a journal or a collection of papers cannot be published in another journal under a similar title nor in an amended form, in terms of evaluating scientific research results.

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.

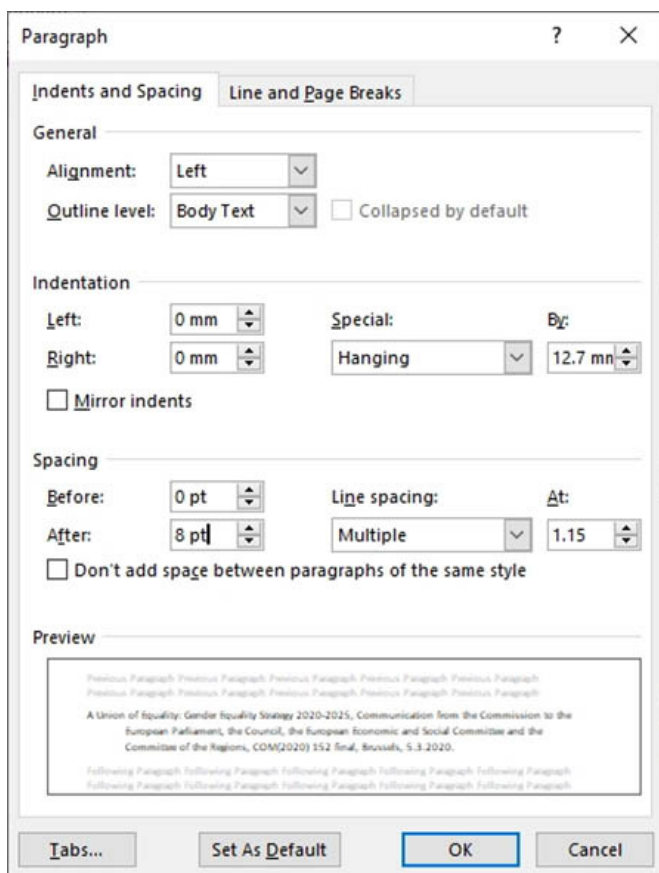
In the case when there were a small number of publishing houses on the journalistic market, they behaved monopolistically.

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 & Yongjik, 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.

Milislavljević, 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.

(Milislavljević 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

Different authors – References separated by semicolons.

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

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)

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. Matic (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 & Filipović, 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)

Encyclopedias and dictionaries

Unknown author

Surname, Initial(s). (Ed(s).). (Year of Publication). *Title of encyclopedia/dictionary*. Volume (if there is more than one). Publisher Name. URL (if available)

Manning, M. J., & Wyatt, C. R. (Eds.). (2011). *Encyclopedia of media and propaganda in wartime America*. ABC-CLIO.

(Maning & Wyatt, 2011)

Title of entry. (Year of Publication). In Editor's initial(s). Last Name. (Ed(s)). *Name of encyclopedia or dictionary* (edition if given and not the first edition). Publisher Name. URL

Nirvana. (2001). In S. Sadie (Ed.). *The new Grove dictionary of music and musicians* (2nd ed., Vol. 17). Macmillan Publishers.

(Sadie, 2001)

Known author(s)

Author's Last name, First Initial. Second Initial if Given. (Year of Publication). Title of entry. In Editor's First Initial. Second Initial if given. Last Name (Ed.), *Name of encyclopedia or dictionary* (edition if given and is not first edition., p. or pp. page number or numbers). Publisher name. DOI or URL if given

Bowman, S., & Johnson, S. (2007). Age stratification and the elderly. In K. Christensen & D. Levinson (Eds.), *Encyclopedia of community: From the village to the virtual world*. SAGE Publications.
<https://doi.org/10.4135/9781412952583.n7> (Original work published 2003)

(Bowman & Johnson, 2003/2007)

Corporate or group author

Name of Institution or Group. (Year of Publication, or n.d. if unknown). *Name of encyclopedia or dictionary* (edition if given and is not the first edition) prvo). Publisher Name. DOI of URL if available.

Oxford University Press. (n.d.). Zombie. In *Oxford English dictionary*. Oxford University Press. Retrieved January 4, 2020, from
<https://oed.com/view/Entry/232982>

(Oxford University Press, n.d.)

Doctoral dissertation

Surname, Initial(s). (Year of Publication). *Title of dissertation: subtitle*. [Description, Name of University: Faculty (if necessary)]. Name of archive or website. URL

Filipović, A. (2016). *Paradigma kulturološkog pozicioniranja video igre* [The paradigm of cultural positioning of video games]. [Unpublished doctoral dissertation, Univerzitet umetnosti: Fakultet dramskih umetnosti].

(Filipović 2019, 145–147)

Axford J.C. (2007). *What constitutes success in Pacific Island community conserved areas?* [Doctoral dissertation, University of Queensland]. UQ eSpace. <http://espace.library.uq.edu.au/view/UQ:158747>

(Axford, 2007)

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)

Corporate as author

Name of Institution [acronym, if necessary]. (Year of Publication). *Title* (edition, if it is not the first). Name of Publisher (not if the same organization is the author and the publisher).

Ministarstvo za evropske integracije Republike Srbije [Ministry of European Integration of the Republic of Serbia [MEI]]. (2018). *Vodič za korišćenje EU fondova u Srbiji; IPA II (2014–2020. god)* [Guide to the use of EU funds in Serbia; IPA II (2014–2020)].

First citing

(Ministarstvo za evropske integracije Republike Srbije [MEI], 2018)

Next citings

(MEI, 2018)

National Fire Protection Association. (2009). *Fundamentals of fire fighting skills* (2nd ed.). Jones and Bartlett.

First citing

(National Fire Protection Association [NFPA], 2009)

Next citings

(NFPA, 2009)

Legal acts

Constitution and laws, decisions of state bodies and institutions

Author [Abbreviated form as needed]. (Year of adoption). *Name of the act*. (Name of the official gazette and number with numbers of amendments). Publisher (if the author and the publisher are the same, then this is omitted). URL

Narodna skupština Republike Srbije [Narodna skupština]. (2006). *Ustav Republike Srbije* [Constitution of the Republic of Serbia]. (Službeni glasnik Republike Srbije, br. 98/06).

https://www.srbija.gov.rs/view_file.php?file_id=2391 &cache = sr

First citing

(Narodna skupština Republike Srbije, 2006, Art. 33)

Next citings

(Narodna skupština, 2006, Art. 25)

Narodna skupština Republike Srbije. (2019). *Zakon o osnovama sistema obrazovanja i vaspitanja* [Law on the Fundamentals of the Education System]. (Službeni glasnik Republike Srbije, br. 88/2017, 27/2018 – dr. zakon, 10/2019 i 27/2018 – dr. zakon). Paragraf.

https://www.paragraf.rs/propisi/zakon_o_osnovama_sistema_obrazovanja_i_vaspitanja.html

(Narodna skupština republike Srbije, 2019, Art. 17, para. 4)

(Narodna skupština, 2019, Art. 23)

National Institute of Mental Health. (1990). *Clinical training in serious mental illness* (DHHS Publication No. ADM 90–1679). US Government.

(National Institute of Mental Health, 1990)

Zaštitnik građana Republike Srbije [Zaštitnik građana]. (2012, October 22). Mišljenje br. 15–3314/12 [Opinion No. 15–3314/12].

https://www.osobesainvaliditetom.rs/attachments/083_misljenje%20ZG%20DZ.pdf

(Zaštitnik građana Republike Srbije, 15–3314/12)

(Zaštitnik građana, 15–3314/12)

Legislative acts of the European Union

Legislation type and Number of Legislation. *Name of the act*. EU Body/Agency. Official Journal of the European Union. Series, Issue Number. URL.

Regulation (EU) No 182/2011. *Laying down the rules and general principles concerning mechanisms for control by Member states of the Commission's exercise of implementing powers*. The European Parliament & the Council of the European Union. Official Journal of the European Union, L 55.

<http://data.europa.eu/eli/reg/2011/182/oj>

(Regulation 182/2011, Art. 3)

European Union treaties and founding agreements

Name of the act [Acronym if necessary]. (Year). Official Journal of the European Union. Series, Issue Number. URL

Consolidated version of the Treaty on European Union [TEU]. (2012). Official Journal C 326, 26/10/2012 P. 0001 – 0390.

http://data.europa.eu/eli/treaty/teu_2012/oj.

(TEU, 2012, Art. 3)

International treaties of the United Nations

Treaty Title [Acronym or abbreviated name]. (Date of signing or entering into force). Registration in the UN – UNTS number, registration number from the website *United Nations Treaty Collection*: <https://treaties.un.org>. URL

Marrakesh agreement establishing the World Trade Organization [Marrakesh Agreement]. (1994, April 15). UNTS 1867, I-31874.

<https://treaties.un.org/doc/Publication/UNTS/Volume%201867/volume-1867-A-31874-English.pdf>

(Marrakesh Agreement, 1994)

Court practice

Court practice in the Republic of Serbia

Legislation type and name of the court [acronym of the court], case number and date. Name and number of the official gazette or other publication in which the judgment was published – if applicable. URL

Odluka Ustavnog suda Republike Srbije [USRS] [Decision of the Constitutional court of the Republic of Serbia], IUa-2/2009 od 13. juna 2009. Službeni glasnik RS, br. 68/2012.

(Odluka USRS, IUa-2/2009)

Rešenje Apelacionog suda u Novom Sadu [ASNS] [Decision of the Court of appeals in Novi Sad], Ržr–1/16 od 27. aprila 2016. godine.

(Rešenje ASNS, Ržr–1/16)

The case law of the International Court of Justice

Types of decisions can be Order, Judgment, Jurisdiction Judgment, Merits Judgment, and Advisory Opinion.

Name of the case (Parties, often abbreviated), type of hearing, type of decision (if applicable), I.C.J. Rep. Year of the reporter (volume, if applicable) (date of the decision), first page of the decision (if published), page and paragraph referenced (if applicable).

Legality of use of force (Yugoslavia v. United Kingdom), Provisional Measures Order, I.C.J. Rep. 1999 (June 2), p. 826.

(Yugoslavia v. United Kingdom, 1999)

Arrest warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium), Judgment, I.C.J. Rep. 2002 (I) (Feb. 14).

(Democratic Republic of the Congo v. Belgium, 2002)

Legality of the use by a state of nuclear weapons in armed conflict, advisory opinion, I.C.J. Rep. 1996 (July 8), p. 66.

(I.C.J. Rep. 1996)

Jurisprudence: European Court of Justice (ECJ) & Court of First Instance (EFI)

Cite cases introduced before January 1, 1989 by "Case", case number [number/year of filing], name of the parties (italicized and separated by "v"), year of decision (in square brackets), title of the reporter ("ECR"), volume (if necessary), and page and paragraph referenced:

Case 120/88. *Commission v Italy* [1991]. ECR I-621.

(Case 120/88)

Cite cases introduced after January 1, 1989 by "Case", followed by "T" (for the Court of First

Instance) or “C” (for the European Court of Justice), case number [number/year of filing], name of the parties (italicized and separated by “v”), year of decision (in square brackets), title of the reporter (“ECR”), volume, and page and paragraph referenced:

Case T-224/95. *Tremblay and Others v Commission* [1997]. ECR , II-2215.

(Case T-224/95)

Case C-242/95. *GT-Link* [1997]. ECR , I-4449, para. 36.

(Case C-242/95)

Jurisprudence: European Court of Human Rights (ECHR)

Cite cases decided on or after November 1, 1998, by *name of parties* (italicized and separated by “v”) [type of decision (note: a judgment on the merits has no designation), or, if decided by the Grand Chamber, [GC]], case number, section(s) referenced, date (optional), and abbreviated title of the reporter in which the case is published (ECHR), year, and volume:

Brumarescu v. Romania [GC], no. 28342/95, § § 52-53, ECHR 1999-VII.

(Brumarescu v. Romania, 1995/1999)

Messina v. Italy (dec.), no. 25498/94, ECHR 1999-V.

(Messina v. Italy, 1994/1999)

Smith and Grady v. the United Kingdom (just satisfaction), nos. 33985/96 and 33986/96, § 13, 25 July 2000, ECHR 2000-IX.

(Smith and Grady v. the United Kingdom, 1996/2000)

Akman v. Turkey (striking out), no. 37453/97, ECHR 2001-VI.

(Akman v. Turkey, 1997/2001)

Jurisprudence of other international courts and tribunals

Look at:

https://www.law.nyu.edu/sites/default/files/upload_documents/Final_GFIL_C_pdf.pdf

Video – Sharing website (e.g. You Tube, Vimeo)

Video

Author surname, initial(s) [Screen name]. (Year, month day). *Title of video* [Video]. Source. URL

University of Sheffield Library [uniSheffieldLib]. (2019, January 30).

Information and digital literacy workshops [Video]. YouTube.

<https://www.youtube.com/watch?v=Lm7bLmbKOk0>

(University of Sheffield Library, 2019)

Radiohead (2009, April 22). Radiohead – No surprises [Video]. YouTube.

<https://www.youtube.com/watch?v=u5CVsCnxyXg>

(Radiohead, 2009)

Video channel

Author surname, initial(s) [Screen name]. (n.d.). Tab name [Source]. Retrieved date, from URL

University of Sheffield Library [uniSheffieldLib]. (n.d.). Home [YouTube channel]. Retrieved August 12, 2020, from

<https://www.youtube.com/user/uniSheffieldLib>

(University of Sheffield Library, n.d.)

Website (Internet page)

Author Surname, Initials. or Name of organisation. (Date Year, Month day). *Title of webpage*. Site name (if not the same as the Name of organisation). URL

Binding, L. (2020, July 21). *River Thames has higher density of microplastics than other major European rivers*. Sky News. <https://news.sky.com/story/river-thames-has-higherdensity-of-microplastics-than-other-major-european-rivers-12033067>

(Binding, 2020)

World Health Organisation. (2018, May 18). *Assistive technology*.
<https://www.who.int/news-room/fact-sheets/detail/assistive-technology>

(World Health Organisation, 2018)

(WHO, 2018)

Tables and figures

Tables and figures are attached as an appendix at the end of the article, starting from a new page after the list of references. The title of a table/figure is written above it, and below the word Table/Figure with a number indicating the order in the text, with one space – spacing 1.15, space 6pt Before and After – alignment justify, without indenting the text, according to the following example:

Table 2

Title

Figure 1

Title

Below the table/figure, with one space – line spacing 1.15, space 6pt Before – a note is added. There are three types of notes - those describing the contents of a figure that cannot be understood from the figure title, an image and/or legend alone (e.g., definitions of abbreviations or explanations of asterisks used to indicate certain values), and those attributing copyright. Examples:

Note. The map does not include data for Puerto Rico. Adapted from 2017 poverty rate in the United States, by U.S. Census Bureau, 2017 (<https://www.census.gov/library/visualizations/2018/comm/acs-poverty-map.html>). In the public domain.

Note. Number of studies = 120, number of effects = 782, total N = 52,578. CI = confidence interval; LL = lower limit; UL = upper limit.

Note. Lyamouri-Bajja et al. (2012, p. 57).

Tables and figures help authors present a large amount of information to readers in an easier and more understandable way. The tables show numerical values and/or textual information arranged in rows and columns. An image is an illustrative presentation of information using charts, diagrams, infographics, drawings, photographs, etc. In order for the tables and figures to help readers understand your work more easily, the data in them needs to be presented in a way that readers do not need to read the text to understand.

Use the tables feature of your word-processing program to create a table. Do not use the tab key or space bar to manually create the look of a table. The parameters being compared should not be displayed in the same column. Use the same font type in the tables as in the rest of the article. Do not use vertical borders to separate data. For the necessary clarity of the display, it is enough to use horizontal edges at the top and bottom of the table, below column headings, and if necessary, to separate a row containing totals or other summary information from other rows in the table. Use spacing between columns and rows and strict alignment to clarify relations among the elements in a table. If a table is longer than one page, use the tables feature of your word-processing program to make the headings row repeat on the second and any subsequent pages.

Make sure the axes shown are clearly visible and the images are sharp enough. The legend is entered inside the edges of the figure. Use graphics software to create figures in APA Style papers – the built-in graphics features of your word-processing program (e.g., Microsoft Word or Excel) or special programs such as Photoshop or Inkscape.

Special cases of citing references

Citing the second and each subsequent edition

Surname, Initial(s). (Year of publication). *Title* (edition note). Publisher.

Gaćinović, R. (2018). *Mlada Bosna* (drugo dopunjeno i izmenjeno izdanje) [Young Bosnia, (2nd edition)]. Evro Book.

Multiple references by the same author

1) *Same author, different years* – Sort by year of publication, starting from the earliest.

2) *Same author, same year* – Arrange in alphabetical order of the initial letter of the reference's name. In addition to the year of publication, put the initial letters of the alphabet, which are also used in bibliographic parentheses.

Gaćinović, R. (2018a). Vojna neutralnost i budućnost Srbije [Military neutrality and the future of Serbia]. *Politika nacionalne bezbednosti*, 14 (1), 23–38. <https://doi.org/10.22182/pnb.1412018.2>

Gaćinović, R. (2018b). *Mlada Bosna* (drugo dopunjeno i izmenjeno izdanje) [Young Bosnia (2nd edition)]. Evro Book.

(Gaćinović, 2018a, p. 25), (Gaćinović 2018b)

3) *The same author as an independent author and as a co-author* – First list the references in which he is an independent author, and then those in which he is a co-author.

4) *The same author as the first co-author in several different references* – Arrange in alphabetical order the surname of the second co-author.

Pollitt, C., Birchall, J., & Putman, K. (1998). *Decentralising public service management*. Macmillan Press.

Pollitt, C., Talbot, C., Caulfield, J., & Smullen., A. (2005). *Agencies: How governments do things through semi-autonomous organizations*. Palgrave Macmillan.

Special cases of citing bibliographic parentheses

Exceptions to citing bibliographic parentheses at the end of a sentence

Citing the author's surname within the sentence – Put the year of publication in brackets after stating the surname, and the page number at the end of the sentence in brackets.

According to Bjelajac (2017), ... (30).

Citing the author's surname within the sentence before the citation from the reference – After citing the surname, state the year and page number in the bibliographic parenthesis, and then cite the citation.

As Bjelajac (2017, p. 45) states: " ... "

Fukuyama (1992, p. 57) explicitly states: " ... "

Citing the same reference several times in one paragraph – If the same page or range of pages is cited, enter the bibliographic parenthesis at the last citation or at the end of the paragraph before the punctuation mark. If different pages are cited, state the reference when quoting the specific page for the first time, and then, until the end of the paragraph, put out only different page numbers in parentheses. If the next citation refers to the same reference as the previous citation, do not enter the author's name in parentheses, but only the year and page.

(Bjelajac, 2017, p. 34)

.....

(2017, p. 46)

Do not use "the same", "*ibid*", or "*op. cit.*" for multiple citing of a reference.

Citing the terms "see", "compare", etc.

Enter these expressions in bibliographic parenthesis.

(see Bjelajac 2017, p. 153)

(Stepić, 2015; compare Knežević, 2014)

Secondary referencing

This is when you reference one author who is referring to the work of another, and the primary source is not available. *Secondary referencing should be avoided if possible.*

If you have only read the latter publication you are accepting someone else's opinion and interpretation of the author's original intention. You cannot have formed your own view or critically appraised whether the secondary author has adequately presented the original material.

You must make it clear to your reader which author you have read whilst giving details of the original.

Use 'as cited in' if the author has cited the work of another, e.g.

(Chomsky, 1999 as cited in Đurić & Stojadinović, 2018, p. 47)

If the author has directly quoted from an original piece of work then you would use 'as quoted in' e.g.

„Tom prilikom neoliberalizam se od strane najvećeg broja njegovih protagonista najčešće određuje kao politika slobodnog tržišta“ (Chomsky, 1999, p. 7, as quoted in Đurić & Stojadinović, 2018, p. 47).

In the references, list only the secondary reference.

Đurić, Ž., & Stojadinović, M. (2018). Država i neoliberalni modeli urušavanja nacionalnih političkih institucija [The state and neoliberal models of collapsing national political institutions]. *Srpska politička misao*, 62(4), 41–57. <https://doi.org/10.22182/spm.6242018.2>

Same bibliographic parenthesis, multiple references

Different authors – Separate references with semicolons.

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

Same author, different years – Give the author's last name, and then the year of publication of the various references in 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)

Different authors, same last name – Some authors have the same last name, and if this happens the author's name initial(s) 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)

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.

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