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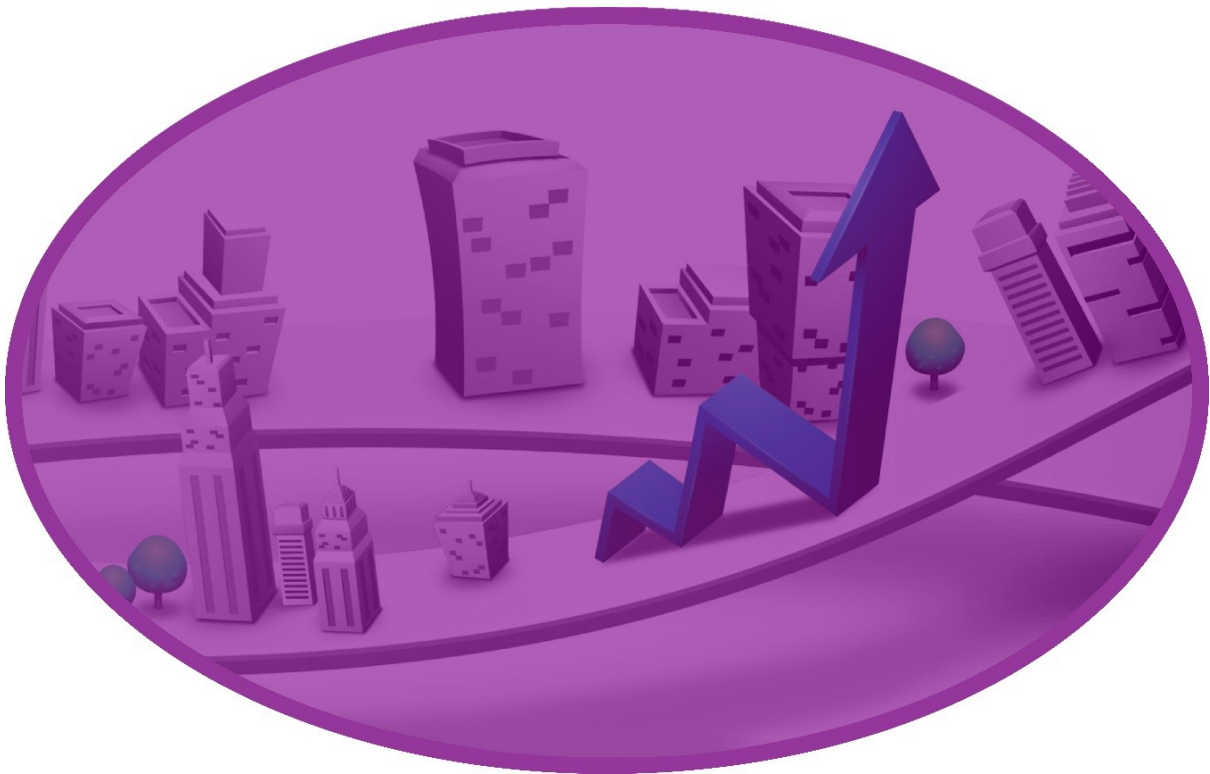
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Artificial Intelligence, Social Unrest, and Economic Development as Antecedents of Foreign Tourist Destination Choice

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Artificial Intelligence, Social Unrest, and Economic Development as Antecedents of Foreign Tourist Destination Choice

Abstract

This study examines the influence of artificial intelligence (AI), social unrest, and economic development as key antecedents in the selection of foreign tourist destinations. Specifically, it investigates the extent to which tourists utilize AI tools during the decision-making process and the role AI algorithms play in facilitating destination choice. Additionally, the research explores how social unrest, by disrupting stability and legal order, impacts tourists' preferences, alongside the effect of economic development on destination attractiveness. The empirical research was conducted in the Republic of Serbia in 2025 using the survey method, and the respondents' answers were analyzed using the statistical software SmartPLS 4. The total sample consisted of 310 respondents, and the findings indicate that all variables exert a positive influence on the selection of foreign tourist destinations. By integrating technological, socio-political, legal and economic dimensions, this study offers valuable insights for tourism and hospitality service providers aiming to optimize their strategies and better cater to evolving tourist behaviors. The research contributes to the growing body of knowledge on how advanced technologies and contextual factors shape contemporary travel decisions, ultimately supporting more informed marketing and management practices in the global tourism industry.

Keywords: artificial intelligence, social unrest, economic development, tourism, foreign destinations.

Introduction

In recent years, the rapid development of artificial intelligence (AI) has significantly transformed various sectors, including tourism. AI technologies are increasingly integrated into tourists' decision-making processes, influencing how destinations are researched, evaluated, and ultimately selected (Eddyono et al., 2025). This integration not only brings convenience and personalization to the user experience, but also introduces new challenges regarding privacy protection, data manipulation, and the reliability of recommendations — making it clear that understanding and applying artificial intelligence is an essential part of modern internet security culture (Bjelajac & Jovanović, 2013; Bjelajac & Filipović, 2020). Besides technological innovations, socio-political factors such as social unrest have become critical in tourists' decision-making as they affect perceptions of safety and stability in potential destinations (Ali et al., 2018). Economic development remains a fundamental factor shaping destination attractiveness, impacting infrastructure quality, service availability, and the overall visitor experience. Legal stability and the effectiveness of the host country's legal system play a significant role in shaping the tourist image, as they influence the level of security, protection of tourists' rights, and reliability of tourism services (Awaritefe, 2004; Carvache-Franco et al., 2019; Perez Galvez et al., 2017).

This study aims to explore the combined influence of artificial intelligence, social unrest, and the economic development, as antecedents of foreign tourist destination choice. By examining how tourists utilize AI tools during their decision-making process, as well as the extent to which social, economic, and legal contexts affect their destination preferences, this research provides a comprehensive understanding

of the multiple factors shaping contemporary tourist behavior. The empirical research was conducted in the Republic of Serbia in 2025 using the survey method, and the data were analyzed using advanced statistical software. The findings of this research offer valuable insights for stakeholders in the tourism industry seeking to optimize their marketing strategies and improve service delivery in a rapidly changing global environment. By integrating technological, socio-political, economic, and legal perspectives, this study contributes to the growing body of knowledge on how contemporary factors shape international tourism flows and decision-making processes.

Literature review

The choice of foreign tourist destinations represents a complex and multidimensional process influenced by numerous factors stemming from technological, socio-political, and economic environments. In contemporary conditions of globalization and digitalization, three variables stand out as significant determinants shaping tourist behavior: *artificial intelligence*, *social unrest* and *economic development*.

Artificial intelligence (AI) encompasses a set of technologies and systems that simulate human intelligence through learning, data analysis, decision-making, and problem-solving capabilities (Samala et al., 2022). In the tourism industry, AI is employed to personalize user experiences, enhance customer support, and optimize marketing strategies. Tourists increasingly utilize applications and platforms powered by AI algorithms to receive destination recommendations, book accommodations, plan routes, and tailor travel experiences to their individual preferences (Dong et al., 2025). This technological advancement facilitates more efficient information gathering and reduces uncertainty in decision-making, thereby increasing the likelihood of selecting destinations better suited to personal needs. Accordingly, artificial intelligence acts as a powerful catalyst in tourists' decision-making processes while simultaneously enhancing the competitiveness of tourist destinations in the global market (Barcellos-Paula et al., 2024; Chi & Phuong, 2022; Stalidis et al., 2015; Zhao et al., 2024). The first research hypothesis is:

H1: Artificial intelligence has an impact on tourists' decision-making regarding the choice of foreign destinations.

Social unrest refers to occurrences of social instability, including protests, political conflicts, riots, and other forms of public tension that disrupt social order (Isaac & Velden, 2018). Such conditions significantly affect risk perception and destination safety—one of the most critical factors influencing tourist destination choice (Nazir, 2023). Tourists tend to avoid destinations experiencing social unrest due to the paramount importance of safety for an enjoyable and worry-free vacation (Fazli et al., 2023). Beyond the direct impact on tourism, social unrest can cause disruptions in infrastructure and services, further diminishing a destination's appeal (Isaac & Van den Bedem, 2021). Given that global tourism depends on stability and trust, political and social stability have become imperatives for the sustainable development of the tourism industry (Dong & Qu, 2023; Phau et al., 2014; Poulaki & Nikas, 2021; Khalid et al., 2025; Li et al., 2024). The second research hypothesis is:

H2: Social unrest influences tourists' decision-making in selecting foreign destinations.

Economic development is a key macroeconomic indicator encompassing factors such as gross domestic product per capita, quality of infrastructure, service levels, technological advancement, and

overall living standards (Nanjappa et al., 2024). Economically developed destinations often offer superior conditions for tourists in terms of accommodation, transportation, safety, and a variety of supplementary activities, which directly influence their attractiveness (Das & Maitra, 2025). Tourists are more inclined to choose destinations that guarantee high levels of comfort, security, and diverse experiences (Kusumawati et al., 2020). Furthermore, developed economies enable destinations to invest in marketing campaigns, develop new tourism products, and maintain service quality, thereby further enhancing their competitiveness in the global market (Liu & Nguyen Hoang Thanh, 2025; Liu et al., 2025; Zhang et al., 2000; Wang et al., 2024). The third research hypothesis is:

H3: Economic development exerts a significant impact on tourists' decisions when choosing destinations.

These variables intertwine and collectively contribute to a comprehensive framework for understanding the factors affecting the choice of foreign tourist destinations. Artificial intelligence facilitates access to relevant information and offers personalized services, while socio-political stability, through the absence of social unrest, ensures tourist safety. Simultaneously, economic development provides the necessary infrastructure and service quality, collectively making a destination desirable to contemporary tourists (Harrington, 2021; Lakhoua et al., 2021; Mehra, 2023; Uzar & Samet Yilmaz, 2025). Understanding these factors is crucial for decision-makers in the tourism sector, enabling them to tailor their strategies according to market demands and expectations, which is essential for achieving sustainable growth and development within the industry.

Methodology

The empirical research was conducted in the Republic of Serbia in 2025 using a quantitative approach based on the survey method. The aim was to examine the influence of artificial intelligence, social unrest, and economic development on the selection of foreign tourist destinations. A structured questionnaire was designed to measure respondents' perceptions of each variable, and data were collected from a diverse sample of participants. The total sample consisted of 310 respondents. The responses were analyzed using the statistical software SmartPLS 4, which enabled the evaluation of the proposed model and hypotheses through structural equation modeling (SEM). This methodological approach was chosen for its ability to assess complex relationships between multiple constructs and provide robust insights into the factors influencing tourist decision-making behavior. The demographic structure of the respondents is presented in Table 1.

The sample structure shows that a total of 310 respondents participated in the study, with females comprising the majority at 59.6%, and males representing 40.4% of the sample.

Regarding age distribution, the largest group of respondents (44.5%) were between 21 and 40 years old, while those aged 41 to 60 accounted for 36.1%. The youngest group (up to 20 years) made up 12.6%, and the oldest group (61 years and over) represented 6.8%.

In terms of education, most respondents held a university degree (56.8%), 38.4% had completed high school, and only a small portion (4.8%) had primary education.

The statements used in the survey questionnaire are presented in Table 2.

Table 1. Sample structure

Sample structure	Number	Percentage	
Gender	Female	185	59.6%
	Male	125	40.4%
	Total	310	100%
Age	Up to 20 years	39	12.6%
	21-40 years	138	44.5%
	41-60 years	112	36.1%
	61 years and over	21	6.8%
	Total	310	100%
Education	Primary school	15	4.8%
	High school	119	38.4%
	Faculty	176	56.8%
	Total	310	100%

Source: Authors

Table 2: Statements from questionnaire

Variables	Statements	Source
Artificial intelligence	<ol style="list-style-type: none"> 1. When planning a trip, I use artificial intelligence tools (e.g., ChatGPT, Google Bard) to research destinations. 2. AI algorithms help me find the best tourist destination according to my preferences. 3. I believe that artificial intelligence improves the quality and efficiency of decision-making regarding international travel. 	De Carlo et al. (2021)
Social unrest	<ol style="list-style-type: none"> 1. When choosing a foreign tourist destination, I pay attention to the political stability and safety of the country. 2. I avoid traveling to countries where protests, unrest, or armed conflicts are frequent. 3. Media reports about social unrest negatively influence my decision to visit a particular destination. 	Shahrabani et al. (2021)
Economic development	<ol style="list-style-type: none"> 1. I prefer to travel to economically developed countries due to better infrastructure and service quality. 2. The economic development of a country greatly influences my choice of tourist destination. 3. I believe that economically developed countries offer safer and higher-quality conditions for tourists. 	Zientara et al. (2024)
Foreign destinations	<ol style="list-style-type: none"> 1. I enjoy traveling abroad and exploring new cultures and countries. 2. I plan to continue choosing foreign destinations for my future trips. 3. I generally choose foreign destinations that I consider more attractive than domestic ones. 	Lee et al. (2023) Source: Authors

Source: Authors

The following section presents the research findings.

Research results

Table 3 presents the model fit indices for the structural equation model examining the impact of artificial intelligence, social unrest, and economic development on the choice of foreign tourist destinations.

Table 3. Model Validity

Indicators of model validity	Research model- Foreign tourist destinations	Recommended value
χ^2/df	1.745	<3
GFI	0.935	>0.9
IFI	0.924	>0.9
TLI	0.933	>0.9
CFI	0.941	>0.9
RMSEA	0.051	<0.08

Source: Authors

The model validity indicators suggest that the research model demonstrates a very good statistical fit with the empirical data. Specifically, the chi-square to degrees of freedom ratio (χ^2/df) is 1.745, which is below the recommended threshold of 3, indicating an adequate alignment between the model and the observed data. The fit indices—GFI (0.935), IFI (0.924), TLI (0.933), and CFI (0.941)—all exceed the recommended value of 0.9, further confirming a high level of structural consistency. Additionally, the RMSEA value of 0.051 is well below the acceptable limit of 0.08, indicating a satisfactory level of approximation error and reinforcing the overall model fit. Based on these results, it can be concluded that the research model meets all key criteria of statistical validity and provides a robust foundation for testing the proposed hypotheses (Bagozzi & Yi, 1988).

Table 4 presents the reliability and convergent validity indicators for the constructs used in the research model.

Table 4. Reliability analysis

Research variables	Cronbach's Alpha	Composite reliability	Average Variance Extracted (AVE)
Artificial intelligence	0.841	0.825	0.698
Social unrest	0.812	0.814	0.674
Economic development	0.823	0.854	0.692
Foreign destinations	0.889	0.878	0.724

Source: Authors

The results show that all constructs meet the recommended thresholds, indicating satisfactory internal consistency and convergent validity. Cronbach's Alpha values range from 0.812 to 0.889, exceeding the minimum acceptable level of 0.7 and confirming internal reliability for each variable. Similarly, composite reliability (CR) values, ranging from 0.814 to 0.878, are all above the recommended threshold of 0.7, further supporting the consistency of the measurement scales. The Average Variance Extracted (AVE) values for all constructs exceed 0.65, with the lowest being 0.674, which indicates that a substantial amount of variance is explained by the observed indicators. These results collectively confirm that the measurement model demonstrates strong psychometric properties and that the constructs are both reliable and valid for further structural analysis (Bagozzi & Yi, 1988).

Table 5 presents the results of the structural model, estimating the effects of the independent variables on the choice of foreign tourist destinations.

Table 5. Sem model (dependent variable: foreign tourist destinations)

Independent variables	Original Sample	T test	P values
Artificial intelligence	0.359	5.897	0.000** sig
Social unrest	-0.315	5.125	0.000** sig
Economic development	0.335	5.574	0.000** sig

Source: Authors

Based on the path coefficients, t-values, and p-values, all three predictors show a statistically significant impact on the dependent variable. Artificial intelligence exerts a positive and significant influence ($\beta = 0.359$; $t = 5.897$; $p < 0.001$), indicating that increased use of AI tools contributes positively to tourists' decision-making processes. Economic development also shows a positive and significant effect ($\beta = 0.335$; $t = 5.574$; $p < 0.001$), suggesting that economically developed and stable destinations are more attractive to tourists. In contrast, social unrest has a negative but statistically significant impact ($\beta = -0.315$; $t = 5.125$; $p < 0.001$), implying that higher levels of instability and perceived risk discourage tourists from selecting such destinations. All p-values fall below the 0.001 threshold, confirming the high statistical reliability of the findings and all three proposed research hypotheses have been confirmed.

Conclusion

The results of the conducted research clearly highlight the importance of three key variables in the context of foreign tourist destination choice. Artificial intelligence (AI) has a positive influence on the intention to travel abroad, as it facilitates trip planning, organization, and the overall tourist experience by providing personalized information and reducing uncertainty in the decision-making process. Additionally, the economic development of the destination positively affects tourists' perception of quality and safety, further motivating them to visit such countries. On the other hand, a high level of social unrest generates fear and insecurity among tourists, particularly when the legal order and institutional stability are compromised, which negatively affects their intention to visit such destinations.

Theoretical implications of this study relate to the integration of technological, economic, political, and legal dimensions in understanding consumer behavior in tourism. The study contributes to the expansion of existing tourism behavior models by emphasizing the importance of contextual factors, such as social stability and legal security, alongside the growing influence of advanced technologies. *Practical implications* are relevant for policymakers and stakeholders in the tourism industry, who should recognize the importance of incorporating artificial intelligence into their services and digital platforms, as well as undertaking efforts to improve infrastructure and strengthen economic indicators. Furthermore, ensuring political stability, the rule of law, and social order represents a key prerequisite for the development of international tourism and the establishment of trust among potential tourists. *Limitations of the research* stem from the territorial focus of the sample, as the study was conducted solely in the Republic of Serbia. Moreover, the research is based on respondents' perceptions within the current context, which may change in response to future global or local developments. *Future studies* could focus on comparative analyses of these variables across different geographical and cultural settings, as well as longitudinal studies that track changes in tourist perceptions over time. Further research is also recommended on specific aspects of legal security and the role of regulatory policies in shaping destination image, along with analyses of interactions between technological tools (e.g., AI chatbots, algorithmic recommendations) and tourists' emotional responses during crisis situations.

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Veštačka inteligencija, socijalni nemiri i ekonomska razvijenost kao determinante izbora stranih turističkih destinacija

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Sažetak

Ova studija ispituje uticaj veštačke inteligencije (AI), socijalnih nemira i ekonomske razvijenosti kao ključnih determinanti u odabiru stranih turističkih destinacija. Posebno se analizira u kojoj meri turisti koriste alate veštačke inteligencije tokom procesa donošenja odluka, kao i uloga AI algoritama u olakšavanju izbora destinacije. Takođe, istraživanje razmatra na koji način socijalni nemiri, narušavanjem stabilnosti i pravnog poretka, utiču na preferencije turista, kao i efekat ekonomske razvijenosti na atraktivnost destinacije. Empirijsko istraživanje sprovedeno je u Republici Srbiji 2025. godine primenom anketne metode, dok su odgovori ispitanika analizirani pomoću statističkog softvera SmartPLS 4. Ukupan uzorak obuhvatio je 310 ispitanika, a rezultati ukazuju na to da sve analizirane varijable pozitivno utiču na izbor stranih turističkih destinacija. Integracijom tehnoloških, socio-političkih, pravnih i ekonomskih aspekata, ova studija pruža dragocene uvide za pružaoce turističkih i ugostiteljskih usluga u cilju optimizacije strategija i boljeg prilagođavanja promenljivom ponašanju turista. Istraživanje doprinosi rastućem korpusu znanja o tome kako savremene tehnologije i kontekstualni faktori oblikuju odluke o putovanjima, podržavajući time informisanije marketinške i menadžerske prakse u globalnoj turističkoj industriji.

Ključne reči: veštačka inteligencija, socijalni nemiri, ekonomska razvijenost, turizam, strane destinacije.

Mental Health Issues and Parenting Practice: Mediation of Family Connectedness

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Mental Health Issues and Parenting Practice: Mediation of Family Connectedness

Abstract

Parenting is recognized as one of the most important factors in the adjustment of children and adolescents. Contemporary interpretations of the factors involved to the parenting practice emphasize the importance of family connectedness as protective mechanism related to more parental involvement and positive parenting, and less corporal punishment, inconsistent parenting and poor monitoring. The aim of this study is to examine the relationship between parents' mental health issues and positive and negative parenting practice. Additionally, the study seeks to explore indirect relations between parents' mental health issues, and positive and negative parenting practice with family connectedness as a mediating factor. The sample consisted of 216 parents (82.1% female). Data on parents' mental health issues were assessed using *Depression Anxiety and Stress Scale 21* (DASS-21) parenting practice were collected using the *Alabama Parenting Questionnaire* (APQ), and data on family connectedness were assessed using the *Family Resilience Assessment Scale* (FRAS). The results indicate that direct link was found between parents' stress and inconsistent parenting ($Z = 2.238$; $p < .05$) and parents' anxiety and poor monitoring ($Z = 2.472$; $p < .05$), while the indirect effects were found between parents' stress and parental involvement ($Z = -2.825$; $p < .01$), parents' stress and corporal punishment ($Z = 2.405$; $p < .05$). The findings are discussed considering the significance of family connectedness on parenting practice.

Keywords: parenting practice, mental health issues, family connectedness, parents, Serbia.

Introduction

Parents play a crucial role in a child's life and development, with both the biological and psychosocial aspects of parenting having a strong influence on the child's upbringing. Particularly concerning is the increasingly frequent presence of parental psychopathology, including anxiety and depressive disorders. Modern parents face numerous challenges—emotional connection with their children is becoming increasingly difficult due to widespread internet addiction, the risks emerging from the virtual world (Bjelajac & Jovanović, 2013; Bjelajac & Filipović, 2020), and the growing and widespread abuse of psychoactive substances (Bjelajac, Matijašević, & Počuča, 2012). In this context, positive parenting practices must play a crucial role as a protective factor that supports the healthy development of the child and helps prevent risky behaviors.

Previous research indicates that positive parenting and parental involvement, as defined by Frick (1991), are jointly referred to under the term "positive parenting practices," while inconsistent parenting, physical punishment, and poor monitoring/supervision are considered negative parenting practices (Barry et al., 2008). According to the Social Interaction Learning Theory (SIL), the key components of positive parenting practices include positive parental involvement, parental monitoring, effective discipline, problem-solving, and encouragement of skill development (Forgatch et al., 2004). These five positive parenting practices are interrelated, with the skills required to develop one also being essential for the development of the others (Donovick & Rodriguez, 2008). In line with Self-Determination Theory (Deci & Ryan, 2000),

the quality of a child's acceptance of rules and norms imposed by parents largely depends on the parenting style and the degree of support and restrictions established by the parents (Vansteenkiste et al., 2014). Positive parental involvement refers to spending quality time together in enjoyable family activities while providing positive attention (Donovick & Rodriguez, 2008; Forgatch & DeGarmo, 1999). More broadly, parental involvement includes not only participation in shared activities but also intimate communication, confiding in parents, and seeking their help—all of which are largely considered integral aspects of the concept of emotional attachment to parents (Loeber & Stouthamer-Loeber, 1986). The interpretation of negative parenting practices, particularly inconsistent discipline, is grounded in coercion theory and expectancy theory (Dwairy, 2010; Gardner, 1989). Three types of inconsistency are identified: temporal inconsistency, situational inconsistency, and inconsistency between parents (father–mother). Temporal inconsistency refers to a parent's inconsistent behavior in the same situation at different times, while situational inconsistency involves varying parental reactions across different situations. Inconsistency between parents refers to differing responses by the mother and father in the same situation (Dwairy, 2010). Physical punishment can be described as the most severe form of negative parenting practice. Authors distinguish it from physical abuse of children within the family, which also involves the intent to harm the child but results in more serious injuries, thus involving a higher degree of harm (Gershoff, 2002). For example, spanking or slapping is considered physical punishment, whereas hitting, kicking, or inflicting burns is classified as physical abuse of children (Gershoff, 2002).

Parental mental health significantly influences the quality of parenting practices. Parents experiencing mental health difficulties—such as depression, anxiety, or high levels of stress—often find it more challenging to engage in consistent, and supportive parenting behaviors, which is the base for positive parenting. Parental mental health issues has been strongly linked to reduced parental responsiveness, lower warmth, and less engagement in positive parenting practice and reversely, less parental mental health problems was related to higher parental involvement (Chen et al., 2019). Parental depression is associated with less positive parenting (warmth) and more hostile, negative parenting, and with more disengaged (withdrawn) parenting, especially in mothers (England & Sim, 2009). The poorer parenting qualities may not improve to levels comparable to those of never-depressed parents, despite remission or recovery from episodes of depression. These patterns of parenting have been found in depressed mothers of infants and young children as well as in depressed mothers of school-age children and adolescents. Less is known about parenting in depressed fathers relative to mothers, but most of the findings from the smaller number of studies are consistent with the findings about mothers (England & Sim, 2009). Similarly, parental anxiety can lead to overprotective or controlling behaviors, reducing opportunities for children to develop autonomy (Wood et al., 2003; Clarke et al., 2013). Anxiety may also interfere with the parent's ability to remain emotionally attuned to their child, limiting their effectiveness in providing a secure, connected environment. Chronic parental stress is associated with lower levels of parental involvement and increased irritability, which undermines positive parenting efforts. Stress may reduce a parent's capacity for empathy and problem-solving, essential components of supportive parenting (Deater-Deckard, 1998; Pan et al., 2025). Study found that maternal parenting stress significantly negatively impacts childhood development. Maternal depression acts as a mediator between maternal parenting stress and early childhood development. Furthermore, family resilience was found to significantly moderate both the initial and latter parts of this mediating relationship (Pan et al., 2025). Parental mental health

problems are strongly associated with an increased likelihood of engaging in negative parenting practices, such as inconsistent discipline, corporal punishment, poor supervision etc. Sociopathy and other mental illnesses of parents, especially mothers, are a serious risk factor for domestic violence against children (Merdović, 2025). Anxiety can also contribute to negative parenting by increasing parental overcontrol or excessive worry about the child's safety and behavior. This can result in overprotective or intrusive parenting styles that limit a child's autonomy and may lead to anxiety symptoms in the child as well (Wood et al., 2003). Furthermore, chronic stress in parents has been associated with harsher disciplinary tactics, lower tolerance for child misbehavior, and reduced patience (Deater-Deckard, 1998).

Negative parenting behaviors, in turn, can exacerbate parents' mental health problems by increasing parent-child conflict and reducing perceived parenting efficacy. This creates a reciprocal cycle where poor mental health and negative parenting reinforce one another (Neece, Green, & Baker, 2012). Importantly, the negative effects of parental mental health problems on child mental health issues by parenting practice may be buffered by protective factors (Loechner et al., 2020). Interventions aimed at improving parental mental health have shown positive outcomes in improving parenting quality as well (Leijten et al., 2018). Those who have good communication with their parents also tend to have good communication with their peers. In terms of adjustment, it has been shown that adolescents who maintain good connectedness and communication with both their parents and peers are better adjusted (Laible et al., 2000; Gallarin&Alonso-Arbiol, 2012, Merdović, Počuča & Dragojlović, 2024).

The aim of this study is to examine the relationship between parents' mental health issues and positive and negative parenting practice. Additionally, the study seeks to explore indirect relations between parents' mental health issues (parental stress, parental anxiety, and parental stress), and positive and negative parenting practice with family connectedness as a mediating factor.

Methodology

Participants

The study involved 216 parents (82,1% female) of students (56% female, mean age 14,5) recruited from schools located in the Municipality of Stara Pazova (elementary school "Boško Pavlokovski Pinki", Gimnasium, Economic and Technical school).

Measures

Depression Anxiety Stress Scale (DASS-21; Lovibond & Lovibond, 1995; Serbian version: Jovanovic et al., 2014) is a 21-item measure typically used to assess symptoms of depression, anxiety, and stress, in both clinical and nonclinical settings. Participants are instructed to rate the presence of symptoms they experienced during the past two weeks, using a 4-point response scale ranging from 0 - did not apply to me at all/never to 3 - applied to me very much or most of the time/always. Higher scores indicated greater depression, anxiety and stress. The DASS-21 is a fully validated and commonly used instrument designed for the assessment of stress (e.g. "I found it hard to wind down"), depressive symptoms (e.g. "I felt that life was meaningless"), and anxiety (e.g. "I experienced trembling (e.g. in the hands)") with good psychometric properties including strong reliability and validity (Jovanovic et al., 2014). Descriptives and internal consistency coefficients for all subscales are presented in Table 1.

Alabama Parenting Questionnaire (Frick, 1991; Shelton et al., 1996) designed to measure five dimensions of parenting that are relevant to the etiology and treatment of externalising problems in children and adolescents. The Parental Involvement subscale is consisted of 10 items designed to capture positive, supportive, and engaging behaviors by parents (e.g. „You have a friendly talk with your child“). Positive parenting scale consists of six items focuses on praise, rewards, and reinforcement of good behavior (“You praise your child when he/she behaves well.”) Poor monitoring/supervision subscale by ten items assesses how well parents keep track of their child’s whereabouts, activities, and peer associations (e.g. “Your child is out without your permission”). Inconsistent discipline subscale captures the degree to which parents apply discipline in an unpredictable or non-uniform manner with six items (e.g. The punishment you give your child depends on your mood). Corporal punishment scale subscale measures the use of physical punishment (e.g., spanking) as a disciplinary strategy by three items (e.g. “You slap your child when he/she has done something wrong.”). Data on reliability are in line with other available studies (e.g. Essau et al., 2006; Kovačević Lepojević, 2018). Descriptives and internal consistency coefficients for all subscales are presented in Table 1.

The Family Resilience Scale (FRS) is a tool used to assess a family's capacity to adapt and bounce back from adversity. Several versions exist, including the original 54-item Family Resilience Assessment Scale (FRAS) developed by Sixbey (2005). We used Communication & Connectedness subscale from the shorter versions of 16-item FRS16 (Chow et al., 2024). The Communication and Connectedness subscale comprises six items (e.g. “In our family, we can talk openly about our feelings”) that assess core resilience processes such as clear communication, emotional openness, mutual support, and problem-solving collaboration. Descriptives and internal consistency coefficients for all subscales are presented in Table 1.

Data analysis

The statistical programs used in the data analysis process included SPSS Statistics Version 30.0 (descriptive, Pearson’s correlation analysis) and JASP version 0.18 (mediation analysis). The mediation model was estimated via bootstrapping and confidence intervals were calculated employing the bias-corrected percentile method.

Procedure

Data were collected within research *The Assessment of the Parental Practices and Family Resilience: Parental Perception*. The collecting data is carried out within the project *Strength of the Family* realized by Center for Social Work Stara Pazova (Funded by the Municipality of Stara Pazova, Contract No.551-14-457), and interpretation of scientific results within *Assumptions for the Development of Positive Education in Serbia*, was funded by the Ministry of Science, Technological Development and Innovation of the Republic of Serbia (Contract No. 451-03-136/2025-03/ 200018).

Parents were previously instructed orally and in written form. Anonymity was guaranteed. The time needed for completing the questionnaire was 45 minutes. This study was reviewed and approved by the Committee for Assessment of Ethicality in Scientific Research of the Institute for Educational Research in Belgrade, Serbia (No. 925, November 7, 2024).

Results

Correlation Analysis

Strong positive correlations were observed among parental psychological distress variables:

Parental Stress correlated highly with both Parental Depression and Parental Anxiety, suggesting that these emotional difficulties often co-occur. Positive parenting and parental involvement showed meaningful associations. Parental Involvement (PI) correlated positively with Positive Parenting (PP), indicating parents more involved with their children tend to use more positive parenting practices. Poor Parental Monitoring (PM) had some notable associations. It correlated negatively with Positive Parenting, indicating that lower monitoring tends to co-occur with less positive and involved parenting. Interestingly, PM correlated positively with Corporal Punishment, showing that parents who monitor less may use more physical discipline. Inconsistent Parenting (IP) was positively correlated with both Poor Monitoring and Corporal Punishment, highlighting how inconsistent discipline strategies cluster with poor supervision and harsher punishment. Family Communication and Connectedness (FCC) correlated negatively with Corporal Punishment and Poor Monitoring, and positively with Positive Parenting, indicating that better communication within the family relates to more positive parenting and less harsh or neglectful parenting behaviors.

Table 1. Pearson's Correlation Coefficients, Means, Standard Deviations, and Cronbach Alpha

	PD	PA	PS	PI	PP	PM	IP	CP	FCC
PD									
PA	.660**								
PS	.604**	.685**							
PI	-.128	-.097	-.197*						
PP	-.047	-.222*	.040	.543**					
PM	.153*	.264**	.180*	-.182*	-.257**				
IP	.248*	.194*	.312**	-.182*	.018	.301**			
CP	.124	.185*	.282**	-.209*	-.016	.098	.233**		
FCC	-.209**	-.222*	-.340**	.441**	.245**	-.186*	-.286**	-.304**	
Mean	1.55	1.68	5.13	39.9	26.1	21.3	13.3	5.08	28.9
SD	2.67	2.63	4.12	5.0	3.45	4.82	3.81	1.73	2.82
α	0.85	0.77	0.82	0.78	0.72	0.64	0.70	0.64	0.83

Note. PD – Parental Depression; PA – Parental Anxiety; PS – Parental Stress; PI -Parental Involvement; PP – Positive Parenting; PM – Poor Parental Monitoring/Supervision; IP – Inconsistent Parenting; CP – Corporal Punishment; FCC – Family Communication and Connectedness.

Notes: * $p < .05$; ** $p < .01$.

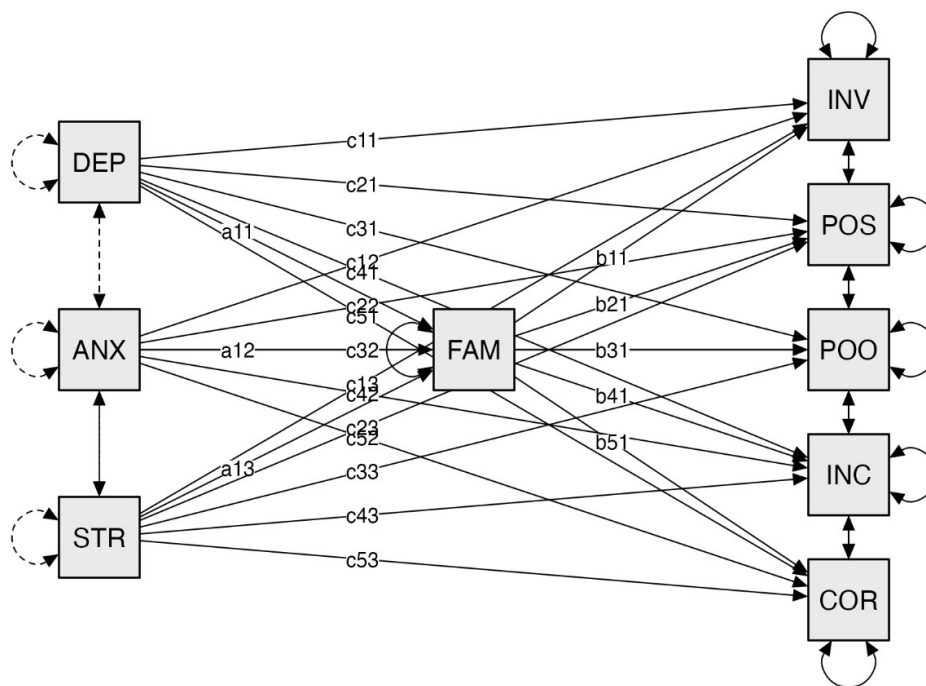
Mediation analysis

Anxiety and Depression were not directly significantly related to corporal punishment. Stress showed a marginally significant positive effect on corporal punishment ($Z = 1.866$; $p < .05$), suggesting that higher parental stress may be linked to more use of physical discipline, though this result narrowly misses

conventional significance. Stress had a significant positive effect ($Z = 2.238$, $p < .01$) to Inconsistent Parenting, indicating that more parental stress is associated with greater inconsistency in parenting behavior. Neither anxiety nor depression showed significant effects on inconsistency. None of the emotional distress variables (anxiety, depression, or stress) had significant direct effects on parental involvement and positive parenting. Anxiety had a significant positive effect on poor monitoring ($Z = 2.472$; $p < .01$), indicating that more anxious parents report lower levels of supervision. Depression and stress were not significantly associated with monitoring.

There was a significant positive indirect effect of parental stress through family connectedness on corporal punishment ($Z = 2.405$; $p = .016$, 95% CI [0.007, 0.069]). This suggests that higher parental stress is associated with changes in family connectedness, which in turn relates to corporal punishment. Anxiety and Depression showed non-significant indirect effects ($p > .05$). The indirect effect of stress on inconsistent parenting through family connectedness approached significance, indicating a trend where increased stress might relate to more inconsistent parenting mediated by connectedness. Anxiety and depression had non-significant indirect effects. A significant negative indirect effect was found for stress ($Z = -2.805$, $p = .005$, 95% CI [-0.284, -0.051]), implying that higher stress decreases parental involvement through the mediation of family connectedness. All indirect effects of anxiety, depression, and stress on positive parenting through family connectedness were non-significant (all $p > .10$). This indicates family

Figure 1. *The Mediation of Family Communication and Connectedness in Relation of Parental Depression, Parental Anxiety and Parental Stress and Parental Involvement, Positive Parenting, Poor Monitoring/Supervision, Inconsistent Parenting and Corporal Punishment*



Note. DEP – Parental Depression; ANX – Parental Anxiety; STR – Parental Stress; INV -Parental Involvement; POS – Positive Parenting; POO – Poor Parental Monitoring/Supervision; INC – Inconsistent Parenting; COR – Corporal Punishment; FAM – Family Communication and Connectedness

connectedness does not significantly mediate the influence of parental emotional distress on positive parenting. None of the indirect effects through family connectedness were significant for poor monitoring (all $p > .35$), suggesting this pathway is not a mediator for the impact of parental distress on monitoring behavior.

Discussion

The primary objective of this research was to investigate and gain a deeper understanding of how mental health challenges experienced by parents are associated with their use of both positive and negative parenting practices. In addition to this, the study also was aimed to explore whether there are any indirect relationships that exist between parental mental health issues and the ways in which parents interact with their children—specifically through positive or negative parenting approaches. This part of the research focus on examining the potential mediating role of family connectedness, considering whether the sense of closeness within the family might explain the connection between parents' mental health conditions and their parenting behaviors. Among the mental health variables, stress stands out as a consistent predictor of inconsistent parenting, and marginally of corporal punishment. Anxiety significantly predicts poor monitoring, suggesting anxious parents may be less effective at tracking or supervising their children's activities. Depression did not show significant direct effects on any of the parenting variables in this model. Family connectedness significantly mediates the relationship between parental stress and two parenting outcomes - positively with corporal punishment and negatively with parental involvement. Trends suggest potential mediation for inconsistent parenting (stress), and marginal effects for depression on involvement. For other parenting behaviors (positive parenting, poor monitoring), family connectedness did not significantly mediate the effects of parental mental health issues.

Parental stress is the most consistent predictor of inconsistent parenting and, to a lesser extent, corporal punishment that is consistent with the broader literature on stress's disruptive impact on emotional regulation and behavioral consistency (Deater-Deckard, 1998). In Serbia, similar dynamics have been observed among parents of children with developmental disabilities: those in central Serbia show significantly higher levels of depression, anxiety, and stress, which likely exacerbate negative parenting practices or weaker indirect effects via connectedness than stress (Kostić et al., 2022). Parental anxiety, identified as a predictor of poor monitoring, aligns with prior research indicating that anxiety can compromise attentional availability and engagement in children's daily lives, even when involved (Wood et al., 2003; Clarke et al., 2013). Interestingly, depression did not exert significant direct effects on parenting practices in this model. This contrasts with international findings (England & Sim, 2009), but may reflect contextual or sample-specific buffering factors within Serbian families—such as social support networks or varying stigma around emotional sharing (Sokolović et al., 2022). The study also surfaces a critical mediating role of family connectedness: stress was linked indirectly to lower parental involvement and higher corporal punishment via weakened family connectedness. This underscores family connectedness as a protective factor and reflects findings regarding familial resilience improving outcomes under duress (Laible et al., 2000; Gallarin & Alonso-Arbiol, 2012). Family connectedness did not mediate the effects of stress on poor monitoring or positive parenting, nor did it significantly mediate the impact of anxiety or depression on most parenting behaviors—suggesting its buffering role may be domain-specific, more relevant to emotional and behavioral regulation than monitoring or involvement.

One of the main limitations of the present study is the gender imbalance in the sample, which consisted predominantly of female participants (82.1%). This disproportion restricts the ability to generalize findings to fathers, despite the evidence suggesting that affective connections with mothers and fathers have distinct impacts on adolescents' psychosocial adjustment (Kovačević Lepojević, 2018). Including both maternal and paternal perspectives would have provided a more balanced understanding of parenting dynamics. Another important limitation is the reliance on self-report measures from parents only. This approach may be subject to social desirability bias and does not capture the child's perception of parenting behaviors, which previous research has shown to be critical in understanding developmental outcomes (Dimler et al., 2016). Utilizing a multi-informant design that includes children's reports would likely yield a more comprehensive assessment of parenting practices and their effects.

Present data imply the importance of recognizing and addressing mental health difficulties in parents is therefore essential not only for the well-being of the parent but also for promoting healthier, more effective parenting practices. Interventions that target both parental mental health and parenting behavior (such as cognitive-behavioral family interventions) have shown promising outcomes in reducing negative parenting and improving child development (Reyno & McGrath, 2006).

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Problemi mentalnog zdravlja i roditeljstvo: medijacija porodične povezanosti

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Sažetak

Roditeljstvo se prepoznaje kao jedan od najvažnijih faktora u prilagođavanju dece i adolescenata. Savremena tumačenja faktora koji utiču na roditeljsku praksu naglašavaju značaj povezanosti unutar porodice kao zaštitnog mehanizma koji je povezan sa većim roditeljskim angažovanjem i pozitivnim roditeljstvom, a manjom upotrebom fizičkog kažnjavanja, nedoslednim roditeljstvom i slabim nadzorom. Cilj ove studije je da ispita odnos između problema mentalnog zdravlja kod roditelja i pozitivne i negativne roditeljske prakse. Pored toga, studija ima za cilj da istraži indirektne veze između problema mentalnog zdravlja roditelja i pozitivne i negativne roditeljske prakse, sa povezanošću u porodici kao posrednim (medijatorskim) faktorom. Uzorak je činilo 216 roditelja (82,1% ženskog pola). Podaci o problemima mentalnog zdravlja roditelja prikupljeni su korišćenjem Skale za procenu depresivnosti, anksioznosti i stresa – 21 (DASS-21), roditeljska praksa procenjena je pomoću Alabama upitnika o roditeljstvu (APQ), a podaci o povezanosti u porodici prikupljeni su korišćenjem Skale za procenu porodične rezilijentnosti (FRAS). Rezultati ukazuju na postojanje direktne veze između roditeljskog stresa i nedosledne roditeljske prakse ($Z = 2.238$; $p < .05$), kao i između roditeljske anksioznosti i slabog nadzora ($Z = 2.472$; $p < .05$), dok su indirektni efekti utvrđeni između roditeljskog stresa i uključenosti roditelja ($Z = -2.825$; $p < .01$), kao i između roditeljskog stresa i fizičkog kažnjavanja ($Z = 2.405$; $p < .05$). Nalazi se razmatraju u svetlu značaja porodične povezanosti za roditeljsku praksu.

Ključne reči: roditeljske prakse, problemi mentalnog zdravlja, porodična povezanost, roditelji, Srbija.

Arbitration in Sports Dispute Resolution: The Role and Importance of International Sports Arbitration

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Arbitration in Sports Dispute Resolution: The Role and Importance of International Sports Arbitration

Abstract

The relationship between law and sports is becoming increasingly significant in contemporary society. The rise in legal disputes, the development of sports management, entrepreneurship, sponsorship, marketing, doping issues, gender equality, and growing interest in the field all point to the need for an interdisciplinary approach to examining the connection between sports and the economy, as well as the development of the economic potential of sports. In Serbia, as in many other countries, sports law is a relatively new legal discipline undergoing major transformations. There is growing interest in the study of sport not only as a phenomenon within the legal system but also as an economic sector. Sports and the economy are closely intertwined, as the sports industry represents a crucial segment of the global economy. Professional sports, recreational activities, sports infrastructure, and the sports equipment industry generate substantial annual revenue, contributing to employment. This has led to an increasing number of legal disputes related to contracts, player transfers, sponsorship agreements, and violations of anti-doping regulations. Sports are no longer solely recreational activities; they have evolved into a key sector involving various economic activities such as the organization of sports events, sponsorship and partnership arrangements, marketing, media rights, tourism, and hospitality. This paper analyzes the role and importance of arbitration in sports dispute resolution, focusing on the Court of Arbitration for Sport as the central institution for resolving sports disputes on an international level. It explores the legal framework, procedures, and regulations governing arbitration processes, as well as the advantages and disadvantages of arbitration compared to judicial proceedings. By analyzing relevant cases, the paper examines the impact of sports arbitration on the rights of athletes, clubs, and federations, as well as the economic consequences of arbitration rulings. The research aims to determine whether arbitration is a more efficient mechanism for resolving sports disputes than traditional court proceedings and to propose potential reforms to improve the legal framework for sports-related conflicts.

Keywords: sports law, sports arbitration, Court of Arbitration for Sport, economy, sport

Introduction

"Ibi ius ubi societas" – "Where there is society, there is law" (Javorina, 2002, p. 48).

Guided by this maxim of Roman legal tradition, it is emphasized that no society exists without being governed by legal norms. Sport functions as a factor of social cohesion, uniting individuals from diverse social, ethnic, and economic backgrounds around common goals. This phenomenon can be discussed in the context of social stability and community development, affirming that investments in sport represent not only economic capital but also a social resource.

Considering the globalization of sports competitions, the increasing number of professional contracts, and the growing commercial interests in sport, the presence of various forms of abuse—such as athlete exploitation, doping, corruption, money laundering, and sponsor pressure—has become an inevitable and increasingly frequent component of the sports system in the 21st century. Consequently,

the complexity of resolving such disputes has intensified. Given these challenges, it is insufficient for sports disputes to be addressed solely by specialized legal bodies within sports organizations. It is necessary to apply positive law, considering the specificities of this sector, thereby enabling the resolution of sports-related conflicts before regular courts.

In this context, arbitration emerges as an efficient and expeditious method of dispute resolution, allowing athletes, clubs, federations, organizations, and other stakeholders to attain just outcomes without the burden of lengthy court proceedings. The economic significance of sport is reflected in its evident influence on economic development, stimulating economic growth through various means. The sports industry provides employment in sectors such as certified sports professionals (e.g., coaches), sports management, sports equipment production, marketing, sponsorship, and event organization—thus creating a broad spectrum of new job opportunities.

Simultaneously, it drives infrastructure development through the construction of stadiums, sports halls, courts, arenas, swimming pools, and the establishment of proper cycling and trail networks, thereby contributing to the development of local communities and governance. This, in turn, fosters small and medium-sized enterprises through local businesses, hospitality services, social responsibility initiatives, and cultural engagement.

Modern labor relations represent a complex area where maintaining a balance between labor rights and obligations is increasingly challenging. Frequent violations of labor regulations—typically aimed at reducing employer obligations at the expense of employee rights—further complicate this field. In this regard, one of the most demanding challenges lies in regulating the employment status of athletes and their relationships with various stakeholders involved in their professional arrangements, considering the unique characteristics and dynamic nature of sports (Opačić et al., 2021, p. 72). Therefore, proper and effective application of legal regulations is imperative. As noted: "Sport is too big a game to be business, and too big a business to be just a game" (Mulasmajić, 2023, p. 78).

International sports arbitration, with particular emphasis on the Court of Arbitration for Sport (CAS), plays a crucial role in regulating sports relations and ensuring legal certainty. Arbitration in sports enables the issuance of legally binding decisions while ensuring compliance with specific sports norms and rules.

The Court of Arbitration for Sport is a specialized body that resolves the most significant disputes at the international level while maintaining the autonomy of sport. By adapting to the contemporary principles of sovereign states and applying fundamental arbitration rules—modified in certain aspects due to the specific nature of sports matters and relevant international legal standards, it is ensured that the Court's decisions are final and binding.

Although this court holds an important place within the international legal framework, the domestic legal theory often neglects this phenomenon. The purpose of this paper is to draw the attention of the domestic legal community to the existence of the Court of Arbitration for Sport and to highlight its specific features in contrast to traditional commercial arbitration. Social relations in sport deviate from classical principles of commercial arbitration, primarily due to the unique structure of sport.

With the increased commercialization and professionalization of sport, sports disputes have gained significant material implications. The parties involved now strive to protect their rights not only within the sports community but also before national courts. In this context, the need has arisen for a new model of dispute resolution capable of achieving two fundamental goals: reducing the influence of national courts

and centralizing that influence where it cannot be entirely eliminated. This seemingly impossible task has been addressed through the application of alternative dispute resolution methods—specifically arbitration—which has already proven its effectiveness in commercial disputes.

The aim of this research is to analyze the importance and role of international sports arbitration in dispute resolution, with particular focus on the Court of Arbitration for Sport as the central institution in this process. Through the examination of legal frameworks, procedures, and specific cases, the paper will highlight the advantages and challenges of arbitration in the sports context, as well as its impact on the rights of athletes, clubs, and sports organizations.

Research scope, objectives, and methodology

The Court of Arbitration for Sport (CAS) represents a significant component of the mechanism for curbing legal abuses and addressing anomalies in the application of regulatory frameworks within the field of sport. The CAS, seated in Lausanne, is an independent international institution that resolves sports-related disputes through arbitration or mediation, provided that its jurisdiction has been previously agreed upon by the parties involved. Its primary role is to assume responsibility for international sports disputes that would otherwise fall under the jurisdiction of national courts, and to resolve them swiftly and efficiently within the parameters of sport-specific procedures and regulations applicable to each individual case. The Court of Arbitration for Sport operates in an exceptionally complex and dynamic environment, constantly evolving and facing a range of challenges inherent to the daily realities of global sport. For legal principles to be successfully applied in this domain, it is first necessary to clearly identify the main sources of conflict and to determine effective strategies for addressing and overcoming them.

Research subject

The subject of this research is centered on understanding the significance, role, and necessity of the Court of Arbitration for Sport in the resolution of sports disputes, both at the international and national levels. An analysis of the institution's specific scope of jurisdiction enables the identification of everyday challenges that undermine the effective implementation of legal regulations in the field of sport. Through a detailed examination of the conceptual framework of relevant legal institutions and issues present in contemporary practice, the research focuses on interpreting key procedural shortcomings—at both national and international levels—that enable various forms of legal abuse. This further underscores the importance of the Court of Arbitration for Sport, highlighting its contribution to legal, sporting, economic, and social development within both global and local frameworks. The paper also includes an analysis of specific cases that have had particular significance for legal practice and have generated interest among both the expert community and the general public. Based on this analysis, it can be concluded that the topic of this research is highly relevant, with substantial scientific and practical implications in both the international context and the domestic legal system.

Research Objective

The objective of this scholarly research is to highlight, through a comprehensive analysis of the jurisdiction and functional scope of the Court of Arbitration for Sport (CAS), the complex challenges this institution faces on a daily basis in the realm of sports protection. Particular emphasis is placed on the

role of CAS as the highest international arbitral body responsible for the final resolution of disputes within the autonomous system of sport, as well as on the importance of its arbitral decisions.

The paper is theoretical in nature, with the intention of encouraging further and more systematic exploration of CAS's role within domestic legal scholarship, in alignment with its recognized importance on the global stage. Within the scope of the paper, the impact of sports arbitration proceedings on the rights of athletes, clubs, federations, and organizations is considered, including the economic implications of decisions rendered in such proceedings.

The ultimate goal is to assess the efficiency of the arbitration mechanism in sport compared to traditional judicial proceedings, while simultaneously formulating concrete recommendations for improving the legal framework governing sports disputes at both international and national levels. Additionally, the research seeks to provide scientifically grounded theoretical insights into the protection of sports integrity, through an analysis of the operations of relevant institutions and legal mechanisms.

By employing various methodological approaches, the study aims to offer a multifaceted understanding of the processes that contribute to the preservation of core sporting values, identifying optimal solutions to problems that threaten sports ethics. Particular attention is given to areas that directly affect the identity of sport, such as ethical challenges, anti-doping controls and the fight against doping, prevention of money laundering, the influence of sponsorships, anti-corruption measures, and the legal, economic, and social aspects stemming from these phenomena.

Through the analysis of collected data—including expert interviews, statistical indicators, and a review of legal acts, international treaties, case law, and arbitral practice—the research strives to develop scientifically validated recommendations for safeguarding the principle of fair play and enhancing the overall sports system. These findings may serve as a foundation for future studies and strategic initiatives in the field of sports law and policy. Furthermore, by examining CAS jurisprudence and conducting comparative analysis with national legal systems, the study offers reasoned conclusions regarding the adequacy of existing legal provisions and the need for their potential adaptation to contemporary challenges.

Research methodological framework

The theoretical framework of this research is based on a comprehensive review of existing scientific and professional knowledge available in relevant literature, with the aim of establishing a foundation for further analysis. This review includes an examination of prior studies and data from a variety of sources—ranging from statistical reports and publications by international institutions to monographs, scholarly studies, expert analyses, and theoretical discussions authored by both domestic and international scholars. The collected data encompass not only key scientific achievements but also validated examples of best practices in both domestic and international legal contexts.

The research approach in this study involves the application of various theoretical and empirical methods. The primary methodological basis is the normative-dogmatic method, which is a standard approach in legal science. This method allows for the systematic and critical analysis of legal norms, including both domestic legislation and relevant international legal acts and documents, with the goal of precise interpretation and evaluation of their content. It facilitates a deeper understanding of legal concepts and principles, as well as their interrelations within the researched topic, thereby providing space for scholarly discourse and contributing to the development of legal science.

Closely linked to the normative-dogmatic method is the logical method, which ensures the accurate and consistent interpretation of legal norms in accordance with the principles of formal logic. Its integration into the research provides coherence and methodological precision in the processing of legal materials.

The sociological method further enriched the research approach by offering deeper insight into the social, cultural, and institutional contexts that influence the normative regulation of sport, particularly in the area of safeguarding its integrity. This method enabled an analysis of the broader societal frameworks that shape legal regulation and practice in combating deviant phenomena in sport.

The historical method was employed to explore the genesis of sports arbitration mechanisms, with particular attention devoted to the legal-historical development of sports norms in Serbia and comparable systems. This approach facilitates an understanding of the evolution of legal regulation in sports disputes and sheds light on the historical origins and trajectories of doping, corruption, and other violations of sporting values.

For the purpose of comparing legislative solutions across different legal systems, the comparative method was used. It enables the identification of similarities and differences in national legal frameworks and the potential transposition of successful foreign solutions into the domestic context. This methodology reveals global trends in resolving sports disputes and contributes to the advancement of national legal standards.

In analyzing the relevant literature and legal acts, the content analysis and synthesis method was applied, especially in processing case law and professional materials from the field of sports law, as well as in examining laws, by-laws, international treaties, and regulations.

The descriptive method was also employed, providing a precise account of the jurisdiction and functional scope of the Court of Arbitration for Sport, its advantages and shortcomings, including frequent criticisms concerning the lack of transparency in proceedings, possible arbitrator bias, and limited opportunities to appeal CAS decisions.

The method of explication, used to provide detailed explanations of key legal concepts and procedures, was applied in the analysis of specific cases from the Court of Arbitration for Sport's practice, enabling an accurate understanding of their legal and practical implications.

The case study method served as an important tool for thematic analysis of specific examples from practice, aiming at a deeper understanding of the typology and characteristics of sports arbitration proceedings.

The statistical method enabled the systematic collection, classification, and analysis of quantitative data, with the goal of identifying patterns and relevant indicators related to sports disputes and their resolution.

Finally, the inductive-deductive method was used, allowing for the derivation of general conclusions from concrete examples (induction), and the subsequent application of those conclusions in the analysis of new situations and prediction of potential legal solutions (deduction).

The combination of the aforementioned methods ensured a comprehensive, multidisciplinary approach that enables both theoretically grounded and empirically verifiable analysis of sports arbitration mechanisms within the modern legal framework.

Economic aspects of professional sports

Professional sport has become a significant economic sector, with large financial resources invested in player transfers, sponsorships, television rights and marketing. Sports clubs function as economic entities, participating in the market and subject to economic laws and regulations. According to data from the European Commission from 2018, the sports sector accounts for about 2% of the European Union's GDP, while in some countries this percentage reaches up to 3.7%. Investments in sport not only stimulate economic development, but also affect employment, given the large number of jobs within the sports industry (Andreff, 2011, p. 18). Professional sport has a significant economic impact, both globally and nationally. Its economic dimension is reflected in various aspects, including income from sponsorships, player transfers, television rights, ticket sales, licensing and trade in sports products. One of the key sources of income in professional sports is sponsorship contracts. Large companies invest significant funds in sports clubs and individuals in order to increase the visibility of their brands through their promotion. In addition, television rights make up a large part of the income of sports organizations, as broadcasters pay high amounts for the exclusive rights to broadcast the most important competitions.

The economy of professional sports also includes player transfers, which is a multi-million dollar industry. Clubs invest in bringing in talented players, thereby increasing their market value and attractiveness to fans. In addition, the sale of tickets and season tickets is a significant source of income, while the sale of jerseys and souvenirs further contributes to the economic stability of sports organizations. In addition to direct revenues, professional sport also has wider economic effects. The development of sports infrastructure, tourism associated with sports events and job creation in the sports sector contribute to economic growth. The organization of major sports events, such as the Olympic Games or the FIFA World Cup, stimulates investment in infrastructure and attracts a significant number of tourists, thereby increasing income from hospitality, transport and trade. Professional sport represents a significant segment of the global economy, influencing economic development and opening up new opportunities for employment, investment and innovation. Its importance goes beyond the boundaries of sport, encompassing a wider socio-economic context.

Sports contracts and the legal nature of disputes in sports

Sports contracts represent a specific type of contractual relations that are largely determined by the nature of sports and the rules of sports organizations. These contracts include various types of agreements, including employment, sponsorship, license, transfer and athlete representation agreements. Due to their complexity and international character, sports contracts often lead to legal disputes that are resolved through specialized arbitration institutions, such as the Court of Arbitration for Sport in Lausanne. Contracts in sport encompass a variety of legal relationships, including employment contracts for professional athletes, sponsorship contracts, rights transfer contracts and commercial contracts. The specificity of sports contracts is reflected in the need to take into account the regulations of sports federations, which often leads to legal disputes. Sports disputes can be contractual or disciplinary in nature. Contractual disputes refer to violations of contractual obligations, such as unpaid wages, while disciplinary disputes refer to compliance with sports rules and ethical norms (Matthew et al., 2020, p. 45).

Sports contracts must comply with the laws of the country in which they are implemented, as well as with the rules of international and national sports federations. Key features of these contracts include:

- Specificity of contractual obligations - the obligations of the contractual parties are often defined by sports regulations;
- Special contract termination regime - sports contracts can be terminated before the expiration date due to violation of contractual provisions or disciplinary measures;
- Dispute resolution clauses - many sports contracts contain clauses that mandate that disputes be resolved through arbitration instead of regular courts.

Sports disputes can be contractual or disciplinary in nature. Contractual disputes most often arise due to: non-fulfillment of contractual obligations (eg unpaid wages, non-compliance with sponsorship exclusivity clauses), player transfers and compensation, or violation of competition and discipline rules. Disciplinary disputes include cases of doping, non-compliance with the rules of fair play and ethical standards in sports. These disputes are usually resolved by the disciplinary bodies of sports federations, while their decisions can be appealed before the Court of Arbitration for Sport.

Arbitration settlement of disputes in sports

Judicial methods of peaceful settlement of disputes include arbitration and proceedings before international courts (Dimitrijević et al., 2012, p. 258). Sports arbitration is a specialized form of alternative dispute resolution that enables faster and more efficient resolution of sports conflicts compared to traditional court proceedings. The main reason for the application of sports arbitration is the need for expeditious procedures, considering short sports careers and the need for urgent solutions (Kaufmann-Kohler, 2015, p.59). International sports arbitration is most often associated with the Court of Arbitration for Sport (CAS), while national sports arbitration bodies operate within the framework of national sports federations and laws. Most sports contracts include arbitration clauses that provide for disputes to be resolved before CAS or other arbitral bodies (Blackshaw, 2017, p.88). International competitive sport is characterized by a seasonal rhythm and a limited duration of the athletes' professional career, which is why the efficiency and effectiveness of dispute resolution take on special importance in the protection of their rights and interests.

Arbitration is a way of resolving disputes before a non-state, i.e. private body that the parties themselves choose and authorize to make a final decision. This process implies that a third party (arbiters), on the basis of an agreement between the parties, decides on disputed issues. Their decision is binding and in most legal systems has the same legal effect as a court judgment, including the possibility of enforcement by the state. Arbitration proceedings are characterized by the principles of: equality of parties, adversary, open justice, autonomy in choosing the rules of procedure and the place of arbitration, opportunity and economy in the way of proceeding, party disposition in choosing the governing law for the essence of the dispute (and arbitrary agreement), non-publicity, collegial decision-making and interference with the state court (and the proceedings before it). Arbitration law knows different divisions of arbitration, but the most significant is the division into ad hoc and institutional arbitration. From a legal point of view, in terms of adjudication authority and the significance of their decisions, there is no essential difference between these two types of arbitration. The differences are mostly of a practical and

organizational nature. Institutional arbitration is a permanent body with established rules of procedure and an administrative apparatus that manages the arbitration procedure in accordance with its rules, with the possibility of respecting the wishes of the parties. Today, most sports disputes are resolved before arbitration courts, because the advantages of arbitration have long been recognized in sports. By applying the classical principles of arbitration, with certain corrections due to the specificity of sport, especially in its non-commercial aspects, as well as by applying the appropriate norms of international law, a satisfactory result was achieved. Based on classic international commercial arbitrations, the Court for Arbitration in Sports was established.

The basics of the dispute resolution system in sports include the establishment of an international arbitration organization that will resolve the most significant disputes in the international sports community, with all the characteristics of classic international arbitration. The arbitration agreement is mandatory and must be signed by the parties to the dispute, which commits them to arbitration and compliance with the arbitration decision. That agreement is also a prerequisite for membership in higher sports organizations and for participation in the most important competitions (Galantić, 2015, p.323). The arbitration decision that is made has the status of *res judicata*, i.e. a *res judicata*, which equates its effect to the decision of a state court. The decisions of the International Court of Sports (CAS) are considered international arbitration decisions, and states have the obligation to recognize and enforce them, but only in accordance with the terms of the Convention on the Recognition and Enforcement of International Arbitral Awards from 1958 (Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958, art. 1).

Court of Arbitration for Sport (CAS)

Although the courts have a significant role in the resolution of sports disputes, alternative ways of resolution, such as arbitration and specialized forums, are increasingly being used. This trend is also present in other areas of law, where special bodies outside the regular court system are increasingly formed and dispute resolution mechanisms become an integral part of contracts between parties. The Court of Arbitration for Sport (CAS) was established in 1984 by the International Olympic Committee (IOC) with the aim of efficiently resolving disputes arising from Olympic sports. Over time, CAS has gained increasing importance as a specialized forum for resolving sports legal issues. Although it does not represent a court in the classic, state sense, CAS functions as an independent arbitration body that considers disputes related to the Olympic Games, as well as those related to international sports federations responsible for regulating Olympic disciplines and their members. In addition, the jurisdiction of the CAS can be extended to other sports disputes, provided that the parties to the dispute agree to arbitration before this body (Healey, 2005, p. 9).

The legal basis for the jurisdiction of the Court of Arbitration for Sport (CAS) is contained in Rule 61 of the Olympic Charter, according to which it is prescribed that all disputes arising from, or related to, the Olympic Games must be resolved exclusively before the CAS, in accordance with the provisions of the Code of Sports Arbitration (International Olympic Committee, 2020, p. 103). When we talk about the most important achievements of athletes, we usually think of their successes in the Olympic Games. This is understandable, because the roots of official organized sports competitions are connected precisely with the ancient Olympic Games (Kastratović & Dragić, 2024, p. 300). The Lausanne Court of Arbitration for Sport (CAS) was established with the aim of diverting international sports disputes from national courts

and providing a highly specialized forum where these disputes can be resolved quickly, relatively cheaply and in a flexible procedure, "within the sporting family". The court has developed significantly since its establishment in the mid-eighties and today enjoys the trust and recognition of the international sports community. Today, CAS conducts four different procedures: regular, appeal, ad hoc accelerated procedure, as well as mediation procedure.

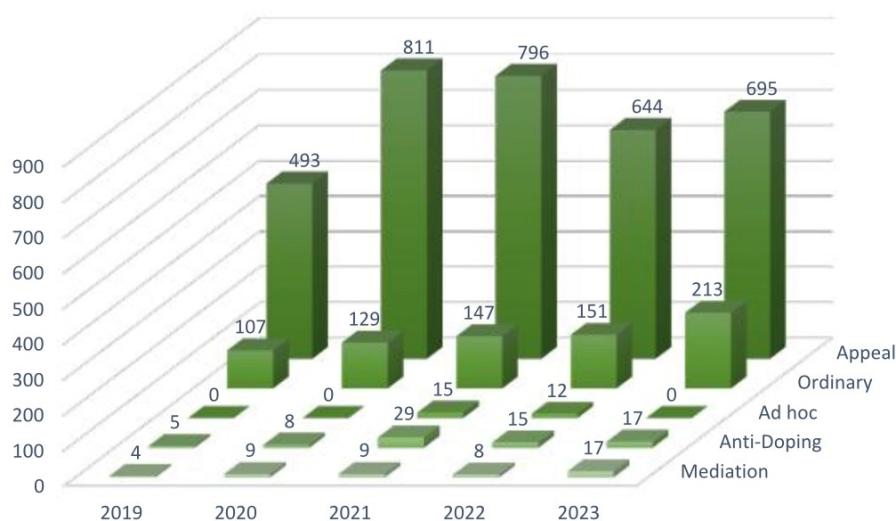
The subject of these proceedings includes all types of sports disputes, which means any dispute of a private nature that is directly or indirectly related to sports, including international commercial and disciplinary disputes. CAS can decide on the subject matter of the dispute, either in regular or appellate proceedings, only if there is a valid arbitration agreement. It can be a part, i.e. a clause of the contract on the basic job, it can be made as a separate contract after the dispute has arisen, but it is most often found in external documents such as general terms of business, regulations of sports federations, applications for membership in a sports association or even in applications for competitions. The parties to the dispute may choose the applicable law for the merits, and the rules of the CAS Code apply to the proceedings. The decision is final and the unsatisfied party can challenge it with a lawsuit for annulment before the Federal Supreme Court of Switzerland (Petrović, 2016, p.453). However, the success rate of these appeals is low, because in practice, appeal procedures against arbitration decisions generally do not lead to their annulment and are rarely successful (Netzle, 2011, p. 22). The autonomy of sport, in the context of adopting rules of conduct and their execution, also implies the resolution of disputes that arise during their application. The only optimal way of resolving disputes, which is largely independent of state courts, is arbitration. Arbitration, with the necessary modifications compared to classic commercial arbitration and with the application of multi-level arbitration decision-making for the most important disputes, became an effective tool used by the international sports community. Thus, it managed to maintain its autonomy, even after leaving the traditional amateur basis, including in terms of dispute resolution (Galantić, 2015, p.1988).

Arbitration proceedings before the CAS include the filing of a complaint, the appointment of an arbitrator, the exchange of submissions, an oral hearing and the rendering of a decision. CAS decisions are final and binding on all parties to the proceedings. Currently, the latest available annual report of the Court of Arbitration for Sport is for the year 2023, where it is pointed out that in the last five years there has been a gradual increase in the number of cases before the Court of Arbitration for Sport, whereby a total of 942 proceedings were registered in that year. Although arbitration procedures based on appeals still represent the majority of cases, a significant increase in the number of regular arbitration procedures and mediations was observed during 2023, which is shown in Figure 1..

Court disputes in the field of sports in the legal system of the Republic of Serbia

The resolution of disputes in the field of sports in the legal system of the Republic of Serbia is regulated by the Law on Sports from 2011 (National Assembly of the Republic of Serbia, 2011, art. 50). This law provides that the members of the sports association and the sports associations themselves can mutually determine the jurisdiction of the arbitration for resolving disputes related to the rights they freely dispose of. The law provides for several forms of arbitration: the establishment of an ad hoc arbitration court, as well as two permanent sports courts: one at the Olympic Committee of Serbia (Permanent Sports Arbitration – SSA) and the other at the Sports Association of Serbia (Permanent Sports Arbitration Court – SSAS) (National Assembly of the Republic of Serbia, 2011, art. 51).

Figure 1. Development of the number of cases in the period from 2019 to 2023 before the Court of Arbitration for Sport



Note. ICAS Annual_Report Financial Statements 2023

The competence of the SSA is precisely in resolving disputes concerning Olympic and Paralympic sports, while the SSAS is competent for non-Olympic sports. In addition to these forms of arbitration, the Law also provides for the inclusion of the Court of Arbitration for Sport (CAS), based in Lausanne, as an important institution for resolving disputes in sports. By introducing an arbitration institution based outside the Republic of Serbia and accepting its decisions into the national legal system, the Law enables disputes related to the rights of members of sports associations, for which the jurisdiction of arbitration has been determined by agreement, to be the subject of international sports arbitration, in accordance with the rules of the competent international sports federation. The role of international courts in resolving civil and commercial disputes with an international element was assumed by arbitration institutions, which organize international arbitration (Stanivuković, 2024, p.198). In situations where there is a close material legal connection between the parties to the proceedings and third parties who did not formally participate in the arbitration, but who may be bound by the arbitration agreement, it is recommended to recognize the so-called of the intervention effect of the arbitration decision and in relation to those persons. This effect should be recognized if those third parties were previously invited to participate in the arbitration, or, if this was not the case, that they should be given the right to invoke the objection of negligent handling of the previous dispute in the proceedings they initiate independently (Veličković, 2023, p.133).

The role of the arbitration agreement - the arbitration clause

It is very important to note that the arbitration agreement as an instrument of determination for the method of legal protection is an increasingly present legal choice in the twenty-first century. One of the basic principles of arbitration settlement of disputes is that the parties to the dispute agree to entrust the settlement of the dispute to arbitration, and not to the court of the given country. This consent constitutes the legal basis for arbitration. In practice, the usual rule is that this consent must be expressed in writing and form part of the arbitration agreement. By agreeing to arbitration, the parties renounce the

judicial protection that would otherwise be provided by state courts, while arbitrators obtain their authority to resolve disputes based on mutual consent, and not on the basis of state authority (Janićijević, 2024, p. 12). (Šarkić et al, 2025, p. 241). In order for a dispute arising from a certain social relationship to be removed from the jurisdiction of a national court and placed under the jurisdiction of arbitration, it is necessary for the parties in the disputed relationship to agree to resolve the dispute in this way. Their consent can be expressed in the form of an arbitration clause, which is concluded for a dispute that will arise, or in the form of an arbitration agreement for a dispute that has already arisen. For reasons of legal certainty, but also as a form of warning to the parties that by concluding an arbitration agreement they exclude the jurisdiction of national courts, the arbitration agreement must be in writing (Vukadinović Marković, 2021, p. 144). The arbitration clause on which the jurisdiction of the CAS is based most often appears in two forms. The first, the usual form for arbitration proceedings, is a written contract that is concluded in advance between the participants of a sports event and the sports organization that organizes that event. Another form, more specific, is the inclusion of an arbitration clause in the general acts of sports organizations, known as an arbitration clause by invitation, which is a condition for membership in the sports pyramid. The role of the arbitration agreement is particularly evident in business relations, where decision-making speed, confidentiality and the possibility of choosing expert arbitrators represent significant advantages. Although an arbitration agreement means a waiver of judicial protection in the traditional sense, it does not imply a lower level of legal certainty, but on the contrary, arbitration can provide equally high-quality legal protection, adapted to the specific needs of the contracting parties.

Case study

In practice, disputes relating to arbitration often concern breach of contractual obligations (such as termination of contracts with players or coaches), anti-doping proceedings, as well as claims involving discrimination or unfair treatment by sports organizations.

Case study A. v. Caykur Rizespor & TFF

The dispute before the CAS was caused by the technical director of the Turkish football club Çaykur Rizespor Kulubu Denegri, a Turkish citizen. He terminated the one-year contract on his own initiative due to circumstances that he considered to be a limitation or termination of his competences and authority. The Executive Board of the Turkish Football Federation (TFF) considers that the unilateral termination of the contract was illegal and a breach of contractual obligations, which is why the technical director is obliged to return the amount of 30,666.67 US dollars to the club, and then the amount of 50,000 new Turkish liras in the form of damages.

After that, the TFF Arbitration Court concluded that the termination of the contract was illegal. In this case, CAS once again referred to the strict rules regarding its jurisdiction, stating that it is necessary that all parties to the dispute must expressly agree to submit the dispute to CAS arbitration, i.e. that such a possibility exists when the statutes or regulations of the sports bodies that made the decisions foresee the possibility of a lawsuit to CAS.

There is no jurisdiction of the CAS when the decision of the sports body only states that there are no disciplinary sanctions for the plaintiff for his appeal to the CAS, without an arbitration clause (Art. R47. CAS Code). Besides, there is no international dimension in the dispute between the Turkish coach and

the Turkish club. Therefore, the TFF rule according to which "Appellants against the decisions of the Arbitration Council in disputes between athletes, technical directors and coaches arising outside the contract, which include an international dimension, may be submitted to the Court of Arbitration for Sport" does not apply. (Čizmić, 2011, p.98).

Case study – tennis player Jannik Sinner

The case study of Jannik Sinner, an Italian tennis player, illuminates the complexity of anti-doping procedures and the challenges of implementing the rules in professional sports.

Namely, in March 2024, Sinner was twice tested positive for clostebol, a banned anabolic steroid. According to his explanation, he pointed out in his statements that the contamination occurred unintentionally during a massage given to him by a physiotherapist using a spray containing clostebol, which he had previously used to treat his own cut. An independent International Tennis Integrity Agency (ITIA) tribunal accepted Sinner's explanation, concluding that there was no fault or negligence on his part, and he was allowed to continue competing. However, in September 2024, the World Anti-Doping Agency (WADA) filed an appeal with the Court of Arbitration for Sport (CAS), challenging the finding of Sinner's not guilty. WADA argued that although there was no intent to cheat, the athlete was responsible for the actions of his team and sought a suspension of one to two years. In February 2025, WADA and Sinner reached an agreement whereby Sinner accepted a three-month suspension, beginning on February 9 and ending on May 4, 2025. WADA acknowledged that there was no intent to cheat and that there was no performance enhancement, but emphasized the athlete's responsibility for the carelessness of his team members. The decision on the short suspension caused controversy in the tennis community. Many well-known tennis players have expressed concern about the perception of favoritism and inconsistencies in the anti-doping system, pointing out that lesser-known players could be punished more severely in similar situations. In addition, Sinner's nomination for the Laureus Sportsman of the Year Award was withdrawn due to the suspension.

The case of Janik Sinner highlights the complexity of anti-doping rules and the need for consistent application of justice in sport. Although Sinner's suspension is over, discussions about the fairness and transparency of the anti-doping process remain current.

Conclusion

Arbitration settlement of disputes in sports is a key mechanism for ensuring fairness, speed and efficiency in resolving conflicts that arise within sports organizations. The specificity of sports arbitration stems from the need to preserve sports autonomy, while at the same time respecting general legal principles and international standards.

Sports arbitration, such as the Court of Arbitration for Sport (CAS) in Lausanne, has played a key role in creating a single mechanism for resolving sports disputes on a global scale. Its jurisdiction, which sports organizations voluntarily accept through arbitration clauses, enables the consistent application of sports law, minimizing the influence of national courts and preventing legal uncertainty in sports.

Precisely because of its specialized competence, CAS has become an authority in the field of resolving sports disputes, especially in disciplinary matters, contractual relations, player transfers and

doping issues. Although sports arbitration faces challenges, such as issues of transparency, accessibility and international jurisdiction, its role in the advancement of sports law is indisputable.

Considering the domestic legal framework, it can be concluded that Serbia follows international trends through the Law on Sports and institutions such as the Permanent Sports Arbitration at the Olympic Committee of Serbia. However, additional improvements are necessary in terms of strengthening the independence of arbitration bodies, standardizing practice and increasing awareness of the importance of arbitration among sports actors.

In the future, the further development of sports arbitration will require harmonization of national regulations with international standards, as well as continuous monitoring of the evolution of sports law. Only in this way can it be ensured that arbitration remains an effective and fairly accepted mechanism for resolving disputes in sports.

This paper presents the key aspects of CAS that can influence the reform of the arbitration settlement of sports disputes in Serbia.

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Arbitraža u rešavanju sporova u sportu: uloga i značaj međunarodne sportske arbitraže

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Sažetak

Odnos između prava i sporta postaje sve značajniji u savremenom društvu. Povećanje broja pravnih sporova, razvoj sportskog menadžmenta, preduzetništva, sponzorstava, marketinga, pitanja dopinga, rodne ravnopravnosti i rastuće interesovanje za ovu oblast ukazuju na potrebu za interdisciplinarnim pristupom proučavanju povezanosti sporta i ekonomije, kao i razvoja ekonomskog potencijala sporta. U Srbiji, kao i u mnogim drugim zemljama, sportsko pravo je relativno nova pravna disciplina koja prolazi kroz velike transformacije. Sve je veće interesovanje za proučavanje sporta ne samo kao fenomena unutar pravnog sistema, već i kao ekonomskog sektora. Sport i ekonomija su usko povezani, budući da sportska industrija predstavlja ključni segment globalne ekonomije. Profesionalni sport, rekreativne aktivnosti, sportska infrastruktura i industrija sportske opreme ostvaruju značajne godišnje prihode i doprinose zaposlenosti. To je dovelo do sve većeg broja pravnih sporova u vezi sa ugovorima, transferima igrača, sponzorskim aranžmanima i kršenjem antidoping propisa. Sport više nije samo rekreativna aktivnost; on se razvio u ključni sektor koji obuhvata različite ekonomske aktivnosti, poput organizacije sportskih događaja, sponzorstava i partnerskih aranžmana, marketinga, medijskih prava, turizma i ugostiteljstva. Ovaj rad analizira ulogu i značaj arbitraže u rešavanju sportskih sporova, sa posebnim fokusom na Sud za sportsku arbitražu kao centralnu instituciju za rešavanje sportskih sporova na međunarodnom nivou. Istražuje se pravni okvir, postupci i regulative koji uređuju arbitražne procese, kao i prednosti i nedostaci arbitraže u poređenju sa sudskim postupcima. Analizom relevantnih slučajeva, rad ispituje uticaj sportske arbitraže na prava sportista, klubova i saveza, kao i ekonomske posledice arbitražnih odluka. Cilj istraživanja je da se utvrdi da li je arbitraža efikasniji mehanizam za rešavanje sportskih sporova u odnosu na tradicionalne sudske postupke i da se predlože potencijalne reforme radi unapređenja pravnog okvira za rešavanje konflikata u sportu.

Ključne reči: sportsko pravo, sportska arbitraža, Sud za sportsku arbitražu, ekonomija, sport

Dissemination of News in the Global Society and the Influence of Global Media Companies

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Dissemination of News in the Global Society and the Influence of Global Media Companies¹

Abstract

This paper presents various perspectives of media globalisation theorists on the processes it has brought within the media themselves, as well as how global media processes have transformed the presence of media on the international media scene. A small number of media conglomerates control a significant portion of the media market, where information and ideas are exchanged worldwide and where the struggle for dominance and supremacy is constant. The rise of global media—referred to by Edward Herman and Robert McChesney (2004) as the new missionaries of corporate capitalism—has been accompanied by complex media processes such as media deregulation, privatisation, concentration, liberalisation, commercialisation and consolidation. The aim of this paper is to identify some of the consequences that global media processes and trends have had on audiences, journalists and the media. These processes do not occur in the same way in every media market and country, as each country behaves differently within the global media market. Many countries strongly resist the process of globalisation (of which media globalisation is only a part) due to the emergence of unification, uniformity of media content and the collapse of national media and other types of culture, knowing that this leads to homogenization. In systems in transition, such as our media system, there has been a disintegration of traditionally oriented state-subsidised media. There is an explosion of advertising, and media companies are transforming into enterprises with a strong commercial character, often prioritising entertainment media content over educational content. The internet has played a key role in the process of media globalisation. Due to the emergence of the internet, the modern media audience is both creator and consumer of media content. Because the world is networked and anyone can create content that can become news delivered to everyone, professional and responsible journalism, which involves verification, analysis, and contextual connection, as well as fulfilling other factors that turn an event into news, is losing its significance.

Keywords: globalisation, news dissemination, newsworthiness factors, global media players, trust in the media, fake news

Introduction

Specific characteristics of news or how something becomes globally shared news

The media audience has the option to choose from a wide selection of media content. However, more choice does not necessarily mean greater diversity, as most content is the product of the media's commercial orientation, resulting in similar-looking content and the promotion of formats that guarantee profit. Within this abundance of options and media content consumed throughout the day, part of the content has "reached the consumer on its own", while another part is the result of an active search for the

¹ The findings of this research will be presented at the „12th INTERNATIONAL EUROPEAN CONFERENCE ON INTERDISCIPLINARY SCIENTIFIC RESEARCH” held in Roma, Italy during July 11–13, 2025. On that occasion, only the abstract, which was subject to the peer review process, was offered to the organizing committee, but the complete paper will not be offered for publication in the conference proceedings, but rather for publication in „Kultura Polisa” for the first time.

information they need. It is these individual media activities that contribute to the process of globalization, although at first glance it may not seem so, namely, because of this, Rantanen introduced in his research a special, new methodology called mediagraphy, which investigates „role of individuals in mediated globalization", together with the media² (Rantanen, 2005, p. 18). However, the media audience mostly consumes content offered by algorithms rather than verifying a single news item through multiple sources or consuming several media outlets in parallel. Part of the reason lies in the fact that people today do not have much time for such comparative analysis, which is why it becomes crucial for them to know which media outlets are credible and which are less so. We typically consume both globally and locally important news, as both directly affect our lives. Journalists, too, do not bear responsibility only toward themselves and the media outlet they work for, but also carry the responsibility of the “global functioning of the information system” (Jevtović et al., 2014, p.277).

Castells wrote about multidirectional networking where message recipients construct the message through multichannel and multimodal communication. He refers to metanetworks, or more precisely, networks of networks, which expand their interconnectedness exponentially, allowing a single message, such as one from someone we know personally, to reach thousands of people. That is “small-world mechanism” (Buchanan, 2002 as mentioned in Castells, 2014, p. 404). This is similar to McLuhan’s concept of the global village and his interpretation that the global is, in fact, small — that the global is omnipresent in our homes, and the entire world is our home. All of this is made possible by a single message that can reach countless people. Marshall McLuhan says that the global village is everyone’s awareness of everyone else; it also suggests “the global organization of news,” meaning it is easy to find out what is happening in any given country, provided that certain events manage to meet the criteria necessary to become news (Lorimer, 1998, p.16). Some of the news values commonly cited in various classifications include: timeliness, duration, continuity, proximity, impact, relevance, centrality, the power and influence of the news, surprise factor, structure, intensity, whether the news is good or bad, whether it facilitates identification, emotional value, substitutability with images and others (Rus-Mol & Zagorac-Keršer, 2014, pp.101-111). Factors such as a country’s size and economic power indicate that the likelihood of that country being represented in international news increases accordingly (Segev, 2016 as mentioned in Guo & Vargo, 2020). Indeed, in journalism, Galtung and Ruge’s news values remain among the most recognised models. Back in 1965, a system of 12 news values was defined: frequency, threshold, unambiguity, meaningfulness, consonance, unexpectedness, continuity, composition, reference to elite nations, reference to elite persons, personalisation, and negativity (Galtung & Ruge, 1965, pp. 65-71). However, some authors today note that these news values have been revised in comparison to those proposed by Galtung and Ruge. They argue that the entire social context has changed — laws, politics, emerging social movements, economy, education, socialisation, value systems, ideologies, digitalisation, the internet, media usage, and so on (Joye et al., 2016, p.17). The new digital age we live in implies an expansion of news values. Media forms are becoming convergent. The news values highlighted by Brighton and Foy are: relevance, timeliness, composition, expectation, unusualness, value, and external factors (Brighton & Foy, 2007 as mentioned in Caple & Bednarek, 2013, p. 9).

² He studies globalization, media and people in parallel and believes that in theoretical debates about globalization, the field of media remains neglected and not analyzed enough because most globalization theorists come from outside media studies (Rantanen, 2005, pp. 17–18).

The process of global news expansion and global media players

The expansion of global media can broadly be said to have started with the appearance of the telegraph. However, video recorders, satellite and cable communications, the increase in the number of television channels, doubled exports of various film, music and other content, and the advertising industry, where concentration was most noticeable, led to a global trend of deregulation and opened Pandora's box of buying, merging and acquisitions that change even at an elusive monthly and daily level. Herman and McChesney emphasise that two new media technologies — moving images and radio — contributed to the development of global media and that the film industry was the first media industry serving the global market, while true changes in global media occurred with the expansion of commercial television in the 1990s (Herman & Mekčesni, 2004, p. 22; p. 68). Due to the lack of reaction to the monologic nature of television, although it is still widely watched and very popular, what has changed since the time of writing Herman and McChesney's (2004) league of global players is the ultimate victory of commercial internet as a mass medium and its greater interactivity compared to television, with its online media production seemingly taking over the dominance from television and its emanations. Television popularity has moved to online platforms and digital content consumption, making it available at times convenient to the user, adapting to their schedule rather than broadcast time. In this area, among the most popular content that gained even greater popularity overnight are series. We watch series more on mobile devices and computers than on television. Dominique Moisi, in his book *Geopolitics of Television Series*, concludes that „former agoras are replaced by remote controls and the skilfully constructed world of internet availability of global private channels, which we enjoy from the comfort of our armchairs” (Bokan, 2020, p. 393). „Homes are becoming new battlegrounds from which we make our moves, as the era of television series triumphing over films begins—films which have historically been one of the most influential factors in steering decisions in a desired direction” (Bokan, 2020, p. 393).

In the past, it used to take days, months or even years for certain news to spread from one place to another because information was transmitted orally. Let us recall the earliest societies and the dangers that lurked within them. Just like today, information was crucial for survival at the time. When the transmission of information began, it was important for it to be as short as possible to reduce the chance of distortion. Today, in the race for clicks and to stay ahead of the competition, superficially verified or, worse yet, completely unverified information is being published and passed along by other media in a domino effect. Mostly concerning globally important topics, information from major global agencies cascades down into other media in various countries around the world. Thus, large news agencies can be called the masters of news, as most smaller media outlets pick up ready-made news. This happens because there are fewer and fewer journalists in newsrooms, and they no longer have the time to produce original content. The four major agencies that dominate the sources and distribution of news and information are the four largest transnational news agencies: Associated Press, United Press International, Reuters and France Press (Nwokeocha, 2022, p.32). Thus, in the modern world, where anyone can produce their own content and post it online, it is not all about originality but also about content distribution. The internet revises distribution for that reason; however, it is very unlikely that everything will resonate because content must be placed where a huge number of people from different points in the world can see it (Tjurou, 2009).

Globalisation in media began in the 1970s, while the 1980s changed the media market, which became open and global. Besides technological development, the political and economic climate also contributed to this, turning everything, including media, toward the principles of general accessibility, openness, cooperation, reliance and interdependence. Liberalism as an ideology fundamentally promotes the freedom of the market and trade. It implies limiting state power (Bobbio, 1992). Liberalism may have limited state power, but it has increased the power of transnational corporations. The Sony corporation includes the following companies: Multinational corporate conglomerates are emerging. There is a centralisation of media capital where conglomerates of multinational corporations own capital in various areas. Media deregulation is in effect, meaning that “a relatively small number of corporations can own numerous media organisations” (Čejko, 2019, p.202). For example, one of the twenty most powerful companies in the world is Sony, which covers five business segments—electronics, video games, entertainment (film and music), financial services and others. Sony Corporation includes companies such as Sony Pictures Entertainment, Sony Computer Entertainment, Sony Music Entertainment and Sony Mobile Communications Inc.”³ The transactions of this, as well as other media and technology giants, change frequently. For example, in 2018, Sony owned 90% of the publishing company EMI Music Publishing, which at the time owned approximately two million songs (Hina, 2018). According to Robert McChesney, this company also belongs to the “first league of media companies” consisting of “the seven largest media companies that control 80% of the global media market and are vertically and horizontally integrated conglomerates formed through a series of mergers and acquisitions” (Turčilo, 2007, p. 339). Six media giants “control 90% of media content, and they are: AT&T (which acquired Time Warner), CBS, Comcast, Disney, News Corp (the parent company of Fox News) and Viacom.” “The largest media conglomerates in the United States are AT&T, Comcast, The Walt Disney Company, National Amusements (which includes Viacom Inc. and CBS), News Corp and Fox Corporation (both partly owned by the Murdoch family), Sony and Hearst Communications” (Knez, 2022). These powerful media conglomerates overshadow the traditional local role of media in individual countries, while imperialism, in its various forms, leads to cultural hegemony. However, compared to the previous period, today some scholars, such as Dominique Moïsi, increasingly point to the existence of not one (Western) but two centres of power regarding mass culture content: Beijing and Washington (Mojsi, 2016). Nevertheless, clear distinctions are made globally between countries that have and those that do not have media power. Accordingly, the digital divide remains a global issue. According to data from the International Telecommunication Union (ITU), in 2023, approximately 2.6 billion people lacked internet access—around 33% of the global population (ITU, 2023). The outlook suggests that connectivity will continue to increase, regardless of the existing digital divide.

Digital inequality, along with many other forms of inequality, is a direct by-product of the globalisation process. The globalisation of media has resulted in all of us having insight into “global problems and conflicts, being familiar with places, people and ways of life beyond our own countries” (Ran, 2018, p. 12). When academic discourse around globalisation first began and the concept was being defined, there was widespread enthusiasm and predominant optimism about it. Admittedly, there were opponents of globalisation, but they were given little space. Although we typically associate globalisation

³ Sony. (n.d.). U: Wikipedia, preuzeto 16. aprila 2025. sa <https://sr.wikipedia.org/sr-ec/Sony>

with the economic sphere, it is multifaceted and unfolds across nearly all areas of life. This paper is specifically concerned with media globalisation, which, according to Herman and McChesney (2004), has brought many positive trends. Some of them include: neutralising media centralisation and offering a greater variety of media content, the willingness of national media to adopt programmes from the global media market, increased media competition that pressures state-controlled media to change, and the spread of popular culture to parts of the world previously unimaginable. Western culture has become globally dominant due to circumstances that favour major media players in establishing hegemony. It is therefore not surprising that many smaller countries object to the overall dominance of developed countries in developing media systems (Ekeanyanwu et al., 2012). This happens because an unregulated market leads to inequality, which increases the distance between social classes (Stevanović, 2009). Inequality is also evident among countries themselves. Western multinational corporations have unrestricted access to various parts of the world and, alongside their expansion, spread their cultural influence, which weakens local cultures and languages while reinforcing market uniformity and standardisation (Barnet & Kavana, 2003). "Countries that are economically, militarily and scientifically-technologically superior are at the same time the main centres in the structure of the global media system or the key hubs in the flow of information, thereby further strengthening their position and improving the conditions for achieving their interests" (Kuprešanin Vukelić, 2023, p.183). Media globalisation has led to the unification of content. Most of the highest-rated programmes that enjoy the greatest success with audiences worldwide are formatted, as discussed by Jean K. Chalaby in his book "The Format Age: Television's Entertainment Revolution" (Esser, 2016). The book provides a detailed account of shows that are broadcast in different parts of the world but share the same format. This is the case with omnipresent competitions such as "Big Brother", "Who Wants to Be a Millionaire", "Got Talent", "Master Chef", "Idols" and "Dancing with the Stars" (Esser, 2016). These TV shows and globally famous competitions are examples of the commercial advantage of the franchise trade, which began expanding in the 1980s and 1990s (Esser, 2016). This coincides with the years when media globalisation emerged.

TV series are also important for the media analysis of global flows as we mentioned above. „Until recently, series would receive only scattered applause, but they "overnight" changed their status, becoming key instruments for shaping the identity of both individuals and states" (Bokan, 2020, p. 393). „Hardly anyone is immune to using phrases from TV series that have become embedded in everyday conversations and are often used as sources of information in media reporting" (Mojsi, 2016, p. 12 as mentioned in Bokan, 2020, p. 393). „Highlights the importance of including series in scholarly debate, as few genres manage to intensify the emotional presence of characters in our homes and foster strong identification with them" (2020, p. 394). „We experience characters in the series as friends or allies, and we feel betrayed if they do not appear in the next episode" (2020, p. 394). „Series is also a mass source of new insights into global backstage matters that have now become more visible" (2020, p. 394). „Series, by telling multiple stories in parallel, become significant because, according to Mojsi, they are currently one of the most effective means for conveying deliberately constructed messages to the most diverse audiences" (Mojsi, 2016 as mentioned in Bokan, 2020, p. 394). There is also a global political culture and „because geopolitical and military conclusions can be drawn from paying attention to certain series in a specific social, ideological, political and cultural climate of certain geographic areas" (2020, p. 394). „By

analysing TV series, it is possible to penetrate the intentions of the countries creating the series and the situation in their country, as well as the intentions of the fascinated so-called uber-fans” (2020, p. 395).

Misreported news

Given the speed at which news travels today, where a piece of news becomes “old news” just minutes after it is replaced by another on a news portal, many media recipients end up consuming, adopting and making life-altering decisions based on that information without even having the chance to realise it was, in fact, fake news. Misinformation and disinformation have been identified as global risks in the World Economic Forum's Global Risks Report 2025 (World Economic Forum, 2025). Andrew Boyd emphasises that accuracy is always more important than speed, even at the cost of not publishing content (Boyd, 2002). Some of the many fake news stories from 2024 that quickly spread globally and which may serve recipients for entertainment purposes include: a video of Macron, later proven to have been generated by artificial intelligence, allegedly showing him kissing a man on a yacht; then a photographic composition of Hitler's Mercedes from a classic car exhibition placed in front of President Zelensky's office with the caption claiming he bought Hitler's car; then a video of a deceased former Indian Prime Minister, “revived” using AI tools for campaign purposes, and so on (Thoms, 2024). All of these news stories carry certain dangers, but unfortunately, the dangers of fake news are sometimes so far-reaching on a global level that they prevent people from making the right decisions. For instance, during the coronavirus pandemic, the fake news story that ibuprofen should not be taken to alleviate symptoms if a person is infected with the virus led to numerous consequences. Also well known is the notorious negative impact of a scientific study that likewise had far-reaching consequences (which was later withdrawn due to methodological flaws), but which received media attention and whose results spread rapidly through the media. It was a study about MMR vaccines. Later on, it influenced parents not to vaccinate their babies because MMR vaccines were allegedly causing autism in children. There are also controversies regarding COVID-19 vaccination, which remain relevant to this day, as well as other examples closely tied to conspiracy theories, which are also a form of mass manipulation. Common examples of manipulation include global media coverage of certain terrorist attacks, which, unfortunately, are becoming increasingly frequent. Such events almost always bring with them assumptions about the “usual suspects” who are immediately blamed, and with whom the affected nation does not have good political relations. Some journalists and media outlets are quick to speculate before the facts pointing to possible perpetrators are examined, even though those individuals, just like the victims, deserve fair media treatment.

It is important to distinguish between disinformation and fake news, as those are not synonymous terms. Disinformation is somewhat milder, as it assumes that those who spread it do not necessarily intend to deceive. Some of the goals of fake news include attracting audiences to generate higher revenue, gaining popularity on social media, entertainment or slander, diverting public attention from important issues to trivial ones, deceiving people, increasing political influence and more (Narwal, 2018, p.979). The power of fake news lies in its insidiousness, while the general public lacks developed media literacy when receiving media content. People often believe they are more media literate simply because they live in the digital age. However, in reality, digital threats are growing daily, and the power of digital deception is gaining momentum. For instance, an Ipsos study conducted across 27 countries showed that citizens in Turkey believe they are better at identifying fake news than the average person in their country (Ipsos,

2018). From one perspective, this could be seen as absurd given the prevailing digital censorship in that country. In Turkey, there is a law whose Article 29 prescribes prison sentences for journalists and social media users who spread information deemed contrary to the truth (Deutsche Welle, 2022). At almost the same rate as in Turkey, citizens in neighbouring Serbia believe that the average person does not care about facts related to politics and society, but rather believes what they want to believe. In other words, they think that the media have less influence compared to personal opinions (Ipsos, 2018). However, the researchers issued a disclaimer, noting that this was an online study and that in some countries, such as Turkey, internet usage is lower. Therefore, it is assumed that the respondents were predominantly urban residents with higher levels of education.

Loss of trust in mainstream media and global media trends as causes

Verified information should always be prioritised over information from media outlets that promote, spin, or partially tell the truth while withholding what remains as the “rest of the truth.” These are media outlets whose employees often self-censor out of fear of retaliation. In such media, censorship is no longer as significant as the personal, long-established mental protocols that determine what information is more or less desirable. Traditional media are bound by moral and legal norms to follow certain reporting standards. Mainstream media are also regularly monitored by regulatory bodies, which supports the notion that they should serve as pillars of responsible reporting. However, this is often not the case in reality.

In today's journalism, the effect and impression that content leaves on the audience matter more than professionalism. Entertaining content is offered at the expense of truth. This leads to the erosion of trust in the media. In the USA, trust in institutions such as journalism, religion, government, schools and healthcare was below 20 percent in 2016 (Gallup Inc., 2016 as mentioned in Vajdijanatan, 2018, p. 27). According to the 2019 Reuters Institute for Journalism report, the average trust in the media across 38 countries was 42 percent. In Bosnia and Herzegovina, 57.3 percent of respondents in the Federation of BiH trust the media, while in Republika Srpska the figure is 41 percent (Bogojević, 2020). The World Economic Forum (WEF) analysed the loss of trust in institutions due to the spread of disinformation and fake news, emphasising that the effects of fake news in one country spill over to other countries through the process of globalisation (Guanah, 2018). Scepticism about media globalisation is expressed by scholars such as Thussu (2009), Herman and McChesney (2001), McPhail (2014) and others, who believe that the main aim of global media is profit-driven, which ultimately results in the dominance of entertaining content over informative and educational content (Robertson, 2021, p. 306). Audience preferences are such that people seek escapism from everyday life, burdened by existential fear, fear of illness and wars, often turning to entertaining content. There are two schools of thought on global audience preferences. The first, advocating cultural imperialism (Schiller, 1969), points to the imbalance of global media flows, with most media content exported by developed countries to developing countries. The second, supporting cultural proximity, argues that audiences from different cultures can interpret the same content entirely differently (Liebes & Katz, 1990). Therefore, audiences worldwide choose media content from countries that are closest to them ethnically, linguistically, geographically and culturally (Taneja & Webster, 2016, pp. 6–7).

Globally, some common trends have been observed that may contribute to the decline of audience trust in the media, one of which is the emergence of infotainment, information presented in an entertaining

way. Qualitative analyses show that reporting is increasingly sensational, “with the growing use of exciting features, personalisation and close-ups” (Hendriks Vettehen et al., 2011 as mentioned in Boukes, 2019, p.2). Also, the mentioned fake news and disinformation diminish trust in the media and represent one of the global trends and products of globalisation. “The increasing presence of fake news in the media space has led to a decline in public trust in the media, which has also affected everyone working in media, public relations and related professions in contact with the media” (Sivrić, 2020, p. 114). “The spread of fake news, disinformation and negative propaganda aims to undermine the ideas of objective reporting, trust in traditional media and democratic values” (Sivrić, 2020, p. 114).

As trust in mainstream media (those media that, due to their size or influence, serve as sources for news) declines, the audience increasingly turns to alternative channels for information. These channels include private profiles, blogs run by influential freelancers or influencers, social networks, and self-proclaimed experts. Unfortunately, these sources often share unverified information that spreads quickly through various networks, and it can be difficult to determine the original sources of this information. Members of the media audience often react hastily without verifying the source of information. The decline in trust in the media can be partly attributed to the information overload that the average consumer faces. With the pressure of daily responsibilities and the need to stay informed quickly due to the fast pace of life, individuals often choose to read only a portion of the information available. When combined with low media literacy, the consumer faces the challenge of choosing in a limited time which media are credible and which are not. Too much information does not mean better awareness; instead, it means a greater quantity of choices and therefore greater confusion. The possibility of choice is a hallmark of media democracy and pluralism but should be accompanied by media literacy. An overload of information that is quickly forgotten leads to a temporary, fleeting awareness, causing individuals to feel overwhelmed by irrelevant details that obstruct their ability to absorb what is truly important. “The phenomenon of information overload refers to the exponential growth of information on a global level, which creates a situation in which a person is exposed to more information than they can process when trying to make decisions or stay informed about a particular topic” (Kuprešanin Vukelić, 2014, p. 2).

Thus, in the process of losing trust, various factors are involved, from journalists and media to the audience and global media processes. Additionally, the national and political bias of certain media can influence consumers and create prejudices among audience members with opposing views. Fake information from social networks, which young audiences⁴ sometimes prefer over verified information from the media, is sometimes shared and noticed more than information that has passed editorial procedures. Young people often share certain disinformation either as a joke or from a desire to gain social approval. For children growing up today, the use of artificial intelligence will be an integral part of life. Artificial intelligence brings even greater challenges regarding fake information on a global level. Thus, with virtually no effort, a deepfake can be created to depict a completely fabricated event, image or audio recording of something that never actually happened. The problem is that such content appears entirely realistic, presenting the media audience with new challenges in distinguishing between fake and authentic content. Last year, journalist associations around the world urged Apple to withdraw the “Apple Intelligence” feature,

⁴ Young people aged 18 to 34 most often get their news from social media, messaging app groups and news portals (Medijska asocijacija Jugoistočne Evrope, 2023).

which is used to shorten and summarise news (Fraser, 2024). It generated a fake headline and false information attributed to the BBC, and due to such fake news, the public may begin to question the credibility of the media and undermine the public's right to know the truth (Fraser, 2024).

Conclusion

The aim of this paper is to identify some of the consequences that global media processes and trends have had on audiences, journalists and the media. Some of the identified consequences concern the burden placed on the average media consumer by the daily flood of information, only a small portion of which is relevant for decision-making; the spread of fake news and disinformation enabled by social media and non-credible media outlets; the erosion of trust in the media and journalists; the use of pre-verified content with strong audience appeal by global media and its distribution at the local level; the prioritisation of entertainment over educational content; and the tendency of the media to pander to the lowest tastes of the audience. A clear sign that everything is delivered for instant consumption in consumerist culture is the fact that global media, with their speed, attention-grabbing potential and ability to mobilise human focus, are all-pervasive. Some of the most prominent global media players base their agenda on the subtle and skilfully packaged repetition of globalist narratives. How well consumers can demystify this and how they perceive their surroundings often depends on their cultural background.

A highly sensitive issue that requires a careful approach concerns the increasing influence of contemporary global media flows and trends on young people through the internet and mass media, leaving a range of negative consequences. The internet, as today's primary communication channel, not only provides access to useful information but is also increasingly becoming a space for the distribution of content that negatively affects the development and value systems of youth. Young people are exposed to uncontrolled and sensationalist information that imposes a distorted view of reality—glorifying drug use, promoting a lifestyle devoid of responsibility, and presenting alternative and often destructive values as socially acceptable norms.

Modern digital platforms and global media are also increasingly being used as tools for the dissemination of radical ideologies and extremist beliefs. Through engaging video content, social networks, and various online communities, young users are gradually exposed to narratives that may draw them into destructive ideological streams (Zirojević & Bjelajac, 2013). Such content not only promotes violence and intolerance but also poses a serious threat to the stability and security of the broader social community.

In this context, young people face a range of dangers—from the romanticization of drug use and the promotion of destructive lifestyles to the potential for ideological radicalization. That is why it is of vital importance to develop media literacy skills, systematically restrict harmful content, and strengthen both institutional and family support in protecting youth within the digital environment (Bjelajac, Matijašević & Počuča, 2012; Bjelajac & Filipović, 2020).

For some, globalisation means conflict; for others, cooperation. It all depends on one's point of view. One thing is certain – global media do not exist independently of the global market. Processes of cooperation take place through a complementary division of labour, while conflicts most often arise as a result of the unequal development of countries and the efforts of states to position themselves more favourably within that inequality, aiming to secure excess profits, which in international economic relations amounts to the exploitation of the less developed (Dimitrijević & Stojanović, 1996, p.159). However, it is a

fact that some countries claim the right to colonise and intervene in others subtly and non-violently – militarily, economically, politically and culturally – knowing that economically impoverished governments will not resist the rise of the commercial broadcasting model, which has existed since the 1920s and enabled the successful consolidation of the commercial system and the integration of many countries' media into the global order. This has consequently led to a rapid concentration of capital (Herman & Mekčesni, 2004, pp. 240–245).

With the emergence of a global commercial media market in the 1970s and 1980s, alongside the triumph of global corporate capitalism, several developments occurred: the removal of state control over broadcasters through the establishment of centralised media control, a reduction in state subsidies, competitive pressures, the rise of the advertising industry, liberalisation, privatisation, deregulation, and the oligopolistic nature of the media. There was also horizontal exchange, jeopardizing professional autonomy in journalism and collaboration between journalists and business partners, as well as mergers and acquisitions, joint ventures, and market-oriented popular culture products that diminish the public sphere by prioritising consumerist and individualistic culture over educational programmes. These changes included multi-production and multi-usability, alongside efforts at national resistance through domestic content quotas and bans on foreign content. "The global cultural currents of our time are created and directed by global media empires" (...) and "only about fifteen years ago, none of the giant corporations that dominate what Benjamin Barber calls the infotainment telesector existed in the current form of a media company" (Steger, 2005, p. 76).

Stuart Hall was among the first theorists who noticed the role of the media in the process of globalization, especially apostrophizing the power of the image that overcomes language barriers (Hall, 1997). In this dominant industry, messages and images cross borders easily. Pessimistic hyperglobalists speak of excessive homogenisation and standardisation of popular culture branded by the Western culture industry (Americanisation). Conversely, opposing the claims about the strong homogenising effects of globalisation are views asserting that self-contained societies and cultures do not exist. Roland Robertson addresses intercivilisational discourse, introducing the term glocalisation instead of cultural homogenisation, defined as the fusion and interaction of the global and the local (Robertson, 2015). It is a fact that global content is never entirely global without a local dimension, as it is still filtered through national broadcasters and frameworks. It is evident that national players import global media content and localise it (e.g. generations raised on soap operas or shows like "Who Wants to Be a Millionaire", "Survivor", etc.). Viacom was a media mogul that, at the time Castells was writing his book „led in content localisation" (Kastels, 2014, p. 121). „Our motto is "Think globally, act locally" (Kastels, 2014, p. 121). Local influences on the global can take the form of regulation and deregulation, as well as "cultural nationalism" and the like (Cullity, 2002, p. 408 as mentioned in Kastels, p. 123). Due to the neglect and concessions of national media, some would argue that globalism has become an integral part of the media discourse, and journalists have become advocates armed with ideological facts. But in today's world of pervasive mediatization, should the audience really be left solely to national content, regardless of its questionable quality, or is it wiser to offer a diversity of perspectives and strive to distance ourselves from self-sufficiency by adopting useful elements from the competition?

Globalisation makes culture widely accessible, erases the boundaries between public and private media space, suspends state sovereignty, segments, diversifies, compresses time, dissolves spatial

borders, reduces state power to just one domain of power distribution and demands reciprocal communication that gives rise to a global-level culture. The media themselves are part of that cultural pattern and should increasingly be viewed as such rather than merely as instruments. Ulrich Beck once argued that, as a result of globalisation, every possible concept of all phenomena and processes would change, presenting his theses on “the risk society that shifts from hysteria to indifference and vice versa” (...) “where everything turns into a hazard, somehow nothing is dangerous any more” (Beck, 1992, pp. 36–37). The same year Ulrich Beck published his book on the risk society, Fukuyama also released “The End of History and the Last Man” in which he wrote about the victory of liberal democracy, which emerged as the most acceptable political and economic system on a global level, with globalization enabling the spread of Western values (Fukuyama, 1992). Huntington also mentions the spread of Western values, with the media playing a key role and he points out that many parts of the world are not ready to accept these values, leading to resistance (Huntington, 1996). In his book, he highlights that American control over the global media industry exceeds its dominance in the aviation industry, supporting this by noting that “eighty-eight of the one hundred most-watched films worldwide in 1993 were American” (Huntington, 1996, p. 58).

To use Fukuyama's phrasing, the old ideological world truly seems to be coming to an end, as globalisation has become a real threat to political and religious ideologies. Through it, people are abandoning ideals to which they were once attached. His works build on Huntington's views regarding the third wave of democratisation, which suggests the replacement of authoritarian regimes with democratic ones. He cites over thirty countries that transitioned their regimes from 1974 to 1990 as examples (Huntington, 1991).

While no one can reliably predict the future, every collapse of order certainly begins with significant and prolonged crises, pain, and suffering. These experiences, similar to a mother in labour, pave the way for new life and fresh ideas. Indifference and fear reign in modern society. The dominant principles are those of management and profit, which have become idols and icons the modern generation worships. Gloomy prophecies and Orwellian visions no longer seem so utopian, while transnational progressivism is rapidly transforming the world. This transformation demands daily change, self-reflection, and intellectual engagement from us to effectively respond to emerging challenges and prevent the erosion of individual agency. Individuals' agency is crucial in order to be true masters of choice amid the sea of global content.

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Širenje vijesti u globalnom društvu i uticaj globalnih medijskih kompanija

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Sažetak

U ovom radu predstavljeni su različiti stavovi teoretičara medijske globalizacije o procesima koje je ona donijela unutar samih medija ali i tome kako su globalni medijski procesi izmijenili nastup medija na globalnoj medijskoj sceni. Mali broj medijskih divova kontroliše značajan dio medijskog tržišta na kome se razmjenjuju informacije i ideje u svijetu i na kojem je borba za prevlast i dominaciju konstanta. Porast globalnih medija, kako ih Edvard Herman i Robert Mekčesni (2004) nazivaju novim misionarima korporativnog kapitalizma, praćen je kompleksnim medijskim procesima: medijske deregulacije, privatizacije, koncentracije, liberalizacije, komercijalizacije i konsolidacije. Cilj rada podrazumjeva detekciju nekih od posljedica koje su ostavili globalni medijski procesi na publiku, novinare i medije. Ovi procesi se ne odvijaju na svakom medijskom tržištu i u svakoj zemlji na jednak način jer svaka zemlja se na globalnom medijskom tržištu ponaša drugačije. Brojne zemlje procesu globalizacije (čiji je samo jedan dio globalizacija medija) pružaju snažan otpor zbog nastanka unifikacije, jednoličnosti medijskog sadržaja i urušavanja nacionalne medijske i drugih vrsta kulture znajući da to dovodi do homogenizacije. U sistemima u tranziciji, kakav je naš medijski sistem, došlo je do dezintegracije tradicionalno orijentisanih državno subvencionisanih medija. Dolazi do eksplozije advertajzinga i medijska preduzeća prerastaju u preduzeća imperativno komercijalnog karaktera kojima je često naglasak na zabavnom medijskom sadržaju više nego na edukativnom. Internet je imao jednu od ključnih uloga u procesu globalizacije medija. Zbog pojave interneta savremena medijska publika je i stvaralac i konzument medijskog sadržaja. S obzirom na to da je svijet premrežen i da svako može kreirati sadržaj koji može postati vijest isporučena svima, na značaju gubi profesionalno i odgovorno novinarstvo koje podrazumijeva provjeru, analizu i kontekstualnu povezanost kao i zadovoljenje ostalih faktora na osnovu kojih neki događaj može postati vijest.

Ključne riječi: globalizacija, širenje vijesti, faktori vjesnovrijednosti, globalni medijski igrači, povjerenje u medije, lažne vijesti

The Position of Human Rights Within the Framework of the International Legal Order

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The position of human rights within the framework of the international legal order

Abstract

Human rights achieved their full affirmation in the period following the Second World War. Although the origins of the idea of incorporating human rights into the international legal order date back much earlier, their legal validation is primarily associated with legal instruments adopted under the auspices of the United Nations. Consequently, their specific features must be assessed in light of the normative solutions contained in the core international legal instruments. This paper will employ a broad methodological framework, with emphasis on the comparative method, historical method, content analysis, systematic approach, linguistic analysis of legal texts, among others. The application of these methods will be directed towards a better understanding of the various legal solutions which, in certain respects, exhibit significant differences. The paper will provide a general definition and understanding of human rights, the development of the idea of human rights at the level of legal theory, the possibility of their lawful limitation, the current state of their practical implementation, and related issues. Recognizing the importance of the practical application of human rights, the paper will refer to judgments of the European Court of Human Rights in Strasbourg. Particular attention will be paid to the judgments in which the Republic of Serbia was found to have violated human rights through various forms of conduct by state authorities. The aim of the paper is to present the field of human rights in a manner that enables the reader to properly understand their legal specificities. This aim is considered justified in circumstances where the phenomenon of human rights is widely exploited in the media across the world, often accompanied by inaccurate assessments of their scope in the practical application of legal provisions.

Keywords: human rights, theoretical concepts, application, limitations, legal instruments

Introduction

The sphere of human rights is attracting growing public interest, with the central purpose of enhancing citizens' understanding that they possess and are entitled not only to the enjoyment of these rights, but also a need to recognize and protect their rights, which is essential for protection of security in everyday life (Bjelajac, 2017). In everyday contexts, numerous initiatives are undertaken to ensure that human rights are adequately interpreted for the general public. However, such attempts often reveal a certain degree of misunderstanding regarding the very concept and meaning of human rights in terms of their international legal recognition. This stems from the fact that the phenomenon of human rights is commonly attributed to the modern era, more precisely the 20th century. That was a time marked by the greatest human suffering, which necessitated the introduction of new criminal classifications, such as the crime of genocide. The need for such criminalization was directly prompted by mass atrocities and the systematic destruction of entire groups. The core of the most horrific war crimes was rooted in Nazi ideology, which was fundamentally driven by hatred towards other nations. The subsequent wars in the second half of the 20th century further demonstrated that human rights continued to be brutally violated. This primarily concerned the right to life, health, physical liberty, bodily integrity, voting rights, privacy, and others. In such circumstances, the violation of human rights was often awkwardly justified by so-called higher interests, typically aligned with the ideological needs of the time in which key events occurred.

Unfortunately, history teaches us that victorious leaders were often de facto amnestied for numerous atrocities that involved the violation of fundamental human rights and freedoms of individuals and entire "undesirable" groups. These acts were justified by the supposed demands of a new era, in which there was no place for past events. Moreover, previous events were seen as a real obstacle to the establishment of new world orders.

The development of awareness regarding human rights has not progressed in parallel with their legal recognition. It could be said that such awareness was initially limited to the individual efforts of people seeking to promote the affirmation of human rights within their immediate environment, including the state in which they reside. Within broader efforts to elevate awareness of human rights beyond individual initiatives, a widely accepted view has emerged that human rights are an integral part of the democratization process of a society. However, the development of democracy should not be equated with the development of human rights, even though they may be mutually reinforcing. In essence, human rights are respected and their violations are subject to legal proceedings in democratic societies, whereas their disregard and the absence of institutional response are characteristic of autocratic regimes.

The legal recognition of human rights is grounded in the core international legal instruments adopted under the auspices of the United Nations. Initially, these instruments enshrined fundamental human rights and guaranteed their observance within the framework of international law. The evolution of these rights has been conditioned by broader geopolitical developments, in which global ideological divisions significantly hindered the universalization of human rights. As a result, the classification of human rights is based on a generational framework, centered around international legal instruments that have had the greatest impact on their identification and legal recognition.

The basis of this paper is the need for a theoretical and normative determination of the concept and meaning of human rights, the methods of their classification, and the development of the idea of human rights as expressed in legal theory and legal documents. In order to examine the full extent of the practical application of human rights, it is important to consider judgments declared by the European Court of Human Rights (ECtHR) in Strasbourg. These cases concern violations of specific human rights arising from actions or omissions on the part of domestic state authorities.

The concept and meaning of human rights

The development of the idea of human rights can be traced through various theoretical approaches and orientations. These provide the theoretical foundations in which the genesis of the later emergence of human rights can be discerned. Given the large number of theoretical perspectives that, among other topics, address human rights, it is necessary to identify those that exert the greatest influence in this area of law.

The theoretical determination of human rights must begin with Hans Kelsen's Pure Theory of Law, which defines law as a system of norms separated from psychological, sociological, ideological, and other "burdensome" elements. In developing his Pure Theory of Law, Kelsen asserts that one must answer the question of what the law is, rather than the question of what the law ought to be, or what it should be made to be. In this way, law may be distinguished from politics (Kelsen, 2007, p. 11). The fundamental weakness of Kelsen's "pure" theory lies in its detachment from morality and justice. Ronald Dworkin

criticizes him with regard to this detachment from legal philosophy. According to Dworkin, law should not be conceived as a rigid system of rules that exists outside of society (Milanović, 2023, pp. 32–33).

If we start from the normativist approach in the theoretical definition of the concept and meaning of human rights, we tread a rather uncertain path. This practically means that human rights can be considered legally regulated *de jure* even in totalitarian systems, provided that there is a constitution and laws that guarantee them.¹ Setting aside the fact that autocratic rulers do not respect their own laws or even “utilize” discriminatory provisions against “undesirable” groups, whose basis may lie in their religious, national, ideological, political, or other affiliations, this reveals a fundamental weakness of Kelsen’s theory of law, which also reflects on the domestic regulation of human rights.²

Contractual or Social Contract theories rest on diametrically opposed foundations regarding the definition of law and its role in society, as well as, most importantly, the sources that legitimize the application of legal norms.³ At the core of this theory is the determination of the most appropriate way in which authority is legitimized. Contractual theories start from the premise that citizens are the bearers of sovereignty, and therefore have the right to govern the state. They transfer their right to govern to the state authority by entering into a form of contract with it. Although such a contract is not formally concluded, by participating in elections, citizens consciously relinquish part of their sovereignty in favor of their political representatives who, while exercising authority, are expected to protect them. “The condition for the emergence of political society is the formation of a common authority. Locke emphasizes that political society exists only if every member of society has renounced their natural authority and transferred it to the community, to which they may appeal in order to secure protection based on the laws established by that community. There is no political society without authority that safeguards the property of all and punishes members of society for their offenses” (Gajin, 2012, p. 259).

The fundamental weakness of this theory lies in its reliance on the will of the majority, which decides on behalf of all citizens. It is well known that elections or referenda are decided by majority vote,

¹ “A totalitarian regime can very convincingly defend its system of values and its framework of social relations and respect for human rights, since during its time in power the crime rate is minimal, and citizens can live without any fear for their lives, bodily integrity, or property. Who can deny the human right to security from crime, to a life free from fear of criminal acts? A liberal regime, on the other hand, could present a compelling counter-argument, asserting that such a situation reflects severe oppression by the regime and that crime is virtually non-existent because people live in fear of police and state torture. Who can deny the human right to live without fear of oppression and police torture? In any case, it would be antihumanistic to judge the matter by suggesting that it is more humane to live in fear of crime but not fear the police, or vice versa. Likewise, it would be unjust to answer the question of what justice is by stating that justice is what a classic communist system of enforced egalitarianism but with relatively significant social security offers as a response (Čirić, 2000, p. 72).

² “Robert Walter, longtime president of the Kelsen Institute, has precisely called upon all legal scholars to further develop—or more accurately, to refine—Kelsen’s theory and legal positivism itself, given that these concepts and relationships are in constant evolution. Nevertheless, it should be borne in mind that by presenting law as it is, the Pure Theory of Law must, in contemporary conditions, necessarily engage with the study of certain aspects of natural law, such as human rights. It should not be forgotten that Kelsen persistently defended his views, published numerous responses to his critics, and in doing so became aware of his own mistakes within his theory. Some of these he partially corrected in later editions of his *General Theory of Law* (Čorić, 2009, pp. 252–253).

³ In this context, it is important to emphasize that the Social Contract theory initially emerged as a political theory. It sought to provide answers to questions regarding the legitimacy of governance and the legal basis of political obligation. Therefore, the term “political contract” would be more appropriate than “legal contract,” as it was conceived as a means of limiting state power (Dobrijević, 2011, pp. 29–30).

to which those who voted differently must submit. In this sense, it is not possible to speak of a general consensus but rather of a majority decision-making system. Considering that human rights concern every individual, it can be observed that they are not fully respected in relation to each of their holders or beneficiaries. In the literature, democracy is often described as the "tyranny of the majority over the minority," which stands in opposition to the idea and concept of human rights and freedom.⁴

Marxist theoretical thought is based on the idea of the necessity to uphold fundamental socialist values, in which the central role is attributed to working people and citizens. In practice, this is embodied through communist ideology, which ultimately envisions the withering away of the state. Under such conditions, communist totalitarian regimes developed, in which fundamental human rights (such as life, physical liberty, property, and others) were most brutally violated. Moreover, Marxist authors considered political and civil rights to be bourgeois constructs with no place in the socialist social reality. Although practice has confirmed these claims, it is useful to point out the substantial discrepancy between the original teachings of Marx and the later interpretations that were abused to justify the establishment of totalitarian regimes. This should be supplemented by later critics of Marx's thought and his conception of human rights within the framework of building a socialist society. "To add here one indicative case from everyday European life: in 2011, the European Court of Justice ruled, in response to a claim by a Russian designer, that the Soviet emblem — a globe with a hammer and sickle and a five-pointed star — could not be registered as a trademark in the European Union, as this symbol was considered inappropriate in some Union member states. The Court recalled that, under Hungarian law, the hammer, sickle, and five-pointed star are symbols of despotism, and that their use would constitute a violation of public order and morality" (Kalik, 2018, p. 60).

Summarizing Marxist theoretical thought, which arose from the foundations of historical materialism, it can be concluded that it did not contribute to the affirmation of human rights. Its contribution must inevitably be assessed within the framework of an ideology that was intolerant of dissenting opinions and, consequently, made the conceptualization of human rights impossible. Since human rights belong to every individual, it is impermissible to selectively apply them based on a person's ideological, political, or any other affiliation in relation to others.

Classification of Human Rights

The general cataloging of human rights began after the Second World War and continues to the present day. The process of their discovery and legal verification exhibits fluctuating trends across different historical periods. Furthermore, geopolitical developments at both global and regional levels have influenced the affirmation of certain human rights, as the interests protected by those rights were more vulnerable at specific times. Regardless, the process of cataloging human rights remains unfinished and continues to be supplemented by newly recognized rights. Therefore, it is necessary to classify human

⁴ "Following this duality—majority vs. minority—it should be noted that at the heart of democracy lies the application of the majority principle. Democracy is often (and unjustifiably) equated with majority rule. For an equation between the two to hold, societies must be relatively homogeneous, and such societies are virtually nonexistent. Of course, the intensity of differences along ethnic, linguistic, religious, or cultural lines is not always the same, but if we consider societies so divided that majority rule effectively means the dictatorship of the majority, it can be said that special mechanisms are needed to overcome these divisions" (Cvetković, 2024, p. 312).

rights in order to better understand them and thereby improve their practical application in various real-world and legal contexts. Prior to this, however, it is essential to highlight the fundamental characteristics of human rights, which can be summarized as follows:

- Human rights are acquired at birth;
- Human rights are the rights of the individual;
- There are no more important or less important human rights;
- The catalog of human rights is not final but is supplemented by newly recognized rights;
- Human rights are not unlimited but are subject to so-called permissible restrictions;
- Human rights are primarily protected by international legal instruments;
- Holders of human rights can also be collectives (e.g., persons with disabilities, national minorities, religious communities, etc.);
- The discovery and legal verification of new human rights cannot be made at the expense of already existing rights (e.g., a new human right cannot be introduced while simultaneously abolishing a previously recognized one);
- It is essential to distinguish human rights from subjective rights (e.g., the right to appeal) because they are of different nature and enjoy a different legal status within the international legal order;
- In English-speaking countries, there is a terminological distinction between objective law or legal system (“law”) and individual human rights (“right”), which is not the case in our country where the term “pravo” is used for both;
- It is necessary to distinguish human rights from human freedoms.⁵

The Universal Declaration of Human Rights of 1948 represents the fundamental legal instrument in the field of human rights, whose effect extends even to those countries that have not signed or ratified it within their domestic legal systems (1948, December 10). As such, it is often referred to in legal literature as the “constitution of human rights,” which marks it as a foundational legal source in this domain. Human rights can be classified in various ways, indicating the possibility of applying different criteria. However, the most common classification in the literature is the distinction of human rights by generations. This typology follows the historical timeline of their recognition and legal codification, as well as the nature of the goods they are intended to protect.

Following the chronological development of international legal recognition of specific human rights through foundational legal instruments, three generations of human rights can be distinguished. Within each generation, a number of rights can be identified that share similar characteristics and therefore belong to the same group.

The first generation of human rights consists of civil and political rights. The International Covenant on Civil and Political Rights of 1966 guarantees individual human rights such as: the right to life (Article 6); the right to physical liberty (Articles 8–12); the right to freedom of thought, conscience, and religion (Article 18); the right to freedom of expression (Article 19); the right to freely associate with others, including

⁵ „This is a more precise term for human rights. Its use as well as the distinction between human rights and freedoms aims to emphasize that individuals or groups are entitled to demand active conduct from the state in order to ensure the enjoyment of guaranteed rights. In contrast, in the case of freedoms, what is at stake is protection from state interference—meaning that the state is expected to refrain from action that would hinder the exercise of those freedoms. (Krivokapić, 2017, p. 11)

the right to form and join trade unions for the protection of one's interests (Article 22), as well as other rights in this area (1966, December 16).

The second generation of human rights consists of economic, social, and cultural rights. The International Covenant on Economic, Social and Cultural Rights of 1966 guarantees individual human rights such as: the right to work (Article 7); the right of everyone to form trade unions and join a union of their choice (Article 8); the right of everyone to social security, including social insurance (Article 9); the right of everyone to take part in cultural life, to enjoy the benefits of scientific progress and its applications, and to benefit from the protection of the moral and material interests resulting from any scientific, literary, or artistic production (Article 15), along with other rights in this legal domain (1966, December 16). It is important to highlight that this Covenant explicitly obliges the member states to ensure the equal right of men and women to the enjoyment of all economic, social, and cultural rights (Article 3). Accordingly, member states may restrict these rights only by law and only to the extent that is consistent with the nature of these rights and solely for the purpose of promoting general welfare in a democratic society (Article 4).

The third generation of human rights encompasses a diverse range of rights that emerged toward the end of the last century. Although there is a somewhat broader timeframe for their recognition and legal codification through various legal instruments, these human rights are linked by the fact that they are a product of the modern age and the need to adequately protect individuals from the challenges of contemporary life and violations of these rights. In the literature, they are also referred to as solidarity rights, as their realization depends not only on the affirmative or negative obligations of the state but also on the conduct of every individual. Hence, they are not primarily aimed at the protection of the individual, but rather of collectives, which refer to various social groups. The catalogue of third-generation human rights includes: the right to development, the right to peace, the right to a healthy environment, the right to privacy, and others (Kolednjak & Šantalab, 2013, 326).

Although international and regional legal instruments provide a broad basis for the protection of human rights, it should not be overlooked that these rights are not unlimited. These are legally permitted restrictions that do not infringe upon the essence of human rights. For example, the right to life is lawfully limited in countries where the death penalty is imposed; the right to physical liberty is restricted in the context of detention and institutional criminal sanctions; and the right to privacy may be limited through the application of special evidentiary measures in criminal law, among others.

Finally, increasingly vocal opinions within certain segments of the academic and professional community suggest that human rights could be more effectively protected. This could be achieved by basing the existing system of control and oversight on coercive mechanisms. "In support of the thesis that it is not necessary for the monitoring mechanisms of compliance with human rights treaties to be coercive, it is argued that states simply respect human rights treaties on the basis of the rule *pacta sunt servanda*. In this sense, some authors propose a managerial model according to which the state should not be forced, but rather persuaded to comply with certain rules" (Budak, 2018, p. 563). It is important here not to conflate institutional mechanisms for the protection of human rights with criminal law protection, which is provided within the framework of each country's criminal legislation. This type of protection is found in the special part of substantive criminal law, where individual human rights are safeguarded through specific criminal offences. For example, criminal law protection of the environment is considered a last resort in cases where other forms of legal protection prove ineffective and insufficient (Joksić, 2011, p. 23).

Human Rights in the Case Law of the ECHR

In the decades-long practice of the European Court of Human Rights (ECHR), there exists a significant number of cases in which Serbian citizens initiate proceedings against their own country. The literature emphasizes that the judgments rendered by the Court have a substantial impact on national legislation, leading to its harmonization with the standards developed by the ECHR (Kovačević, 2023, pp. 82–83). An application to the Court in Strasbourg must be submitted in accordance with the prescribed form, including a mandatory specification of the particular human right, as provided by the European Convention on Human Rights and Fundamental Freedoms, that has been violated or endangered (November 4, 1950). By analyzing a substantial number of cases involving Serbia, it has been established that a significant proportion of applications are submitted due to violations of the right to property and the right to a trial within a reasonable time. In the case of *Ivić v. Serbia* (17871/23)⁶ the application was brought against the Republic of Serbia pursuant to Article 34 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter: ECHR).⁷ The applicant alleged that his human right to property guaranteed by the ECHR was violated. This concerns the provisions guaranteeing the right to a fair trial (Article 6 of the ECHR)⁸ and the right to property (Article 1 of Protocol No. 1 of the ECHR).⁹ The factual description of this case boils down to the applicant's claim regarding the non-enforcement of a domestic decision issued in her favor against a state/social enterprise. Since the decision was rendered in her favor, the applicant possesses standing to bring this proceeding.

The Court accepted the applicant's application based on the following legal reasoning and factual arguments. The enforcement of a judgment rendered by any court must be considered an integral part of the "trial" within the meaning of Article 6. The Court also refers to its case law concerning non-enforcement or delayed enforcement of final domestic judgments (see *Hornsby v. Greece*, no. 18357/91, § 40, Reports of Judgments and Decisions 1997-II).

The Court further notes that the decision in this application requires the undertaking of a specific measure. Accordingly, the Court considers that the contested decision concerns "possessions" within the meaning of Article 1 of Protocol No. 1. In the leading case of *R. Kačapor and Others v. Serbia*, no. 2269/06

⁶ <https://www.zastupnik.gov.rs/sr> (available June 1, 2025.).

⁷ According to the provision of Article 34 of the ECHR: The Court may receive individual applications from any person, non-governmental organization, or group of individuals claiming to be victims of a violation of the rights established by the Convention or its Protocols, committed by a High Contracting Party. The High Contracting Parties undertake not to hinder in any way the effective exercise of this right.

⁸ According to the provision of Article 6 of the ECHR: Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law, in the determination of his civil rights and obligations or of any criminal charge against him. The judgment shall be pronounced publicly, but the press and the public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, when the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

⁹ In this legal context, the applicant also relied on the provision of Article 1 of Protocol No. 1 to the ECHR, which states: Everyone has the right to the peaceful enjoyment of their possessions. No one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. However, the preceding provisions shall not, in any way, impair the right of the state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

and five others, dated 15 January 2008, the Court found a violation concerning circumstances similar to those in the present case.

After considering all the material submitted to it, the Court found no fact or argument capable of persuading it to reach a different conclusion regarding the admissibility and merits of these complaints. In light of its case law on this subject, the Court finds that in this case the authorities did not make all the necessary efforts to fully and promptly execute their decision in favor of the applicant. Therefore, these complaints are admissible and disclose a violation of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1.

Having regard to the documents in its possession and its case law (see, in particular, the case of *R. Kačapor and Others v. Serbia*, cited above, as well as *Stanković v. Serbia* (decision), no. 41285/19, of 19 December 2019), the Court considers it reasonable to award the amounts indicated in the attached table. The Court further notes that the Respondent State has an outstanding obligation to enforce the judgment.

Conclusion

Human rights represent a legal specificum whose international affirmation was achieved after the Second World War. Their particularity is reflected in the definition of their concept and meaning, the manner of classification, and their application in the practice of the European Court of Human Rights (ECHR). In each of these segments, there is a departure from the traditional understanding of objective law and subjective rights. Therefore, in the derived sense, human rights imply the right to their peaceful enjoyment without actual or legal interference by others. A large number of human rights require classification according to the manner of their discovery and legal verification, as well as the goods they protect. Although there are several classifications of human rights, we consider the division into generations, which corresponds to the international legal instruments guaranteeing them, as the most appropriate. The full effect of the application of human rights and the degree of their observance in our country can be determined by reviewing the practice of the ECHR. Based on available data, a significant number of applications can be observed seeking protection of fundamental human rights (e.g., property), the right to a trial within a reasonable time, and the like.

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CASE IVIĆ v. SERBIA (Application no. 17871/23), Judgment, Strasbourg, 13 February 2025.

Položaj ljudskih prava u međunarodnom pravnom poretku

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Sažetak

Svoju punu afirmaciju ljudska prava stižu u periodu posle Drugog svetskog rata. Iako začeci ideje o potrebi uvođenja ljudskih prava u međunarodni pravni poredak sežu mnogo ranije njihova pravna validacija se vezuje za pravne dokumente nastale u okviru Organizacije ujedinjenih nacija. Otuda se njihove specifičnosti moraju ceniti u duhu normativnih rešenja prisutnih u krovnim međunarodnim pravnim instrumentima. U radu će biti korišćen širi metodološki okvir u kojem prevlađuje komparativni metod, istorijski metod, analiza sadržaja, sistematski metod, lingvistička analiza teksta i dr. Primena ovih metoda biće fokusirana na bolje razumevanje različitih rešenja koja, u određenim segmentima, pokazuju značajne razlike. U radu će biti dat opšti pojam i značenje ljudskih prava, razvoj ideje ljudskih prava na nivou teorijskih shvatanja, mogućnosti njihovog pravno dozvoljenog ograničenja, stanje u njihovoj praktičnoj primeni i dr. Uvažavajući značaj praktične primene ljudskih prava u radu će biti korišćene presude Evropskog suda za ljudska prava u Strazburu. U fokusu će biti presude ovoga Suda u kojima je naša zemlja bila tužena zbog povrede ljudskih prava u različitim načinima postupanja državnih organa. Cilj rada je da se područje ljudskih prava prikaže na način koji će omogućiti čitaocu da pravilno razume njihove pravne specifičnosti. Ovaj cilj smatramo opravdanim u okolnostima kada se fenomen ljudskih prava medijski eksploatiše svuda u svetu a da se pritom daju pogrešne ocene njihovog dometa u praktičnoj primeni propisa.

Ključne reči: ljudska prava, teorijska shvatanja, predstavka, ograničenja, pravni instrumenti.

The Importance of Witnesses in Civil and Criminal Proceedings

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The Importance of Witnesses in Civil and Criminal Proceedings

Abstract

Witnesses represent one of the oldest means of evidence used in evidentiary proceedings. A witness is a natural person who provides the court with information about a particular event. However, in practice, besides being one of the most commonly used means of evidence, witnesses may sometimes prove to be an unreliable source of evidence. It often happens that witnesses incorrectly observe an event or, due to the passage of time between the event and the court proceedings, forget or convey an altered version of their sensory perception. The subject of this paper is the evidentiary significance that witnesses may have in court proceedings. The importance of witnesses as a means of evidence is assessed differently in practice, depending on whether the procedure is civil or criminal. In civil proceedings, their credibility is ranked immediately below documents, on-site inspections, and expert opinions, which are considered more reliable means of evidence. In criminal proceedings, however, witness testimony is regarded as one of the key evidentiary actions evaluated by the court during the decision-making process.

Keywords: means of evidence, evidentiary actions, testimony, evidentiary proceedings, evidence

Introduction

Reaching a decision on the merits of a specific case before the court represents the essence of providing legal protection — whether in cases involving infringed or endangered civil rights, or in criminal proceedings aimed at safeguarding the public interest in instances of violations of the provisions of the Criminal Code. Depending on the complexity of the case, judges have at their disposal a range of means of evidence and evidentiary actions through which they may form a belief regarding the truthfulness of the subject of proof.

The means of evidence prescribed by the Civil Procedure Act [CPA] are divided into personal and material evidence. Personal evidence includes parties, witnesses, and expert witnesses, while material evidence comprises documents and on-site inspections. Regarding the application of these means of evidence, pursuant to Article 7[1] and [2] of the CPA, the parties are obliged to present all facts on which they base their claims and to propose the evidence necessary to establish those facts. The court shall consider and establish only the facts presented by the parties and shall examine only the evidence proposed by the parties, unless otherwise provided by the CPA. This means that the burden of collecting evidence lies with the parties. Exceptionally, the court is authorised to establish facts not presented by the parties and to examine evidence not proposed by the parties if the results of the hearing and evidentiary proceedings indicate that the parties are disposing of claims they are not entitled to dispose of (Article 3[3] in conjunction with Article 7[3] CPA).

The means of evidence prescribed by the Criminal Procedure Code [CPC] are categorised as general (ordinary) and special. In terms of general means of evidence, the CPC provides for the following evidentiary actions: questioning the defendant, examining witnesses, expert opinions, on-site inspections, reconstruction of events, documents, sample collection, verification of accounts and suspicious

transactions, temporary seizure of objects, and searches. The focus of this paper is placed on witnesses as a means of evidence.

On Evidence and the Process of Proving

The term *evidence* presents certain difficulties, as it is one of those terms used in various meanings in everyday language, different scientific fields, legal literature, and legislation. In civil proceedings, the term *evidence* sometimes refers to the means of evidence, sometimes to the evidentiary action, and sometimes to the result of proving. In logic, *evidence* is understood as one of the methods of knowledge: evidence (*argumentatio, documentatio*) is the derivation of the truth of one proposition from the truth of other propositions. The proposition whose truth is being derived is called a *claim*, while the propositions from which the claim follows are called *reasons for the claim* [Marković, 1966, p. 136].

According to Professor Gordana Stanković, evidence is information or a notification regarding a legally relevant fact that has been the subject of proving. This term is often used to denote the means of evidence, the result of proving, or a successful outcome of verifying the truthfulness of the subject of proof. Proving refers to procedural actions undertaken by procedural subjects during the proceedings to establish the accuracy of a party's statements concerning facts relevant to the application of law in a specific legal matter [Stanković, 2018, p. 57].

According to Professor Triva, a means of evidence or evidence (*instrumentum*) is everything—every fact—from whose sensory observation knowledge about a fact, which is the indirect subject of proving, is derived. Means of evidence are, therefore, sources of judicial knowledge regarding the content of reality [Triva, 1983, p. 385].

The term *evidence* is sometimes used cumulatively with its other meanings in provisions concerning the proposal of evidence and the determination of its presentation. By proposing evidence, the parties actually indicate the source, through whose examination the court should obtain information on the subject of proof. When determining which evidence will be presented, the court decides on the means of evidence to be examined in order to collect such information [Dika, 2018, p. 366].

In criminal matters, the concepts of evidence, sources of evidence, and means of evidence are also ambiguous and represent some of the most complex theoretical issues. Traditionally, means of evidence are defined as sources from which the bases are obtained, i.e., sources from which facts are derived, serving as a foundation for drawing conclusions about the truthfulness or falsity of what is being proved. Thus, means of evidence include: witnesses, expert witnesses, on-site inspections, etc. [Vasiljević, 1981, p. 301].

A source of evidence is a specific person or object from which evidentiary data, i.e., evidence in the broadest sense, originates. Every means of evidence has its characteristic source of evidence: the accused in the questioning of the accused, the witness in the examination of witnesses, etc. [Škulić, 2014, p. 246]. Evidence represents the data obtained through the application of means of evidence, which arise from sources of evidence, e.g., in the examination of a witness, it is the witness's statement [Škulić, p. 183].

Examination of Witnesses in Civil Proceedings

A witness is a person who provides testimony to the court regarding their perception of a fact that occurred in the past. Such a person is limited to conveying their sensory knowledge without expressing

any personal opinion regarding the perceived fact (Poznić & Vodinelić-Rakić, 2015, p. 405). According to Dika, a witness is a natural person who is not a party to the proceedings, nor an official (judge, court counsellor, court reporter), who is being examined before the court in order to obtain information about the content of their possible perceptions or otherwise acquired knowledge of facts being established, which they did not acquire in a professional capacity by order of the court (Dika, 2018, p. 568).

With regard to witnesses in civil proceedings, the Civil Procedure Act stipulates that every person summoned as a witness is obliged to appear and to testify, unless an exemption is provided by law. Only persons capable of providing information about the facts being proven may be examined as witnesses (CPA, Art. 244). The party proposing that a certain person be examined as a witness must indicate the subject matter of the testimony, as well as provide the witness's full name, occupation, and residence (CPA, Art. 252).

"The subject of testimony consists of providing information about facts, not about rules of experience or legal rules. The facts to which witnesses testify are generally those that arose and existed in the past, but not exclusively, as they may also testify about facts existing in the present, provided their knowledge is based on sensory perception" (Dika, 2018, p. 569).

Regarding the method of examining witnesses, the most relevant method is direct oral examination at the hearing (Jakšić, 2019, p. 503). However, the CPA provides that the court may decide by ruling to admit written witness statements, in which the witness states their knowledge of material disputed facts, the source of that knowledge, and their relationship with the parties. This provision is a novelty in domestic positive law compared to older procedural law concepts, as it represents a departure from the principle of immediacy (Kozar, 2011, p. 326). The written statement must be certified by a court or by an authorised public official. Before giving the statement, the person recording it must inform the witness of their rights and duties under the CPA. An uncertified written witness statement cannot be admitted as evidence and cannot form the basis of a decision, unless the parties to the proceedings have been given the opportunity to question the witness regarding the content of the statement in order to establish its truthfulness (Stanković, 2020, p. 165).

Another novelty following technological development is that the court may decide, ex officio or at the parties' request, to examine a witness via conference link, using audio or video recording devices. The witness statement obtained in this manner may be submitted to the court by a party or requested by the court directly from the witness. The court may always summon a witness who has provided a written or recorded statement to confirm their testimony in person at the hearing (CPA, Art. 245).

The prohibition of testimony is regulated by Article 247 of the CPA. A person who would, by their testimony, violate the duty of confidentiality cannot be examined as a witness until released from that duty by the competent authority. The duty of confidentiality relates to state, official, military, and business secrets, and the competent authority may release the witness from this duty. Such a witness must notify the court by written submission upon receiving the summons, informing it of the existence of a testimony prohibition. In addition to submitting the written notice, the summoned witness is obliged to attend the scheduled hearing and inform the court in person of the existence of the prohibition and the consequent refusal to testify (Stanković, 2024, p. 910).

Besides the prohibition of testimony, the CPA prescribes circumstances under which a witness may refuse to testify. A witness may refuse to testify regarding information confided by a party as their

attorney, as a religious confessor, or information obtained as a lawyer, doctor, or in another professional capacity where a duty of professional secrecy exists. The court is obliged to inform the witness of this right. Regarding individual questions, a witness may refuse to answer if there are justified reasons, especially if the answer would expose them or their relatives to severe shame, significant financial damage, or criminal prosecution. Relatives include blood relatives in the direct line of any degree, collateral relatives up to the third degree, spouse or common-law partner, in-laws up to the second degree (even if the marriage has ended), as well as guardian or ward, adoptive parent, or adoptee. The court will also inform the witness of this right (CPA, Arts. 248–249). The court before which the witness is to testify assesses the justification of the refusal and decides by ruling. If necessary, the court will hear the parties beforehand (CPA, Art. 251).

A witness cannot refuse to testify due to the risk of property damage regarding legal transactions in which they participated as a summoned witness, actions taken concerning the disputed relationship as a legal predecessor or representative of a party, facts related to family or matrimonial property relations, facts concerning birth, marriage, or death, as well as in cases where a special regulation imposes a duty to report or provide a statement (CPA, Art. 250).

The party proposing a certain person as a witness must indicate the subject of their testimony, the witness's full name, occupation, and residence. The summoning of a witness is performed by serving a written summons stating the full name of the summoned person, time and place of appearance, the case in which they are summoned, and indicating that they are being summoned as a witness. The summons must inform the witness of the consequences of unjustified absence and their right to reimbursement of expenses (Bodiroga, 2022, p. 360). Witnesses who, due to age, illness, or severe physical disabilities, are unable to attend may be examined at their residence, by reading a written statement, or via conference link (Bodiroga, p. 361). The court may order a party to notify a witness about the time and place of the hearing.

According to Article 254 of the CPA, witnesses are examined individually and in the absence of other witnesses yet to be examined. The witness is required to give oral answers. The witness shall first be admonished of their duty to speak the truth and not to conceal anything, and then warned about the consequences of giving false testimony. The court will then collect the witness's personal information: full name, father's name, occupation, residence, place of birth, age, and relationship with the parties. The witness is invited to present everything they know about the facts in question, after which questions may be posed to verify, supplement, or clarify their statements. Leading questions (suggesting the answer) are not allowed. The witness must always state the source of their knowledge regarding the facts to which they testify. Witnesses may be confronted if their testimonies contradict each other concerning important facts. Confronted witnesses are examined separately regarding each disputed fact, and their responses are recorded in the minutes (CPA, Art. 255).

A witness who does not understand the language of the proceedings shall be examined through an interpreter. If the witness is deaf, questions shall be posed in writing; if mute, they will respond in writing. If such examination is not feasible, a sign language interpreter shall be engaged. The court shall warn the interpreter of the duty to faithfully translate the questions posed to the witness and the witness's answers (CPA, Art. 256).

According to Article 257 of the CPA, if a duly summoned witness fails to appear without justification or leaves the hearing without permission or valid reason, the court may order their compulsory appearance and impose a fine. If a witness appears but refuses to testify or answer specific questions without justified reason, despite being warned of the consequences, the court may impose a fine. At a party's request, the court may order the witness to compensate for the costs caused by their unjustified absence or refusal to testify. If the witness subsequently justifies their absence, the court shall revoke the fine and may exempt the witness fully or partially from compensating the costs. The court may also revoke the fine if the witness later agrees to testify. If it is necessary to compel a member of the military or police officer to appear for testimony, the court shall contact their superior for enforcement.

The CPA also stipulates that a witness is entitled to reimbursement of travel expenses, meal and accommodation costs, as well as compensation for lost earnings. The witness must request reimbursement immediately after giving testimony; otherwise, they forfeit this right, of which the court is obliged to inform the witness.

Examination of Witnesses in Criminal Proceedings

The Criminal Procedure Act (CPA) regulates the provisions concerning witnesses as a means of evidence. Unlike the CPA governing civil proceedings, where witnesses are heard, in criminal proceedings, witnesses are examined. A witness is a person likely to provide information about a criminal offence, the perpetrator, or other facts established in the proceedings (CPA, Article 91). Any person capable of conveying their knowledge or perceptions related to the subject of testimony has the capacity to testify. The injured party, the injured party acting as a prosecutor, or a private prosecutor may be examined as a witness. Every person summoned as a witness is obliged to respond to the summons.

Regarding exclusion or exemption from the duty to testify, the CPA stipulates that persons whose testimony would breach the duty to maintain confidential information are excluded from the duty to testify, unless the competent authority or the person authorised to lift such confidentiality relieves them of that duty (the court may, upon the motion of the defendant or their defence counsel, decide to examine such a person). This applies also to persons whose testimony would breach the duty of maintaining professional secrecy (e.g. clergy, lawyers, doctors, midwives, etc.), unless relieved of that duty by a special regulation or by a statement of the person in whose interest the secrecy was established, as well as to defence counsel regarding information disclosed by the defendant in their capacity as counsel (CPA, Article 93).

Exempt from the duty to testify are persons living in marriage, common-law partnership, or other permanent cohabitation with the defendant, blood relatives in direct line, collateral relatives up to and including the third degree, relatives by affinity up to and including the second degree, and adoptive parents or adopted children of the defendant. A minor who, given their age and mental maturity, is incapable of comprehending the significance of the right to be exempted from the duty to testify, may not be examined as a witness unless the defendant expressly requests it. The authority conducting the proceedings must warn such a person of their right not to testify before the examination or as soon as the relationship with the defendant is established. This warning and the response shall be recorded in the minutes. A person entitled to refuse to testify against one of the defendants is exempt from the duty to testify against the other defendants as well, if, by its nature, the statement cannot be limited only to the other defendants (CPA, Article 94).

The prerequisites for examining a witness are prescribed by Article 95 CPA. The witness shall be cautioned to speak the truth and not to conceal anything, and warned that giving false testimony constitutes a criminal offence. The witness shall also be informed that they are not obliged to answer certain questions if there is a likelihood that doing so would expose them or a person exempt from testifying to severe shame, significant material damage, or criminal prosecution. This warning shall be recorded in the minutes. The witness will then be asked to state their full name, unique citizen identification number, parent's name, residence, temporary address, place and year of birth, and their relationship with the defendant and the injured party. The witness is also obliged to inform the authority of any change of residence or temporary address.

If a person excluded from the duty to testify is examined, or if a person exempt from the duty to testify has not been warned of this right or has not expressly waived it, or if the warning and waiver are not recorded in the minutes, or if the witness's statement is obtained contrary to Article 9 CPA (which prohibits and penalises the use of torture, inhuman and degrading treatment, force, threats, coercion, deceit, medical interventions, and other means to influence free will or extort confessions or other statements from the defendant or participants), such a statement may not serve as a basis for a court decision.

A distinctive feature of criminal proceedings compared to civil proceedings is the witness's oath. Before giving testimony, the witness shall take an oath. Prior to the main hearing, an oath may be taken only if there is a risk that the witness, due to illness or other reasons, will not be able to attend the main hearing. The reason for taking the oath in advance shall be recorded in the minutes. The text of the oath is as follows: "I swear on my honour that I will speak the whole truth regarding everything I am asked and that I will not conceal anything known to me." The oath is taken orally, by reading its text, or by affirmative answer after hearing the oath read aloud by the authority. Mute witnesses who can read and write shall sign the text of the oath, whereas deaf, blind, or mute witnesses who are illiterate shall take the oath with the assistance of an interpreter. The witness's refusal and reasons for refusal to take the oath shall be recorded in the minutes (CPA, Article 96). Witnesses who are minors at the time of examination or those who, due to their mental state, are unable to comprehend the significance of the oath are not required to take an oath.

The examination of witnesses is further regulated by the CPA. Each witness is examined individually and in the absence of other witnesses. Witnesses are obliged to testify orally. After general questions, the witness is invited to state everything known to them about the case. Once the witness finishes their statement, if it is necessary to verify, supplement, or clarify the testimony, questions shall be asked that are clear, precise, and comprehensible. These questions must not be misleading, based on assumptions about statements not given, or suggestive, except in the case of cross-examination during the main hearing. The witness will always be asked how they became aware of the facts they are testifying about (CPA, Article 98). This distinction is crucial because witnesses acquire knowledge of facts either through direct sensory perception — so-called direct witnesses — or indirectly — hearsay witnesses (Stevanović, 2001, p. 199).

A witness is obliged to testify truthfully about everything known to them concerning the subject of examination. Hence, a witness's statement can be false in two ways: by presenting facts differently from what is known to them, or by concealing certain facts. In both cases, the witness will be held liable for

giving false testimony. However, if a witness testifies to what they know, even if this does not correspond to other established facts, their testimony is not considered false, as it reflects the limits of the witness's own knowledge (Petrić, 1968, p. 203).

When the injured party is examined as a witness, they shall be asked whether they wish to pursue a property claim in the criminal proceedings. If the examination is conducted through an interpreter or translator, or if the witness is deaf, blind, or mute, the examination shall be carried out in accordance with the provisions governing the defendant's examination (CPA, Article 98).

Confrontation of witnesses is regulated by Article 99 CPA. A witness may be confronted with another witness or the defendant if their statements regarding the facts being proven are inconsistent.

When it is necessary to establish whether a witness can identify a certain person or object they have described, the person or object shall be shown to the witness together with other persons or objects with similar characteristics. The witness will then be asked whether they can identify the person or object with certainty or a degree of probability, and if affirmative, to indicate the identified person or object. If the person or object is unavailable, photographs may be shown instead, under the same conditions, and identification may also be conducted based on voice recognition. During pre-investigation and investigation stages, identification must be conducted in such a way that the person being identified cannot see the witness, nor the witness see the person prior to identification. The identification in these stages is carried out in the presence of the public prosecutor (CPA, Article 100).

If a duly summoned witness fails to appear without justifying their absence or leaves without permission, the authority may order the witness to be brought in by force, and the court may impose a fine. Should the witness appear but refuse to testify after being warned of the consequences, the court may fine them again if they persist in refusing to testify (CPA, Article 101).

Under Article 102 CPA, the authority conducting the proceedings is obliged to protect the injured party or witness from insults, threats, and any other assaults. Any participant or other person who insults, threatens, or endangers the safety of the injured party or witness before the authority will be reprimanded by the public prosecutor or the court, and the court may also impose a fine. Upon receiving information from the police or court, or based on its own knowledge of violence or serious threats directed at the injured party or witness, the public prosecutor shall initiate criminal prosecution or inform the competent public prosecutor. The public prosecutor or court may request the police to undertake protection measures for the injured party or witness in accordance with the law.

The status of a particularly vulnerable witness is regulated by Article 103 CPA. A witness may be granted this status due to age, life experience, lifestyle, gender, health condition, the nature, manner, or consequences of the criminal offence, or other relevant circumstances. The public prosecutor, presiding judge, or individual judge issues a decision granting such status *ex officio*, upon the motion of the parties, or at the witness's request. If necessary for the protection of the witness's interests, the authority will appoint a legal representative from the list of lawyers provided by the competent bar association. No special appeal is allowed against the decision granting or denying this status.

The examination rules for particularly vulnerable witnesses are provided in Article 104 CPA. Questions to such witnesses may only be posed through the authority, which must treat them with special care to avoid any harmful effects on their personality, physical or mental state. The examination may be conducted with the assistance of a psychologist, social worker, or other expert, as determined by the

authority. If the authority decides to use technical means for audio-visual transmission, the examination will be conducted without the presence of parties or other participants in the room with the witness. Particularly vulnerable witnesses may also be examined in their residence or in a specialised institution capable of conducting such examinations.

The Significance of Testimony in Civil and Criminal Proceedings

The evidentiary value of testimony is based on the general presumption that people tell the truth. It is assumed that what someone claims to have perceived with their senses is true if, according to general notions, it could be true, and if there is no reason to doubt the witness's ability to perceive accurately or their willingness to tell the truth. For testimony to have evidentiary value, the witness must both be able and willing to tell the truth, and in addition, the content of their testimony must be plausible (Marković, 1921, p. 245).

A witness is obliged to tell the truth. For a witness statement to be considered truthful, it must align with the witness's knowledge of the facts to which they testify and must be complete. A witness must not withhold any facts known to them that are the subject of examination (Bejatović, 2014, p. 309).

Professor Perić observes: "Why allow individuals to prove even the most important, often decisive legal transactions through witnesses when, given today's level of literacy, they can follow the legislator's mandate and draw up a private or public document that, as evidence, provides far greater guarantees of the truthfulness of the legal transaction than such an unreliable means of evidence as witnesses? Moreover, it can be said that witnesses are perhaps the most unreliable evidence, even less reliable than ordinary human assumptions or circumstantial evidence when such are officially established through on-site inspection or expert examination" (Perić, 1934, p. 27).

It is illusory to expect that a witness will always tell the truth. There will always be those who tell the truth, but also those who lie. However, awareness of the moral and social responsibility of witnesses must be developed, in which the court can play a significant role (Đuričin, 1990, p. 19).

The Civil Procedure Act (CPA) stipulates that the court decides based on its conviction, formed by a conscientious and careful assessment of each piece of evidence individually, all evidence as a whole, and the outcome of the entire proceedings, as to which facts it will consider proven. If the court, based on the presented evidence, cannot ascertain a fact with certainty, it shall apply the rules on the burden of proof. The party claiming a right bears the burden of proving the facts essential for the establishment or exercise of that right, unless otherwise provided by law. Conversely, the party contesting the existence of a right bears the burden of proving the facts preventing the establishment or exercise of the right, or those leading to its termination, unless otherwise provided by law.

The Criminal Procedure Code (CPC) prescribes that the court is obliged to impartially assess the presented evidence and, based on them, determine the facts that both incriminate and exonerate the defendant with equal attention. The court assesses the evidence relevant to the judicial decision based on its free judicial conviction. A verdict, or a decision equivalent to a verdict, may be based only on facts the court is convinced of with certainty. Any doubt regarding the facts essential for the continuation of the criminal proceedings, the existence of elements of a criminal offence, or the application of another provision of the criminal law shall be resolved in favour of the defendant.

The significance of testimony lies in the relevance of the court's evaluation of such testimony. Pursuant to Article 254(2) CPA, the court shall first warn the witness of their duty to tell the truth and not to withhold anything, followed by a warning about the consequences of giving false testimony, which constitutes a criminal offence. Nevertheless, despite this provision, testimony remains a less reliable means of evidence because witnesses in civil proceedings are proposed by the parties, i.e., each party proposes their own witnesses. Therefore, witnesses are considered an unreliable means of evidence. Witnesses may inaccurately perceive facts, alter their sensory perceptions, forget or fail to recall observations, be unable to reproduce perceived events, or deliberately misrepresent their observations (Stanković, 2024, p. 444).

According to Jakšić, the witness is the most commonly used but also the most unreliable means of evidence in civil proceedings. The task of a witness is to testify about facts that occurred in the past, yet not every witness possesses the same sensory and intellectual abilities. Every real-life event can be experienced subjectively (Jakšić, p. 498).

In criminal proceedings, the weight of a witness's testimony in terms of assessing its credibility by the court is greater. This relevance is perhaps reflected in the sanction prescribed by the Criminal Code, where Article 335(3) stipulates that if false testimony is given in criminal proceedings, the perpetrator shall be punished more severely (from 3 months to 5 years) than for giving false testimony in civil or administrative proceedings (up to three years), especially when such false testimony forms the basis of a judicial decision. Furthermore, witnesses in criminal proceedings take an oath, whereas in civil proceedings, testimony under oath is not foreseen, as the current CPA does not provide for an oath; it exists only in criminal proceedings (Stojanović, 2020, p. 1004).

An oath in civil proceedings was once meaningful and would still be relevant today, not only because it is believed to enhance the likelihood of truthful testimony but also because, as mentioned, the Criminal Code distinguishes between false testimony given without an oath and that given under oath (Poznić, p. 410). However, such conduct by witnesses essentially constitutes the criminal offence of giving false testimony, for which, unfortunately, witnesses are very rarely prosecuted in practice. This is due both to the impossibility of reliably proving the commission of this offence in every specific case and to the opportunistic behaviour of some officials who, in such situations, should act *ex officio* in accordance with legal regulations (Škulić, p. 212).

Conclusion

A witness, as a means of evidence, represents one of the tools regularly used in evidentiary proceedings. The act of testifying, conducted during the evidentiary process, is one of the methods for establishing the truthfulness of facts. The credibility of a witness's statement is assessed with caution, varying from case to case. In civil proceedings, witnesses are used alongside other means of evidence, after which the court, by evaluating each piece of evidence individually and collectively in relation to determining the truthfulness of facts, reaches a well-founded conclusion for its decision.

As Professor Škulić points out, "No criminal procedure legislation has yet renounced the examination of witnesses as a method of taking evidence, which only indicates that the court, or the procedural body, must conscientiously assess the actual evidentiary credibility of a witness's statement. In doing so, it must, on the one hand, consider all factors that may affect its potential unreliability, but on

the other hand, utilise all available evidence and, in accordance with the free assessment of evidence and its own free conviction, form and reason its decision regarding the evidentiary credibility of the specific witness statement" (Škulić, p. 214).

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Značaj svedoka u parničnom i krivičnom postupku

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Sažetak

Svedoci predstavljaju jedno od najstarijih dokaznih sredstava koja se primenjuju u dokaznom postupku. Svedok je fizičko lice koje sudu saopštava svoja saznanja o predmetnom događaju. Međutim, u praksi, pored toga što je svedok jedno od najčešće primenjivanih dokaznih sredstava, u određenom broju slučajeva predstavlja i nepouzdana dokazno sredstvo. Dešava se da svedoci pogrešno opserviraju događaj ili da protekom vremena od događaja do postupka pred sudom zaborave ili prenesu izmenjenu verziju svog čulnog opažanja. Predmet ovog rada biće dokazni značaj koji mogu ostvariti svedoci u dokaznom postupku pred sudom. Značaj svedoka kao dokaznog sredstva se različito vrednuje u praksi u parničnom ili krivičnom postupku. U parničnom postupku je po verodostojnosti odmah ispod isprava, uviđaja i veštačenja kao merodavnijih dokaznih sredstava, dok u krivičnom postupku zauzima jedno od vodećih dokaznih radnji koje sud ceni prilikom odlučivanja.

Ključne reči: dokazna sredstva, dokazne radnje, svedočenje, dokazni postupak, dokaz

The Concept of Human Rights and the Rights of National Minorities in the Serbian Constitution

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The concept of human rights and the rights of national minorities in the Serbian Constitution

Abstract

In this paper the authors first discuss the concept of human rights as a set of rights and freedoms which belong to all people. Broader definitions determining this concept may include the terms which refer to inalienability of human rights and freedoms and their origin in natural law. In order to better understand the concept of minority rights, the authors of this paper decided to draw your attention to the classification of human rights and freedoms. Then, the author's focus changes to general discussion on the rights of national minorities. It is of crucial importance to understand that the concept of national minorities includes only autochthonous population which throughout the history inhabited the country and hold its citizenship. It does not include economic migrants, refugees and asylum seekers which are considered to be temporary residents of the country. The Republic of Serbia Constitution guarantees to national minorities equal rights and freedoms reserved for all citizens. With the application of the normative-dogmatic method, it is indicated that the Constitution contains special provisions where national minorities are guaranteed special individual and collective rights. Individual rights are exercised individually and collective rights are exercised in national minority communities in compliance with the Constitution, law and international treaties. At the end of the paper, the authors conclude that human rights and freedoms, including the rights and freedoms of minorities, can be exercised only in a democratic society.

Key words: the concept of human rights, classification of human rights, minority rights, the Constitution of the Republic of Serbia.

Introduction

In legal theory, human rights are often defined as a set of rights and freedoms which belong to all people. Broader definitions determining this concept may include the terminology which refers to inalienability of human rights and freedoms and their origin in natural law. It is said that all human beings are born free with the rights and freedoms which belong to all other people. All human beings own the same corpus of human rights no matter in which country they live. Human rights are independent of the will of the state or any other authority. They are not granted to people by a merciful state authority, nor a merciless authority can take them away. An individual human being is the master of his rights, even when they are not foreseen by the constitution or other legal acts. The term "human rights" has not been always used, the first expression that was applied in this context was "the rights of man". "This expression was changed to "human rights" on the initiative of Eleanor Roosevelt (the wife of American president Franklin D. Roosevelt) who noted that the expression "the rights of man" was basically excluding women and that these rights should be equally applied to them" (Krivokapić, 2017, p. 10).

The term human rights may include various concepts, i.e. different matters. Diverse comprehensions of human rights can be summed up into following: 1) a specific concept; 2) basic, legally protected human rights and freedoms; 3) concrete legal solutions; 4) testimonials from practice; 5) precisely defined human rights and freedoms which belong to concrete people, i.e. groups; 6) the field of law which

regulates the matter of human rights and freedoms; 7) a special course which is taught in law schools and related colleges. Speaking about human rights as a specific concept, it is, actually, a specific form of social philosophy which looks after the legal and factual position of individuals and groups. In the first place, it is about their protection from unlawful actions of authorities in terms of ensuring conditions for their unhampered survival and development. Fundamental, legally protected human rights and freedoms belong to all human beings, or to specific, particularly vulnerable categories of people. Here we are speaking about human rights and freedoms as legal institutes. They are listed and more precisely defined by internal public law regulations (i.e. constitutions and laws), as well as by the provisions of international public law (such as international treaties or decisions of international organizations). Concrete legal solutions are expressed in legal norms and they are obtained through the analysis of legal regulations. Thus, we can say, for example, that economic and social rights in some countries are just formal proclamations, but, in essence, they are not fully developed. Testimonials from practice may point to the fact that human rights in certain countries are well developed and fully respected, while in others they are flagrantly violated.

In fact, human rights can be identified with publicly defined human rights and freedoms which belong to concrete persons or groups. The scope of all rights and freedoms that belong to one individual are his subjective human rights. They are different from the rights belonging to other persons in terms that, in addition to basic or general human rights, these individuals are entitled to some other rights dependent on their personal status (if the individual is, for example, a child, mother, refugee, worker, a person with a disability, a citizen of a particular country, etc.). When we speak about human rights, we can also refer to the field of law which regulates the matter of human rights and freedoms. It is an objective normative system that encompasses legal norms and principles which regulate this sphere of social relations. Its concise name is human rights law and in that context we can speak about international and national (internal) human rights law. International human rights law is a specific part of international public law, while internal human rights law consists of relevant norms included in the constitution and other internal legal acts of a certain country. Finally, in order to educate lawyers who will possess specific legal culture related to respecting human rights and significance of their promotion, majority of law schools in the democratic countries and communities which cherish the spirit of tolerance, have a course included in their curriculum whose title includes the key words - human rights.

Human rights and freedoms is another, more detailed name for human rights. The use of this phrase is aimed at making a difference between human rights and freedoms and underlining the fact that individuals or groups are entitled to request from their country's authorities to be active in ensuring the guaranteed rights. Also, it means that individuals and groups should be free from any type of state interference into their rights and that the state should not impede the enjoyment of fundamental freedoms. Human rights should be distinguished from the situations where certain people or groups have special powers. It is important to note that these situations do not constitute human rights, such as immunity and privilege of the representatives of executive authorities in the country or abroad, immunity of the state presidents, prime ministers, members of parliament, benefits, immunity and privilege of consular staff (in the receiving country), benefits, immunity and privilege of the officials from the international organizations in member states, etc.

Classification of human rights and freedoms

Constitutional and legal position of the citizens in a certain country is determined in terms of human rights and freedoms. They are used to build the relationship between the individuals and the state and between the individuals themselves. A citizen enjoys certain rights not only as an individual, but also as a member of a group, a collectivity. The matter of human rights and freedoms can be considered in a more comprehensive way if we take into account the fact that there are various criteria for their classification. Thus, one classification refers to the division of human rights and freedoms to the rights of active and passive status, depending on the role which citizens play in their relationship with the state and the role which the state exerts on them. The rights based on which citizens participate in the formation of government bodies, such as voting rights, the right to political organization, expression of political opinion and freedom of press are the examples of the rights of active status. The rights of passive status are those aimed at protecting individual's private and personal sphere of life in relation to the state. Their goal is to protect the citizens from the state authorities. It assumes that the state should remain restrained and includes inviolability of private property, secrecy of correspondence, freedom of thought, conscience and religion, the right to dignity, physical and mental integrity, etc.

Another important classification is the classification to the rights of man, citizen and national. This distinction was first made in French Declaration of the Rights of Man and of the Citizen from 1789. The rights of man are those which belong to each man as a human being. They are given by birth. The state authorities can only acknowledge and protect them by their legal acts. The rights of man by origin belong to the oldest group of rights since they are inseparable from the human being. The rights of citizens, or civil rights refer to the holders of political rights. Citizens have certain rights which make them active subjects of political life, from the freedom of speech, freedom of press, voting rights, to the right to education and participation in cultural life. Political rights and freedoms, on the other side, impose on citizens political responsibility. Civil rights are, by origin, younger than natural rights. They are recognized and exercised only in the countries with constitutional and democratic social order.

The word nationality, (French: *nasionalité*; German: *Nationalität*; Spanish: *nacionalidad*; Italian: *nazionalità*) has etymological roots in Latin language and generally marks the relationship between the state and the individual. Different states have different concepts of nationality/citizenship based on the difference between personal and territorial validity of legal order. In the states which adopted Roman law as the basis of their legal systems, nationality or citizenship represents the legal status of an individual (*status civitatis*). This status entails certain rights and duties which are independent from the will of an individual (Dimitrijević, 2008, p. 291–292).

In order to exercise certain rights, citizens must establish a relationship with the state based on public law, which is called citizenship. Being a national or a citizen of a certain country means that, besides the rights he exercises as a man and citizen, he is also entitled to certain rights and freedoms, and bound by duties, such as voting and other political rights or duties in domain of security - defense of the country, or in financial sphere - paying taxes. There is also another classification of human rights into ethical and legal rights. Ethical rights are based on moral judgments and views existing in a certain social community which are not obligatory, but if they are turned into a legal norm, then they become legally binding. Legal

regulations, unlike ethical rules, are the part of the country's positive law and they are embedded in constitutions, international treaties, laws and by-laws, but can be restricted by ethical reasons which are transformed in a legal norm. Constitutions, by rule, do not comprise all rights and freedoms, only the basic ones. These rights are directly implemented, they enjoy constitutional and legal protection before constitutional and regular courts and they are, therefore, called constitutional rights. Certain rights and freedoms are regulated by constitution only in principle, while the relevant laws regulate their content in more details.

In general, constitutions do not regulate how to acquire or terminate the citizenship of one country. These issues are regulated by separate laws on citizenship. In order to prevent the existence of stateless persons, the Constitution of the Republic of Serbia of 2006, in its Article 38, paragraph 3, states: "Any child born in the Republic of Serbia shall have the right to citizenship of the Republic of Serbia unless conditions have been met to acquire citizenship of some other country". Republic of Serbia protects its citizens by offering the following guarantees based on Article 38, paragraph 2: 1) a citizen of the Republic of Serbia may not be deprived of citizenship; 2) a citizen of the Republic of Serbia may not be expelled; 3) a citizen of the Republic of Serbia may not be deprived of the right to change the citizenship. Moreover, the Republic of Serbia protects the rights and interests of its citizens abroad. In that context, Article 13 of the Constitution states: „The Republic of Serbia shall develop and promote relations of Serbs living abroad with the mother state“.

The next classification of human rights is to individual and collective rights based on the criterion which is, in fact, the answer to the question who is the holder of these rights. Individual rights belong to all individuals regardless of his or her belonging to a certain class or group. "For majority of rights and freedoms we can use general determinant that every individual is the subject of a right" (Orlović, 2018, p. 72). Collective rights are the rights which belong to individuals as the members of certain groups entitled to those rights. "These rights should ensure the preservation of the identity and interests of the given group whose members would not be able to exercise them if they were not officially recognized." (Marković, 2021, p. 98). Based on the subject of rights, they can be classified into personal, political, economic, social and cultural rights. This classification is made in accordance with the sphere of life they aim to protect. While personal rights are aimed at protecting personal values and goods, political rights enable citizens' participation in public and political sphere of life. Economic rights protect the assets which constitute the foundation of economic system, and they are related to work and ownership. Social rights ensure social security and protection of socially vulnerable citizens. Cultural rights allow individuals to participate in cultural life, i.e., enable them to express cultural segments of their personality. Minority rights represent a separate group of rights and freedoms. Namely, the members of minority groups, national or religious, in addition to the rights enjoyed by general population, are entitled to another set of rights in order to preserve the identity of their minority group. They are specific political rights aimed at protecting their language, letter, cultural and social identity and connection with compatriots. Rights and duties of foreigners constitute a separate group of rights. Foreigners, by rule, may enjoy all the rights and freedoms except those reserved for the citizens of the given country.

Karel Vasak (1929-2015) is the author of the classification of human rights into three distinct generations. The first generation includes civil and political rights. They are also called "blue" rights which are, by their nature, the rights of negative status and they demand that state should remain restrained

and unobtrusive. Economic, social and cultural rights belong to the second generation of rights and they are often called “red” rights. They are younger and more positive in nature than the first generation of rights and they demand active participation of the state. The third generation of rights is also called solidarity rights, or “green” rights and they include collective or group rights, such as the right to self-determination, the right to economic and social development, the right to a healthy environment, the right to natural resources, the right to sharing of cultural heritage, the right to intergenerational equity and sustainability, etc. Certain countries have created constitutional mechanisms which protect the rights of third generation. Thus, Hungary has appointed a Parliamentary Commissioner for Future Generations, or Finland has established a Parliamentary Committee for the Future. In addition to Vasak’s three generations of human rights, the fourth generation of human rights has come to light. It includes the rights not covered by the third generation, as well as the reconceptualization of the first and second generation rights, particularly in relation to development of information and communication technologies and cyber space.

Generally on the rights of the members of national minorities

For a very long time religious minorities belonged to the family of minorities enjoying the guaranteed protection, but after the First World War the minority groups are considered to be only those with chief defining characteristics related to a nation. The definition of national minority, in addition to those that can be found in theory, is given in one international legal document – Draft Additional Protocol to the Convention on the Protection of Human Rights and Fundamental Freedoms of 1993 which refers to the individuals belonging to national minorities. This definition states that “National minority is a group of persons in a state who a) reside on the territory on that state and are citizens thereof, b) maintain long standing, firm and lasting ties with that state, c) display distinctive ethnic, cultural, religious or linguistic characteristics, d) are sufficiently representative, although smaller in number than the rest of the population of that state, or of a region of that state, e) are motivated by a concern to preserve their culture, their traditions, their religion or their language. From this definition, it is obvious that a national minority represents one part of the population of the given state, with distinctive language, culture, religion and customs.

It is important to note that national minorities include only autochthonous population which inhabited the given state throughout its history and which are the citizens of that state.

This excludes economic migrants, refugees, asylum seekers, etc. which are considered to have temporary residence in that state (Marković, 2014, p. 486).

The protection of the persons belonging to national minorities is performed as anti-discrimination measure aimed at ensuring the equality with the rest of the citizens, the majority population of the state. The persons belonging to national minorities are granted additional rights and measures aimed at securing their national, religious, cultural and ethnic identity. Hence, in addition to universal human rights, national minorities are guaranteed other specific rights in order to preserve their specific national self-importance. The first type of general rights are enjoyed by all citizens of the state, while the other, specific rights, are reserved only for the members of national minorities. The essence of minority rights, or minority protection, lies in these specific rights and not in the right to a specific territory. There is no international instrument

that guarantees political and territorial autonomy to national minorities. Article 2 of the United Nations Declaration on the rights of persons belonging to national minorities states the following:

Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation (United Nations General Assembly, 199, Article 2).

Incidentally, the United Nations Declaration on the rights of persons belonging to national minorities is not legally binding document. National minorities and ethnic groups represent two groups of citizens of one state which are, according to their national and ethnic characteristics, smaller in number than the rest of population. This division is made based on the fact whether the members of a minority are the part of a nation or of an ethnic group which has not been constituted as a nation yet. In theory it has been emphasized that national and legal criteria for making the division into these two groups of citizens of the same state, which are smaller in number than the rest of population, are different. Thus, national minorities are presumed to include the persons belonging to one nation which has its own mother state, but who live on the territory of other states, created by other nations.

An ethnic group is presumed to be the part of the nation which does not have its own state, but is aware of its ethnic descent, culture, language, tradition, history, religion and customs. In other words, the issue of national minority is the issue of ethnic substance and not the issue of the number of persons belonging to this minority, because this can lead to an absurd situation that mother nation in one state, on the territory predominantly inhabited by persons belonging to a national minority can be treated in its mother state as a national minority (Marković, 2014, p. 487).

Also, the important element of the concept of national minority is desire, i.e. the willingness of national minority to express its specific characteristics. In multinational states, the reality of social life is reflected in the existence of national minorities. Even if multinational states are characterized as civic states, this reality cannot be avoided and these states must guarantee and protect the rights of national minorities. It has been noted throughout history that minorities' demands have ranged from the recognition of their specific personal and cultural traits, to the demands for territorial autonomy and federalization of the state. In relation to the rights of the persons belonging to a national minority, it is important to determine three things: first, which group of people has the characteristics of a national minority; second, which are those specific national traits that should be the subject of protection, and third, what are the mechanisms for the realization and protection of minority rights in real life.

The right of national minorities in the Constitution of the Republic of Serbia

Let us begin from the concept of human rights foreseen in the Constitution of the Republic of Serbia of 2006. This section of the Constitution included the Charter on human and minority rights and civil liberties from 2003 and relevant provisions from the Constitution of 1990. That is why the theory rightly states an attitude that we also share, because it is completely grounded and critically oriented:

This part of Constitution is considered to be a failure with good reason. It is unnecessarily lengthy and detailed and, one can say it freely, in contrast to the nature and diction inherent to writing of constitutional norms. Today in EU member states there is no constitution with so much text on human and minority rights as in Serbian constitution, and, just based on this comparison, one could say that Serbia is the leading country in Europe in terms of the number of human rights it guarantees and protects. This needless narration in the Constitution could have been avoided just by listing and defining certain fundamental human and minority rights and then stating that the constitution recognizes and guarantees all other human and minority rights acknowledged by international law, with subsequent quoting of the sources in which these rights are recognized (Marković, 2006, p. 11).

In this broadly set concept of human rights, a special section is dedicated to the rights of persons belonging to national minorities, which should be noted as a positive mark. Thus, the Constitution of the Republic of Serbia guarantees to the persons belonging to national minorities special individual or collective rights in addition to the rights guaranteed to all citizens by the Constitution, depending on the fact whether Individual rights are exercised individually or collectively, in community with others, in compliance with the Constitution, law and international treaties.

Persons belonging to national minorities shall take part in decision-making or decide independently on certain issues related to their culture, education, information and official use of languages and script through their collective rights in compliance with the law. Persons belonging to national minorities may elect their national councils in order to exercise the right to self-governance in the field of culture, education, information and official use of their language and script, in compliance with the law (National Assembly of the Republic of Serbia, Article 75, paragraph 2-3).

The legal nature of these national councils raises certain dilemmas, particularly in relation of the application of law which regulates their position, work and funding. In accordance to the Law on national councils of national minorities, it is an indisputable fact that national councils are legal entities which become legal subjects by filing an entry in the Register of National Councils kept by relevant ministry. In practice, the question is raised whether it is a government or non-government body.

In theoretical papers it has been often emphasized that the activities of national councils in practice are partially those of state bodies and partially of local administrative bodies. At the same time they have characteristics of non-government organizations and, as a result of such a mixed legal position, they are categorized as *sui generis* bodies in the legal system of Republic of Serbia (Djurić, 2017, p. 284).

In accordance to the Constitution of the Republic of Serbia, members of national minorities shall have a right to: expression, preservation, fostering, developing and public expression of national, ethnic, cultural, religious specificity; use of their symbols in public places; use of their language and script; have proceedings also conducted in their languages before state bodies, organizations with delegated public powers, bodies of autonomous provinces and local self-government units, in areas where they make a

significant majority of population; education in their languages in public institutions and institutions of autonomous provinces; founding private educational institutions; use of their name and family name in their language; traditional local names, names of streets, settlements and topographic names also written in their languages, in areas where they make a significant majority of population; complete, timely and objective information in their language, including the right to expression, receiving, sending and exchange of information and ideas; establishing their own mass media, in compliance with the law. Under the Law and in compliance with the Constitution, additional rights of members of national minorities may be determined by provincial regulations. Thus, the Constitution foresees that members of national minorities may establish educational and cultural associations, which are funded voluntarily. The Republic of Serbia shall acknowledge a specific role of educational and cultural associations of national minorities in their exercise of rights of members of national minorities. Members of national minorities shall have a right to undisturbed relations and cooperation with their compatriots outside the territory of the Republic of Serbia.

The Constitution foresees certain prohibitions aimed at preserving the identity of national minorities, such as the prohibition of discrimination and prohibition of forced assimilation. Persons belonging to national minorities shall be guaranteed equality before the law and equal legal protection. Any discrimination on the grounds of affiliation to a national minority shall be prohibited. Specific regulations and provisional measures which the Republic of Serbia may introduce in economic, social, cultural and political life for the purpose of achieving full equality among members of a national minority and citizens who belong to the majority, shall not be considered discrimination if they are aimed at eliminating extremely unfavorable living conditions which particularly affect them. Members of national minorities shall have the right to participate in administering public affairs and assume public positions, under the same conditions as other citizens. When taking up employment in state bodies, public services, bodies of autonomous province and local self-government units, the ethnic structure of population and appropriate representation of members of national minorities shall be taken into consideration (National Assembly of the Republic of Serbia, 2006, Article 76 and 78).

There is a separate article in the Constitution of the Republic of Serbia which includes the provisions related to the equality of persons belonging to national minorities in administering public affairs. This equality includes two things: 1) the right of the members of national minorities to participate in administering public affairs and assume public positions, under the same conditions as other citizens, and 2) when taking up employment in state bodies, public services, bodies of autonomous province and local self-government units, the ethnic structure of population and appropriate representation of members of national minorities has to be taken into consideration. "In modern age, effective participation of national minorities in public affairs is believed to be the constituent element of their protection and the states which recognize the existence of national minorities are bound to create necessary conditions for the participation of their members in public affairs (Đurić, 2012, 134).

The 3% electoral threshold does not apply to political parties of national minorities on parliamentary and local government elections. They are just required to pass the "natural threshold", to win as many votes as needed to elect a member of parliament or a local councillor. The "natural threshold"

is a form of positive discrimination or affirmative action of national minorities. When it comes to parliamentary elections for the Assembly of the Republic of Serbia, it consists of the following: the total number of the voters who participated in the election is divided with the number of seats (250) in the National Assembly to calculate what was the number of votes needed to win a seat in the parliament. How many seats will the parties of national minorities win is calculated when the number of received votes is divided with the number of votes needed to win one seat in the parliament.

The protection of minorities is also strengthened by the provisions of the Constitution aimed at overcoming the division to majority and minority population, as well as by inciting the spirit of tolerance and intercultural dialog in the sphere of education, culture and information and undertaking efficient measures for promoting mutual respect, understanding and cooperation among the people who live on the territory of the Republic of Serbia regardless of their ethnic, cultural, linguistic and religious identity. The measures which the state undertakes in the field of education, culture and public information are aimed at supporting understanding, recognition and respect of differences in ethnic, cultural, linguistic or religious identity of its citizens. As for the rights of ethnic groups, they should be, in principle, equal to the right of national minorities. In cases where these ethnic groups, which have not established their own state yet, fulfilled all the elements leading to their status of an ethnic group, they can enjoy the right to their own language, letter, culture, tradition and religious beliefs.

Concluding remarks

Authorities in democratic countries should not strive to overstep the boundaries which are outlined by human rights and freedoms except in legally regulated cases and on behalf of general interest. Human rights and freedoms enable individuals to act towards the state and demand to receive some benefits from it and not only to defend themselves from the abuse of authorities. We can speak about the existence, exercise and protection of human rights and freedoms, including minority rights only in the countries with the rule of law.

The aim of the work is to show that there is a word about constitutional state where the power of government is restricted by law and whose inhabitants have guaranteed rights and freedoms. Multinational states recognize constitutional and legal status of a certain community by defining special rights to be enjoyed by the individuals belonging to national minorities. In addition to universal human rights, national minorities are guaranteed other specific rights in order to preserve their specific traits and achieve the equality with other citizens. States undertake special measures or affirmative actions in order to improve the overall position of national minorities in multinational societies. Minority rights and freedoms in state constitutions, including the general supreme legal act of the Republic of Serbia, are the right to national equality, prohibition of discrimination based on national origin, the right to use mother tongue and letter, and the right to their official use, the right to the development of specific cultural, educational, informative and economic characteristics of national minorities, the establishment of their organizations and cooperation with the compatriots in the mother state, or those living in other countries. Speaking about the right of national minorities to political representation, it consists of the right to organize political parties, with leniency in performing legal affairs and the guaranteed seats in the parliament, that is easier winning of the seats in parliament as a result of a lower threshold or “natural threshold”, as well as proportional representation in state administration and local self-governments. The relevant provisions of the

Constitution aimed at securing the exercise and protection of minority rights and freedoms are based on all above mentioned grounds. However, when it comes to human rights and freedoms, including minority rights and freedoms, there is a question of their formal proclamation and their attainability. In that context, it is not enough to have constitutional norms and laws in order to be a democratic society; what is important is the actual effort and action of all social actors, particularly those belonging to the executive and legislative branch of power aimed at exercising and protecting of human and minority rights and freedoms in order to demonstrate democratic character of Serbian society.

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Pojam ljudskih prava i prava nacionalnih manjina u Ustavu Srbije

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Sažetak

U radu se prvo polazi od pojma ljudskih prava, kao skupa prava i sloboda koja pripadaju svim ljudima. U širim definicijama, ovakvom određenju se dodaju i reči koje asociraju na neotuđivost ljudskih prava i sloboda i njihovo prirodno-pravno poreklo. Da bi se dodatno razumela koncepcija manjinskih prava, autori su morali da skrenu pažnju na podelu ljudskih prava i sloboda. Potom, putanja rada prelazi na uopšteno izlaganje o pravima pripadnika nacionalnih manjina. Kod pojma nacionalne manjine, krucijalno je važno da se njime obuhvata samo autohtono stanovništvo, koje je nastalo u toku istorije odnosno države, u kojoj ono živi i koje ima državljanstvo te države, a ne ekonomski migranti, kao ni izbeglice, ni azilanti, za koje se smatra da imaju privremeno prebivalište u odnosnoj državi. U Ustavu Republike Srbije, pripadnicima nacionalnih manjina garantuju se sva ljudska prava i slobode koje imaju i ostali državljani. U Ustavu postoje posebne odredbe, kojima se pripadnicima nacionalnih manjina jemče dodatna individualna i kolektivna prava. Individualna prava se ostvaruju pojedinačno od strane svakog pripadnika nacionalne manjine, a kolektivna prava se ostvaruju zajedno sa drugim pripadnicima nacionalne manjine, u skladu sa Ustavom, zakonom i međunarodnim ugovorom. Konačno, u radu se zaključuje da je samo u demokratskom društvu moguće ostvarivanje ljudskih prava i sloboda, pa time i manjinskih.

Ključne reči: pojam ljudskih prava, podela ljudskih prava, manjinska prava, Ustav Republike Srbije.

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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.

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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.

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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.

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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.

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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, sub disciplinary 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.

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The body of the paper should include an introduction, methodology, results, discussion, and conclusion.

The text of the paper should be formatted as follows:

- font: Arial Narrow, size 12;
- page size: A4, 8.27" x 11.69" (210 mm x 297mm);
- 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: 14 pt bold;
- font-size of subtitles: 12 pt bold;
- font-size of body text: 12 pt;
- font-size of footnotes: 9 pt;
- font size for tables, graphs and figures: 11 pt;
- indentation of the first line of the paragraph: 0.5 (12.7 mm) (option: Paragraph /Special /First line);
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- do not break words by entering hyphens in the next line (Paragraph /Line and Pages /don't hyphenate);
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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.

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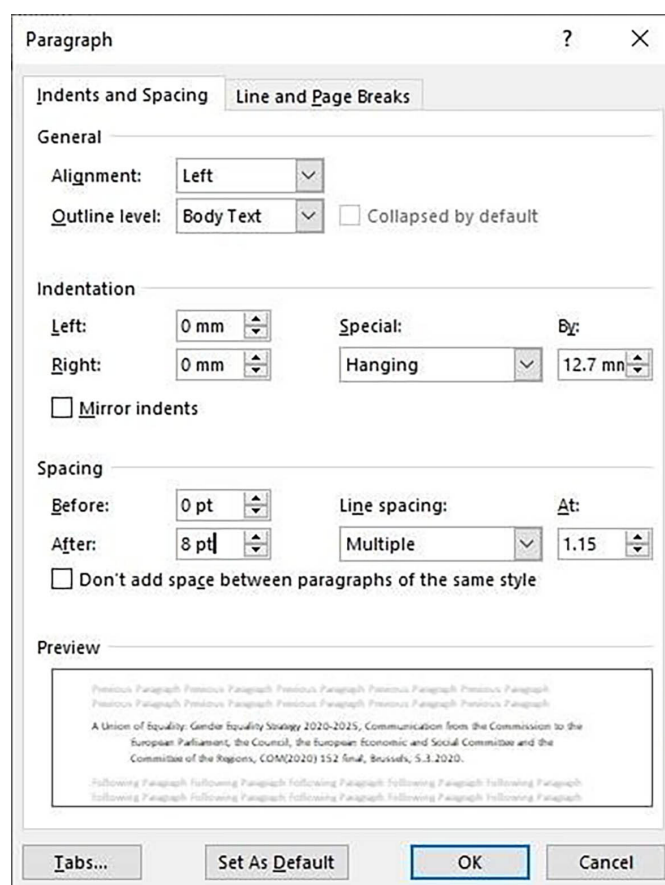
self-regulating consensus rules governing the platform, and finally a personalized article selection mechanism for users – personalized journalism.

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

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

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

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



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

Examples:

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

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

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

Latin alphabet, but not translated. If there is an official English translation, it can be used, especially in cases where it provides a better understanding of the topic or publication.

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

Bibliographic parentheses are usually put at the end of the sentence, before the punctuation mark, and contain the author's surname, year of publication and the corresponding page number(s), according to the following example: (Bjelajac, 2017, pp. 15–17).

Monograph (Book)

Single author

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

Bjelajac, Ž. (2017). *Bezbednosna kultura – umeće življenja* [Security culture – The art of living].

Univerzitet Privredna akademija u Novom Sadu: Pravni fakultet za privredu i pravosuđe u Novom Sadu. (Bjelajac, 2017, p. 25)

Fukuyama, F. (1992). *The end of history and the last man*. Free Press. (Fukuyama, 1992, p. 65)

Two authors

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

Despotović, Lj., & Jevtović, Z. (2010). *Geopolitika i mediji* [Geopolitics and media]. Grafomarketing. (Despotović & Jevtović, 2010, pp. 34–36)

Krastev, I., & Holmes, S. (2019). *The light that failed*. Allen Lane. (Krastev & Holmes, 2019, pp. 23–24)

Three or more authors

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

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

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

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

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

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

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

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

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

Book / Proceedings – Chapter

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

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

(Stepić, 2015, p. 61)

Lošonc, A. (Ed.). (2019). Discursive dependence of politics with the confrontation between republicanism and neoliberalism. In D. M. Vukasović & P. 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-apastyle.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.

(Manning & 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-1867A-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_GFILC_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-ofmicroplastics-than-other-major-european-rivers-12033067>

(Binding, 2020)

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

(World Health Organisation, 2018)

(WHO, 2018)

Tables and figures

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/acspoverty-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

1) *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).

2) *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: “ ... ”

3) *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.

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Same bibliographic parenthesis, multiple references

2) *Different authors* – Separate references with semicolons.

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

3) *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)

4) *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:

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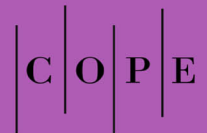
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