

Strengthening the Capacities for Combating Corruption in the Republic of Serbia – New Challenges in the Process of Accession to the European Union

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Abstract

International organizations and European Union institutions have always been strongly engaged in the international fight against corruption, promoting lawfulness, the stability of democratic institutions, human rights protection and social and economic progress. Public integrity, transparency and accountability have been identified as part of the founding principles of good governance and public sector which should be enacted in legislation and applied consistently in practice. The paper restricts itself to review of the institutional and legislative framework to strengthen the effectiveness of the anti-corruption policy and public integrity system in Serbia. The field of conflict of interest can be a powerful tool in establishing and maintaining citizens' trust in public institutions. The aim of the paper is the analysis of anti-corruption legal and institutional framework in Serbia and rules governing the conflict of interest of public officials.

Keywords: anti-corruption policy, special organizational unit, integrity, public sector, good governance, accountability.

1. Introductory remarks

Corruption has a negative impact of political, social-economical, cultural development of the society, affecting all aspects of public service operation and reducing trust of citizens in government institutional framework. Politically, corruption lowers the quality of democracy and governmental performance and creates negative social environment and the low confidence in basic democratic institutions. Political parties have a tendency to use corruption as an instrument for political goals. Corruption is the corruption of politics, which means all kind of actions where political actors breach the rules of the democratic political game and put their private interest before anything else. It is widely accepted the notion of corruption as a “abuse of public powers for private interests”, which has been manifested through various forms (bribery, fraud, embezzlement, extortion, conflict of interest, discretionary power, abuse of public function, nepotism.¹ Corruption is also capturing policies, the abuse of power, illegal financing of parties, buying votes, granting favors,

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¹ Šikman M., Tanjga R., *Prevention of corruption by the system of integrity - building of institutional capacity*, Thematic proceedings: Methodology of integrity system building in anti-corruption institutions, Banja Luka, 2010, p. 1.

and trading in influence. R. Klitgard has developed a model of corruption dynamic in public institutions which assumes the following: C – Corruption is M – monopoly in decision making + D (discretionary power) – A (accountability).²

One of the essential elements of the integrity in public sector is application of rules on conflict of interest. It is viewed as a powerful tool in establishing and maintaining citizens' trust in public institutions. With respect to that, the conflict of interest rules should not prohibit all forms of private interest of civil servants, but should contribute to maintaining the integrity of state institutions, by recognizing that an unresolved conflict of interest can lead to abuse of power. In these situations, public sector employees are in the position to advance both personal and institutional integrity, provided they resolve the conflict of interest, and present the result to the interested general public.

It is clear that public sector employees bear a crucial responsibility for maintaining public trust in state institutions, since "individual responsibility is both a starting and an end point on the integrity route in public service".³ The second part of the responsibility lies with the public bodies and institutions, which are under the obligation to inform the employees of the conflict of interest rules, and to sanction failure to comply with them. Otherwise, the sense of responsible behavior will be lost, whilst unethical behavior will become acceptable. Although enforcement corruption and other violations to integrity should be detected, investigated and sanctioned, sometimes, bureaucratic control process can be.⁴ Like Crozier states "bureaucracy encourage the abuse of powers".⁵

2. International and european union public integrity principles

Regarding the international framework for successful fight against corruption, the UN Convention against Corruption from 2003 is significant in that it obliges the signatories⁶ of the Convention to develop pre-emptive anti-corruption policies and mechanisms, to ensure integrity strengthening. More specifically, Article 1 sets out the objectives of the Convention: to promote and strengthen measures to prevent and combat corruption more efficiently and effectively; to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including asset recovery; to promote integrity, accountability and proper management of public affairs and public property.

Similarly, the OECD has adopted several recommendations – Principles for Managing Ethics in the Public Service.⁷ A total of twelve of these principles elaborate four main integrity system management goals: determining and defining integrity, guiding towards integrity; monitoring integrity and enforcing integrity. These

² Klitgard R., *International cooperation Against Corruption*. Finance and Development (pp. 3-6). <https://pdfs.semanticscholar.org/b6cf/ccb56a32cf9124be07c07b3494b79e841f58.pdf>, accessed on September 16th, 2019.

³ Lewis C.W., Gilman S.C., *The Ethics Challenge in Public Service* (pp. 16-17). Jossey- Bass: 2005, https://www.academia.edu/33471776/THE_ETHICS_CHALLENGE_IN_PUBLIC_SERVICE_A_Problem-Solving_Guide_SECOND_EDITION, accessed on September 20th, 2019.

⁴ Simonovic B., System of integrity as a way of the anti-corruption strategies, Thematic proceedings: Methodology of integrity system building in anti-corruption institutions, Banja Luka, 2010, p. 25.

⁵ Crozier M., *The Bureaucratic Phenomenon*, Chicago: University of Chicago Press, 1964.

⁶ The Convention has been widely accepted (140 States), including all the Western Balkan countries.

⁷ OECD, *Recommendation of the OECD Council on Improving Ethical Conduct in the Public Service, Including Principles for Managing Ethics in the Public Service*, OECD legal instruments. <https://legalinstruments.oecd.org/public/doc/129/129.en.pdf>, accessed on September 16th, 2019.

principles should serve as a guide for countries, which would incorporate them into their respective national instruments.

The European Union has also paid due attention to the issue of the public officials' integrity. One of the key requirements is related to measures for promoting integrity, preventing corruption and ensuring discipline in the public service are in place. These measures refer to 1) effective and adequate legal provision and institutional arrangement and tools exist to promote integrity in public service, and are applied in practice; the following elements could be considered relevant to an effective public service integrity system: managers responsibility (managerial responsibility, regulation of incompatibilities and conflicts of interests, restriction of secondary employment, post-employment restrictions, guidelines for gifts and benefits, financial disclosure, whistle-blower protection, codes of ethics and conduct, ethics training and guidelines, anti-corruption and integrity policies and action plans and 2) corrupt behavior of public servants is criminalized in the penal code.⁸

According to OECD Recommendations on public integrity, it is necessary to demonstrate commitment at the highest political and management levels within the public sector to enhance public integrity and reduce corruption, in particular through: ensuring that the public integrity system defines, supports, controls and enforces public integrity, and is integrated into the wider public management and governance framework; ensuring that the appropriate legislative and institutional frameworks are in place to enable public-sector organizations to take responsibility for effectively managing the integrity of their activities as well as that of the public officials who carry out those activities; establishing clear expectations for the highest political and management levels that will support the public integrity system through exemplary personal behavior, including its demonstration of a high standard of propriety in the discharge of official duties.⁹

It is also required to clarify institutional responsibilities across the public sector to strengthen the effectiveness of the public integrity system, in particular through establishing clear responsibilities at the relevant levels (organizational, subnational or national). Good governance adheres to the rule of law principle – legality, administrative procedures, rights to legal protection, investigation, responsibility.¹⁰ In some situations, however, it may be possible to introduce an element of shared authority, instead of allocating responsibility to individual public officials.¹¹

3. Anti-corruption legislation and conflict of interest policy for suppressing corruption – major challenges in Serbia

One of the key elements in preventing and combating corruption and other violations of integrity is conflict of interest regulation and effective implementation in

⁸ OECD/SIGMA, *The principles of Public Administration*, 2017, <http://www.sigmaweb.org>, accessed on September 17th, 2019.

⁹ OECD/SIGMA, *Conflict of interest Policies and Practices in Nine EU member states: a comparative review*, Working papers, Sigma paper, No 36, 2007.

¹⁰ Lane J.E., *State management*, An enquiry into models of public administration and management, Megatrend: 2012, p. 20.

¹¹ Soreide T., Rose-Ackerman S., *Corruption in State Administration*, Edward Elgar: 2017, retrieved from: https://www.researchgate.net/publication/280697801_Corruption_in_State_Administration:accessed on September 4th, 2019.

practice. Some authors state that “conflict of interests is structural root of the corruption. Moreover, it is necessary but not sufficient precondition for the corruption”.¹² Notion of “nepotism” is mainly related to public functionaries, which using social influence often favorize their own family members. It might be serious mean of conflict of interest, sublimizing systemic corruption.¹³

Conflict of interest regulations, incompatibility laws and other instruments, constitute a very effective approach to preventing corruption. Conflict of interest policies are also part of the detection and investigation of corruption, such as declaration of income or the declaration of family assets can help a great deal in the detection of corrupt practices. In some countries, conflict of interest is considered a crime (or misdemeanor) and other countries have foreseen various sanctions for breaching the laws on conflict of interest (disciplinary sanctions.¹⁴ This implies to various regimes of legal responsibility (criminal, disciplinary, material etc.).

The most important rules to prevent and avoid conflict of interest are: restrictions on ancillary employment, declaration of personal (family) income, declaration of gifts, restrictions on property titles of private companies, restrictions on external concurrent appointments. SIGMA reports indicate that there are certain shortcomings in resolving the issues related to conflict of interest and as such remain one of the major challenges in countering corruption in Serbia. In its 2019 Report on the Implementation of Principles of Public Administration, European Commission recommended that the Serbian Government should ensure consistent implementation of the administrative legislation in order to ensure a depoliticized public administration and a stronger merit-based human resource management and revision of anti-corruption legislation, especially rules governing conflict of interest. It is beyond dispute that a certain level of awareness regarding this problem exists; however, conflict of interest is still perceived as an abstract category the consequences of which are not fully comprehended.

Adhering to European standards, Serbian administrative legislation introduces new arrangements for handling conflicts of interests in order to be applied precisely and completely. The existence of a conflict of interest in the Republic of Serbia is regulated by the Constitution, Law on the Anti-Corruption Agency, Law on Civil Servants, and a number of laws and secondary regulation (decrees, rulebooks, instructions, code of ethics).

Bearing in mind the above, the conflict of interest is a constitutional category and the Anti-Corruption Agency of the Republic of Serbia has the sole authority to decide on conflicts of interest.¹⁵ In order to prevent corruption, in this way, the Agency promotes the integrity and accountability of public officials, as well as institutional integrity.

¹² Milic D., *About incompatibility of functions and conflict of interest*, Belgrade: SIC, 2016, p. 104.

¹³ *Ibid.*, p. 103.

¹⁴ OECD/SIGMA, *Conflict of interest Policies and Practices in Nine EU member states: a comparative review*, Working papers, Sigma paper, No 36, 2007.

¹⁵ The competence of the Anti-Corruption Agency is the prevention and resolution of conflicts of interest in holding public offices. The task of the Agency, with its decisions or opinions, as well as positions taken, is to prevent, resolve and eliminate the consequences of conflicts of interest in holding public offices; to resolve the cumulation of public offices; performance of another engagement, exercise control over the transfer of management rights and entrusting management; decide on the prohibition of establishing a company or public service during the holding of a public office, membership in an association and bodies of association, unauthorized influence on officials, prohibition of employment or business cooperation after the termination of public office, act in case of violation of the provisions of the Law on the Agency related to the conflict of interest.

According to Serbian anti-corruption legislation, in performing their duties, persons who exercise public authorities should not allow their private interest to conflict with public interest. Conflict of interest means a situation in which the public servant has a private interest which affects, may affect or appears to affect, his/her conduct in the performance of official duties, in a manner which threatens the public interest.¹⁶ A public official (or associated persons) must not demand, nor receive a thing, right, service or any other benefit, given or performed, without appropriate compensation – a gift, for him/herself or associated persons, which affects, can affect or appears to affect the impartial or professional discharge of duties, or which can be considered a reward in connection with the performance of his/her duties, except for an appropriate gift of low value.

Even if formal legal framework is in place, it tends to be insufficient. Although mechanisms for the disclosure of interest exist, they have so far remained toothless because they lack the capacity to verify information and to threaten negative consequences for offenders. In 2018, the highest number of measures and decisions of the Agency, a total of 124, were imposed to officials due to the cumulation of offices, while the following by number, 113 of them, were measures imposed on officials in situations of conflict of interest and nepotism.¹⁷

Of the total of 124 decisions related to the cumulation of public offices, the Agency made 38 decisions which imposed the termination of the second public office by force of law (in eight cases of which a measure of caution was imposed as well), imposed 77 measures of caution, nine (9) measures for publicly announcing the decision on the violation of the Law on the Agency and one (1) measure of public announcement of recommendation for dismissal from a public office.¹⁸

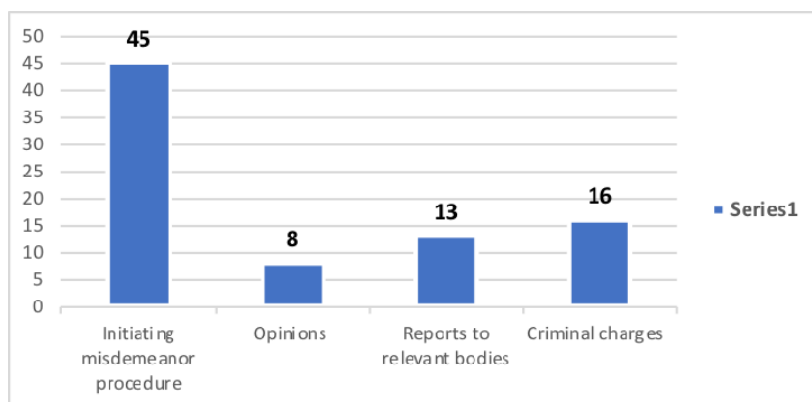
In 2018, 16 criminal complaints were filed with the competent prosecutor's offices for the existence of grounds for suspicion that officials had not reported assets or had provided false information to the Agency, with the intent of concealing information about assets. Even 13 reports were submitted to the competent prosecutor's offices and other competent state authorities due to the existence of grounds for suspicion that officials whose assets and incomes were subject to check committed another offense (receiving/giving bribes, tax evasion, money laundering etc.), including: competent prosecutor's offices – two (2), Tax Administration – two (2) and Administration for the Prevention of Money Laundering – nine (9).

In 2018, in this segment of the Agency's work, a total of 45 requests for initiation of misdemeanor proceedings were submitted, due to: untimely submission of reports on assets and incomes – 43 and failure to provide documents and information at the request of the Agency – two (2).

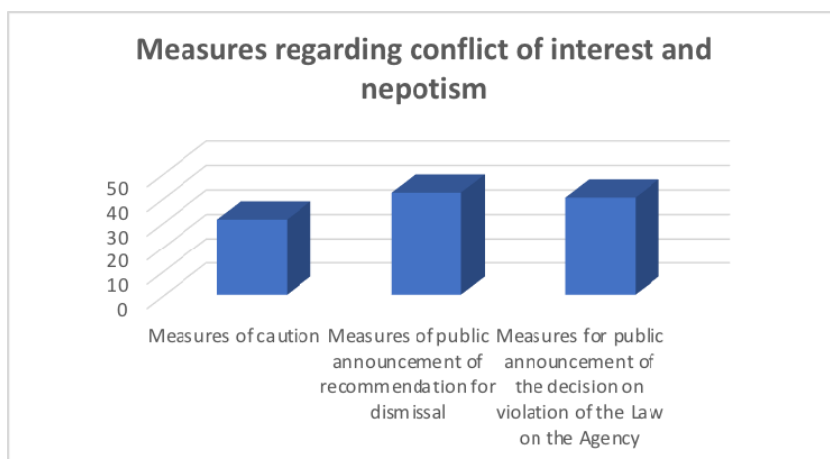
¹⁶ Private interest of a public official is any benefit or advantage for the public servant him/herself or for persons associated with him/her. Public servants must take all necessary steps to avoid any situation that gives rise to the conflict of interest.

¹⁷ There is a long-lasting negative perception of the following sectors: 76,7% judiciary system, 69,3 law enforcement agencies, senior civil servants 73%, custom administration 65%, police 62%, health system 58 %. Media 51,6. The most negative perception have political parties. Source: TNS-Medium Gallup/UNDP, 2011.

¹⁸ Anti-corruption agency, Republic of Serbia, *Annual Report of the Anti-corruption agency for 2018*: Belgrade, 2019.



Graph 1. Source: *Annual Report of the Anti-corruption agency for 2018, 2019*.



Graph 2. Source: *Annual Report of the Anti-corruption agency for 2018, 2019*.

In situations that involve conflict of interest and nepotism, from a total of 113 measures, the Agency imposed 42 measures of public announcement of recommendation for dismissal, 40 measures for public announcement of the decision on violation of the Law on the Agency and 31 measures of caution. Regarding all decisions made and measures imposed, as well as the opinions given, it was noted that most officials appreciated the decisions of the Agency and that the Agency's opinions were respected, all of which leads to the strengthening of the integrity of officials in holding public offices.

However, it happens that the competent bodies that have elected, appointed or nominated officials do not exercise or respect the Agency's recommendation for dismissal, which was primarily noted at the lower level of government. Most of those who failed to comply with the Agency's decisions indicate, as a reason for non-compliance, that they have found no conflict of interest, which is not within their competence and does not lead to the rule of law and respect for institutions. Promoting positive professional culture through permanent training and education,

encouraging moral behavior, stipulating conditions for recruitment and termination of public officials, shall maintain high level of professional integrity).¹⁹

The most significant obstacle refers to unclear and inconsistent provisions of the current anti-corruption legislation. Some of the competent bodies are failing to act upon the Agency decisions for dismissal of public officials. Other important problem is the lack of possibility of direct access to database and records kept by the other competent state bodies. Incompatibility of databases of different public institutions are additional impairment to effective exchange of information.²⁰ New regulation is expected to reduce imprecision of provisions related to Agency competences as well as to put foundation for more efficient collaboration and exchange of data with other relevant institutions.²¹

In addition to establishing principles for regulating the conflict of interest, a necessary link in implementation of efficient conflict of interest resolution policy is the existence of adequate mechanisms that will enable these principles to be effectively applied in practice.

4. Criminal law instruments for effectively combating corruption

Effectively combating corruption is one of the more demanding challenges in a contemporary democratic society, and in accordance with the rule of law, it requires ensuring legal certainty, democratic reforms, monitoring the work of state authorities – as a sure-fire path to a more successful fight against corruption. In accordance with the generally accepted standard that the criminal law reaction should be *ultima ratio* and should be used after all other means and ways of protection have been exhausted, the emphasis of modern society in the fight against corruption is the implementation of the preventive aspect of the criminal policy as regards criminal offenses of corruption. Considering the fact that the criminal law reaction through its highly repressive character is in the function of prevention, we can conclude that the prevention of corruption implies the effective detection and prosecution of persons responsible for corruption offenses as well as the influence on potential perpetrators. In order to realize the aforementioned goal, it is necessary to adequately criminalize behavior of corruption, to specialize state authorities competent for detecting, proving and prosecuting criminal offenses of corruption, to ensure a more efficient relationship among state authorities, but also to perform reform²² of the normative framework of Serbia²³ that would respond to contemporary challenges in a more successful manner. These steps to successfully combat corruption in Serbia must be in line with

¹⁹ Kesic Z., *Corruption in the Police*, Criminology perspective, Belgrade: Academy of criminalistics and police studies, 2017.

²⁰ Anti-corruption agency, Republic of Serbia, *Report on the implementation of the UN convention against corruption within the statutory powers of the Anti-corruption agency of the republic of Serbia*, Belgrade, 2018.

²¹ GRECO, Council of Europe, *Fourth evaluation round, Corruption prevention in respect of member of parliament, judges and prosecutors, Compliance report*, Serbia, 2017.

²² Bejatovic S., *Several reasons necessity of continuing work on the reform of criminal procedural legislation of Serbia*. Retrieved from: In G. Ilic (ed.), *Reform of the criminal law* (pp. 87- 114). Belgrade: The Association of Public Prosecutors and Deputy Public Prosecutors of Serbia, 2014.

²³ Skulic M., *Misconception and numerous technical errors of the new code of criminal procedure - What next and how to reform the Serbian reform process*. Retrieved from: In G. Ilic (ed.), *Reform of the criminal law* (pp. 23- 65), Belgrade: Association of Public Prosecutors and Deputy Public Prosecutors of Serbia, 2014.

international standards, implemented international documents, but also with requirements that are set in the process of Serbia's accession to the European Union.²⁴ The international framework largely determines the direction of reform of the national framework, the limits and the goals that need to be achieved. The most important international documents, when it comes to combating corruption, are: The Criminal Law Convention on Corruption – Council of Europe²⁵ and The United Nations Convention against Corruption²⁶, which set a number of requests to the Republic of Serbia after their ratification. Serbia has fulfilled most of its requests through the reform of the Criminal Code, through criminalization of offenses recognized in both international documents, some of which are: trading in influence, liability of legal person for criminal offenses of corruption, money laundering etc., which will be analyzed through statistical indicators of efficiency of actions of the competent state authorities in combating corruption.

The specialization of state authorities in charge of combating corruption, which requires international cooperation in all areas of combating this form of crime is achieved through the formation of the Group of States against Corruption – GRECO.²⁷ The main task of this international body is to monitor the implementation of the main principles in the fight against corruption and the adequacy of the implementation of the adopted international legal instruments. In addition to the ratified international instruments, effective instruments in the fight against corruption are adopted strategic documents and legal texts, within the framework of European integration.²⁸ It is necessary to emphasize that the European integration process itself is a long and continuous reform process in the area of justice, fundamental rights and corruption. The reform process in these areas is the result of the Screening Report received for negotiation Chapter 23: Justice and Fundamental Rights, 28 July 2014,²⁹ outlining recommendations in accordance with which Serbia should reform the normative framework with particular emphasis on areas that the European Commission considers to be a priority. The strategic documents that fulfilled the requirements from the Screening Report for the negotiation Chapter 23 are: National Judicial Reform Strategy for the period 2013-2018,³⁰ Action Plan for the Implementation of the National Judicial Reform Strategy for the period 2013-2018 and the Action Plan

²⁴ Ilic G., *Criminal procedure law of Serbia and the standards of the European Union*. Retrieved from: In S. Bejatovic, & L. Trunov (eds.), *Serbia criminal law and EU standards*. Belgrade: Serbian Association for Criminal Law Theory and Practice, 2010.

²⁵ The Convention entered into force on 1 July 2002. The Federal Republic of Yugoslavia ratified this Convention on 18 December 2002 (Official Gazette of the FRY, International Treaties, No. 2/02). Serbia again adopted the Convention in 2005 (Official Gazette of Serbia and Montenegro, International Treaties, No. 18/05).

²⁶ Serbia ratified the United Nations Convention against Corruption, which entered into force on 30 October 2005 (Official Gazette of Serbia and Montenegro, International Treaties, No. 12/05).

²⁷ The Committee of Ministers adopted the Resolution (98) No. 7 which provides for the establishment of an international body, with Serbia and Montenegro becoming its members in July 2003.

²⁸ Bejatovic S., *Criminal procedure law*. Belgrade: Official Gazette, 2014; M. Skulic, *Criminal procedural law*. Belgrade: Faculty of Law, 2014.

²⁹ *Screening Report for negotiation Chapter 23: Justice and Fundamental Rights*, available at: http://seio.gov.rs/upload/documents/eu_dokumenta/Skrining/Screening%20Report%2023_SR.pdf, accessed on 19 September 2019.

³⁰ *The National Judicial Reform Strategy for the period 2013-2018* was adopted by the National Assembly of the Republic of Serbia on July 1, 2013, while the Government of the Republic of Serbia on August 31, 2013 adopted an Action Plan for the implementation of the National Judicial Reform Strategy for the period 2013-2018. "Official Gazette of RS ", no. 57/13, available at: <https://www.mpravde.gov.rs/tekst/22598/nacionalna-strategija-reforme-pravosudja.php>, accessed on 19 September 2019.

for Chapter 23³¹ adopted by the Government of the Republic of Serbia on 27 April 2016. Given that the Action Plan for Chapter 23 provides for further steps in the reform process of all designated areas by the European Commission,³² which includes combating corruption as well, particular attention will be paid to the recommendations and activities that need to be taken in order to more effectively detect, prove and prosecute offenses of corruption. Some of the most important strategic documents adopted in the area of combating corruption are: National Anti-Corruption Strategy in the Republic of Serbia for the period 2013-2018, Action plan for the implementation of the National Anti-Corruption Strategy,³³ Financial Investigation Strategy 2015-2016³⁴, the newly adopted Anti-Corruption Law.³⁵ The key measures in accordance with the Action Plan for Chapter 23 in combating corruption are the Financial Investigation Strategy 2015-2016 and the Anti-Corruption Law. The Action Plan clearly defines the normative framework for the prevention and repression of corruption, in accordance with the relevant legal texts. Namely, in accordance with the Action Plan, the normative framework for the prevention of corruption in the Republic of Serbia is: Law on Financing Political Activities,³⁶ Anti-Corruption Law, Public Procurement Law³⁷ etc.

Regarding the normative framework of repression of corruption in the Republic of Serbia, the following legal texts are provided: Criminal Code of Serbia,³⁸ Code of Criminal Procedure³⁹, Law on Asset Forfeiture⁴⁰ and Law on Organization and Jurisdiction of State Bodies in the Suppression of Organized Crime, Terrorism and Corruption.⁴¹ The key principles provided for by the Action Plan, with the aim of more effectively realizing the repressive aspect of the criminal policy of corruption offenses, are: developed effective and proactive treatment in detecting and prosecuting corruption, independence of competent institutions, adequate staff, effective horizontal and vertical cooperation established⁴² and the exchange of information among the police, public prosecutor's office⁴³, courts, as well as other state authorities and institutions. The requirements set out in the Action Plan, with the aim of more effective criminal law response to corruption offenses, were set through the necessity

³¹ *Action Plan for Chapter 23*, available at: <http://www.mpravde.gov.rs/files/Akcioni%20plan%20PG%2023.pdf>, accessed on 19 September 2019.

³² Kolakovic-Bojovic M., *Accession negotiations between the Republic of Serbia and the EU within the framework of chapter 23 and the necessity for amending criminal procedural legislation*. Retrieved from: In G. Ilic (ed.), *Dominant directions of the development of criminal legislation and other current issues in the legal system of the Republic of Serbia*. Belgrade: Association of Prosecutors of Serbia and Association of Lawyers of Serbia, 2016.

³³ *Official Gazette of RS*, No. 71/13, 55/14.

³⁴ *Official Gazette of RS*, No. 43/2015.

³⁵ *Official Gazette of RS*, No. 35/19.

³⁶ *Official Gazette of RS*, No. 43/11 and 23/14.

³⁷ *Official Gazette of RS*, No. 124/12.

³⁸ *Official Gazette of RS*, No. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 and 94/2016.

³⁹ *Official Gazette of RS*, No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014 and 35/2019.

⁴⁰ *Official Gazette of RS*, No. 32/13.

⁴¹ *Official Gazette of RS*, No. 94/2016.

⁴² G. Ilic, *Pre-trial procedure: Manual for application of the criminal procedure code*. Belgrade: The Association of Public Prosecutors and Deputy Public Prosecutors of Serbia, 2013.

⁴³ Cvorovic D., *The public prosecutor as a powerful figure of the modern criminal procedural legislation*. Zbornik: Crime and Society of Serbia, Institute for Criminological and Sociological Research, Belgrade, 1/2015, pp. 223- 237.

of changing the legal framework for the fight against corruption, compliance with EU legislation and international standards, all through identifying problems in the field of combating corruption. It can be stated that the Republic of Serbia has taken a big step forward with regard to the reform of the regulatory framework⁴⁴ and that a number of legal texts to be adopted listed in the Action Plan, have in the meantime been adopted, whereas for some of them there are statistical indicators of practical application and efficiency results. This primarily refers to the amended Serbian Criminal Code and the criminalization of corruption offenses in line with international documents. Furthermore, the Anti-Corruption Law was adopted, as an extremely important instrument of monitoring mechanism by the Anti-Corruption Agency, whose jurisdiction was expanded with the new legal text.

Regarding the requirements related to the specialization of anti-corruption state authorities and the more efficient cooperation of competent state bodies, the Republic of Serbia fully responded to the requirements of the Action Plan by adopting the Law on Organization and Jurisdiction of State Bodies in the Suppression of Organized Crime, Terrorism and Corruption (hereinafter referred to as LOJSBSOC). The new legal text, which became effective on March 1, 2018, has largely contributed to the realization of the requirements set out in the Action Plan, namely the introduction of special departments at higher public prosecutors' offices for combating corruption (Belgrade, Novi Sad, Niš and Kraljevo, Article 14 (1) of the LOJSBSOC), the introduction of the Financial Forensics Service (Article 19 of the LOJSBSOC), the appointment of liaison officers (Article 20 of the LOJSBSOC) and the formation of task groups (Article 21 of the LOJSBSOC). The analysis of the new legal text indicates a strict provision of conditions and subjects in the field of combating corruption characterized by more efficient fighting, dynamics, durability and quality in all segments of their realization⁴⁵. The efficiency of competent state authorities⁴⁶ in the field of combating corruption combines both qualitative and quantitative component and primarily refers to special departments for combating corruption at higher public prosecutor's offices, an organizational unit competent for combating corruption within the Ministry of Interior and special anti-corruption departments at higher courts. Particularly significant is the introduction of the Financial Forensics Service, liaison officers and task groups that not only met the requirements of the Action Plan but also contributed significantly to more efficient criminal proceedings for corruption offenses.⁴⁷

In support of the justification of the new legal solutions and the efficiency of the competent state authorities in combating corruption, we will present statistical indicators of criminal charges filed for typical corruption offenses, such as receiving

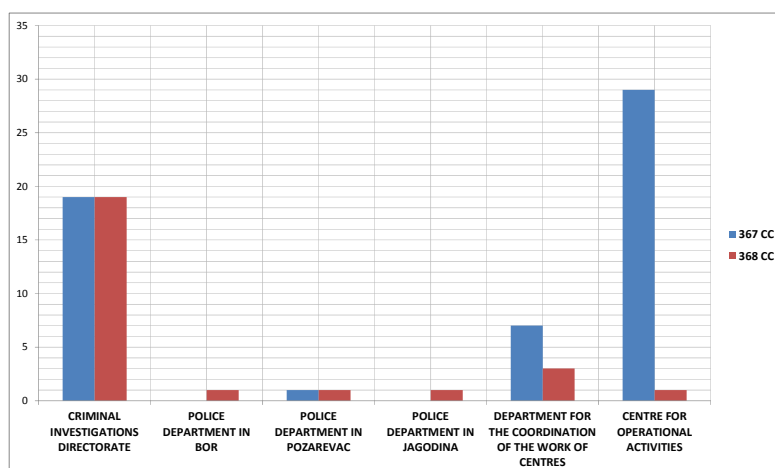
⁴⁴ Cvorovic D., Turanjanin V., *Reformed Criminal Procedural Legislation and Legitimacy of Serbian Police in Europe (Doctrine, statistics and consistency)*. Retrieved from: In Dj. Djordjevic (ed.). *Thematic Conference Proceedings of International Significance*. Belgrade: Academy of Criminalistic and Police Studies, 2016, number 1, pp. 483-494.

⁴⁵ Mijalkovic S., Cvorovic D., Turanjanin V., *New Criminal Legal Challenges in Combating Organized Crime and Terrorism in the Republic of Serbia – A Big Step Forward*. Retrieved from: In Gjurovski, M. (ed.): *The Great Powers Influence on the Security of Small States* (50- 63). North Macedonia: University "St. Kliment Ohridski" - Bitola&Faculty of Security- Skopje, 2019.

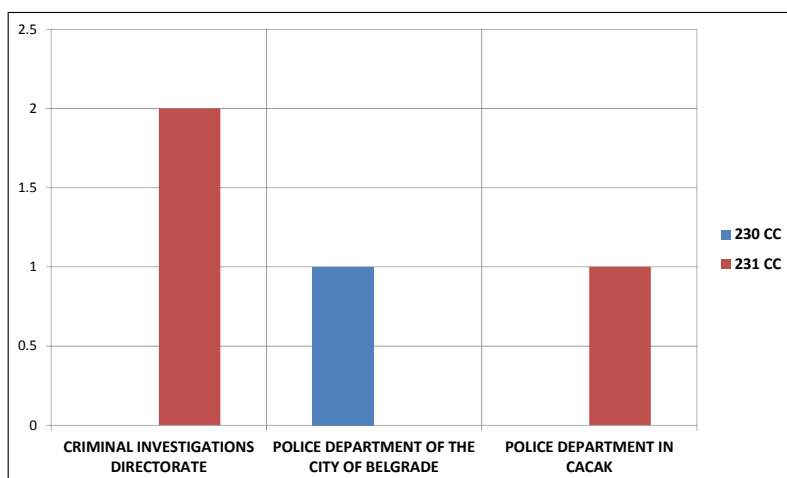
⁴⁶ Bejatovic S., *The efficiency of the criminal proceedings as an international legal standard and the reform of criminal procedural legislation of Serbia*. *Journal of Criminal Justice and Law*, 3, 2015, pp. 27- 55.

⁴⁷ Mijalkovic S., Cvorovic D., Turanjanin V., *Efficiency of criminal proceedings in corruptive criminal offences in the Republic of Serbia – new challenges*, 6th Zagreb Police College Research Days keeping pace with security challenges - where do we stand?, The Police College in Zagreb, Police Academy of the Ministry of the Interior, Zagreb, 2019, paper in press.

bribes (367 CC), giving bribes (368 CC), accepting bribes in the exercise of economic activity (230 CC), and giving bribes in the exercise of economic activity (231. CC).



Graph 3. Statistical indicators of criminal charges filed for typical corruption offenses, such as receiving bribes (367 CC) and giving bribes (368 CC) in Serbia for 2019.⁴⁸



Graph 4. Statistical indicators of criminal charges filed for typical corruption offenses, such as accepting bribes in the exercise of economic activity (230 CC), and giving bribes in the exercise of economic activity (231. CC) in Serbia for 2019.⁴⁹

The presented statistical indicators point to the positive effects of the new legal text, more efficient cooperation of the competent state authorities, but also a considerable number of instruments to control the legality of police work in the area

⁴⁸ Data obtained from the Sector for Analytics, Telecommunications and Information Technology, Department for Analytics, Ministry of Interior, Republic of Serbia.

⁴⁹ Data obtained from the Sector for Analytics, Telecommunications and Information Technology, Department for Analytics, Ministry of Interior, Republic of Serbia.

of corruption, which is indicated by the greater number of criminal complaints filed by Criminal Investigations Directorate, Police Departments in Bor, Pozarevac, Jagodina, Cacak, Police Department of the City of Belgrade, Department for the Coordination of the Work of Centers, Centre for Operational Activities during 2019.

Increasing the efficiency of detecting, proving and prosecuting corruption offenses, both through the strategic framework and through ratified international documents and adopted legal texts, indicates a great step forward for the Republic of Serbia when it comes to the implementation of the criminal policy as regards this form of crime. However, the process of reforming Serbia's normative framework should not be completed with the aforementioned novelties, but it should represent yet another step forward in the process of future reforms that await our country in the process of accession to the European Union.

5. Concluding remarks

It is obvious that corruption is a serious threat to democratic institutions and processes. All democratic societies uphold public integrity and do not tolerate corruption. Moreover, integrity provides the basis for transparency and accountability. There is a permanent tendency in all democratic societies to enhance public integrity and reduce corruption within the public sector.

The basis of a systemic prevention of corruption is in introducing integrity. The key elements of an effective approach to prevent and combat corruption include measures for promoting awareness, particularly ensuring the clarity of norms, preventive mechanisms for safeguarding impartiality of civil servants, clear provisions for disqualification of civil servants in case of actual conflict of interest and retroactive measures, legal protection through administrative self-correction, appeal and petition for review, ensuring transparency of the activities of state administration.

In order to enhance public integrity and reduce corruption, it has to be ensured that the appropriate legislative and institutional frameworks are in place to enable public-sector organizations to take responsibility for effectively managing the integrity of their activities as well as that of the public officials who carry out those activities.

Moreover, there has to be established clear expectations for the highest political and management levels that will support the public integrity system through exemplary personal behavior, including its demonstration of a high standard of propriety in the discharge of official duties. The integrity standards aim to assist public officials to better adapt their conduct, but also to make the broadest public in Europe aware of what type of conduct they can expect from public officials.

Conflict of interest policies are important for improving and consolidating European democracies. They are part of broader strategy or policy to prevent and combat corruption. The perception that personal interest is set aside and that priority is given to public interest, the citizens' interest and the good governance principles, sets sound foundation for further building of trust in the integrity of public officials and state institutions. In addition to establishing principles for regulating the conflict of interest, there should be established effective mechanisms that will enable adopted principles to be effectively applied in practice.

This practice is influenced by EU institutions, during the accession negotiation process moving this problem forward and creating more effective integrity management

frameworks. The most significant obstacle refers to unclear and inconsistent provisions of the current anti-corruption legislation. Some of the competent bodies are failing to act upon the Agency decisions for dismissal of public officials. The main goal of an accountable policy should be focused to integrity of state policy and administrative decisions. Let us hope that European union and international discourse will give incentives for the fight against corruption and the domestic receptiveness for further development of public integrity.

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