

**CONCEPTUAL ISSUES OF PUBLIC OFFICIALS
ACCOUNTABILITY: RESEARCH CONDUCTED IN
LOCAL SELF-GOVERNMENT UNITS IN THE REPUBLIC
OF SERBIA**

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Abstract

Public integrity, transparency and accountability have been identified as part of the founding principles of the public sector which should be enacted in legislation and applied consistently in practice. Effective implementation of the accountability principle shall underpin integrity of public service and its legal, professional and transparent operation.

The purpose of the paper is to analyze conceptual issues of public officials' accountability, focusing on disciplinary responsibility and application in practice. The paper also presents the results of the research conducted in 30 local self government units in the Republic of Serbia. The results point out the (non)efficient implementation of legal and ethical rules and values concerning disciplinary procedures, sanctions, performance appraisal system in the context of possible improvements and capacity building. In order to enhance public integrity, appropriate legislative and institutional frameworks must be 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.

Key words: public officials, disciplinary liability, integrity, local self-government, public interest.

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КОНЦЕПТУАЛНА ПИТАЊА ОДГОВОРНОСТИ ЈАВНИХ СЛУЖБЕНИКА: ИСТРАЖИВАЊЕ СПРОВЕДЕНО У ЈЕДИНИЦАМА ЛОКАЛНЕ САМОУПРАВЕ У РЕПУБЛИЦИ СРБИЈИ

Апстракт

Јавни интегритет, транспарентност и одговорност идентификовани су као део темељних принципа јавног сектора који треба да буду усвојени у законодавству и доследно примењивани у пракси. Ефикасна имплементација принципа одговорности биће основа интегритета јавне службе, њеног законитог, професионалног и транспарентног рада. Сврха рада је анализа концептуалних питања одговорности јавних службеника са фокусом на дисциплинску одговорност и примену у пракси. У раду су представљени и резултати истраживања спроведеног у 30 јединица локалне самоуправе у Републици Србији. Резултати указују на (не)ефикасну примену правних и етичких правила и вредности у вези са дисциплинским поступцима, санкцијама, системом оцењивања рада у контексту могућих побољшања и изградње капацитета. Да би се побољшао јавни интегритет, мора се осигурати да постоје одговарајући законодавни и институционални оквири који ће омогућити организацијама јавног сектора да преузму одговорност за ефикасно управљање интегритетом својих активности, као и интегритетом јавних службеника који спроводе те активности.

Кључне речи: јавни службеници, дисциплинска одговорност, интегритет, локална самоуправа, јавни интерес.

INTRODUCTION

Respect for the principle of accountability has always been a clear indicator that legality, openness, and transparency are respected in a particular legal system. (Vučetić, Vukašinović-Radojičić & Krstić-Mistredželović, 2019, p.128). Following the standards of the European Union (The Principles of Public Administration), the principle of accountable and professional public servant work is one of the essential principles of administration (SIGMA OECD, 2023).

In the administrative-legal sense, state and public administration employees have concrete responsibilities that are ensured through complex procedures. All powers and duties aim only at the public interest, balanced with the rights and obligations of the parties on which they decide, and not for the benefit of the person performing the service. Only the necessary and goal-proportional activity of public officials can ensure respect for citizens' basic rights and promote efficient and effective governance in the public sector. This promotes the principle of accountability and establishes standards for evaluating the adequacy of administrative decisions and procedures (Lončar & Vučetić, 2013).

The specifics of employees' legal positions, the scope, and the types of administrative powers determine the specific forms and basic assumptions of their accountability—disciplinary, material, or criminal law

accountability. The concept of disciplinary accountability is not particularly controversial in the legal literature. This type of accountability is specific since it arises from the official's legal position as the totality of their rights, obligations, and powers. (Vukašinović-Radojčić, 2015, p.69) Failure to fulfill work obligations is grounds for initiating disciplinary proceedings and imposing sanctions (reprimand, salary reduction, promotion ban, termination of employment). (Vukašinović-Radojčić & Vučetić 2021, p.112).

In the official systems of the European Union member states, disciplinary accountability in the theoretical and positive legal sense is determined as the official's accountability for violations of duties from the employment relationship that are explicitly prescribed by law and for which appropriate sanctions are established (Bezeriță, 2018, p.21). In the French system, disciplinary accountability exists when a civil servant's behavior threatens the administration's good functioning or reduces citizens' and the public's trust in its work. (European Union, European Social Fund, 2020). This official system knows "management accountability" and "personal accountability of officials," which aims to strengthen personal accountability against management's general accountability for (in)action and thus protect officials from the financial consequences of (in)action (Cardona, 2003).

The regime of accountability of employees in local self-government units in the Republic of Serbia is largely aligned with the rules of the general regime of civil servants, which is in line with the trend of developing a coherent and harmonized civil service system.

The specificities and differences result from the needs at the local community level, the regulation of the original powers of local self-government units, as well as specific jobs and tasks. This autonomy implies special accountability for efficient resource management and innovative and responsible solving of specific community problems. In this sense, local officials face increased expectations in terms of transparency, accessibility, and interaction with citizens. This requires developing effective communication channels and mechanisms for involving the public in the decision-making processes. Such interaction helps build trust and legitimacy in the local administration but it increases officials' accountability to fulfill the community's promises and expectations.

Disciplinary accountability, a form of legal accountability, is a function of public officials' accountable and professional work. In local self-government units, the rules of disciplinary responsibility are regulated by the Law on Employees in Autonomous Provinces and Local Self-Government Units. (Закон о запосленима у аутономним покрајинама и јединицама локалне самоуправе, 2016). This Law is largely in accordance with the provisions of the Law on Civil Servants (Закон о државним службеницима, 2005) in this segment, which strengthens the coherence of the civil service system. However, differences can be ob-

served, primarily regarding the classification (determination) of duties violations from employment relationships. For example, the Law on Civil Servants prescribes as a minor violation of official duty "frequent tardiness, unjustified absence during working hours or early departure from work", (Закон о запосленима у аутономним покрајинама и јединицама локалне самоуправе, 2016, чл. 138.) while the Law on Employees in Autonomous Provinces and Local Self-Government Units defines this violation more precisely that it exists "if the employee is late for work three or more times in a period of two consecutive months or six days in a period of twelve consecutive months, i.e., he is absent during working hours or leaves work earlier in the same time frames" (Закон о запосленима у аутономним покрајинама и јединицама локалне самоуправе, 2016, чл. 139.). In this way, the possibility of arbitrary interpretation of specific actions representing an element of breach of official duty is suppressed.

On the other hand, according to the Law on employees in autonomous provinces and local self-government units, the procedure is initiated by the employer, on his/her initiative or at the suggestion of a person who is the employee's immediate supervisor. The procedure is led and decided on by the employer, with the fact that in the case of minor violations of work duties, he/she is not obliged to appoint a committee. On the other hand, there is an obligation to educate the committee in the case of more severe injuries (Закон о запосленима у аутономним покрајинама и јединицама локалне самоуправе, 2016, чл. 143-144.).

Given that the employer is a legal entity, the question arises as to who is specifically authorized to initiate and conduct disciplinary proceedings in local self-governments. Is this issue completely left to the employer's will, that is, the local self-government? In order to determine the situation in the area of accountability of officials in local self-government units, a survey was conducted, which included a description of initiated and completed procedures, violations of official duties, types of disciplinary measures imposed, violations of the rules of ethical codes, consequences and responsibility for not achieving work goals through the procedure assessments, responsibility for protection and other issues. The ultimate goal is to determine the application of the rules on official accountability and the effectiveness of the officials' work and make proposals for improvement.

METHODS

The research was conducted through a research instrument, using a request for access to information of public importance sent by e-mail to local self-government units. 30 units of local self-government in the

Republic of Serbia were covered.¹ The time frame of the research covers a period of three years - 2020, 2021 and 2022. The questions covered by the research instrument are as follows:

1. What was the number of disciplinary proceedings initiated and completed against local officials and employees in your local self-government in 2020, 2021, and 2022?
2. Specify the types of duty violations from the employment relationship (less severe and and more severe) that led to the initiation of disciplinary proceedings in 2020, 2021, and 2022.
3. Number and types of disciplinary measures imposed in 2020, 2021 and 2022.
4. The number of obsolete disciplinary procedures - separately for initiation and separately for conducting the procedure, in 2020, 2021, and 2022.
5. Were there any violations of the provisions of the Code of Conduct for local officials and employees in 2020, 2021, and 2022?
6. If the provisions of the Code were violated, what types of violations were involved, and what sanctions were imposed?
7. Has the Code of Ethics for local self-government officials been adopted?
8. How many local employees were rated as "outstanding", "good", "satisfactory", and "not satisfactory" as a percentage of the total number of employees in 2020, 2021, and 2020?
9. If there were evaluations with the grades "unsatisfactory" and "satisfactory", did the consequences of determining the evaluation occur by Article 133 of the State Law on Employees in Autonomous Provinces and Local Self-Government Units?
10. In 2020, 2021, and 2022, was the employee's responsibility determined for the damage caused to the employer?
11. In 2020, 2021, and 2022, was the employee's liability for damage caused to a third party determined? In that case, did the employer demand compensation for the damage from the employee?

The research included 30 local self-government units (cities, municipalities) as follows:

Novi Beograd, Zvezdara, Palilula, Vranje, Svrlijig, Smederevo, Čajetina, Prijepolje, Zaječar, Novi Pazar, Kraljevo, Pančevo, Subotica, Vrbas, Vlasotince, Pirot, Kruševac, Čičevac, Bačka Palanka, Požarevac, Loznica, Vršac, Trstenik, Niš, Užice, Bor, Valjevo, Bujanovac, Kragujevac, Šabac.

¹ The three city municipalities, Novi Beograd, Palilula, and Zvezdara, are not local self-government units.

RESULTS

The results of the initiated disciplinary proceedings in 2020, 2021, 2022 in selected local self-government units are as follows:

Table 1. Number of initiated and completed disciplinary proceedings

Local governments	year 2020		year 2021		year 2022	
	Initiated	Completed	Initiated	Completed	Initiated	Completed
1. Novi Beograd	/	/	/	/	2	1
2. Zvezdara	/	/	/	/	/	/
3. Palilula	/	/	/	/	/	/
4. Vranje	2	2	9	8	6	5
5. Svrljig	/	/	/	/	1	1
6. Smederevo	1	1	1	1	/	/
7. Čajetina	/	/	/	/	/	/
8. Prijepolje	/	/	/	/	3	/
9. Zaječar	/	/	6	/	/	1
10. Novi Pazar	/	/	2	2	2	/
11. Kraljevo	/	/	2	2	1	1
12. Pančevo	2	2	1	1	1	1
13. Subotica	/	/	1	1	1	1
14. Vrbas	/	/	/	/	/	/
15. Vlasotince	/	/	/	/	/	/
16. Pirot	/	/	/	/	/	/
17. Kruševac	2	2	/	/	/	/
18. Čičevac	2	/	/	/	/	/
19. Bačka Palanka	/	/	/	/	/	/
20. Požarevac	/	/	/	/	/	/
21. Loznica	1	1	/	/	1	1
22. Vršac	/	/	/	/	/	/
23. Trstenik	/	/	1	/	/	1
24. Niš	/	/	/	/	/	/
25. Užice	/	/	/	/	/	/
26. Bor	/	/	/	/	/	/
27. Valjevo	/	/	/	/	/	/
28. Bujanovac	2	/	/	2	/	/
29. Kragujevac	3	3	/	/	1	/
30. Šabac	/	/	/	/	/	/

Source: Data obtained from local self-government units

The research results indicate the types and severity of disciplinary violations that initiated proceedings and imposed disciplinary measures. In the city municipality of Novi Beograd, in 2022, two disciplinary proceedings were commenced for minor violations of official duty, of which only one was concluded. A fine of 5% of the employee's basic salary was imposed. No more precise data was provided on which specific minor injuries were involved.

The city of Vranje stands out, particularly in terms of the number of initiated disciplinary procedures. In 2020, two disciplinary proceedings were initiated for severe violations of official duty. One was suspended, and the official was released from disciplinary responsibility in the other. In 2021, 9 proceedings were initiated, 8 were concluded, 7 were for serious violations of official duties, and 2 were for minor violations. The proceedings ended by suspending two cases, releasing the official from responsibility in one case, and imposing fines in five cases. In 2022, 6 disciplinary proceedings were initiated, 5 of which were completed, and 1 proceeding is ongoing, and that is due to 6 more serious disciplinary acts, of which 5 persons were fined. Disciplinary offenses committed in the local self-government of the city of Vranje were as follows: a) minor - being late for work three or more times and leaving work early, and the penalty imposed is 20% of the basic salary for the month in which the violation was made and b) more serious - non-fulfillment of work obligations, negligent, untimely execution of tasks and orders of the superior and inappropriate and offensive behavior towards parties and associates. The penalties included a suspension of 20% of salary for 3 months and a suspension of 30% of salary for up to 6 months.

In 2022, the municipality of Svrljig initiated a disciplinary procedure for a serious violation of official duty, after which a fine of 20% of the basic salary for the month of August was imposed. Furthermore, in the city of Smederevo, in 2021 and 2022, one disciplinary procedure was initiated, each due to severe violations of official duty, namely inappropriate, violent, or offensive behavior toward parties or associates, illegal disposal of funds, and negligent attitude towards funds handled by the official. The procedures have not been completed, so their outcomes are unknown. In Prijepolje, 3 disciplinary proceedings were initiated in 2022 due to severe violations of official duty, which were not concluded, and one was terminated due to the death of an official. In Zaječar, 6 disciplinary procedures were initiated, of which only one was terminated, with a decision to suspend the procedures. In one case, the procedure became obsolete, but the employee's employment was terminated before the deadline for completing the disciplinary procedure. More severe violations of duties referred to unjustified absence from work for at least two consecutive working days, non-execution, negligent, untimely, or incomplete execution of tasks or orders of a superior, and illegal work, i.e. ille-

gal production of the official documentation, incorrect or otherwise improper processing of the same, or omission of actions for which the employee was authorized, which resulted in the employer's responsibility or the occurrence of damage. The city administration of the city of Novi Pazar initiated 2 disciplinary proceedings for severe and minor violations of official duty during the observed period, both of which were concluded. More serious violations related to inappropriate, violent, or offensive behavior towards parties and associates and the officer, who did not report a criminal offense that he found out about in the course of his official duties, as well as because he refused the order of the Head of the Department to report a criminal offense and act according to the letter from the Ministry of Labour, Employment, Veterans and Social Affairs. In the observed period, the city administration of the city of Kraljevo initiated and ended three disciplinary proceedings due to severe violations of official duty. After that, two fines of 25% of the salary for six months were imposed, and another was transferred to a workplace in an immediately lower rank. In Pančevo, 4 disciplinary proceedings were initiated due to severe injuries during the observed research period. The proceedings ended with the imposition of a fine (not specified), one of which was suspended due to the termination of the employee's employment relationship. In one case, the employee was released from responsibility.

From 2020-2022, two disciplinary proceedings were initiated in Subotica one for a minor and one for a severe violation of official duty, which was not specified. The employee was dismissed for the more severe violation. The employee was dismissed for the more severe violation“

The employee was terminated for the more severe violation. In the local self-government of the city of Kruševac, in 2020, two disciplinary proceedings were initiated, one for a minor and the other for a severe violation of official duty. In the first case, an unjustified absence from work for one working day, the employee was fined 5% of the basic salary paid for the month in which the decision became final. In another case, the employee was acquitted due to lack of evidence. Namely, this procedure was initiated because the employee was suspected of using an electronic attendance record card in someone else's name without authorization, typing another person into the electronic attendance record machine, thereby presenting false circumstances, which are the basis for exercising rights from the employment relationship, which represents a violation of Article 138, point of the Law on Employees in Autonomous Provinces and Local Self-Government Units. What is specific is that the decision rationale does not explain how the evidentiary procedure went or on which basis the employee was acquitted. It only stated that the employee was recorded in the chronology of arrivals on that day and that there was no evidence that someone was typing her attendance for her. In 2020, two disciplinary proceedings were initiated in Čičevac due to a severe viola-

tion of official duty, i.e., non-execution, unconscionable, untimely, or negligent execution of tasks or orders of a superior. The statute of limitations has been set for conducting these proceedings. In Loznica, two proceedings were initiated and concluded during the observed period of severe violations of work duties. The first case involved uncharacteristically violent or offensive behavior towards parties or co-workers, for which the employee was fined 20% of the basic salary for August. The second case involved unpaid absence from work for two consecutive working days, for which he was fined 20% of the basic salary for May. In Trstenik, in 2021, a disciplinary proceeding was initiated due to a severe breach of official duty and inappropriate and violent behavior towards a co-worker, after which a fine was imposed. In 2020, the City Administration for Social Activities of the City of Kragujevac initiated three disciplinary proceedings: two for minor violations of duties from the employment relationship, which were suspended, and one for a more serious violation, which ended with the imposition of a fine. In 2022, a disciplinary procedure was initiated for a severe breach of duty from the employment relationship, and it is in process before the second instance of authority.

The most frequent violation of official duty refers to inappropriate and violent behavior toward parties and associates, which can be connected with insufficient knowledge of the rules of the Code of Conduct and ethical norms, which would contribute to reducing such behaviors to a minimum. In general, there are a small number of initiated disciplinary procedures and a mild penal policy. Also, disciplinary proceedings last quite a long time, and the epilogue is usually reached before the expiry of the period provided for the statute of limitations of the proceedings.

When it comes to respecting the ethical rules of conduct of local officials, the research questions first referred to the existence of a Code of Conduct for local officials and employees. All surveyed local self-governments from the research sample adopted Codes of Conduct for local officials and employees. At the official web presentations of local self-governments, it was noticed that none of the local self-governments from the research sample had a prominent Code of Conduct on the home page of their web presentation. These documents are difficult to find on the websites of local governments because they are mostly found on links related to other documents.

This shows the insufficient importance attached to the rules of the code of conduct and the general ethics of employees toward parties and associates, as well as the building of a culture of integrity in local self-governments. It is a clear indication that citizens do not have the opportunity to easily and simply familiarize themselves with the code's content to know what behavior they can expect from officials.

Furthermore, the results indicate that the codes are similar since they contain the same or similar principles of the work of officials. Thus,

the Code of Conduct of the City of Kruševac for Local Officials (Kodeks ponašanja službenika i nameštenika grada Kruševca, 2021) includes a significant provision that all persons who establish an employment relationship for the first time are required to confirm that they are familiar with the rules contained in the Code of Conduct by giving a written statement, which will be an integral part of the employee's personnel file². However, Such a provision should apply to all officials and agents, not only those who establish an employment relationship for the first time. This provision should also apply to officials. The municipality of Bačka Palanka has adopted the Rulebook on managing the conflict of interest of municipal administration employees, which regulates the procedure in cases of existence or suspicion of existence of a conflict of interest. (Правилник о управљању сукобом интереса у општинској управи општине Бачка Паланка, 2022)³. As for the code of conduct of local officials, some local governments, such as the city municipalities of Zvezdara, Smederevo, and Vlasotince, adopted this code in 2005. These Codes should be amended and supplemented following the new challenges faced by public administration in regulating conflicts of interest, conflicts of interest in public procurement, nepotism, and politicization, among other issues. Kraljevo, Požarevac, Svrljig, Valjevo, and Bor still have not adopted codes of conduct for local officials. In contrast, when asked if it adopted a Code of Conduct for local officials, the Belgrade Municipality of Palilula answered that it adopted a Code of Conduct for local officials and employees, which is not the same act.

The only case of violation of the provisions of the Code of Conduct for local officials and employees, viewed concerning the research sample, can be observed, which occurred in Subotica in 2021, due to "expressing views contrary to the views of the local self-government", after which the official was reprimanded. Due to the lack of details about what kind of behavior was involved in the specific case, we cannot express an opinion on this violation of the Code of Conduct.

The unusual position of the city of Bor is that the Permanent Conference of Cities and Municipalities adopted the Code of Conduct for local officials, which applies accordingly to all local self-governments and does not need to be adopted by the local self-government. However, it concerns the fact that the Permanent Conference of Cities and Municipalities only recommended the Code model, as well as examples and

² Code of conduct for officials and employees of the city of Kruševac, available at: <https://krusevac.ls.gov.rs/wp-content/uploads/2022/01/Kodeks-ponasanja-sluzbenika-i-nameševnika.pdf>, access: 10.11.2023.

³ Rulebook on conflict of interest management in the municipal administration of Bačka Palanka municipality, available at: <https://backapalanka.rs/wp-content/uploads/2022/07/pravilnik.pdf>, access: 15.08.2023.

models of other documents, thereby making a great contribution to the reform of local self-governments in Serbia. This does not mean that the document model can be applied accordingly until it is previously adopted by the local self-government.

Taking into consideration the liability of officials for damage in local self-governments and autonomous provinces, there is no difference in the rules of the Law on Civil Servants - intent or gross negligence is a condition for liability for damage to officials. In the selected units of local self-government from the research sample—30, not a single case of officials' liability for damage caused to the employer or for damage predicted to a third party was found. This leads to the conclusion that after paying the compensation claim, local governments are not interested in using officials' recourse to prove intent or gross negligence. It is difficult to prove intent in practice, but we believe gross negligence can be proven in a large number of cases, which can have an extremely positive effect on the enhanced liability system.

The research results in the assessment segment (questions numbered 7 and 8) indicate the types of assessments the evaluated employees received or did not receive. According to the Assessment Regulation, the prerequisites for assessment are work goals, and the criteria for assessment are independence, initiative, conscientiousness, and precision, the results achieved in executing the workplace duties and established goals, cooperation with other employees, and other abilities required by the specific workplace (Uredba o ocenjivanju službenika, 2019).⁴ Also, the types of grades are "stands out", "good", "satisfactory", and "not satisfactory".

Based on these evaluations and criteria, the evaluation results in the local self-government units included in the research sample are as follows:

City Municipality of Novi Beograd, City of Beograd:

year 2020 - 12.9% - good, 84.51% - stands out, 2.59% - unrated;
year 2021 - 15.13% - good, 79.60% - stands out, 5.27% - unrated;
year 2022 - 8.67% - good, 88, 00% - stands out, 3.33% - unrated.

City Municipality of Palilula, City of Beograd:

year 2020 - 2% satisfactory; 46% good; 52%-stands out;
year 2021- 2% satisfactory; 46% good; 52%-stands out;
year 2022-2% satisfactory; 46% good; 52%-stands out;

City Municipality of Palilula, City of Beograd:

year 2020 - 54,05%- stands out; 45,95-good.
year 2021 - 74,79%- stands out; 24,37%-good, 0,84- satisfactory (1 official)
yuer 2022 - 83,58%- stands out; 16,42%-good.

⁴ Decree evaluating civil servants (Official Gazette of RS, No. 2/2019).

City of Vranje:

year 2020 -77%- stands out, 23%-good,
year 2021 -76%- stands out, 23%-good, 1%- satisfactory,
year 2022 -80%- stands out 20%-good.

Municipality of Svrlijig

year 2020-100%- stands out
year 2021-100%- stands out
year 2022-100%- stands out

City of Smederevo:

year 2020 -92,27%- stands out, 7,73%- good;
year 2021 -94,27%- stands out, 5,73%- good,
year 2022 -94,24%- stands out, 5,76%- good.

Municipality of Čajetina:

year 2020 -30%- stands out, 70%- good;
year 2021 -30%- stands out, 70%- good,
year 2022 -30%- stands out, 70%- good.

Municipality of Prijepolje:

year 2020 -100%- stands out
year 2021-100%- stands out
year 2022 -100%- stands out

City of Zaječar:

year 2020 -33,76%- stands out, 42,86%- good,
year 2021-37,82%- stands out, 46,15%- good,
year 2022 -52,67%- stands out, 36,67%- good.

City of Novi Pazar:

year 2020 -20.11%- stands out, 19,89%- good,
year 2021 -20.11%- stands out, 19,89%- good,
year 2022 -20.11%- stands out, 19,89%- good.

City of Kraljevo:

year 2020 -15%- stands out, 85%- good,
year 2021 -22%- stands out, 78%- good,
year 2022 -32%- stands out, 68%- good.

City of Pančevo:

year 2020 -73,50%- stands out, 26,07%- good, 0,43%- satisfactory,
year 2021 -80,97%- stands out, 18,14%- good, 0,88%- satisfactory,
year 2022 -86,30%- stands out, 13,69%- good.

City of Subotica:

year 2020 -32,63%- stands out, 65,25%- good, 2,12%- satisfactory.
year 2021 -36,19%- stands out, 62,26%- good, 1,55%- satisfactory,
year 2022 -24,54 %- stands out, 74,1%- good, 1,36%- satisfactory.

Municipality of Vrbas:

year 2020 -97%- stands out, 3%- good,
year 2021 -95%- stands out, 5%- good,
year 2022 -87%- stands out, 13%- good.

Municipality of Vlasotince:

year 2020 -37,78%- stands out, 62,22%- good,
year 2021 -100%- stands out,
year 2022 -100%- stands out.

City of Pirot:

year 2020 -46,23%- stands out, 53,77%- good,
year 2021 -58,56%- stands out, 41,44%- good,
year 2022 -63,86%- stands out, 36,14%- good.

City of Kruševac

year 2020 -90%- stands out, 10%- good,
year 2021 -90%- stands out, 10%- good,
year 2020 -92%- stands out, 8%- good.

Municipality of Čićevac:

year 2020 -75%- stands out, 25%- good,
year 2021 -58%- stands out, 42%- good,
year 2022 -97%- stands out, 3%- good.

Municipality of Bačka Palanka:

year 2020 -65%- stands out, 35%- good,
year 2021 -60%- stands out, 40%- good,
year 2022 -80%- stands out, 20%- good.

City of Požarevac:

year 2020 - 63.35% - stands out, 34.65% - good;
year 2021 - 36.60% - stands out, 61.44% - good, 1.96 - satisfactory;
year 2022 - 38.75% - stands out, 60.00% - good;

City of Loznica:

year 2020 -95%- stands out, 5%- good,
year 2021 -95%- stands out, 5%- good,
year 2022 -95%- stands out, 5%- good.

City of Vršac:

The question was not answered

Municipality of Trstenik

year 2020 -6,7%- stands out, 93,3%- good,
year 2021 -8%- stands out, 92%- good,
year 2022 -18.3%- stands out, 81,.7%- good

City of Niš- City Administration for Social Activities

year 2020 -84%- stands out, 1%- good, 1%- satisfactory, 14%- unrated,

year 2021 -97%- stands out, 1%- good, 2%- unrated,

year 2022 -82%- stands out, 1%- good, 17%- unrated.

City of Užice:

year 2020 -41%- stands out, 59%- good

year 2021 -46%- stands out, 54%- good.

year 2022 -59%- stands out, 41%- good

City of Bor:

year 2020 -91.51%- stands out, 8.49%- good,

year 2021 -90%- stands out, 10%- good,

year 2022 -90%- stands out, 10%- good.

City of Valjevo:

year 2020 -72%- stands out, 28%- good, 1.3%- satisfactory,

year 2021 -67%- stands out, 33%- good, 1.7%- satisfactory

year 2022 -71%- stands out, 29%- good, 0.9%- satisfactory.

Municipality of Bujanovac:

year 2020- 10.7% - stands out, 81.70% - good, 7.6%-satisfactory;

year 2021 - 9.57% - stands out, 82.97% - good, 7.43 - satisfactory;

year 2022 - 11.45% - stands out, 80.20% - good, 8.52% - satisfactory.

City of Kragujevac- City Administration for Social Activities

year 2020 -2.70%- stands out, 92.60%- good, 4.70%- satisfactory,

year 2021 -5.10%- stands out, 94.90%- good,

year 2022 -4%- stands out, 96%- good

City of Šabac

year 2020 -79.13%- stands out, 20.87%- good,

year 2021 -90,62%- stands out, 9.38%- good,

year 2022 -95.38%- stands out, 4.62%- good

DISCUSSION AND CONCLUSION

Accountability is a comprehensive political, legal, and social concept. It implies the accountability of public administration bodies and organizations for the (non)achievement of strategic work goals and the responsibility of appointed, appointed, and employed persons for personal actions. Disciplinary accountability promotes the legal, efficient, and moral behavior of administration employees and calls for respect for rights and ethics. It is responsible for achieving the administration's primary goals—protecting public interest and citizens' rights and validly implementing public policies. The European Union and other international and regional organizations promote strengthening accountability at the

institutional and individual levels. Strengthening respect for work discipline is the basis for strengthening the integrity of public administration and the trust of citizens and other users of public services. Since the rules of the disciplinary procedure are regulated by regulations (at the central and local levels of administration), the emphasis is on the application of these rules in practice. The purpose of this institute is not only sanctioning but also encouraging legal and efficient work and respect for work discipline.

The research carried out in selected units of local self-government indicated that the most frequent violations of official duties are the most serious: inappropriate and violent behavior towards parties and colleagues, failure to fulfill work obligations, negligent, untimely execution of tasks and orders of a superior, as well as being late for work three or more times, and leaving work early, for which a fine was imposed - 20% of the basic salary for the month in which the injury was committed. Also, although codes of conduct for local officials and employees have been adopted in all examined local self-government units, local authorities do not attach sufficient importance to employee ethics and strengthening integrity in local self-government. These results indicate officials' lack of knowledge and awareness of legal rules and ethical norms. The practice of the Administrative Court of Serbia confirms that most cases are judged in cases involving more severe disciplinary violations due to the greater motivation of officials to use legal means, bearing in mind the prescribed sanctions (Vukašinović-Radojičić & Čogurić, 2022). Furthermore, by analyzing the Administrative Court's judgments, it can be concluded that in many cases, the lawsuit was accepted due to significant violations of the defendant's rules of conduct. Continuous professional training of officials who resolve disciplinary matters can overcome perceived insufficient knowledge of the rules of the disciplinary procedure. (Vukašinović-Radojičić, & Čogurić, 2022). Strengthening managers' awareness of the importance and consequences of disciplinary accountability and evaluation is necessary.

When evaluating officials in the surveyed local self-government units, the percentage of officials rated "excellent" exceeds 90%. It happens that some local self-government units (Prijepolje, Svrljig, Vlasotince) have rated all employees who are evaluated (100%) with the highest rating ("stands out") for three consecutive years. Bearing in mind that according to the Regulation, the grade "stands out" is assigned to an employee who achieves the set work goals and fulfills the workplace requirements with an exceptional result above average, it is impossible for all employees to achieve the planned exceptional and above-average results. At the same time, this approach to the evaluation process becomes meaningless. Those who really achieve exceptional results are demotivated to continue working and are singled out, praised, and progressed be-

cause they are placed in the same rank as the others. Given that promotion depends on evaluation, this approach ensures that all employees rated "outstanding" at least twice in a row meet the requirements for promotion if there is a vacancy and the employee meets the conditions for working there. According to the research results, this would mean that during the three years, in 2/3 of the local self-government units, as many as 90% of the employees met the promotion condition, which indicates the ineffectiveness of the evaluation system. Suppose 90% of employees, and sometimes 100% of all employees, meet the requirements for advancement. In that case, the question is whether they can all advance, whether there are enough vacancies for advancement to an immediately higher executive position (most have the conditions to work there), who will progress concretely, and according to which criteria. Given that there are no objective legal criteria, a discretionary decision-making question regarding advancement is raised, which contradicts the basic evaluation principles of fairness, impartiality, and transparency. At the same time, the results indicate a disconnection between human resources management functions—evaluation and advancement, i.e., rewarding.

The ineffectiveness of the evaluation system is indicated by the results obtained in the city municipality of Palilula, the municipality of Čajetina, and the city of Novi Pazar, in which three years in a row, the evaluators evaluated the employees identically - in the same percentage amount of the total number of employees being evaluated. This indicates an insufficient understanding of the purpose of evaluation and knowledge of the procedure by the evaluator. Pursuant to the Regulation, the evaluator is obliged to monitor and supervise the work of the employee constantly, to evaluate it quarterly according to the set standards and criteria. Based on that, he is obliged to prepare a report, interview the official, and submit the evaluation proposal in the report to the controller. The controller checks the report and gives his conclusions and observations, and the human resources unit checks both the evaluator and the controller. This means that all employees who participate in the evaluation process must be familiar with the method of evaluation, the procedure, the criteria, and the criteria for employee evaluation. The objectivity of the procedure must be taken into account - it is based on legal criteria and the need to suppress subjective evaluation, bearing in mind that in smaller local communities, employees know each other, which is a significant limitation in the evaluation procedure. The results related to the received grades "does not satisfy" and "satisfy" suggest the non-application of the foreseen sanctions for failure to achieve the planned results, which may be a transfer to a lower title that corresponds to the level of education and the fulfilment of the conditions for work, the determination of a lower coefficient, as well as the termination of the employment relationship. Consistent application of the foreseen sanctions could significantly contribute

to strengthening officials' accountability and motivation. The non-application of prescribed evaluation rules in practice indicates the need for education and the strengthening of managers' awareness of the importance and purpose of evaluation as a function of human resource management. At the same time, the concept of "Managerial accountability" would be applied consistently. Strengthening the accountability of officials and the local self-government, in general, can be influenced by the use of recourse rights from officials, i.e., proving their intent or gross negligence, since, as the results show, the surveyed local self-government units, after paying the compensation claim, were not interested in using this right.

To strengthen public administration's integrity, legal solutions must be fully implemented, the concept of "Managerial accountability" developed, and an adequate institutional framework developed. Official accountability involves achieving the administration's primary goals, which are protecting public interest and values and effectively implementing public policies. On the other hand, it contributes to suppressing negative phenomena, such as corruption, conflict of interest, nepotism, politicization, and improper application of discretionary assessment, among other issues. Personal responsibility, as the essence of institutional accountability, promotes the legal, professional, efficient, and moral performance of work of public importance, with respect and a relationship of trust towards the users of public services.

ACKNOWLEDGMENT. The paper is the result of research within the project "Responsibility in the Legal and Social Context", funded by the Faculty of Law, University of Niš, in the period 2021–2025.

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КОНЦЕПТУАЛНА ПИТАЊА ОДГОВОРНОСТИ ЈАВНИХ СЛУЖБЕНИКА: ИСТРАЖИВАЊЕ СПРОВЕДЕНО У ЈЕДИНИЦАМА ЛОКАЛНЕ САМОУПРАВЕ У РЕПУБЛИЦИ СРБИЈИ

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Резиме

У раду су приказани резултати истраживања, спроведеног у 30 локалних самоуправа које третира поједине сегменте одговорности локалних службеника. Одговорност је свеобухватан концепт у политичком, правном и друштвеном смислу који са једне стране подразумева одговорност органа и организација јавне управе за (не)остваривање стратешких циљева рада, а са друге, одговорност именованих, постављених и запослених лица за личне поступке. Институт дисциплинске одговорности службеника поспешује законито, ефикасно и морално поступање запослених у управи и позива на поштовање и права и етике. У функ-

цији је остваривања основних циљева рада управе – заштите јавног интереса, права грађана и ваљаног спровођења јавних политика. Европска унија и друге међународне и регионалне организације промовишу јачање одговорности на институционалном и индивидуалном нивоу. Јачање поштовања радне дисциплине, основа је јачања интегитета јавне управе и поверења грађана и других корисника јавних услуга. Будући да су правила дисциплинског поступка уређена прописима (на централном и локалном нивоу управе), акценат је на примени ових правила у пракси. Сврха овог института није само санкционисање већ и подстицање на законит и ефикасан рад и поштовање радне дисциплине. Истраживање је показало многе недоследности у спровођењу дисциплинске процедуре.

Други део истраживања односи се на систем оцењивања локалних службеника, који је показао велику слабост и потпуно одсуство примене прописаних критеријума и објективности приликом оцењивања. С обзиром на то да оцењивање условљава напредовање, овај систем мора бити реформисан, а његова примена у пракси адекватно примењивана, како би пружио очекиване резултате.