

SERBIAN CITIZENS' PERCEPTION OF CORRUPTION IN THE PUBLIC SECTOR - LEGAL AND SOCIAL-ECONOMIC COMPONENT

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Abstract

As an emergent form of criminality, corruption belongs to traditional criminality, and is as old as society itself. This form of criminality takes various specific forms with socio-economic development, which is why the suppression of this negative social phenomenon is becoming more and more complex. Corruption has become an unavoidable determinant of every state and society, containing numerous factors of negative flows of interests of individuals and the collective. These negativities are one of the main causes of the great economic stratification in our society, with all the social and political consequences that stratification brings with it. Although citizens are aware of the harmfulness of this phenomenon, their perception of corruption is important, especially in the public sector. In this paper, the authors deal with the issue of the legal and socioeconomic components of Serbian citizens' perception of corruption in the public sector. The issue of corruption as a factor endangering the economic and social system was specially addressed. Corrupt criminal acts according to positive criminal legislation were also dealt with, with special reference to statistical data related to these criminal acts. The paper also presents the results of empirical research regarding citizens' attitudes about corruption in the public sector in the Republic of Serbia.

Key words: corruption, public sector, citizens, criminal law, economic system, social system.

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ПЕРЦЕПЦИЈА ГРАЂАНА СРБИЈЕ О КОРУПЦИЈИ У ЈАВНОМ СЕКТОРУ - ПРАВНА И СОЦИЈАЛНО-ЕКОНОМСКА КОМПОНЕНТА

Апстракт

Корупција као појавни облик криминалитета спада у традиционални криминалитет и стара је колико и само друштво. Овај облик криминалитета са друштвеноекономским развојем поприма разне специфичне појавне облике, због чега и сузбијање ове негативне друштвене појаве постаје све комплексније. Корупција је постала незаобилазна детерминанта сваке државе и друштва која у себи садржи бројне факторе негативних токова интереса појединаца и колективитета. Те негативности су један од основних узрока великог економског раслојавања у нашем друштву са свим социјалним и политичким последицама које то раслојавање са собом доноси. Иако постоји свест грађана о штетности ове појаве важна је њихова перцепција корупције и то посебно у јавном сектору. У овом раду, аутори се баве проблематиком правне и социјалноекономске компоненте перцепције грађана Србије о корупцији у јавном сектору. Посебно је обрађена проблематика корупције као фактора угрожавања економског и социјалног система. Обрађена су и коруптивна кривична дела према позитивном кривичном законодавству са посебним освртом на статистичке податке који се односе на ова кривична дела. У раду су приказани и резултати емпиријског истраживања у вези са ставовима грађана о корупцији у јавном сектору у Републици Србији.

Кључне речи: корупција, јавни сектор, грађани, кривично право, економски систем, социјални систем.

INTRODUCTORY NOTES

Corruption, as an unavoidable determinant of every state and society, contains numerous factors of negative flows of interests of individuals and the collective. These negativities are one of the main causes of the great economic stratification in our society, with all the social and political consequences that stratification brings. Corruption erodes the economic base of society and causes disruptions in the legal, social, economic, financial and political systems. With its instruments of action, usually under the guise of legal and economic reforms, corruption produces economic chaos and further social stratification.

Studying the instruments and negative flows of corruption, theory and practice indicate the necessity to apply certain instruments of protection, which have the task of establishing a system of sustainable mechanisms for opposing this deviant behaviour of individuals and groups before the state, i.e., before the citizens. Depending on the extent to which the authorities adhere to the anti-corruption system, conclusions are drawn as to whether the protection system is feasible or not.

The content of individual opposition instruments must be constantly checked in practice. This is the only way to create the conditions for that system to be sustainable. The system and policy of confrontation are

shaped under the influence of different conditions, among which scientific research and theory do not always play a leading role. That is why the system of combating corruption should not be established abstractly – it should be neither outside the given economic and social environment nor outside the general interest of society. The content of this system must be based on clearly defined objectives, measures and instruments.

The subject of research in this paper is corruption in the public sector. The public sector in a country should be stable and protected in every way from external and internal negative influences, while care must be taken to ensure that it does not cause disruption to economic flows through its actions.

The aim of the paper is to perceive the negative trends of corruption in the public sector, and to check whether and to what extent raising the level of the social responsibility of citizens can be an instrument of combating corruption.

The basic hypothesis is that raising the level of social responsibility can contribute to building a system of combating corruption and strengthening the system of protection against the deviant behaviour of individuals and groups.

CORRUPTION AND THE PUBLIC SECTOR

The public sector, in terms of its content, is a conglomerate of different sub-sectors, with the most important being the state budget or the government sector (Milošević & Cvjetković Ivetić, 2018, p. 22). Although the government sector is a fragmented system, the structure and extent of which differs from country to country, it nevertheless has certain general features in all countries, namely: its functioning takes place in a special system of rules and with direct political supervision (Stiglitz, 2008, p. 4).

Depending on the starting point, defining the public sector can sometimes cause confusion. Starting from the salary system of employees, the public sector in the Republic of Serbia includes: state authorities; authorities of the autonomous province, authorities of local self-government units; other bodies and organisations established by the Republic of Serbia, an autonomous province or a local self-government unit; public agencies and organisations to which the regulations for public agencies are applied; and public services that are financed from the budget of the Republic of Serbia, autonomous provinces and local self-government units, i.e. from contributions for mandatory social insurance and mandatory social insurance organisations (the Law on the system of salaries of employees in the public sector, 2016, 2017, 2018, 2019, 2020, 2021, Art. 1, par. 2). If we take as a starting point the coverage of users within the budget system, in the Republic of Serbia, according to the Law

on the Budget System (the Law on the Budget System, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, Art. 2, Par. 1, Point 13), the public sector is a part of the national economy that includes the government sector, as well as non-financial enterprises under government control that are primarily engaged in commercial activities. Therefore, the subsystem of the public sector consists of enterprises owned by the state. As a beneficiary within the budget system, in addition to state-owned enterprises, non-profit organisations can apply. This category includes non-profit organisations that are financed and controlled by the state (e.g., various foundations and institutions) (Milošević & Cvjetković Ivetić, 2018, p. 22). Bearing in mind the above, the suppression of corruption in the public sector is of particular importance. The number and diversity of the coverage of modern economy flows, and thus also the flows within the public sector as part of the national economy, is permeated with a series of emerging forms of corruption, which in the most subtle way destroys the principle of business, ethics and morality.

Corruption is a socially negative phenomenon that came into being at the very beginning of human society and the formation of the first states. It developed and acquired its manifestations, depending on historically given social, economic, political and other conditions, causing harmful consequences for society with its immoral, antisocial and illegal essence (Jelačić, 1996, p. 42). Corruption is a complex socially unacceptable phenomenon for which there is no single definition either in theory or in legislation. Thus, corruption includes bribery and any other form of behaviour related to persons entrusted with authority in the public or private sector, who violate the obligations arising from their status as public officials, private employees, independent agents or some other persons, whereby those behaviours are aimed at obtaining inappropriate benefits of any kind for themselves or other persons (Explanatory Report to the Criminal Law Convention on Corruption, 1999). Corruption implies a set of actions by which the holder of a public office, by abusing his position and powers, illegally obtains an inappropriate benefit for himself or other persons (Milošević & Subošić, 2009, pp. 474-487). It is a process of illegal exchange between perpetrators from the public sphere and perpetrators from the private, especially economic sphere, with a tendency to establish a structured network, planning or exclusion of 'third parties' (general interests or private competition) in favour of personal interests (Queloz, 1996, p. 1). Corruption is a relationship arising from the use of an official or social position or influence in order to obtain an illegal benefit for oneself or another (the Law on Prevention of Corruption, 2019, 2021, 2022, Art. 2, Par. 1, Point 1. -hereinafter: The Law on Prevention of Corruption).

CORRUPTIVE CRIMINAL OFFENSES

According to the Law on Prevention of Corruption, corruption is more broadly defined in relation to the entities of corrupt criminal acts prescribed by the Criminal Code, as well as by special criminal legislation, and refers to all those situations in which a certain person undertakes actions in private interest, and not in the interest of the powers entrusted to him. In the criminological sense, corruption is an emerging form of criminality, which in the criminal legislation of the Republic of Serbia includes a not so insignificant number of criminal acts. In addition to natural entities, the legislation of the Republic of Serbia also provides for the responsibility of legal persons for committed criminal acts (Act on Liability of Legal Persons for Criminal Offenses, 2008, Article 1). In our law, there are no limited criminal offenses for which a legal entity can be held responsible (*numerus clausus*), so that in principle all offenses provided for in the basic or secondary criminal legislation (Vuković, 2022, p. 278; Anđelković, Vučetić, Vukašinović-Radojičić, 2024, p. 793) come into consideration, which means that a legal entity is also criminally responsible for corrupt criminal acts.

Corruption offenses prescribed in the Criminal Code are: in Chapter 15 - *Criminal offenses against electoral rights*: giving and receiving bribes in connection with voting (Criminal Code, 2005, 2009, 2012, 2013, 2014, 2016, 2019, Article 156 - in hereinafter CC); in Chapter 22 - *Criminal offenses against the economy*: abuse of the position of a responsible person (CC, Art. 227), abuse in connection with public procurement (CC, Art. 228), abuse in the privatisation process (CC, Art. 228a), conclusion of a restrictive agreement (CC, Art. 229), receiving a bribe in the performance of an economic activity (CC, Art. 230), and giving a bribe in the performance of an economic activity (CC, Art. 231); in Chapter 33 - *Criminal offenses against official duty*: abuse of official position (CC, Art. 359), fraud in service (CC, Art. 363), embezzlement (CC, Art. 364), trading in influence (CC, Art. 366), accepting a bribe (CC, Art. 367), and giving a bribe (CC, Art. 368).

In the Law on Prevention of Corruption, which regulates the legal position, jurisdiction, organisation and operation of the Agency for Prevention of Corruption, rules on preventing conflicts of interest in the performance of public functions, cumulation of public functions, reporting of assets and income of public officials, the procedure for deciding on the existence of violations of this law and other issues that are important for the prevention of corruption (Law on Prevention of Corruption, Art. 1), another corrupt criminal offense is prescribed – *non-declaration of assets and income or providing false information about assets and income* (Law on Prevention of Corruption, Art. 101-102). In connection with this criminal act, it is particularly important to emphasise that the legal consequences of the conviction are prescribed, namely: termination of public function, i.e., ter-

mination of employment and prohibition to acquire public office for a period of ten years from the date of the finalisation of the judgement.

In addition to corrupt criminal acts, the Law on Prevention of Corruption prescribes: offenses by public officials (Law on Prevention of Corruption, Article 103), offenses by a responsible person in a public authority (Law on Prevention of Corruption, Article 104), offenses by a legal entity (Law on Prevention of Corruption, Art. 105) and offenses against a natural person (Law on Prevention of Corruption, Art. 106). Further, the offense prescribed by the Law on Public Procurement (Law on Public Procurement, 2019, 2023, Art. 236, Par. 1, Point 2) refers to offenses done by a contracting authority who awards a public procurement contract without previously conducting the public procurement procedure.

What is also important to point out, and which represents a good and important indicator of an adequate system of combating corruption in the public sector, is that a statute of limitations is prescribed for the limitation for misdemeanours (Law on Prevention of Corruption, Art. 107), that is, the misdemeanour procedure for misdemeanours prescribed by the Law on Prevention of Corruption cannot be initiated if five years have passed since the day when the offense was committed. Furthermore, misdemeanour proceedings for misdemeanours from the Law on Public Procurement cannot be initiated if three years have passed since the offense was committed. This is the used legal possibility from the Law on Misdemeanours that, for misdemeanours in the field of prevention of corruption and public procurement, states that a longer statute of limitation period can be prescribed in relation to the general term of one year from the day when the misdemeanour was committed, but not longer than five years (Law on Misdemeanours, 2013, 2016, 2019, 2022, Art. 84, Par. 5-6).

In connection with the suppression of corruption, it is important to prevent the conflict of interests of public officials which, according to the Law on the Prevention of Corruption (Law on Prevention of Corruption, Article 41) is a situation in which a public official has a private interest that influences, can influence, or appears to influence the performance of a public function, wherein 'private interest' means any benefit or convenience for a public official or a related party. In the sense of this law, a related party (Law on Prevention of Corruption, Art. 2, Par. 1, Point 6) is a member of the public official's family, a blood relative of the public official in the direct line, i.e., in the collateral line up to the second degree of kinship, as well as a natural or legal person who, according to other grounds and circumstances, can be justifiably considered to be related by interest to the public official.

However, when talking about conflict of interest, it is important to point out the definition of conflict of interest according to the Law on Health Care (Law on Health Care, 2019, 2023, Art. 234), which represents a situation in which a health care worker – a health care associate has a

private interest that affects, can affect or appears to affect the impartiality and objectivity of a health care worker, i.e. a health care associate in the performance of health care activities, or health care work. In the sense of this law, private interest is considered to be any benefit or convenience for a health worker, that is, a health associate, members of his immediate family, or natural and legal persons who can justifiably be considered to be related in interest. What caused the reaction of the professional and scientific public is the provision of Art. 234, Par. 6 of this law, according to which it is allowed to express gratitude in the form of gifts of lesser value, i.e. advertising material and samples, not expressed in money or securities and whose individual value does not exceed 5%, and whose total value does not exceed the amount of one average monthly salary without taxes and contributions in the Republic of Serbia. If this conditions are met, this is not considered corruption, conflict of interest, or private interest, in accordance with the law. This legal provision necessarily imposed the question of whether this created a condition for a kind of legalisation of accepting and giving bribes.

A particularly important place in the fight against corruption in the public sector is the legislation related to the protection of whistle-blowers. Namely, the provisions on external whistleblowing refer to this issue (Law on Whistle-blower Protection, 2014, Art. 12, 18).

THE SUPPRESSION OF CORRUPTIVE CRIMINAL OFFENSES

In the Republic of Serbia, special anti-corruption departments of the Higher Public Prosecutor's Offices and Higher Courts in Belgrade, Kraljevo, Niš and Novi Sad have been formed, whereby the Organized Crime Prosecutor's Office can act in certain cases under the conditions stipulated by law (Law on Organization and competence of state authorities in suppression of organized crime, terrorism and corruption, 2016, 2018, 2023, Art. 5). Since 2018, a network of public prosecutor's offices and courts, whose employees are specially trained and specialised in the fight against corruption, has started operating.

The suppression of corrupt criminal acts is best demonstrated by statistical data found on the official website of the Ministry of Justice of the Republic of Serbia (Ministry of Justice, April 1, 2024), which refers to the operation of the special corruption departments of the Supreme Public Prosecutor's Office and the Supreme Court, as well as the operation of the Public Prosecutor's Office for Organized Crime. According to this data (Table 1), the number of criminal offenses against official duty that are conducted before the special departments of the Supreme Public Prosecutor's Office for the suppression of corruption and the special departments of the Higher courts for the suppression of corruption in the period between 2018 and 2022 shows a tendency to increase. Additionally, it reflects a pronounced

problem of unresolved reports from an earlier period. The total number of persons accused after the investigation for criminal offenses against official duty during the observed period is 516. The total number of persons sentenced to prison for criminal offenses against official duty during the observed period is 317. This trend of accusations is related to the capacities of the judicial system of the Republic of Serbia: “It is possible that this trend of accusations and convictions is related to the capacities of the judicial system of Serbia, which can handle and process a certain number of criminal offenses annually” (Radović-Stojanović, 2021, pp. 11-12).

Table 1. Summary overview of criminal offenses against official duty for which proceedings were conducted before special departments of the Supreme Public Prosecutor’s Office for the suppression of corruption and special departments of Higher courts for the suppression of corruption (2018 - 2022)

<i>Criminal offenses</i>	2018	2019	2020	2021	2022
Article 359 abuse of official position					
Article 363 fraud in service					
Article 364 embezzlement					
Article 366 trading in influence					
Article 367 accepting bribes					
Article 368 giving a bribe					
<i>Number of persons</i>					
According to pending complaints from an earlier period		2480	2803	2946	3093
Total newly received complaints	4895	2718	2082	2349	2081
Decision on the criminal complaint dismissal	1831	1648	1670	1696	1763
Indictment proposal	262	362	241	256	201
Immediate indictment	11	11	6	15	13
Order to conduct an investigation	190	310	100	160	90
Charged after investigation	45	98	128	153	92
<i>Convicting judgements</i>					
Imprisonment	42	94	50	64	67
Conditional convictions			91		92
Agreement on the criminal offense recognition	164	258	120	115	97
Acquittal verdicts		13	36	13	24
Rejection verdicts		3	1	2	26

The total number of persons accused of criminal offenses against official duty in the proceedings led by the Prosecutor’s Office for Organized Crime (Table 2) during the observed period is 39. The total number of persons sentenced to prison for criminal offenses against official duty in the proceedings conducted by the Prosecutor’s Office for Organized Crime during the observed period is 46.

Table 2. Summary overview of criminal offenses against official duty for which proceedings were conducted before the Prosecutor's Office for Organized Crime (2018 - 2021)

<i>Criminal offenses</i>	2018	2019	2020	2021
Article 359 abuse of official position				
Article 363 fraud in service				
Article 364 embezzlement				
Article 366 trading in influence				
Article 367 accepting bribes				
Article 368 giving a bribe				
<i>Number of persons</i>				
<i>According to pending complaints from an earlier period</i>	21	14	6	11
Total number of newly received complaints (section 3+4-5)	210	107	74	91
Decision on the criminal complaint dismissal	192	109	53	45
Indictment proposal	1	1	1	4
Immediate indictment	0	0	0	0
Order to conduct an investigation	14	5	13	15
Charged after investigation	10	15	11	18
Total number of accused persons	11	16	12	
<i>Convicting judgements</i>				
Imprisonment	17	8	11	10
Conditional convictions	1	5	1	0
Agreement on the criminal offense recognition	4	6	1	10
Acquittal verdicts		6	36	5
Rejection verdicts		2	0	0

The number of criminal offenses against the economy for which proceedings were conducted before the special departments of the SPP for the suppression of corruption and the special departments of the Higher Courts for the suppression of corruption in the period between 2018 and 2022 (Table 3) shows a tendency to decrease, as well as a problem of pending reports from an earlier period. The total number of persons accused of criminal offenses against the economy during the observed period is 348. The total number of persons sentenced to prison for criminal offenses against the economy during the observed period is 144.

The total number of persons accused of criminal offenses against the economy in the proceedings led by the Prosecutor's Office for Organized Crime (Table 4) during the observed period is 14. The total number of persons sentenced to prison for criminal offenses against economy in the proceedings conducted by the Prosecutor's Office for Organized Crime during the observed period is 48.

Table 3. Summary overview of criminal offenses against the economy for which proceedings were conducted before special departments of the Supreme Public Prosecutor's Office for the suppression of corruption and special departments of Higher courts for the suppression of corruption (2018 - 2022)

<i>Criminal offenses</i>	2018	2019	2020	2021	2022
Article 227 abuse					
Article 228 abuse related to public procurement of the position of responsible person					
Article 228a abuse in privatization procedure					
Article 229 conclusion of a restrictive agreement					
Article 230 accepting bribes in performing economic activities					
Article 231 giving bribes in performing economic activities					
<i>Number of persons</i>					
<i>According to pending complaints from an earlier period</i>					
		1528	1716	1760	1672
Total newly received complaints	2468	1185	838	685	561
Total in the complaints process	2468	2723	2554	2445	2233
Decision on the criminal complaint dismissal	691	345	640	589	586
Indictment proposal	66	113	65	49	45
Immediate indictment		2		5	3
Order to conduct an investigation	187	146	89	110	89
Charged after investigation	16	56	30	62	49
Total number of accused persons	82	171	95		
<i>Convicting judgements</i>					
Imprisonment	15	25	32	44	28
Conditional convictions	36	76	37	16	23
Agreement on the criminal offense recognition	43	79	52	29	28
Acquittal verdicts		2	6	3	4
Rejection verdicts		1	1	1	2

CORRUPTION AS A FACTOR THREATENING THE ECONOMIC AND SOCIAL SYSTEM

Corruption, by its actions and manner of manifestation, collapses the legality of the economic, production and market environment, which threatens the social peace and tranquillity of citizens. In addition, corruption creates conditions for the affirmation of other deviant phenomena in society, such as the grey economy, illegal trade, abuse of rights, and even elements of political instability. All this indicates that corruption as an economic, social, legal and political 'phenomenon,' to a certain extent, becomes a systemic issue of a society, i.e., a condition for the sustainability of the economic, social, legal and political system. The consequence is the creation of a deviant society with a 'new elite' that owes its existence, but above all, its economic and political power precisely to corruption.

Table 4. Summary overview of criminal offenses against economy for which proceedings were conducted before the Prosecutor's Office for Organized Crime (2018 - 2021)

<i>Criminal offenses against the economy</i>	2018	2019	2020	2021
Article 227 abuse of the responsible person position				
Article 228 abuse related to public procurement				
Article 363 fraud in service				
Article 364 embezzlement				
Article 366 trading in influence				
Article 367 accepting bribes				
Article 368 giving a bribe				
<i>Number of persons</i>				
<i>According to pending complaints from an earlier period</i>	37	39	33	33
<i>Total newly received complaints</i>	40	16	8	7
<i>Decision on the criminal complaint dismissal</i>	2	11	5	0
<i>Indictment proposal</i>	2	0	0	0
<i>Immediate indictment</i>	0	0		0
<i>Order to conduct an investigation</i>	33	11	8	7
<i>Charged after investigation</i>	3	4	7	0
<i>Convicting judgements</i>				
Imprisonment	22	16	10	0
Conditional convictions	1	1	0	0
Agreement on the criminal offense recognition	9	4	3	0
Acquittal			34	
Verdicts		3		0
Rejection verdicts		1	0	0

From the point of view of economic sustainability, any illegal activity aimed at obtaining economic or other benefits in one's own name, and at one's behalf, to the detriment of other individuals, economic entities or the state necessarily leads to a disruption in the economic and legal system, which favours the performance of various other illegal activities by the holders of public authority. In these activities, there is a whole range of participants who use their knowledge and skills to present illegally acquired money or other property benefits as legitimately acquired income or receipts. This creates an illegal flow of illegal activities within the national economy, which may have the effect of putting the country's legal system into the function of achieving the goals of organised crime.

Endangering legitimate market operations can also be a manifestation of the illegal activities of holders of public authority. Namely, in the conditions of widespread corruption, healthy rivalry and motivation to increase the efficiency of one's own production is destroyed, which collapses the optimisation of the allocation of economic resources as a condition of economic progress (Pejanović, 2012, p. 235).

The consequences of corruption within the economic and social system can manifest as a question of economic justice and equality, or a problem of social differences. This issue is particularly important within the framework of building a socially sustainable system. The phenomenon that some persons achieve greater economic and social benefits through the implementation of a corrupt system of income redistribution causes great dissatisfaction among citizens, leads to certain social tensions and disrupts interpersonal relations, and it is especially important that they collapse the economic system of a country with far-reaching consequences in this way. This state of affairs in the economy and society causes dissatisfaction among citizens and a decline in moral, and other values of importance for every society in the process of building a sustainable economic and social system.

The goal of the state is to realise and satisfy various general and common needs of the individual, the collective and the community. Needs in the field of social protection are a necessity and the goal of every social community. Without social peace, there is no stability of the social system, and therefore no stability of the economic system. If the economic and political systems do not achieve an adequate system of protection against the corrupt activities of the holders of public authority, such a system will be condemned to further destruction, and a growing gap between the proclaimed general goals and interests of the social community.

QUANTITATIVE RESEARCH RESULTS REGARDING CITIZENS' ATTITUDES ON CORRUPTION IN THE PUBLIC SECTOR IN THE REPUBLIC OF SERBIA

Background Information

Research related to citizens' attitudes on corruption in the public sector in the Republic of Serbia was conducted using a questionnaire that was distributed and then collected online via Google questionnaire¹.

The questionnaire was conducted in the period between November 9, 2023 and December 19, 2023. The number of people surveyed is 206, all from the territory of the Republic of Serbia. A multivariate regression analysis was used, which identified the total extent of assessment of the main dependent variables (degree of corruption; sources - risks of corruption: trust in the public sector; effectiveness of the application of the protection system) which are associated with three demographic and socio-economic variables: gender, education and age. The main hypothesis, which states that raising the level of social responsibility can contribute to

¹ https://docs.google.com/forms/d/e/1FAIpQLSeO14sGuIJDcagxeJXg-NVPH0p4ZT-na7Sec4gV30eLxRIMQ/viewform?usp=sf_link

building a system of opposition to corruption and strengthening the system of protection against the deviant behaviour of individuals and groups was tested. The research results show that the majority of the respondents support the application and introduction of various measures of the social responsibility of citizens in order to reduce corruption in society.

Socio-economic and Demographic Characteristics

The sample was appropriate for the research and is not necessarily representative of the Serbian population, since the invitation to participate in the online questionnaire was published on social networks and distributed to the addresses of acquaintances and friends of the author. A total of 206 people agreed to participate in the research study, and filled out the survey questionnaire. Of the entirety of the sample, 47.2% are men and 52.8% are women². Of the participants in the survey, 24.5% were between 15 and 30 years old, 42.9% between 31 and 50 years old, 26.5% between 51 and 65 years old, and 6.1% were over 66 years of age at the time of the completion of the research. In terms of education, 32% of the respondents who took part in the survey have a secondary education, 38% have a higher education, 21.5% have completed bachelor's or master's studies, and 8% have completed doctoral studies.

Questionnaire Design

The first section of the questionnaire referred to the following questions:

- In your opinion, what are the most important causes of corruption in the public sector?
- What affects the decision of an employee in the public sector to accept corruption?
- What is your opinion on the extent of corruption in the public sector?
- What is your knowledge about corruption based on?
- Have you had the opportunity to directly be present at a corruption event?
- Are you a participant in corruption event?
- If you were a participant in a corruption event, who asked you for money or some kind of counter-favour?
- Did you offer money in order to achieve some benefit for yourself or others?

² The share of women in the total population of the country is 51.3%, and the share of men is 48.7% - Republic Statistical Office, 2020.

- Who did you offer money to in order to achieve some benefit for yourself or others?
- In your opinion, where is the most pronounced corruption in the public sector?
- Would you report a corrupt person?
- In your opinion, can we reduce corruption or reduce it to an insignificant level?
- In your opinion, can we reduce corruption to the level of zero tolerance?
- In your opinion, by what measures can we as a society influence the reduction of corruption in the public sector?

The second section of the questionnaire included research questions about the socioeconomic and demographic data of the participants.

Analysis

In this research, descriptive statistics were calculated for fundamental socioeconomic and demographic characteristics. The goal of the research is to use scientific methods, primarily legal, social and economic theory, to look at the negative trends of corruption in the public sector, and to check whether and to what extent raising the level of social responsibility of citizens can be an instrument of combating corruption. We tested the central hypothesis in terms of predicting the changing attitudes of citizens on the notion that raising the level of social responsibility can contribute to building a system of combating corruption and strengthening the system of protection against the deviant behaviour of individuals and groups.

Quantitative Research Results³

The results are divided into two groups based on the aforementioned methodological frameworks and research design: (1) citizens' views on the fact that raising the level of social responsibility can contribute to building a system of combating corruption and strengthening the system of protection against the deviant behaviour of individuals and groups; and (2) descriptive statistics results and relationships between variables and citizens' attitudes.

Citizens' views on corruption in the public sector. Citizens' views on the fact that raising the level of social responsibility can contribute to building a system of combating corruption and strengthening

³ Our quantitative analysis conformed to the Declaration of Helsinki (G. Tyebkhan, 2003), which established guidelines for research involving human participants.

the system of protection against the deviant behaviour of individuals and groups were tested using the following questions:

- Would you report a corrupt person?
- Can we reduce corruption or reduce it to an insignificant level?
- with what measures can we as a society influence the reduction of corruption in the public sector?

The survey results show the following results:

(1) When asked whether they would report a corrupt person, the respondents gave the following answers:

- 129 respondents answered yes - they would report a corrupt person. This result shows that 66.5% of those surveyed are aware of the need to combat corruption;
- 65 respondents answered no - they would not report a corrupt person. This result shows that 33.5% of the respondents do not have an opinion on the consequences of corruption, nor on the importance of social responsibility in the process of combating corruption.

(2) When asked whether we can reduce corruption or reduce it to a negligible level, the respondents gave the following answers:

- 125 respondents answered yes - we can reduce corruption or reduce it to a negligible level. This result shows that 60.8% of respondents believe that corruption can be reduced;
- 68 respondents answered no - we cannot reduce corruption or reduce it to a negligible level. This result shows that 32.2% of respondents believe that corruption cannot be reduced.

(3) When asked what measures we as a society can take to reduce corruption in the public sector, the respondents gave the following answers:

- by raising the level of responsibility, 68 respondents;
- the certainty of punishment as the best form of corruption prevention was given by 81 respondents;
- the system of sanctions - 93 respondents;
- by raising the level of citizens' awareness of the consequences of corruption, 90 respondents;
- the education system -59 respondents;
- by raising the level of moral values among citizens and employees in the public sector- 71 respondent;
- by raising the salary level of employees in the public sector- 75 respondents;
- strengthening of the national economy -51 respondent;
- by raising the level of social peace and tranquillity of citizens, 43 respondents;
- reducing the poverty of citizens -56 respondents;
- in another way - 5 respondents.

Descriptive statistics results and relationships between variables and citizens' attitudes. We analysed the results of descriptive statistics and the relationships between variables and citizens' attitudes through the following responses from the respondents:

- the rate of agreement with the most important causes of corruption in the public sector;
- the rate of agreement with the attitude of what affects the decision of an employee in the public sector to accept corruption;
- the rate of agreement with the view on where corruption is most pronounced;
- the rate of agreement with the view on reporting a corrupt person;
- the rate of a view on corruption in the public sector.

(1) The respondents gave their agreement with the most important causes of corruption in the public sector through the following descriptive answers:

- low salaries of employees – 82 respondents, or 40.6%, answered according to this criterion;
- social peace and unrest among citizens – 31 respondents, or 15.3%, answered according to this criterion;
- moral crisis – 85 respondents, or 42.1%, answered according to this criterion.
- egoism – 45 respondents, or 22.3%, answered according to this criterion;
- culture – 39 respondents, or 19.3%, answered according to this criterion;
- absence of an internal control mechanism – 66 respondents, or 32.7%, answered according to this criterion;
- the desire to get rich – 92 respondents, or 45.5%, answered according to this criterion;
- inefficiency of the judicial system – according to this criterion, 67 respondents, or 33.2%, answered;
- human nature – 42 respondents, or 20.8%, answered according to this criterion;
- employees' awareness and attitudes about corruption – 60 respondents, or 29.7%, answered according to this criterion;
- citizens' awareness and attitudes about corruption – 47 respondents, or 23.3%, answered according to this criterion;
- political environment – 69 respondents, or 34.2%, answered according to this criterion;
- education – 27 respondents, or 13.4%, answered according to this criterion; and
- other – 9 respondents, or 4.5%, answered according to this criterion.

(2) Respondents expressed their agreement with the opinion of what influences the decision of an employee in the public sector to accept corruption through the following descriptive answers:

- material benefit – answered by 112 respondents, i.e., 56.3%;
- moral crisis – answered by 63 respondents, i.e., 31.7%;
- returning a favour – answered by 51 respondents, i.e., 25.6%;
- relatives and friends – answered by 44 respondents, i.e., 22.1%;
- political pressures – answered by 65 respondents, i.e., 32.7%;
- feeling of power – answered by 60 respondents, i.e., 30.2%;
- insignificant risk of sanctions – answered by 60 respondents, i.e., 30.2%; and
- difficulties in detecting and proving corruption – answered by 49 respondents, i.e., 24.6%.

(3) The rate of agreement with the view where corruption is most pronounced was given by the respondents through the following descriptive answers:

- in the police – 37 respondents, or 19%, answered;
- in the judiciary – answered by 27 respondents, i.e., 13.8%;
- in healthcare – answered by 56 respondents, i.e., 28.7%;
- in education – answered by 11 respondents, i.e., 5.6%;
- in local government units – answered by 39 respondents, i.e., 20%; and
- in ministries – answered by 25 respondents, i.e., 12.8%.

(4) The rate of agreement with the view on reporting a corrupt person was given by the respondents through the following descriptive answers:

- 129 respondents, i.e., 66.5%, answered that they would report corruption; and
- the answer no - they would not report corruption was given by 65 respondents, i.e., 33.5%.

(5) The respondents gave their opinion on the extent of corruption in the public sector through the following descriptive answers:

- I do not know – answered by 15 respondents, i.e., 7.5%;
- I am not interested in – answered by 12 respondents, i.e., 6%;
- It is not my problem – answered by 13 respondents, i.e., 6.5%;
- the corruption is high – answered by 97 respondents, i.e., 48.5%;
- the corruption is medium – answered by 34 respondents, i.e., 17%;
- the corruption is low – answered by 15 respondents, i.e., 7.5%;
- the corruption is minor – answered by 12 respondents, i.e., 6%; and
- the corruption is not present – answered by 2 respondents, i.e., 1%.

DISCUSSION

Examining the attitudes of the respondents towards corruption indicates that citizens are aware of the consequences of the deviant behaviour of individuals in the public sector, which is in accordance with our main hypothesis. Strengthening the system of social responsibility and raising the level of citizens' awareness of corruption, according to the respondents, is a necessary condition for opposing and reducing it in society.

The respondents' assessment regarding the agreement with the causes of corruption in the public sector is highly expressed. According to the respondents, the most significant causes of corruption are: the low salaries of employees, the moral crisis, culture, a desire to get rich, and the inefficiency of the judicial system.

According to the respondents' rating, the most significant measures that can be used to reduce corruption are: raising the level of responsibility, raising the level of the effectiveness of suppression, the system of sanctions, raising the level of citizens' awareness of the consequences of corruption, raising the level of the moral values among citizens and employees in the public sector, raising the level of the wages of employees in public sector.

Based on the results of the research, we can draw the conclusion that there are no major differences in the views of citizens regarding the need to strengthen social awareness and social responsibility in the process of combating corruption. The general assessment is that the implementation of social responsibility measures will increase the level of efficiency in combating corruption.

INSTEAD OF A CONCLUSION

Corruption prevention is found not only in criminal law protection but also in the removal and disappearance of all those causes that favour its execution. Punitive policy cannot eliminate corruption, it can only reduce it to an apparently reasonable level, because the perpetrator of corrupt acts is significantly influenced by the relationship between the expected benefits they can achieve and the expected sanctions if they are discovered and punished. In that direction, the punitive policy should be built so that the imposed punitive measures are significantly 'higher' than the amount of corrupt benefit. Furthermore, it is particularly important to emphasise that the suppression of corruption, especially in the public sector, has a crucial role in ensuring the economic growth and stability of every country, which also includes prevention and repression. Although the punitive policy related to corruption is mild according to public opinion, the certainty that punishment represents the best prevention is much more significant. Considering that corruption is a global problem, the harmonisation of regulations and their implementation is of particular importance.

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ПЕРЦЕПЦИЈА ГРАЂАНА СРБИЈЕ О КОРУПЦИЈИ У ЈАВНОМ СЕКТОРУ - ПРАВНА И СОЦИЈАЛНО- ЕКОНОМСКА КОМПОНЕНТА

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Резиме

Корупција, као незаобилазна детерминанта сваке државе и друштва, у себи садржи бројне факторе негативних токова интереса појединаца и колективитета и узрокује поремећаје у правном, социјалном, економском, финансијском и политичком систему. Корупција подразумева подмићивање и сваки други облик понашања у вези са лицима којима су поверена овлашћења у јавном или приватном сектору, а која крше обавезе које проистичу из њиховог статуса јавних службеника, приватно запослених, независних агената или неких других лица, при чему су та понашања усмерена ка стицању неприкладне користи било које врсте за њих саме или друга лица. То ствара један незаконити ток одвијања недозвољених активности у оквиру националне економије, који за последицу може имати стављање правног система земље у функцију остварења циљева организованог криминала.

Јавни сектор је по својој садржини конгломерат различитих подсектора, с тим да је најважнији државни буџет или сектор власти. Циљ државе јесте да оствари и задовољи различите опште и заједничке потребе појединца, колективитета и заједнице. Појава да нека лица остварују веће економске и социјалне користи кроз примену коруптивног система прерасподеле дохотка изазива велико незадовољство грађана, доводи до одређених социјалних напетости и ремети међуљудске односе. Посебно је важно што се на тај начин урушавају економски и привредни систем једне земље, са далекосежним последицама.

Проучавајући инструменте и негативне токове корупције, теорија и пракса указују на неопходност и потребу примене одређених инструмената заштите, који имају задатак да пред државом, односно пред грађанима, успоставе систем одрживог механизма супротстављања овом девијантном понашању појединаца и група. У Републици Србији инструменте супротстављања корупцији можемо уочити у оквиру успостављеног система кривичноправне заштите. Коруптивна кривична дела прописана у Кривичном законнику су: у Глави 15 - Кривична дела против изборних права: давање и примање мита у вези са гласањем (члан 156); у Глави 22 - Кривична дела против привреде: злоупотреба положаја одговорног лица (члан 227), злоупотреба у вези са јавном набавком (члан 228), злоупотреба у поступку приватизације (члан 228а), закључење рестриктивног споразума

(члан 229), примање мита у обављању привредне делатности (члан 230), давање мита у обављању привредне делатности (члан 231); у Глави 33 - Кривична дела против службене дужности: злоупотреба службеног положаја (члан 359), превара у служби (члан 363), проневера (члан 364), трговина утицајем (члан 366), примање мита (члан 367), давање мита (члан 368).

У Закону о спречавању корупције, којим се уређује правни положај, надлежност, организација и рад Агенције за спречавање корупције, правила о спречавању сукоба интереса при обављању јавних функција, кумулација јавних функција, пријављивање имовине и прихода јавних функционера, поступак у коме се одлучује о постојању повреде овог закона и друга питања која су значајна за спречавање корупције (члан 1), прописано је још једно коруптивно кривично дело – непријављивање имовине и прихода или давање лажних података о имовини и приходима (члан 101).

У Републици Србији су формирана посебна одељења за сузбијање корупције Виших јавних тужилаштава и Виших судова у Београду, Краљеву, Нишу и Новом Саду, при чему у појединим предметима, под условима предвиђеним законом, може поступати и Тужилаштво за организовани криминал. У периоду од 2018. до 2022. године, укупан број оптужених лица након истраге за кривична дела против службене дужности у поступцима који су се води пред посебним одељењима ВЈТ за сузбијање корупције и посебним одељењима виших судова за сузбијање корупције износио је 516, а укупан број осуђених лица на казну затвора за кривична дела против службене дужности износио је 317. Укупан број оптужених лица за кривична дела против привреде током посматраног периода износио је 348, а укупан број осуђених лица на казну затвора за кривична дела против привреде износио је 144.

Истраживање о ставовима грађана о корупцији у јавном сектору у Републици Србији је спроведено у периоду од 09.11.2023. до 19.12.2023. године, коришћењем упитника који је дистрибуиран, а затим прикупљен на мрежи Google упитник. Тестирали смо главну хипотезу о томе да подизање нивоа друштвене одговорности може допринети изградњи система супростављања корупцији и јачању система заштите од девијантног понашања појединаца и група. Резултати истраживања показују да већина испитаника подржава примену и увођење различитих мера друштвене одговорности грађана у функцији смањења корупције у друштву. Оцена испитаника у погледу слагања са узроцима корупције у јавном сектору високо је изражена. Најзанчајнији узроци корупције према оцени испитаника су: мале плате запослених, морална криза, култура, жеља за богаћењем, неефикасност правосудног система. Према оцени испитаника најзначајније мере којима можемо утицати на смањење корупције су: подизање нивоа одговорности, подизање нивоа ефикасности сузбијања, системом санкција, подизањем нивоа свести грађана о последицама корупције, подизањем нивоа моралних вредности код грађана и запослених у јавном сектору, подизањем нивоа зарада запослених у јавном сектору.

На основу резултата истраживања можемо извести закључак да не постоје велике разлике у ставовима грађана о потреби јачања друштвене свести и друштвене одговорности у процесима сузбијања корупције. Општа оцена је да ће се применом мера друштвене одговорности повећати ниво ефикасности у сузбијању корупције.