

Vladimir PETROVIĆ¹

Ministarstvo unutrašnjih poslova Republike Srbije

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Violations of Official Duties by Employees of the Ministry of Interior of the Republic of Serbia

Abstract: *The responsibility of police officers for violations of official duty, that is, for violations of legal work obligations and duties - disciplinary responsibility, represents a fundamental assumption of the realization of the principle of the rule of law, that is, a form of realization of the principle of limitation of public authority. Bearing in mind the specifics and nature of the work, as well as the specifics of the aforementioned public administration body, it is clear why the legal performance of work and respect for work discipline by police officers contributes not only to the legal and efficient functioning of the Ministry of Interior, but also to the preservation of the reputation of the state. Guided by the importance of the legal institute of disciplinary responsibility of police officers for violations of official duty, which is standardized within a special legal regime, for the realization of the aforementioned fundamental principles, but also for achieving public trust in the work of the Ministry of Interior, the author performed not only theoretical, but also empirical research. In addition to the analysis and presentation of the positions of prominent authors in theory and the profession, which indicate the justification of the norming of the aforementioned legal institute within the framework of a special legal regime, the author came to significant results through empirical research on the representation of minor and serious violations of official duties committed by police officers based on the analysis of initiated disciplinary proceedings in the period 2020-2023. In this way,*

¹ pizon114r@yahoo.com, doctoral student at the Faculty of Law University of Novi Sad

the author concluded what was the trend of the disciplinary proceedings initiated in the mentioned period, as well as for which minor and serious violations of official duty the disciplinary proceedings were initiated in the largest and smallest number of cases, etc.

Keywords: *disciplinary responsibility, police officers, minor violations of official duties, serious violations of official duties, practice of the Ministry of Interior*

Introduction

The Ministry of Interior (hereinafter: MUP), which was established and whose scope of work is determined by the Law on Ministries², is one of the administrative bodies, whose work is a permanent field of public interest, bearing in mind the specifics by which the MUP stands out in relation to other state bodies, which are reflected in the nature and type of work of the MUP, the effects and results of which affect society as a whole, primarily in its primary law-regulated activities such as the protection and improvement of the safety of citizens and property (Article 3 of the Law on Police), for the realization of which the MUP has a legal apparatus for the application of means of coercion, in accordance with the Constitution and the law.

Despite the fact that the MUP is not the only body whose members are "conspicuous/marked", and who have special powers (the Serbian Army and the Administration for the Execution of Criminal Sanctions), it can be said that the actions and behaviour (Milosavljević, 1997: 587) of police officers³ however, are the most visible, taking into account, primarily, the obligation to carry weapons when performing tasks (Lončar, 2005: 42). Also, in support of the above is the fact that members of the MUP, especially police officers, spend most of their working time communicating with citizens in public places.

² Law on Ministries, Official Gazette of the RS, No. 128/2020 and 116/2022.

³ In the paper, the term police officer is used for all employees, bearing in mind the provisions of Article 203 of the Law on Police and the participation of other employees (civil servants and officials) in initiated disciplinary procedures, which is below 1%.

The performance of tasks and charges established by law, as well as the application of police powers, is accompanied by the imperative requirement of the legislator to comply with the obligations prescribed by law. Failure to comply with legal work obligations, particularly actions that are contrary to them, results in the disciplinary responsibility of police officers. The aforementioned legal solution is the logical and only justified consequence of the modern democratic legal order, which rests on the principle of legality and fairness, that is, in which everyone bears responsibility for violating legal norms. In this way, the realization of the principles of a democratic, legal state, as well as the legal and efficient functioning of the service, but also the preservation of the reputation of the Ministry of Interior, and therefore the preservation of the reputation of the state, is achieved in this way. The legislator achieved the above by strictly prescribing behaviour, especially actions and omissions that in terms of breach of obligations represent minor and serious violations of official duty, then by prescribing the course, rules and principles of the disciplinary procedure as well as the authorities responsible for initiating and implementing it, as well as the evaluative norming of disciplinary measures that can be imposed.

Bearing in mind the nature, gravity and number of behaviours, as well as omissions by which police officers commit violations of official duty, the author opted for a theoretical and empirical analysis of violations of official duty for which disciplinary proceedings were initiated.

Specifics of disciplinary responsibility of police officers for violation of official duty

The responsibility of police officers for breach of official duty is a specific type of responsibility, taking into account that, as it is pointed out in the scientific literature, the term public administration (of which the Ministry of Interior is a part) includes activities through which tasks "of general social interest" are carried out. (Vukašinović-Radojičić, 2015: 69).

Namely, officials who perform public administration tasks are responsible for "legal, expedient and effective performance of tasks of public importance". The specificity of the mentioned type of responsibility

is reflected in the legal position of public servants, which consumes the totality of rights, obligations and powers (Vukašinović-Radojičić, 2015: 69). In the event that public administration officials act contrary to their obligations based on the law, they commit a violation of official duty, which is defined in the scientific and professional literature as the "totality of obligations" of public officials (Juras, 2012: 734). Also, in addition to the effort to define the concept of official duty, some authors define the goal of official duty as "ensuring the proper and efficient performance of the service as well as preserving the honour and reputation" (Juras, 2012: 734) of the official and the service as a whole. That is, the violation of official duty is considered to constitute "violation of special duties and powers of officials, as well as violation of the integrity of the service by the holders of official authority" (Milković, 2005: 58, quoted according to Juras, 2012: 734).

Namely, public administration officials have a fundamental legal obligation to respect the law and all regulations adopted on the basis of the law when performing their duties, since otherwise, failure to fulfil legal duties causes disciplinary responsibility for breach of official duty (Drmić, 2010: 772). The importance of the responsible work of public administration officials is indicated by the standards established by the European Union, according to which the responsible work of public officials constitutes one of the fundamental principles of public administration work (The Principles of Public Administration), i.e. one of the basic principles of a democratic society as it is correctly indicated in the scientific and professional literature (Walker, 2006: 1).

Bearing in mind the specifics and nature of the work of police officers, as holders of public authority, it is clear that the increased risk of violation of official duty lies in the very nature of police work (Barker, 2011: 8). Without diminishing the importance of other state administration bodies, primarily ethical and legal behaviour of the police in every democratic state represents the main feature of police work precisely because of its nature (Barker, 2011: 11). The specificity of the nature of police work is reflected, as pointed out by O. Stevanović (2012: 83), on the right of police officers to use force and firearms when performing tasks and duties within the scope of their jurisdiction. In addition to the above, an important

characteristic and duty of police officers is to perform police duties and apply police powers outside of working hours (Lončar, 2005: 44; Leštanin and Nikač, 2016: 404; Vasiljević, 2005: 50).

This is precisely because, when performing police work, police officers do not represent only themselves, but embody the police service as a whole, as a result of which, even outside the performance of their duties, they must behave in a way that does not damage the reputation of the service, as well as citizens' trust in the service (Henning, 1999: 248 and 250, cited according to Juras, 2015: 85).

According to the above, it is clear that police officers have a duty to comply with the obligations prescribed by law, which, viewed from the aspect of totality, represent an official duty (Juras and Nikač, 2016: 188), i.e. a job duty consists of an employee's obligations arising from an official relationship (Vukašinović-Radojičić and Čogurić, 2022: 654). In the case of non-compliance with legal obligations, police officers commit a breach of official duty, as a result of which they bear disciplinary responsibility, respectively as a result of which disciplinary measures established by law are imposed in a legally initiated and implemented procedure.

Bearing in mind that this is a special type of responsibility, different from criminal offences and misdemeanour, it is significant to define the concept of disciplinary responsibility. In this sense, disciplinary responsibility is theoretically defined as "the special responsibility of an official for a violation of prescribed work discipline (official duties), for which certain prescribed disciplinary measures can be imposed on the employee by the employer" (Juras and Nikač, 2016: 188), that is, it is about responsibility that represents "the special legal responsibility of employees for violating the prescribed rules of work and behaviour" (Juras and Filipović, 2022: 270). The specificity of disciplinary responsibility, unlike other types of responsibility, is reflected in the fact that, as certain authors point out (Knežić-Popović, 2009: 218), "it opposes the professional to the bodies of the professional order that take care of the proper performance of the profession and therefore control performing the activities of each member of that order. It aims to protect the profession itself from the behaviour of one of its members which represents a violation of the

duty and reputation of the profession". According to the above, it can be concluded that disciplinary responsibility is "responsibility for violations of duties from the employment status" (Vukašinović-Radojičić and Čogurić, 2022: 655).

Disciplinary responsibility of police officers in the Ministry of Interior, as responsibility for violation of official duty, is regulated by the Law on Police⁴ (hereinafter: ZOP) and the Regulation on the manner of conducting disciplinary proceedings in the Ministry of Interior⁵ (hereinafter: Regulation).

As it is about responsibility and procedure, as well as normative acts that have the nature of *lex specialis*, bearing in mind the subjects of the said responsibility, i.e. the specificity of the nature of the actions to which the said subjects are authorized by law (police work), it is correctly stated in the scientific literature that a special legal regime applies to police officers, which differs from the regime under which civil servants bear disciplinary responsibility (Vukašinović-Radojičić, 2006: 103).

It is also important to note that police officers represent a special category of civil servants, to whom normative legal acts *lex specialis* (e.g. Law on Police, Code of Police Ethics) are primarily applied. However, if such acts have certain legal gaps (that is, if certain rights and obligations are not regulated), the provisions of the Law on Civil Servants⁶ and the Law on Labour⁷ are applied to police officers, while within disciplinary proceedings, for everything that is not defined by regulations, the competent authorities apply the provisions of the Law on General Administrative Procedure⁸.

⁴ Law on Police, Official Gazette of the RS, No. 6/2016, 24/2018 and 87/2018.

⁵ Regulation on the manner of conducting disciplinary proceedings in the Ministry of Interior, Official Gazette of the RS, No. 26/2017.

⁶ Law on Civil Servants, Official Gazette of the RS, No. 79/2005, 81/2005-corrected, 83/2005-corrected, 64/2007, 67/2007-corrected, 116/2008, 104/2009, 99/2014, 94/2017, 95/2018, 157/2020 and 142/2022.

⁷ Labor Law, Official Gazette of RS, No. 24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017-decision US, 113/2017 and 95/2018-authentic interpretation.

⁸ Law on General Administrative Procedure, Official Gazette of RS, No. 18/2016 and 95/2018-authentic interpretation.

Accordingly, it is important to point out the legal position taken by the Administrative Court of the Republic of Serbia⁹, according to which the disciplinary responsibility of police officers (as well as other employees of the MUP) can only occur due to violations of official duties regulated by the ZOP, i.e. police officers and other employees of the Ministry of Interior cannot be held disciplinary responsible for violations of duties from the employment relationship provided for by the Law on Civil Servants. That is, the Administrative Court in its judgment I-3 U 17685/10 dated November 3, 2011 established that violations of the official duties of police officers and other employees of the MUP are prescribed in their entirety by the Civil Service Act, so there is no place for the application of the Law on Civil Servants.

Namely, the disciplinary responsibility of police officers is regulated by Art. 202 – 217 of ZOP. The aforementioned legal provisions, specifically Art. 202, stipulates that police officers are liable for minor and serious violations of official duty. The aforementioned responsibility of police officers is reduced to responsibility due to negligent, unprofessional performance of work and tasks, i.e. due to non-compliance with deadlines when performing work and tasks. Also, police officers bear responsibility in case of non-compliance with the Constitution, laws, other regulations and rules of conduct during the service, as well as for injuries that damage the interests and reputation of the Ministry outside of the service (Art. 203, paragraph 1).

As already mentioned, liability for disciplinary offences/delicts is different from criminal and misdemeanour liability. In accordance with the provisions of Art. 203, para. 3 and 4 of the ZOP, liability for a criminal act or misdemeanour do not exclude disciplinary responsibility for the same act that is the subject of disciplinary proceedings, if the act of criminal or misdemeanour proceedings also represents a violation of official duty. Exemption from criminal or misdemeanour responsibility does not presuppose exemption from disciplinary responsibility for the same action.

⁹ Legal position of the Administrative Court of the Republic of Serbia adopted at the session on December 16, 2011, Bulletin 3/2012.

Bearing in mind the above, it is not an unusual situation in practice that the implementation of the *ne bis in idem* principle, as a fundamental principle of a legal and democratic state, which excludes the possibility of a person being punished twice for the same crime, is called into question.

Accordingly, it is important to point out that the principle *ne bis in idem* has its own independent meaning both in criminal law and in administrative law. However, this principle has no effect viewed from the aspect of the relationship between criminal and disciplinary punishment, which means that based on the same action, the same person can be punished in both criminal and disciplinary proceedings (Krbek, 1958: 123, cited according to Juras and Filipović, 2022: 272). This is because disciplinary liability differs from criminal and misdemeanour liability "according to their domain". The generality of their domain applies to criminal and misdemeanour law because it applies and is applied to all citizens, thus providing protection to the public interest, while the domain of disciplinary proceedings is limited since it refers only to a certain profession. Therefore, "criminal law represents the general law of repression, disciplinary law represents the special criminal law of the profession" (De Poulpique, 2003: 154-155, quoted according to Knežić-Popović, 2009: 219). The above was confirmed by the Administrative Court, which took a clear position that responsibility for a criminal offense or a misdemeanour does not constitute an obstacle for the disciplinary responsibility of an official, since it is about forms of responsibility that are independent and to which special legal regimes apply (Judgment of the Administrative Court of the RS 3 U 1039/17 dated September 24, 2020).

By standardizing the disciplinary responsibility of police officers, both repressive and preventive effects are realized. Namely, in accordance with the principle of legal certainty, i.e. due to the knowledge and awareness of police officers about the possibility of liability and punishment for violation of official duty, it contributes to the maintenance (establishment) of work discipline, which ensures the efficient functioning of the service and the preservation of the reputation of the police and police officers (Nikolić, 2012: 13). By accepting employment, police officers assume certain obligations, rights and responsibilities. Bearing in mind the manner

and conditions that are strictly standardized for the establishment of an employment relationship, it is justifiably assumed and expected that they will legally, conscientiously and responsibly perform tasks and duties.

Violations of official duties

Seen from a positive legal aspect, the ZOP regulates a dual classification: minor and serious violations of official duties. The fundamental differences between the aforementioned violations, as the basis of the disciplinary responsibility of police officers, represent a legal category, and are reflected in: 1) the type and severity, that is, the way of describing the action by which the police officer commits a certain violation of official duty, 2) the statute of limitations - for initiation and conduct of disciplinary proceedings, as well as 3) types of disciplinary measures that, in case of fulfilment of legal assumptions, can be imposed for a certain violation of official duty.

When it comes to serious injuries, the ZOP provisions of Art. 207 exhaustively list 28 serious violations of official duty: 1) refusal to execute or non-execution of a lawful order of the manager issued during the performance or on the occasion of the performance of the task; 2) arbitrarily leaving the workplace; 3) unlawful application of police powers or abuse of the status of a police officer; 4) issuing or executing an illegal order; 5) not taking or insufficiently taking measures within their competence for the safety of persons, property and entrusted things; 6) preventing, hindering or making it difficult to carry out official tasks; 7) behaviour that harms the reputation of the Ministry; 8) sleeping at the workplace, i.e. occupying such a position that prevents the successful performance of police work during the execution of a police task; 9) coming to work under the influence of alcohol, narcotic drugs and other psychoactive substances, i.e. consumption of alcohol, narcotic drugs and other psychoactive substances during working hours; 10) disclosure of confidential information; 11) improper or non-intended use, loss or damage of technical or other equipment, i.e., means that the employee is in charge of or uses in the performance of official tasks, due to intent

or gross negligence; 12) engaging in activities that are incompatible with official duties; 13) acting contrary to the provisions of Article 169, paragraph 2 and 3 ZOP; 14) refusal, unjustified failure to respond or avoidance of a prescribed health examination or abuse of the right to leave in case of illness; 15) refusal, unjustified failure to respond or avoidance of professional training or other training to which the employee is directed for the purpose of the job or employer's needs; 16) illegal, unconscionable, negligent work or omission of an action for which the employee is authorized, which caused or could cause damage or illegality in the work; 17) violation of the rights of employees; 18) unjustified absence from work for more than three working days during one calendar year; 19) self-initiated appearance of police officers and other employees in the public and media in connection with work, which caused or could cause harmful consequences for the reputation of the Ministry; 20) preventing or hindering the implementation of criminal or other proceedings before the competent court; 21) failure to report a criminal act, misdemeanour or breach of official duty; 22) preventing or obstructing the performance of internal control tasks; 23) non-compliance with the measures ordered by the Internal Control Sector to eliminate established illegalities; 24) negative integrity test result; 25) non-declaration of property and changes in property status contrary to the provisions of Article 230v para. 2 and 3 of this law; 26) membership in political parties and organizations, party organization or political activity in the Ministry; 27) expressing political beliefs at work; 28) false reporting of official duty violations.

As it emerges from the interpretation and analysis of the aforementioned behaviours that cause a serious breach of official duty, they involve actions and/or omissions through which police officers act in such a way as to cause damage to the Ministry from a public aspect (and by prescribing such behaviours and omissions as illegal and protection of the public interest, for example from point 3, 20, 21), personal aspect and internal (organizational) aspect. However, it is difficult to consider the above-mentioned aspects in isolation, since in each prescribed serious breach of official duty, the provision of protection for all three or at least two of the above-mentioned aspects is interwoven. When it

comes to minor injuries, the ZOP provisions of Art. 206 enumerate six light violations of official duty: 1) Unjustified absence from work at a certain time and leaving work before the end of working hours, at least three times within a month; 2) Unprofessional attitude towards citizens or employees during work; 3) Unconscionable and disorderly storage of official files and data; 4) Unjustified absence from work for up to three working days during one calendar year; 5) Untidy appearance, i.e. not wearing or improperly wearing uniform and weapons; 6) Acting contrary to an order or instruction for the performance of work that caused or could cause harmful consequences of minor importance.

**Presentation and analysis of initiated disciplinary procedures
for violations of official duties in the Ministry of Interior
for the 2020-2023 period¹⁰**

In order to establish the incidence of violations of official duties committed by employees of the Ministry of Interior, an analysis of initiated disciplinary proceedings in the 2020-2023 period was carried out. The results of the aforementioned research were obtained by analysing the data as well as by classifying them according to certain parameters, such as: type of breach of official duty, year of initiation of disciplinary proceedings, status of the employee against whom disciplinary proceedings were initiated, as well as by cross-referencing (linking) them, etc. The research results are presented tabularly and graphically.

Table 1 and Chart 1 show the number of initiated disciplinary proceedings by year, as well as the number of disciplinary proceedings initiated for minor and serious violations of official duties by year.

¹⁰ The analysis performed on the basis of data received from the Ministry of Interior, in accordance with Article 16 of the Regulation on the manner of conducting disciplinary proceedings in the MUP.

Table 1. Number of initiated disciplinary proceedings by year

TOTAL NUMBER OF DISCIPLINARY PROCEEDINGS INITIATED DUE TO VIOLATION OF OFFICIAL DUTY						
YEAR	MINOR VIOLATIONS OF OFFICIAL DUTIES		SERIOUS VIOLATIONS OF OFFICIAL DUTIES		IN TOTAL	
	NUMBER	%	NUMBER	%	NUMBER	%
2020	595	24.73	1811	75.27	2406	100.00
2021	509	21.89	1816	78.11	2325	100.00
2022	409	18.60	1790	81.40	2199	100.00
2023	359	21.15	1338	78.85	1697	100.00
2020-2023	1872	21.70	6755	78.30	8627	100.00

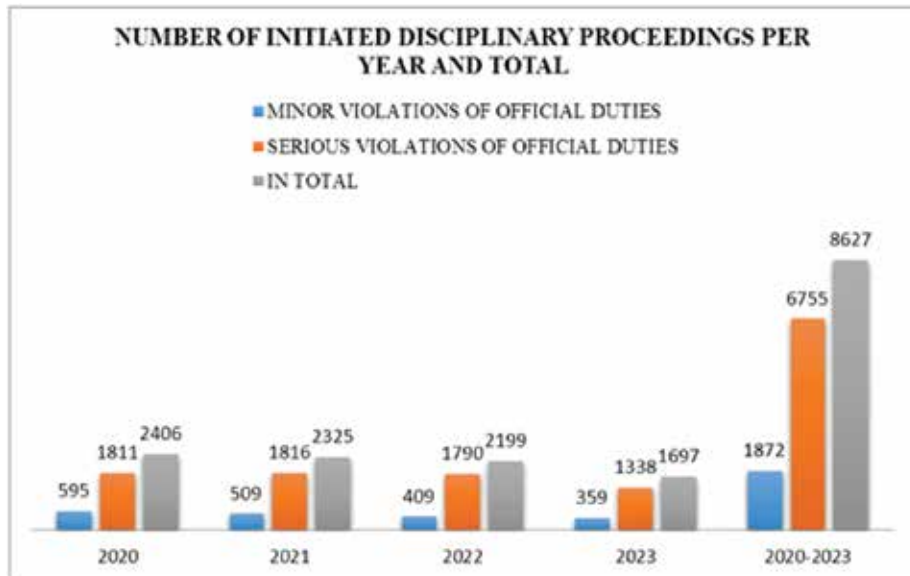


Chart 1. Number of initiated disciplinary proceedings by year

Observed from the perspective of the year in which disciplinary proceedings were initiated, it is established that the total number of initiated disciplinary proceedings is successively decreasing, bearing in mind that within the observed period, the largest number of disciplinary proceedings were initiated in 2020, while the smallest number of disciplinary procedures was initiated in 2023. Namely, in 2021, the number of initiated disciplinary procedures was about 3% lower compared to 2020; in 2022, the number of initiated disciplinary procedures was about 5% lower than in 2021; in 2023, the number of initiated disciplinary procedures was about 23% lower than in 2022. Finally, it is important to point out that in 2023, about 29% fewer disciplinary procedures were initiated than in 2020.

When it comes to the types of violations of official duties for which disciplinary proceedings were initiated, it is observed that disciplinary proceedings were initiated in a significantly higher number for serious violations of official duties than for minor violations of official duties. Observed from the aspect of the total number of initiated disciplinary procedures for the mentioned four-year period, it is observed that disciplinary procedures for serious violations of official duties were initiated in about 78% of cases, while for minor violations they were initiated in about 22% of cases.

Also, as in the case of total initiated disciplinary proceedings by year, so also in the case of classification of violations of official duties by years, a successive decline of initiated disciplinary proceedings for minor or serious violations of official duty can be observed in the period 2020-2023, with one exception. Namely, only in 2021, the number of initiated disciplinary proceedings for serious violations of official duties was slightly higher than in 2020 - 5 disciplinary proceedings, or about 0.3%.

Table 2 and Graphs 2 and 3 show the number of initiated disciplinary proceedings for serious violations of official duty, that is, individually for each serious violation of official duty in accordance with Art. 207, para. 1 items 1-28 ZOP. The results are tabulated by year and in total, while Charts 2 and 3 contain total data for the period 2020-2023.

Table 2. *Number of initiated disciplinary procedures for serious violations of official duty by year*

SERIOUS VIOLATIONS OF OFFICIAL DUTIES										
ARTICLE 207 OF THE POLICE LAW										
POINT/ YEAR	2020		2021		2022		2023		IN TOTAL	
	NUMBER	%	NUMBER	%	NUMBER	%	NUMBER	%	NUMBER	%
1	71	3.92	61	3.36	73	4.08	43	3.21	248	3.67
2	58	3.20	59	3.25	68	3.80	29	2.17	214	3.17
3	37	2.04	29	1.60	26	1.45	27	2.02	119	1.76
4	2	0.11	4	0.22	11	0.61	2	0.15	19	0.28
5	63	3.48	73	4.02	55	3.07	43	3.21	234	3.46
6	24	1.33	48	2.64	47	2.63	21	1.57	140	2.07
7	465	25.68	462	25.44	428	23.91	313	23.39	1668	24.69
8	91	5.02	57	3.14	38	2.12	30	2.24	216	3.20
9	52	2.87	44	2.42	44	2.46	37	2.77	177	2.62
10	3	0.17	9	0.50	9	0.50	5	0.37	26	0.38
11	93	5.14	135	7.43	165	9.22	121	9.04	514	7.61
12	13	0.72	9	0.50	1	0.06	5	0.37	28	0.41
13	1	0.06	0	0.00	3	0.17	3	0.22	7	0.10
14	47	2.60	8	0.44	9	0.50	18	1.35	82	1.21
15	64	3.53	111	6.11	193	10.78	73	5.46	441	6.53
16	668	36.89	646	35.57	583	32.57	524	39.16	2421	35.84
17	4	0.22	6	0.33	6	0.34	1	0.07	17	0.25
18	22	1.21	17	0.94	15	0.84	12	0.90	66	0.98
19	3	0.17	1	0.06	0	0.00	1	0.07	5	0.07
20	6	0.33	11	0.61	5	0.28	8	0.60	30	0.44
21	23	1.27	20	1.10	6	0.34	14	1.05	63	0.93
22	0	0.00	2	0.11	0	0.00	2	0.15	4	0.06
23	0	0.00	1	0.06	0	0.00	0	0.00	1	0.01
24	0	0.00	2	0.11	1	0.06	6	0.45	9	0.13
25	0	0.00	0	0.00	1	0.06	0	0.00	1	0.01
26	0	0.00	0	0.00	1	0.06	0	0.00	1	0.01
27	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
28	1	0.06	1	0.06	2	0.11	0	0.00	4	0.06
IN TOTAL	1811	100.00	1816	100.00	1790	100.00	1338	100.00	6755	100.00

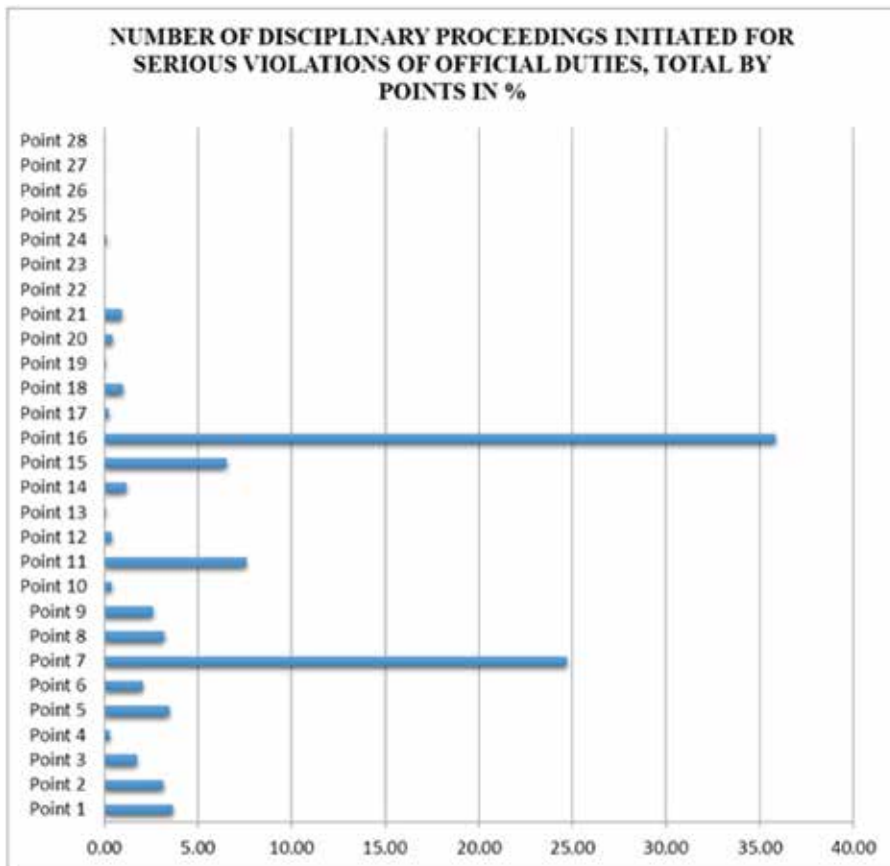


Chart 2. *Initiated disciplinary procedures for serious violations of official duty individually - Art. 207 of the Law on Police (2020-2023), representation in %*

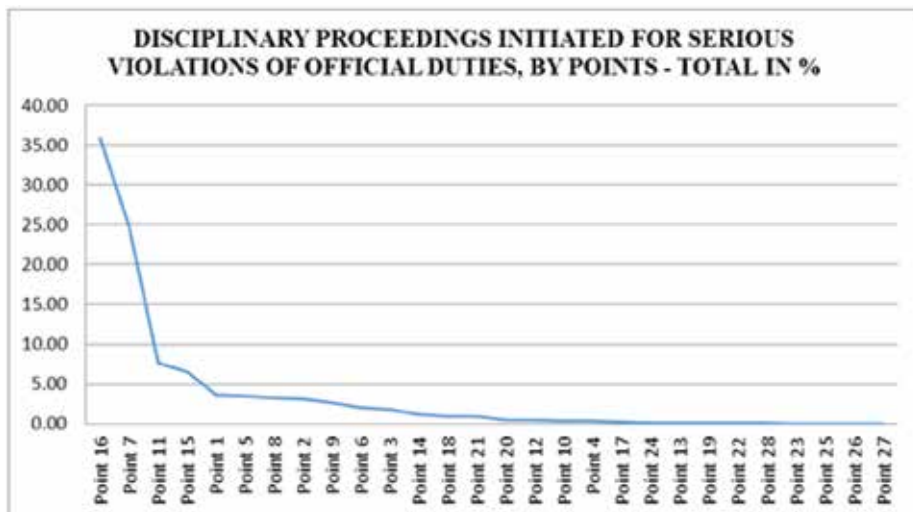


Chart 3. Disciplinary procedures initiated for serious violations of official duty individually - Art. 207 of the Law on Police (2020-2023)

Observed from the aspect of individual serious violations of official duties due to which in the period 2020-2023 disciplinary procedures were initiated, from the presented results it can be seen that the largest number of disciplinary procedures (about 60%) were initiated due to the following serious violations of official duty: *illegal, unscrupulous, negligent work or omission of an action for which the employee is authorized, which caused or could have to cause damage or illegality in work* (Art. 207, paragraph 1, item 16 ZOP) - about 36% and *behaviour that harms the reputation of the Ministry* (Art. 207, paragraph 1, item 7 ZOP) - about 25% of all serious violations of official duty.

Then, in an approximate (percentage) number, disciplinary proceedings were initiated due to a serious breach of official duty from Art. 207, para. 1, item 11 ZOP – *improper or non-intended use, loss or damage of technical or other equipment, i.e. means that the employee is in charge of or uses in the performance of official tasks, due to intent or gross negligence* (7.61%) and due to serious violation of official duty from Art. 207, para. 1, item 15 ZOP - *refusal, unjustified non-response or avoidance of professional training, advanced training or other training to which the employee is referred for the purpose of the job or the employer* (6.53%).

Disciplinary proceedings are initiated in about 3-4% of cases due to the following serious violations of official duty: *refusal to execute or non-execution of a lawful order of the manager issued during the execution or on the occasion of the execution of the task referred to in Art. 207, para. 1, item 1 ZOP (3.67%); not taking or insufficiently taking measures within their competence for the safety of persons, property and entrusted things from Art. 207, para. 1, item 5 ZOP (3.46%); sleeping at the workplace, i.e. occupying such a position that prevents the successful performance of police duties during the performance of police duties from Art. 207, para. 1, item 8 ZOP (3.2%); arbitrarily leaving the workplace from Art. 207, para. 1, item 2 ZOP (3.17%) and coming to work under the influence of alcohol, narcotic drugs and other psychoactive substances, i.e. consumption of alcohol, narcotic drugs and other psychoactive substances during working hours from Art. 207, para. 1, item 9 ZOP (2.52%).*

In contrast to the remaining serious violations of official duty for which disciplinary proceedings were initiated in 0.01 - 2% of cases, for serious violation of official duty from Art. 207, para. 1, item 27 - *expressing political beliefs at work*, no disciplinary proceedings were initiated in the observed four-year period.

Table 3 and Graphs 4 and 5 show the prevalence of minor physical injuries (Art. 206, Paragraph 1, Items 1-6 ZOP) in initiated disciplinary proceedings in the period 2020-2023. The results are classified by minor physical injuries individually as well as by the year in which disciplinary proceedings were initiated due to a specific injury.

Table 3. Number of initiated disciplinary proceedings for minor violations of official duties, by years

MINOR VIOLATIONS OF OFFICIAL DUTIES										
ARTICLE 206 OF THE POLICE LAW										
POINT/ YEAR	2020		2021		2022		2023		IN TOTAL	
	NUMBER	%	NUMBER	%	NUMBER	%	NUMBER	%	NUMBER	%
1	8	1.34	3	0.59	2	0.49	9	2.51	22	1.18
2	22	3.70	15	2.95	23	5.62	18	5.01	78	4.17
3	9	1.51	6	1.18	5	1.22	3	0.84	23	1.23
4	16	2.69	20	3.93	21	5.13	16	4.46	73	3.90
5	30	5.04	27	5.30	18	4.40	19	5.29	94	5.02
6	510	85.71	438	86.05	340	83.13	294	81.89	1582	84.51
IN TOTAL	595	100.00	509	100.00	409	100.00	359	100.00	1872	100.00

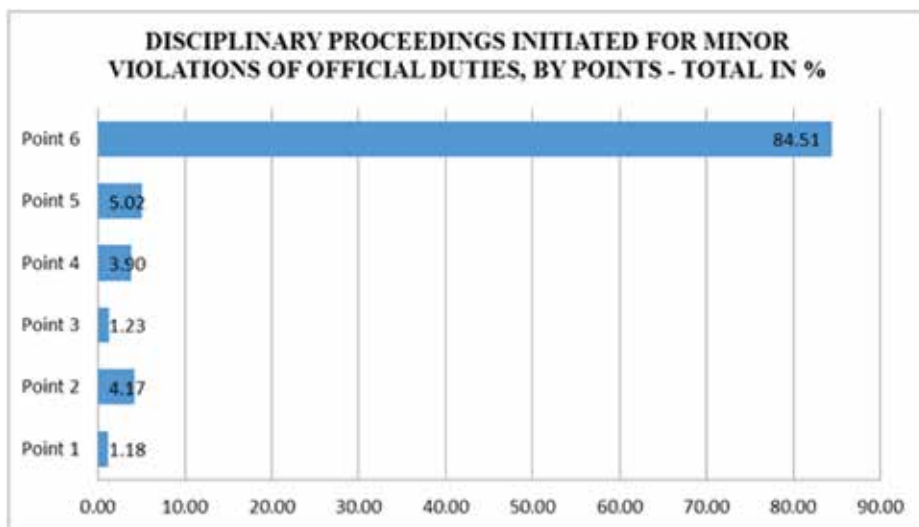


Chart 4. Disciplinary procedures initiated for minor violations of official duties individually (%) - Art. 206 of the Law on Police (2020-2023)

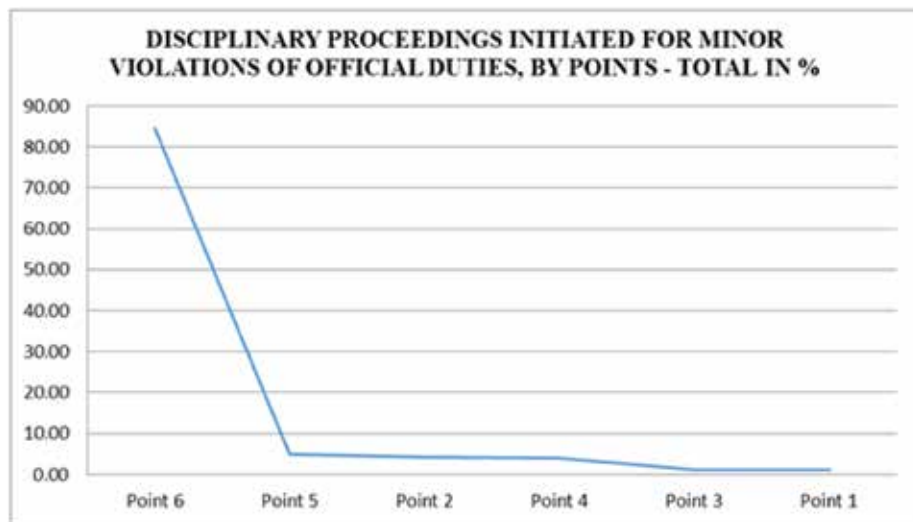


Chart 5. Disciplinary proceedings initiated for minor violations of official duties individually (%) - Art. 206 of the Law on Police (2020-2023)

When it comes to minor violations of official duties, as it emerges from the results presented, in the observed period (2020-2023), the largest number of disciplinary proceedings was initiated due to minor violations, acting contrary to an order or instructions for the performance of work that caused or could cause harmful consequences of minor importance from Art. 206, para.1, item 6 ZOP - about 85%. The representation of the remaining minor violations of official duties in the initiated disciplinary procedures is significantly lower.

In about 4-5% of cases, disciplinary procedures were initiated due to the following minor violations of official duty: untidy appearance, i.e. not wearing or improperly wearing uniform and weapons from Art. 206, para.1, item 5 ZOP - 5.02%; unprofessional attitude towards citizens or employees during work from Art. 206, para. 1, item 2 ZOP - 4.17%; unjustified absence from work for up to three working days during one calendar year from Art. 206, para.1, item 4 ZOP - 3.9%.

Due to the remaining minor violations of official duty from Art. 206, para. 1 of the ZOP (negligent and irregular storage of official records and data - point 3 and unjustified failure to arrive at work at a certain time and leaving work before the end of working hours, at least three times within a month - point 1) disciplinary proceedings have been initiated in slightly more than 1% of cases.

Conclusion

Disciplinary responsibility of police officers for violations of official duty, that is, for violation of legal work obligations and duties, is a legal institute that is characterized by numerous specificities, primarily, the specifics that relate to the nature of police work, and therefore the specifics of the position and status of police officers as a special category of civil servants. Namely, the police are entrusted with duties that, on the one hand, directly protect and improve the safety of citizens and property, while on the other hand, the performance of these duties and the application of police powers and means of coercion limit human rights and freedoms. Due to the mentioned specifics, the public shows a high degree of interest in the work of police officers, so the legal and proper performance of police duties, work obligations and actions increases

the level of citizens' trust for the police, but also the level of trust in the entire public authority. In this sense, the legal institution of disciplinary responsibility of a police officer for violations of official duties represents a fundamental prerequisite for the realization of the principle of a legal, democratic state.

Disciplinary responsibility of police officers for violations of official duty is prescribed by the Law on Police as *lex specialis* and the Regulation on the manner of conducting disciplinary proceedings in the Ministry of Interior. It is therefore about a special legal regime according to which police officers bear disciplinary responsibility for violation of official duty, unlike other civil servants, which is justified considering the above-mentioned specificities.

In order to achieve a comprehensive insight into violations of the official duties of police officers, it was necessary to carry out empirical research. Namely, by analysing the initiated disciplinary proceedings in the Ministry of Interior in the period 2020-2023, it was established that the number of initiated disciplinary procedures per year (observed from 2020 to 2023) successively decreases, both for serious violations of official duties and for minor violations of official duties. When it comes to disciplinary proceedings initiated for serious violations of official duty, the largest number of proceedings were initiated due to the following serious violations of official duty: illegal, unscrupulous, negligent work or omission of an action for which the employee is authorized, which caused or could have caused damage or illegality in work (Art. 207, paragraph 1, item 16 ZOP) and behaviour that harms the reputation of the Ministry (Art. 207, paragraph 1, item 7 ZOP), while no proceedings were initiated due to the expression of one's political beliefs at work (Art. 207, paragraph 1, item 27). Regarding minor violations of official duties, the largest number of disciplinary procedures was initiated due to acting contrary to an order or instruction for the performance of work that caused or could cause harmful consequences of minor importance from Art. 206, para. 1, item 6 ZOP, while the share of the remaining light violations of official duties in the initiated disciplinary procedures is significantly lower.

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Повреде службене дужности запослених у Министарству унутрашњих послова Републике Србије

Апстракт: Одговорност полицајских службеника за повреде службене дужности, односно за повреде законских радних обавеза и дужности – дисциплинска одговорност – представља фундаменталну предпоставку остваривања начела правне државе, односно вид остваривања начела ограничења јавне власти. Имајући у виду специфичности и природу посла, као и специфичности наведеног органа јавне управе, јасно је зашто се законитим извршењем послова и поштовањем радне дисциплине од стране полицајских службеника доприноси не само законитом и ефикасном функционисању Министарства унутрашњих послова већ и очувању угледа државе. Руководећи се значајем правној инстинкцији дисциплинске одговорности полицајских службеника за повреде службене дужности, који је нормиран у оквиру посебне правне режима, за остваривање поменутих фундаменталних начела, али и за остваривање поверења јавности у рад Министарства унутрашњих послова, аутор је извршио не само теоријско, већ и емпиријско истраживање. Поред анализе и изношења ставова истакнутих аутора у теорији и пракси, којима се указује на оправданост нормирања наведеног правној инстинкцији у оквиру посебне правне режима, аутор је емпиријским истраживањем дошао до значајних резултата о заштитљивости лаких и тежких повреда службене дужности учињених од стране полицајских службеника на основу анализе покренутих дисциплинских поступака у периоду 2020-2023. На тај начин, аутор је закључио какав је тренд кретања покренутих дисциплинских поступака у наведеном периоду, као и то збој којих су лаке односно тежке повреде службене дужности дисциплински поступци покренути у највећем односно најмањем броју случајева и сл.

Кључне речи: дисциплинска одговорност, полицајски службеници, лаке повреде службене дужности, тежке повреде службене дужности, пракса Министарства унутрашњих послова.