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CORRUPTION IN SERBIA

Abstract:

Corruption is not a local matter but a transnational phenomenon that affects all societies and economies, which makes international cooperation on its prevention and suppression necessary. A comprehensive and multidisciplinary approach is also needed to effectively prevent and fight corruption. The provision of technical assistance can play a significant role in increasing the ability of states, including capacity building and institution building, to successfully prevent and fight corruption. Illegal acquisition of personal wealth can be particularly harmful to democratic institutions, national economies and the rule of law.

There is no doubt that corruption is a negative social phenomenon that destroys the foundations of social order, civil liberties, principles of democracy and basic rights of citizens. Corruption represents a negative phenomenon that does not arise "overnight", and to a large extent undermines the social, economic, legal and political foundations of every state. The processes that lead to the creation of a corrupt environment continue, so in climates like ours, they are linked to war events, political changes, the weakening of the economic system, economic models of privatization, bankruptcy and other procedures for changes in state ownership and in general all other forms of transitional politics.

The United Nations Convention against Corruption was adopted in New York on October 31, 2003. year, and it represents the most important international legal act that defines and determines this extremely socially harmful and dangerous phenomenon. Serbia and Montenegro ratified the mentioned convention in 2005.

Keywords: *crime, money laundering, crime, convention, corruption.*

INTRODUCTION

The phenomenon of corruption was recognized at an early stage of the development of the modern state and society. There is no doubt that corruption is a negative social phenomenon that destroys the foundations of social order, civil liberties, principles of democracy and fundamental rights of individuals. Corruption is a harmful social phenomenon widespread both in developed, well-organized countries and in underdeveloped and systematically unconsolidated countries. It creates mistrust of citizens towards the state and its bodies, simultaneously generating their dissatisfaction, stops the development of the economy, discourages investments, harms the country's international reputation and encourages negative demographic tendencies.

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The very definition of corruption can have a wider or narrower scope. For the purposes of this paper, it is certainly necessary to start from the definition established by the Law on Prevention of Corruption[1], which defines corruption as "A relationship that arises from the use of an official or social position or influence in order to obtain an illegal benefit for oneself or another". Therefore, it is clear that the legal concept of corruption is broader than what is represented by the entities of corrupt criminal acts prescribed by the Criminal Code and special criminal legislation and refers to all those situations in which a certain person does not undertake actions in the interest for which the powers are entrusted to him, but does so by following his own, personal interests. Therefore, at the very beginning, it is necessary to provide a methodological note that for the purposes of realizing the powers of state bodies that are part of the repressive legal apparatus, it is more acceptable to limit the concept of corruption to those behaviors (actions) that are defined in the laws as criminal offenses or misdemeanors, and possess corruptive elements, given that only such actions have a legal basis for the actions of state bodies.

The negotiations of the Republic of Serbia on joining the EU are still ongoing. One of the basic conditions in this process is ensuring the rule of law, in which the fight against corruption is an elementary part.

In addition, the Government of the Republic of Serbia showed its willingness to continue working on strategic documents in this area and recognized the need to develop an activity plan for an organized and coordinated criminal-legal response to corruption through the Anti-Corruption Strategy.

The specificity of the repressive-legal aspect is reflected in the concrete realization of the competences of state bodies in the direct suppression of corruption (police, public prosecutor's offices and courts) as well as in the implementation of various control procedures aimed at anti-corruption action, which are carried out by individual bodies (various inspection bodies, the State Audit Institution, the Republic Commission for the Protection of Rights in Public Procurement Procedures). That is why the work of the subgroup for repressive-legal aspects of the fight against corruption should have a practical and operational character. Due to the specificity and complexity of those issues, it is methodologically expedient to enable the work of a special sub-group for the repressive-legal aspect of the fight against corruption, which would concentrate and expertly consider all important issues for the fight against corruption.

1 Sl. Gazette of the RS, no. 35/19, 88/19, 11/21, 94/21, 14/22.

1. HISTORICAL DEVELOPMENT OF CORRUPTION

In the IV century BC e. a book called Arthasastra (Arthasastra) was written by the brahmin Kautilya (a contemporary of Aristotle); some authors translate it to "Lessons on well-being". The book talks about the art of ruling the masses and, among other things, deals with the huge and eternal phenomenon of corruption. It has long been said that history is the "teacher of life", except that it does not repeat itself verbatim, but only in some nuances. Throughout human history, there have been people who based their power on having as many slaves, domestic animals, plots of land, real estate, tax payers, honorary titles and various titles, followers that will help them conquer other people's territory, and especially on having as much money as possible "because he opens all doors".[2]

From the lines of the mentioned book, it clearly follows that whoever rules must use all means to achieve their own goals, while strict rules and honesty apply, at least basically, only to subjects.[3]

Machiavelli will say the same many centuries later: "those who want to gain the favor of a ruler usually appear before him very often and present him with what he loves most...horses, weapons, cloths woven with gold, precious stones.[4] The mentioned Kautilya points out the problem of proving the financial dishonesty of a civil servant... it is the same as proving that "how much water can a fish that swims freely in the water drink". ..."Not tasting honey or poison, put on the tongue, is as difficult as managing the king's money, and not tasting at least a small part".[5]

As time passed and centuries changed, certain forms of enrichment of the privileged classes disappeared, but new forms of enrichment emerged, developed and perfected. Socio-economic and political changes, especially the economic crisis, but also the crisis of morals that affected certain societies throughout history contributed to this. There have always been holders of certain state and social functions, who for the sake of their 2 D. 1,1,10,1 - Ulpiani: "Honeste viveer, alterum non laedere, suum cuique tribuere", personal enrichment, abused their position and thus caused damage to the public interest.

They are followed by speculators of various kinds, politicians with little consideration and dignity, deceitful bureaucrats, unreliable and corruptible public officials, various small and large financial fraudsters; which today they call "controversial businessmen". As it happened in the past, societies are being destroyed today because of pleasure, luxury, and excessive enrichment of those who exercised political, financial and official power. Enrichment without a legal basis always goes along with corruption, in the sense of unjust appropriation of material goods and illegal actions; in a word, in the meaning of bribery.

"Bribery" in the meaning of compensation for the satisfaction of some legitimate interest is a word that is not recent. Unfortunately, it is a universal phenomenon because all societies know it, from the oldest to the modern ones. So corruption seems natural, normal, it even has a special name: in ancient Egypt it is "fega", in Mesopotamia it is "tatu", in the Bible it is "shohadh", among the Greeks it is "doron", and among the Romans it is

2 Deretić Lj. N., Roots of political corruption in the old century, Proceedings of the Faculty of Law in Novi Sad, no. 4/2016 p. 1297.

3 Karlo Alberzo Brioski, A Short History of Corruption (translation by Suzana Rukavina), Belgrade 2007, p. 23.

4 Niccolò Machiavelli, Ruler, Belgrade 1999, p. 5.

5 Carlo Alberzo Brioski, op. cit. p. 25.

"munus". In our country, the word "schmieren" (from schmiere, grease, lubricant, oil) was taken from the German language, from which comes the name corresponding to the word "bribe": Schmiergeld (literally "lubricating gold"). Even in the earliest days of human history, as it is today, "greasing the wheels" was a widespread phenomenon; in some cases it was even considered justified. The word "bribe" understood in today's sense can already be found in Cingarelli's dictionary from 1923, but traces of the custom of paying a sum to an intermediary for a job of a certain scale, and that was completely illegal, were present many centuries ago (in the sixteenth century, Beccaria spoke of a "tax for the common good". In Machiavelli we find names such as: "schemer, maniac, disturber, businessman".

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Throughout the history of the human race, the inevitable consequence of absolute power has been absolute corruption. In the past, the ruler was often a greedy and stingy politician, who used the power at his disposal for his own special interests. He created his power on money and on the clerical apparatus that faithfully served him. Officials served their master faithfully, but they often used their position in society to grab as much wealth as possible for themselves. Plato's words about the "leader" describe the ethics of all dictators throughout the ages, conceited greatness, braggarts convinced that they are above others and that because of this others must blindly obey them. Fortunately for its citizens, Athens did not accept Plato's advice on how to organize society.

In order to stand in the way of "political corruption" one should adhere to Solon's reform in the area of prudence. The rich should be taxed so that the poor can be educated and treated for free. Even Solon understood the importance of institutions for the preservation of democratic government and freedom. His institutions and principles have visibly influenced Western democratic societies, which we also aspire to. The "one man, one vote" rule, the rule of law, not people, and the elected council are the forerunners of today's parliament. Having done the work for which he was chosen, Solon retired and devoted himself to his private life. With that, he introduced the principle of impeachment from power. Following the example of the ephors (supervisors) from Sparta who controlled the kings, but also other officials, including all citizens, our country should also have a special body that will exercise general supervision over discipline and morality. Also, like the practice from ancient Greece, the practice of "impeachment" and accounting after the end of the mandate should be introduced today; especially for money that has been managed.

Smart people have long been advocating the idea of forming a special commission that would have a "preventive, supervisory and investigative function" in accordance with the law; it would evaluate the work of every holder of political power when he steps down from the political scene; to assess his property status, after the end of his mandate. And in doing so, no one from the highest instance to the lowest should be spared. This is the only way we will become a country "where corruption is not a way of life", i.e. where "poor people, in the system of judicial or executive power, are more corruptible because of poverty", as Aristotle said.

In order to realize this, the Law on determining the origin of property and special tax should have been passed[6]. That law is a prerequisite and a condition for a successful fight against corruption in general, including "political corruption". At the same time, of course, "property" means any profit, material and immaterial, that "someone" acquired, received, without having a basis for it. The unsolved moral question - whether injustice is committed if someone gets rich at someone else's expense and whether enrichment without a legal basis is theft, is more relevant than ever. Society's need for order and justice is in vain, if that same society does not find a way to deal with the immorality of the powerful. Better to say, how to make power institutions morally responsible. Among other things, we need to learn something from the past, and punish only those who receive bribes, rather than those who give bribes to get a job done. "It is difficult, but not impossible, to run an absolutely honest business. It is true that honesty does not coincide with the accumulation of great wealth," said Mother Teresa, Indiri Gandhi.

According to Plutarch's testimony at the time of Pericles, "in order for the citizens to be protected from the arbitrariness of the officials, in the main national assembly of each prytania, the question of whether the officials performed their duties conscientiously was on the agenda. For whom the vote in case of objection turned out to be unfavorable would be suspended and summoned to court."

Like all the states of the nineteenth century, the emerging Serbian state also knows the phenomenon of political corruption in the sense of the immoral behavior of people in power, who used political power to enrich themselves and acquire various privileges. The arbitrariness of the few in power governed the country. Everything was in their hands: state treasury, loans with green interest, commercial business of clerks. At a time when money is becoming the most sought-after commodity and the most convenient means of capital accumulation, people in power, from the highest to the lowest positions, use their positions for various monetary transactions, in order to obtain enormous material wealth.

The nascent state, having inherited patronage and corruption (two great evils left over from the Turkish administration), undertook a number of measures to suppress them, all with the aim of strengthening the state apparatus by the central government. Instead of kadis and muselis, who largely lived on bribery and bribery, the nascent state fought with elders who, by abusing their position, rose economically and separated themselves from the masses of people in Pashaluk. They take the best and biggest booty during the battles with the Turks, arbitrarily appropriate Turkish houses and properties, take scaffolding and customs offices into their own hands, hold a monopoly in trade, and use the "elder's kuluk" - the kuluk that the Serbian peasants owed to the Spahis before the uprising. The emergent forms of corruption inherited from the Turkish era still persist with the fact that during the creation of the Serbian state, they reflect certain new habits in society - that money could buy everything.[7]

At that time, the Greens were people in power and people from the small rural bourgeoisie. Their victims are mainly rural residents with smaller properties; they lived under the pressure of taxes, various levies and taxed beliefs. The scale of greenism grew from year to year, reaching its peak in 1858 when the St. Andrew's National Assembly was convened, which occurred due to the conflict between Prince Aleksandar Karađorđević and the members of the State Council, which forced his abdication. The State Council,

6 Official Gazette of RS no. 18/20 and 18/2021.

7 Deretić N., Emergent forms of corruption in Uprising Serbia (1804–1815), Proceedings of the Faculty of Law, Novi Sad, 2014, .XLVIII, no. 2, p. 307.

overwhelmed by lawsuits accusing the Prince himself, as well as the officials of his administration of abuses, drafted a text in which Prince Aleksandar Karađorđević was characterized as the greatest protector of serious abuses. It was the first time that a ruler in Serbia had to step down from the throne due to the revealed political corruption of his own and his officials.

Another disclosed example of large-scale political corruption, in terms of the connection between the owners of financial capital and the top of the government, which shook the public, was the so-called the 'railway affair' (1880), better known as the 'Bontu Affair'. It was named after Paul Eugene Bontou, director of the General Union, a French financial company that financed and built the first railway in Serbia. The ratification of the contract by the government was preceded by open bribery of deputies to vote in favor of the aforementioned French society, as well as bribing the opposition to attend the meeting in order to secure a quorum.

2. NATIONAL STRATEGY FOR THE FIGHT AGAINST CORRUPTION IN THE REPUBLIC OF SERBIA

Adoption of the National Strategy for the fight against corruption for the period from 2024-2028.[8] was motivated by the need to plan and organize the processes aimed at fighting corruption in a comprehensive and systematic way. The fight against corruption is one of the key strategic priorities of the Republic of Serbia, as well as part of the European integration process. The process of harmonizing national legal systems with European Union standards in the field of fighting corruption, as well as the application of those standards, represent one of the biggest challenges not only for candidate countries, but also for member states.

Acknowledging earlier efforts to improve the fight against corruption through the adoption of strategic documents, the adoption of this strategy is the result of a strategic determination to build a democratic society based on the principles of the rule of law, transparency and responsibility, in which the system of integrity prevents corruption. Along with the continuous implementation and upgrading of existing anti-corruption mechanisms, the purpose of the new strategic document is to strengthen existing and create new systemic solutions for preventing corruption at all levels and raising awareness of the harmfulness of corruption, as well as creating conditions for more effective detection, prosecution and sanctioning of corrupt crimes.

One of the expected effects of the Strategy is that its implementation contributes to the fulfillment of 14 transitional criteria for Chapter 23: Judiciary and fundamental rights, which refer to the Subchapter: Fight against corruption, and especially transitional criteria related to the harmonization of the normative framework in accordance with the GREKO (Council of Europe Group of States against Corruption) recommendations, strengthening cooperation with the Council for the fight against corruption, improving the implementation of anti-corruption regulations such as the Law on the Protection of Whistleblowers, the Law on financing of political activities and the Law on Free Access to Information of Public Importance. In terms of repressive measures, the Strategy will refer to the preparation of an analysis of the need for amendments to the Law on the Organization and Competence of State Bodies in Suppressing Organized Crime, Terrorism

8 Official Gazette of RS no. 63/2024.

and Corruption, as well as improving the results of investigations, processing criminal offences, increasing the number of convictions and confiscated property resulting from the commission of a criminal offence.

Considering that by its very nature it uses a horizontal approach in the fight against corruption, certain areas to which the Strategy refers are already covered to a greater or lesser extent by certain valid public policy documents, and above all by key documents related to accession negotiations with the European Union, as well as public administration reform. One of the goals of the Public Administration Reform Strategy in the Republic of Serbia for the period from 2021-2030. is the improvement of responsibility and transparency at all levels of government. During the drafting of the Strategy for the fight against corruption, special attention was paid to the manner in which the issues of "improving proactive disclosure of data in the possession of public administration bodies, strengthening integrity and ethical standards in public administration" were regulated. In addition, the Public Administration Reform Strategy in the Republic of Serbia for the period from 2021-2030. also aims to "improve the recruitment process in the public administration, including more transparent employment procedures, as well as the selection of persons in positions based on merit", so these issues are not regulated in detail by the Strategy.

During the preparation of the Strategy, activities from the Judiciary Development Strategy for the period 2020-2025 were taken into account. years related to strengthening the independence of the judiciary and the independence of the public prosecutor's office, as well as activities aimed at achieving the goal of improving the impartiality and responsibility of the judiciary.

Corruption and organized crime make it possible to acquire illegal assets of great value that need to be transferred into legal flows. During the preparation of the Strategy, the Working Group considered relevant activities related to the prevention of money laundering and confiscation of illegally acquired property. The starting basis for considering these activities was the goals established by the Strategy for Combating Money Laundering and Financing of Terrorism for the period 2020-2024. year, especially in the part related to the improvement of the effectiveness of the authorities responsible for detection, prosecution and trial for the criminal offense of Money Laundering. The United Nations defines money laundering as "Any concealment or attempt to conceal the origin of money or capital derived from criminal activities."[9]

In the Republic of Serbia, numerous regulations containing anti-corruption provisions have been adopted in order to prevent and fight against corruption, but only the most important normative acts that were adopted in the past five years are included in the Strategy.

The Law on Prevention of Corruption[10] expanded the powers of the Agency for Prevention of Corruption. The adoption of a new law regulating the work of the Agency for the Prevention of Corruption is part of the completed activities within the transitional measure from Chapter 23: Judiciary and fundamental rights, in order to ensure its clear mandate. The law regulates the legal position, jurisdiction, organization and work of the Agency for the Prevention of Corruption, rules on preventing conflicts of interest in the performance of public functions, cumulation of public functions, reporting of property and income of public officials, the procedure for deciding whether there is a violation of that law

9 Zdravković Lj., Aleksić S., (2023), Criminal act of money laundering in Serbia, Niš, Naisprint. p. 12.

10 "Official Gazette of RS", no. 35/19, 88/19, 11/21 - authentic interpretation, 94/21 and 14/22.

and other issues that are important for the prevention of corruption. This law prescribes certain repressive powers of the Agency for the Prevention of Corruption (submission of misdemeanor and criminal charges), it will be a criminal offense to not declare assets and income or to provide false information about assets and income (Article 101 of the Law on Prevention of Corruption), as well as offenses of a corrupt nature committed by public officials and responsible persons in public authorities. Among other things, it is therefore important to continuously monitor the implementation of the Law on Prevention of Corruption and to consider the application of the repressive powers of the Agency for the Prevention of Corruption and the modalities of support in its work in order to implement these powers. Amendments to the Law on Prevention of Corruption were adopted in September 2021 based on GREKO recommendations from the IV round of evaluation regarding conflicts of interest.

The Law on the Organization and Competence of State Authorities in Suppression of Organized Crime, Terrorism and Corruption[11] was adopted in 2016 and began to be implemented in 2018. The law was adopted in order to implement activities from the Financial Crime Investigation Strategy for the period 2015-2016. and the National Strategy for the Fight against Corruption for the period from 2013-2018. year. The goal of passing this law was to establish a more effective detection, investigation and prosecution of corrupt criminal acts, as well as better coordination and cooperation of state authorities in this area. The law regulates the education, organization, jurisdiction and powers of state bodies and special organizational units of state bodies for the purpose of detection, prosecution and trial for criminal acts of corruption prescribed by this law. The analysis of the application of this law conducted by the Organization for European Security and Cooperation indicates certain problems in implementation, and gives recommendations for their solution and indicates the need for more consistent application of the Law. Also, legal practice shows that the above-mentioned new institutes have been used in a small number of cases, and there is a need to encourage consistent application of the Law on the Organization and Competence of State Authorities in the fight against organized crime, terrorism and corruption in the coming period.

The Law on the Financing of Political Activities[12] regulates the sources and methods of financing, keeping records, and controlling the financing of political activities of political parties, coalitions and groups of citizens. The law also prescribes the rights and obligations of political subjects, the powers of the Agency for the Prevention of Corruption, as well as sanctions for violating this law. The implementation of the Law on financing of political activities showed that certain changes are needed, which would, among other things, enable the specification and clarification of certain provisions, the prescription of sanctions for natural persons who illegally collect funds, the introduction of criteria for the selection of controlled providers of financial resources. More specifically, when prescribing the criteria, it is necessary to define which of the contributors will be subject to control by the Tax Administration, based on the report submitted by the Agency for the Prevention of Corruption to the Tax Administration. In addition, it is necessary to specify the preliminary report on the expenses of the election campaign and the prescription of a longer period covered by this report, the publication of the reports of field observers during the election campaign.

11 "Official Gazette of RS", no. 94/16, 87/18, and 10/23.

12 "Official Gazette of RS", number 14/22.

The law on the protection of whistleblowers was adopted[13] in 2014 with the aim of providing comprehensive and effective protection of whistleblowers, and the obligation to pass this law is foreseen by the National Strategy for the fight against corruption for the period from 2013-2018. year and the accompanying action plan. Also, the adoption of the Law represents an international obligation arising from the recommendation of GREKO from 2006 and Article 9 of the Civil Law Convention against Corruption of the Council of Europe. However, since the beginning of the application of this law, a trend of decreasing the number of cases for the protection of whistleblowers before the courts in the Republic of Serbia[14] can be observed. In the report for 2022, the European Commission points out that it is necessary for the Republic of Serbia[15] to provide protection to whistleblowers and investigate allegations of corruption in order to strengthen trust in the authorities.

The Law on Confiscation of Property Derived from Criminal Offenses[16] prescribes the conditions and procedure for extended confiscation of property resulting from the commission of criminal acts. With this law, the burden of proving the legal origin of the property is transferred to the defendant if an obvious disproportion between the legal income and the value of the property owned by the person is established. This law was adopted for the first time in 2008, and it ceased to be valid with the adoption of the current Law on Confiscation of Property Derived from a Criminal Offense, which was adopted in 2013 and was amended and supplemented in 2016 and 2019. However, despite relatively frequent amendments and additions, the procedure for confiscation of property is not clearly defined by this law, and in practice a small number of financial investigations are conducted.

In August 2019, the Law on Lobbying[17], which was adopted in November 2018, entered into force. The purpose of the law is to ensure transparency and protection of public interest in the process of influencing public officials and authorities. However, the Law does not ensure full transparency of lobbying activities, because there is an obligation to submit a report to the Agency for the Prevention of Corruption, but not to publish that information. The law also does not introduce an obligation to report "informal" lobbying. In addition, the Agency for the Prevention of Corruption, which is in charge of implementing this law, is not required to provide public access to the activities of lobbied persons to whom the lobbyists addressed.

The Law on Public Procurement[18] was adopted in December 2019, with the aim of harmonizing it with the legal acquis of the European Union in this area. However, there are unclear provisions and the number of procurements that are excluded from the application of the Law has increased due to the increase in the threshold for public procurement and the introduction of new exceptions. It is necessary to prepare an analysis of the Law on Public Procurement and, based on the analysis, to improve the Law in order to minimize public procurements that are excluded from the application of the law.

The National Strategy of the Republic of Serbia for the fight against corruption defines

13 "Official Gazette of RS", number 128/14.

14 Report on the implementation of the Whistleblower Protection Law for 2021, Ministry of Justice. The report is available at: https://www.mpravde.gov.rs/tekst/36946/izvestaj-o-primeni-zakona-o-zastiti-uzbunjivaca-za-2021godinu. php

15 Report available at: https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Serbia%20Report%202022. pdf

16 "Official Gazette of RS", no. 32/13, 94/16 and 35/19.

17 "Official Gazette of RS", no. 87/18 and 86/19.

18 "Official Gazette of RS", no. 91/19 and 92/23.

the general goal and specific goals, as well as the principles on which their realization is based, through the implementation of the measures provided for in the Strategy. The general goal that must be achieved by this strategy is the constant commitment of public authorities and political subjects to the suppression of corruption and the efficient and consistent application and constant improvement of anti-corruption rules, timely detection and adequate punishment of corrupt behavior and strengthening of awareness of the causes, state and harmfulness of corruption. The general goal of the Strategy is the function of the comprehensive development of the fight against corruption, and as part of the accession negotiations with the European Union, which will improve the rule of law in the Republic of Serbia.

Realization of the general goal of the Strategy includes five specific goals. The specific goals are: 1. improvement of the normative framework, 2. strengthening of the institutional framework for preventing and fighting corruption, 3. improvement of transparency, 4. strengthening of integrity, and 5. raising awareness about corruption.

Although the recommendations of the European Commission, the Council of Europe's Group of States against Corruption (GREKO), the Venice Commission, the OSCE Office for Democratic Institutions and Human Rights (ODIHR), FATF and other relevant institutions were respected during the preparation of the normative framework, there remains a need for harmonization with the EU legal acquis in the area of the fight against corruption.

In addition to the European Commission's report on the progress of the Republic of Serbia, the findings and recommendations of GREKO, which monitors compliance with the Council of Europe's anti-corruption instruments, are significant for the area of the fight against corruption. The Republic of Serbia has so far been evaluated through five rounds of evaluation within the framework of which it is recommended to prevent and fight against corruption in various areas. In the Fourth Round of evaluation related to the prevention of corruption in relation to deputies, judges and public prosecutors, GREKO sent 13 recommendations to the Republic of Serbia, of which, according to the Second Interim Compliance Report, five recommendations were partially implemented.[19]

CONCLUSION

Corruption is a negative social phenomenon that destroys the foundations of social order, civil liberties, principles of democracy and fundamental rights of individuals. Corruption is a harmful social phenomenon widespread both in developed, well-organized countries and in underdeveloped and systematically unconsolidated countries. It creates mistrust of citizens towards the state and its bodies, simultaneously generating their dissatisfaction, stops the development of the economy, discourages investments, harms the country's international reputation and encourages negative demographic tendencies. Illegal acquisition of personal wealth can be particularly harmful to democratic institutions, national economies and the rule of law.

Adoption of the National Strategy of the Republic of Serbia for the fight against corruption for the period from 2024-2028. was motivated by the need to plan and organize the processes aimed at fighting corruption in a comprehensive and systematic way. The fight against corruption is one of the key strategic priorities of the Republic of Serbia, as

19 Izveštaj dostupan na: https://rm.coe.int/-greco-greco-90-/1680a5ff35 .

well as part of the European integration process. The process of harmonizing national legal systems with European Union standards in the field of fighting corruption, as well as the application of those standards, represent one of the biggest challenges not only for candidate countries, but also for member states.

The negotiations of the Republic of Serbia on joining the EU are still ongoing. One of the basic conditions in this process is ensuring the rule of law, in which the fight against corruption is an elementary part. There isn't a single country in the world where corruption doesn't exist, it's just that somewhere it's more and somewhere it's less expressed and represented.

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KORUPCIJA U SRBIJI

Apstrakt:

Korupcija nije lokalna stvar već transnacionalna pojava koja pogađa sva društva i privrede, što čini međunarodnu saradnju na njenom sprečavanju i suzbijanju neophodnom. Takođe je potreban sveobuhvatni i multidisciplinarni pristup za efikasno sprečavanje i borbu protiv korupcije. Pružanje tehničke pomoći može igrati značajnu ulogu u povećanju sposobnosti država, uključujući i jačanje kapaciteta i izgradnju institucija, da uspešno sprečavaju i da se bore protiv korupcije. Nezakonito sticanje ličnog bogatstva može biti posebno štetno po demokratske institucije, nacionalne privrede i vladavinu prava.

Nesumnjivo je da je korupcija negativna društvena pojava koja razara temelje društvenog uređenja, građanskih sloboda, načela demokratije i osnovnih prava građana. Korupcija predstavlja negativnu pojavu koja ne nastaje »preko noći«, i u velikoj meri podriva društvene, ekonomske, pravne i političke temelje svake države. Procesi koji vode stvaranju koruptivnog okruženja traju, pa se na podnebljima poput našeg dovode u vezu sa ratnim dešavanjima, političkim promenama, slabljenjem privrednog sistema, ekonomskim modelima privatizacije, stečaja i drugih postupaka promena državnog vlasništva i uopšte svim ostalim oblicima tranzicione politike.

Konvencija Ujedinjenih nacija protiv korupcije je usvojena u Njujorku 31.10.2003. godine, i ona predstavlja najznačajniji medjunarodni pravni akt kojim se definiše i odredjuje ova izuzetno društveno štetna i opasna pojava. Srbija i Crna Gora su navedenu konvenciju ratifikovale 2005. godine.

Ključne reči: *kriminal, pranje novca, krivično delo, konvencija, korupcija.*

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