

ANALIZA KONCEPTA RESTORATIVNE PRAVDE U SISTEMU MALOLJETNIČKOG PRAVOSUĐA U BOSNI I HERCEGOVINI

Pregledni naučni rad

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Sažetak

Restorativna pravda potiče od engleske riječi restore - što znači vratiti u prijašnje stanje, obnoviti, nadoknaditi, vratiti originalne vrijednosti, postaviti u početni položaj (Miroslavljević, 2010, str. 54). Ideja restorativne pravde je zaživjela krajem dvadesetog i početkom dvadesetprvog vijeka.

Naprijed navedeni koncept pruža različite odgovore na kriminalno ponašanje - od diverzije (skretanja krivičnog postupka od redovnog postupka) do radnji poduzetih tokom bilo kojeg trenutka u krivičnom postupku, te se primjenjuje prema maloljetnicima i punoljetnim licima.

Koncept restorativne pravde zasnovan je na rehabilitaciji počinitelja i obnovi odnosa unutar društvene zajednice. Ideja restorativne pravde je zasnovana na "manje represivnom" postupanju, individualnom pristupu svakoj ličnosti, aktivnom učešću svih strana u odnosu nastalim krivičnim djelom s ciljem uspostavljanja ravnoteže i naglašenom aktivnom ulogom zajednice (Vranj, 2011, str. 43-55). Posebno značajna uloga koncepta restorativne pravde ogleda se upravo u tome što ona kao koncept nije usmjerena na kažnjavanje počinitelja, već u fokus stavlja dijalog između počinitelja i žrtve, društvenu zajednicu, a sve u svrhu prevencije delikventnog ponašanja i uspostavljanja sigurnosti u društvu. Upravo zbog pomenutog, ona se razlikuje od koncepta retributivne pravde, koja je usmjerena na izdvajanje počinioca krivičnih djela iz društva, izricanjem krivičnihopravnih sankcija (Vasiljević-Prodanović, 2010, str. 59).

Ovaj rad ima za cilj da predstavi koncept restorativne pravde i njegovo utemeljenje u sistemu maloljetničkog pravosuđa u Bosni i Hercegovini putem alternativnih mjera.

Ključne riječi: *restorativna pravda, retributivna pravda, alternativne mjere, maloljetničko pravosuđe.*

Koncept restorativne pravde

Cilj principa restorativne pravde leži u zadovoljavanju osnovnih interesa društvene zajednice (Džamonja/Ignjatović, Žegarac, 2008, str. 465).

Jedan od najvažnijih osnova za primjenu koncepta restorativne pravde predstavlja Deklaracija Ujedinjenih nacija o osnovnim principima restorativne pravde (Tulumović, 2014, str. 632).

Restorativna pravda se bazira na četiri (Ćopić, 2010, str. 51) osnovna principa:

1. *princip personalizma i shvatanja krivičnog djela kao povrede ljudi i međuljudskih odnosa - krivično djelo posmatra primarno kao povredu ljudi, a tek sekundarno kao povredu određene zakonske norme,*
2. *princip popravljavanja štete nastale krivičnim djelom - počinitelj prihvata odgovornost za učinjeno, te je spreman da popravi štetu,*
3. *princip učešća – odnosi se na učešće svih zainteresiranih strana u razrješavanju stvari i*
4. *princip reintegracije – povratak počinitelja i žrtve u društvenu zajednicu.*

U okviru koncepta restorativne pravde razvila su se četiri modela (Miroslavljević, 2010, str. 53-64) u svijetu, među kojima je najprihvatljiviji model pod nazivom „medijacija između počinitelja i žrtve“ koji podrazumijeva sučeljavanje licem u lice počinitelja i žrtve uz posredovanje medijatora.

Akcent na prilikom primjene pomenutog principa je stavljen na dijalogu zasnovanom na razrješavanju stvari.

Restorativna pravda u sistemu maloljetničkog pravosuđa u Bosni i Hercegovini

Pretpostavke za uspostavljanje i primjenu koncepta restorativne pravde su stvorene 1998. godine kada se u zakonodavstvo Bosne i Hercegovine uvode odredbe o mogućnosti izricanja i primjene odgojnih preporuka prema maloljetnicima u krivičnom zakonodavstvu Federacije Bosne i Hercegovine. Odnosno, u Bosni i Hercegovini koncept restorativne pravde je dobio zakonsko utemeljenje kroz odredbe odgojnih/vapitnih preporuka (više riječi u: *Strategija protiv maloljetničkog prestupništva u Bosni i Hercegovini 2006-2010*).

Vaspitne preporuke ili vaspitni nalozi predstavljaju „specifične krivičnopravne mjere fakultativnog karaktera, odnosno sui generis mjere koje nisu krivične sankcije isključivo specijalno preventivnog karaktera koje vode vansudskim oblicima intervencije na društveno neprihvatljiva ponašanja mladih“ (Jovašević, Stevanović, 2013, str. 19).

U Republici Srpskoj početkom 2010. godine usvojen je Zakon o zaštiti i postupanju sa djecom i maloljetnicima u krivičnom postupku Republike Srpske („Službeni glasnik RS“, br. 13/10, 61/13 i 68/20) koji predviđa primjenu dvije vrste alternativnih mjera: policijsko upozorenje i vaspitne preporuke.

U Federaciji BiH je 2014. godine usvojen Zakon o zaštiti i postupanju s djecom i maloljetnicima u krivičnom postupku („Službene novine FBiH“, br. 7/14 i 74/20) koji predviđa uvođenje restorativnih mjera u krivično zakonodavstvo prema maloljetnicima, dok je u Brčko Distriktu BiH Zakon o zaštiti i postupanju s djecom i maloljetnicima u krivičnom postupku („Službeni glasnik Brčko distrikta BiH“, br. 44/11) usvojen 2011. godine.

Cilj primjene alternativnih mjera u postupku prema maloljetnicima je izostanak uključivanja maloljetnika u klasični krivični postupak.

Alternativni modeli općenito predstavljaju primarni odgovor na maloljetničko prestupništvo, predstavljaju vidove reagovanja na kriminalitet u obliku određenih instituta, procedura i/ili programa, kojima se počinitelj krivičnog djela ne lišava slobode. Isti se primjenjuju ili izvršavaju u zajednici (Pleh, 2019, str. 127- 155).

Alternativne mjere i alternativne sankcije zajedno čine alternativne modele.

Prema Pleh, alternativne mjere su *“mjere kojima se reaguje prema počiniocu prije pokretanja krivičnog postupka s ciljem njegovog izbjegavanja, u toku krivičnog postupka u cilju reagovanja na njegova ponašanja i otklanjanja ponašanja koja bi ga dovela u rizik da ponovo počini krivično djelo, ili u fazi primjene ili izvršenja neke krivične sankcije institucionalnog karaktera”*.

Za razliku od alternativnih mjera, alternativne sankcije se izriču nakon provedenog krivičnog postupka, a primjenjuju se ili izvršavaju u zajednici (Pleh, 2019, str. 127- 155).

Sa kompletiranjem donošenja pomenutih zakona na nivou države u BiH je formalno otvorena mogućnost primjene vansudskih oblika reakcije na ponašanje maloljetnika (Tulumović, 2014, str. 651).

Alternativne mjere u zakonodavstvu Bosne i Hercegovine

Zakoni o zaštiti i postupanju sa djecom i maloljetnicima u krivičnom postupku (FBiH, RS, BD BiH) kao alternativne mjere u postupku prema maloljetnicima predviđaju primjenu policijskog upozorenja i odgojnih/vaspitnih preporuka.

Pored pomenutih zakona pravnu regulaciju alternativnih mjera u Bosni i Hercegovini, u ovisnosti o kojoj je alternativnoj mjeri riječ, čine i posebni pravilnici odnosno uredba, te stoga govorimo o sljedećim pravilnicima odnosno uredbi:

Za primjenu alternativne mjere policijskog upozorenja primjenjuje se:

- *Pravilnik o primjeni mjere policijskog upozorenja FBiH,*
- *Pravilnik o primjeni mjere policijskog upozorenja RS,*
- *Pravilnik o primjeni mjere policijskog upozorenja BD BIH.*

Za primjenu alternativne mjere odgojnih/vaspitnih preporuka primjenjuje se:

- *Uredba o primjeni odgojnih preporuka prema maloljetnicima FBiH,*
- *Pravilnik o primjeni vaspitnih preporuka prema maloljetnim počiniocima krivičnih djela RS,*
- *Pravilnik o primjeni vaspitnih preporuka prema maloljetnim počiniocima krivičnih djela BD BIH.*

Policijsko upozorenje

Policijsko upozorenje predstavlja alternativnu mjeru koja se preduzima prema maloljetniku, a koju izriče policijski službenik koji raspolaže sa posebnim znanjem stečenim u toku stručnog osposobljavanja – ovlaštena službena osoba uz odobrenje tužioca na način i u postupku koji je propisan naprijed pomenutim zakonima i pravilnicima.

Osnovni principi na kojima se zasniva primjena policijskog upozorenja su: dobrovoljnost, nepristrasnost, srazmjernost, poštivanje građanskih i ljudskih prava, a u interesu je maloljetnika.

Formalni uvjeti primjene policijskog upozorenja se odnose na sljedeće:

- *da je riječ o krivičnom djelu za koje je propisana novčana kazna ili kazna zatvora do 3 godine,*
- *da je izricanje policijskog upozorenja u skladu sa načelima cijelishodnosti i srazmjernosti.*

Posebni uvjeti primjene se odnose na sljedeće:

- *da maloljetnik prizna krivično djelo,*
- *da je priznanje dato slobodno i dobrovoljno,*
- *da postoji dovoljno dokaza da je maloljetnik počinio krivično djelo i*
- *da prema maloljetniku nije ranije izricano policijsko upozorenje, primjenjena vaspitna preporuka ili izricana krivična sankcija.*

Zakoni o zaštiti i postupanju sa djecom i maloljetnicima u krivičnom postupku (FBiH, RS, BD BiH) i Pravilnici o primjeni mjere policijskog upozorenja (FBiH, RS, BD BiH) definiraju obaveze ovlaštenog službenog lica koje predlaže tužiocu izricanje alternativne mjere policijskog upozorenja prema maloljetniku.

Kada su u pitanju obaveze ovlaštenog službenog lica one se odnose na sljedeće:

Ovlaštena službena osoba je dužna da pribavi socijalnu anamnezu i podatke o izrečenim vaspitnim mjerama, podatke o izrečenim vaspitnim preporukama i podatke iz kaznene i prekršajne evidencije. Nakon pribavljanja odobrenja za ispitivanje maloljetnika od strane tužioca on je dužan da ispita maloljetnika u roku od 24 sata uz prisustvo branioca i roditelja odnosno usvojitelja i organa socijalnog staranja.

Nadalje, obaveza ovlaštenog službenog lica se ogleda i u sastavljanju službenog izvještaja na osnovu odredbi Zakona o krivičnom postupku. Prijedlog za izricanje alternativne mjere policijskog upozorenja mora biti obrazložen. On je dužan da u roku od 3 dana od dobijenog odobrenja od strane tužitelja izrekne alternativnu mjeru maloljetniku, te da mu ukaže na društvenu neprihvatljivost i štetnost njegovog ponašanja, posljedice koje njegovo ponašanje može imati za njega, kao i mogućnost vođenja krivičnog postupka i izricanja krivične sankcije u slučaju ponovnog izvršavanja krivičnog djela.

Za razliku od obaveza ovlaštenog službenog lica, obaveza tužitelja se odnosi na:

- *davanje ovlaštenoj službenoj osobi saglasnosti za ispitivanje maloljetnika,*
- *davanje odobrenja za izricanje mjere policijskog upozorenja.*

Alternativna mjera policijskog upozorenja se zapravo zasniva na primjeni principa oportuniteta.

Za krivična djela sa propisanom novčanom kaznom ili kaznom zatvora do tri godine, tužitelj može odlučiti da ne pokrene krivični postupak iako postoje dokazi da je maloljetnik učinio krivično djelo ako smatra da ne bi bilo cjelishodno da se vodi postupak prema maloljetniku, s obzirom na prirodu krivičnog djela i okolnosti pod kojima je učinjeno, raniji život maloljetnika i njegove lične karakteristike. Tužitelj može postupiti na isti način i u slučaju krivičnog djela sa propisanom kaznom zatvora više od tri godine ako je takvo postupanje u skladu sa principom srazmjernosti. Radi utvrđivanja navedenih okolnosti, tužitelj može zatražiti obavještenja od roditelja, odnosno staratelja maloljetnika, drugih osoba i ustanova, a kad je to potrebno, može ove osobe i maloljetnika pozvati radi neposrednog obavješćavanja. Tužitelj će tražiti mišljenje organa starateljstva o cjelishodnosti pokretanja postupka prema maloljetniku. Kad je izvršenje kazne ili odgojne mjere u toku, tužitelj može odlučiti da ne zahtijeva pokretanje krivičnog postupka za drugo krivično djelo maloljetnika, ako, s obzirom na težinu tog krivičnog djela, kao i na kaznu, odnosno odgojnu mjeru koja se izvršava, ne bi imalo svrhe vođenje postupka i izricanje krivičnopravne sankcije za to djelo.

Odgojne/vaspitne preporuke

Odgojne/vaspitne preporuke predstavljaju oblik alternativnih mjera koje tužitelji ili sudije na osnovu principa oportuniteta primijenjuju prema maloljetnom počiniocu krivičnog djela vršeći tako diverziju sa uobičajenog krivičnog postupka.

Osnovni principi na kojima se zasniva primjena odgojnih preporuka su: dobrovoljnost, nepristrasnost, srazmjernost, poštivanje građanskih i ljudskih prava, a u interesu je maloljetnika.

Formalni uvjeti kojeg predviđa zakonodavac u Bosni i Hercegovini su sljedeći:

- *da je riječ o krivičnom djelu za koja je propisana novčana kazna ili kazna zatvora do tri godine,*
- *za krivična djela za koja je zaprijećena kazna duža od tri godine zatvora ako su ispunjeni zakonski uvjeti i ukoliko je to srazmjerno okolnostima i težini učinjenog krivičnog djela.*

Posebni uvjeti koje predviđa zakonodavac za izricanje odgojnih preporuka se odnose na sljedeće:

- *da maloljetnik prizna krivično djelo,*
- *da je priznanje dato slobodno i dobrovoljno,*
- *da postoji dovoljno dokaza da je maloljetnik počinio krivično djelo,*
- *da maloljetnik u pisanoj formi izražava spremnost za pomirenje sa oštećenim,*
- *da maloljetnik u pisanoj formi da pristanak za primjenu odgojne preporuke, a mlađi maloljetnik i uz pristanak roditelja ili staratelja i*
- *da u pisanoj formi pristanak da i oštećeni u slučaju kada se to prema zakonu zahtijeva.*

Svrha odgojnih preporuka:

- *da se ne pokreće krivični postupak prema maloljetniku i*
- *da se primjenom odgojnih preporuka utiče na pravilan razvoj maloljetnika i jačanje njegove lične odgovornosti kako ubuduće ne bi činio krivična djela.*

Zakonodavac u Bosni i Hercegovini predviđa sljedeće vrste odgojnih preporuka:

- *lično izvinjenje oštećenom,*
- *nadoknada štete oštećenom,*
- *redovno pohađanje škole ili redovno odlaženje na posao,*
- *uključivanje u rad, bez nadoknade, u humanitarne organizacije ili poslove socijalnog, lokalnog ili ekološkog sadržaja,*
- *liječenje u odgovarajućoj zdravstvenoj ustanovi (bolničko ili ambulantno),*
- *uključivanje u pojedinačni ili grupni tretman odgojnih, obrazovnih, psiholoških i drugih savjetovališta.*

U prvu grupu odgojnih preporuka spadaju one koje regulišu lične odnose maloljetnika i oštećenog - lično izvinjenje oštećenom i naknada štete oštećenom. Zatim one koje se odnose na školovanje i rad maloljetnika, kao preporuke tretmanske prirode - redovno pohađanje škole, rad u korist humanitarne organizacije ili lokalne zajednice i prihvatanje odgovarajućeg zaposlenja.

Naposlijetku, treću grupu odgojnih preporuka čine one preporuke koje su usmjerene na uklanjanje ili ublažavanje faktora koji su uzrok delinkventnog ponašanja maloljetnika, a vezuju se za njegove lične prilike i socijalni ambijent - smještaj u drugu porodicu, dom ili ustanovu, liječenje u odgovarajućoj zdravstvenoj ustanovi, te posjećivanje odgojnih, obrazovnih i drugih savjetovališta (Gurda, 2011, str. 177-199).

Navedena podjela predstavlja osnovni kriterij za razlikovanje postupka izricanja i primjene odgojnih preporuka. Stoga, analogno rečenom razlikujemo: postupak

primjene odgojnih preporuka koje reguliraju lične odnose maloljetnika i oštećenog i postupak primjene ostalih odgojnih preporuka.

U odnosu na krivične sankcije koje može izricati isključivo sud, odgojne preporuke može izreći i tužitelj, odnosno jednu ili više odgojnih preporuka za konkretni slučaj (Gurda, 2011, str. 177-199).

Nadležni tužitelj može izreći sljedeće odgojne preporuke: lično izvinjenje oštećenom, naknadu štete oštećenom, redovno pohađanje škole i posjećivanje odgojnih, obrazovnih, psiholoških i drugih savjetovališta.

Sudija za maloljetnike može izreći sljedeće odgojne preporuke: rad u korist humanitarne organizacije ili lokalne zajednice, prihvatanje odgovarajućeg zaposlenja, smještaj u drugu porodicu, dom ili ustanovu, te liječenje u odgovarajućoj zdravstvenoj ustanovi (Gurda, 2011, str. 177-199).

Prilikom primjene odgojnih preporuka - lično izvinjenje oštećenom i naknada štete oštećenom, pored maloljetnika, svoj pristanak u pisanoj formi daje i osoba oštećena krivičnim djelom.

Tužitelj, odnosno sudija, prilikom izbora odgojne preporuke ima obavezu, shodno zakonu, da uzme u obzir mišljenje i sveukupne interese maloljetnika, kao i interese oštećenog, uz obavezu da vodi računa da se primijenom odgojnih preporuka ne ometa redovno školovanje ili rad maloljetnika.

Odgojne preporuke mogu se tokom njihovog trajanja zamijeniti drugom odgojnom preporukom ili ukinuti. Izbor i primjenjivanje odgojnih preporuka vrši se u saradnji sa roditeljima, usvojiteljem ili starateljem maloljetnika i nadležnim organom starateljstva.

Kada je u pitanju trajanje i izricanje odgojnih preporuka bitno je naglasiti činjenicu da odgojne preporuke mogu trajati najduže jednu godinu i izriču se na pune sate, dane i mjesece.

Evidencije o izrečenim odgojnim preporukama vode tužilaštva i sudovi. Odgojne preporuke nemaju karakter kaznene evidencije o osuđivanosti maloljetnika i ne mogu se upotrijebiti na bilo koji način koji bi bio štetan za maloljetnika (Gurda, 2011, str. 177-199).

ZAKLJUČAK

Ulaganje u provođenje mjera usmjerenih u suzbijanju maloljetničkog prestupništva, predstavlja jedini ispravan put ka razvoju društva u cjelini. (Čuljević, 2024.)

Nesumnjivo jednu od značajnih uloga u postizanju pomenutog predstavlja i koncept restorativne pravde utemeljen u sistemu maloljetničkog pravosuđa, prevashodno putem alternativnih mjera.

U Bosni i Hercegovini koncept restorativne pravde je dobio zakonsko utemeljenje kroz odredbe odgojnih/vapitnih preporuka, čija je svrha da se ne pokreće krivični postupak prema maloljetniku i prevencija, odnosno da se primjenom odgojnih preporuka utiče na pravilan razvoj maloljetnika i jačanje njegove lične odgovornosti kako ubuduće ne bi činio krivična djela.

Cilj restorativne pravde je transformacija pogleda društva na kriminalitet i druge forme neprihvatljivog ponašanja sa klasičnog reagovanja na kriminalitet (koji je zasnovan na kažnjavanju i čija svrsishodnost je u savremenom dobu dovedena u pitanje) na drugi pogled usmjeren ka popravljaju nastale štete i uspostavljanja mira u zajednici.

Restorativna pravda teži popravljaju odnosa nastalog izvršenjem krivičnog djela, odnosno uspostavi balans između potreba i interesa svih zainteresovanih strana u procesu - žrtve, učinioca i članova zajednice.

UN i druge međunarodne organizacije preporučuju korištenje koncepta restorativne pravde, koji može imati primenu u širokom spektru društvenih problema - prvenstveno maloljetničke delikvencije koja je nažalost, u svakom društvu uključujući i naše, u ogromnom porastu.

Obzirom na naprijed navedeno, restorativna pravda zasigurno postaje osnov preispitivanja postojećeg krivičnogpravnog sistema.

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ANALYSIS OF THE CONCEPT OF RESTORATIVE JUSTICE IN THE JUVENILE JUSTICE SYSTEM IN BOSNIA AND HERZEGOVINA

Review scientific paper

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Summary

Restorative justice comes from the English word restore - which means to return to the previous state, restore, compensate, restore original values, set in the initial position (Miroslavljević, 2010, p. 54). The idea of restorative justice came to life at the end of the twentieth and the beginning of the twenty-first century.

The above concept provides various responses to criminal behavior - from diversion (diversion of criminal proceedings from regular proceedings) to actions taken during any moment in the criminal proceedings, and is applied to minors and adults.

The concept of restorative justice is based on the rehabilitation of perpetrators and the restoration of relationships within the social community. The idea of restorative justice is based on "less repressive" treatment, an individual approach to each person, active participation of all parties in the relationship resulting from the criminal offense with the aim of establishing balance and an emphasized active role of the community (Vranj, 2011, pp. 43-55). A particularly important role of the concept of restorative justice is reflected in the fact that it is not aimed at punishing perpetrators, but rather focuses on dialogue between perpetrators and victims, the social community, all for the purpose of preventing delinquent behavior and establishing security in society. Precisely because of the above, it differs from the concept of retributive justice, which is aimed at separating perpetrators of criminal offenses from society by imposing criminal sanctions (Vasiljević-Prodanović, 2010, p. 59).

This paper aims to present the concept of restorative justice and its establishment in the juvenile justice system in Bosnia and Herzegovina through alternative measures.

Keywords: *restorative justice, retributive justice, alternative measures, juvenile justice.*

The concept of restorative justice

The goal of the principle of restorative justice lies in satisfying the basic interests of the social community (Džamonja/Ignjatović, Žegarac, 2008, p. 465).

One of the most important foundations for the application of the concept of restorative justice is the United Nations Declaration on the Basic Principles of Restorative Justice (Tulumović, 2014, p. 632).

Restorative justice is based on four (Ćopić, 2010, p. 51) basic principles:

1. *the principle of personalism and the understanding of a criminal offense as an injury to people and interpersonal relationships - views a criminal offense primarily as an injury to people, and only secondarily as a violation of a certain legal norm,*
2. *the principle of repairing damage caused by a criminal act - the perpetrator accepts responsibility for what has been done and is ready to repair the damage,*
3. *principle of participation – refers to the participation of all interested parties in resolving matters and*
4. *the principle of reintegration - the return of the perpetrator and the victim to the social community.*

Within the concept of restorative justice, four models have been developed (Miroslavljević, 2010, pp. 53-64) in the world, among which the most acceptable model is called "mediation between the perpetrator and the victim", which implies a face-to-face confrontation between the perpetrator and the victim with the mediation of a mediator.

The emphasis in applying the aforementioned principle is on dialogue based on the resolution of matters.

Restorative justice in the juvenile justice system in Bosnia and Herzegovina

The prerequisites for the establishment and application of the concept of restorative justice were created in 1998 when provisions on the possibility of issuing and applying educational recommendations to minors were introduced

into the legislation of Bosnia and Herzegovina in the criminal legislation of the Federation of Bosnia and Herzegovina. In other words, in Bosnia and Herzegovina the concept of restorative justice was legally established through the provisions of educational/educational recommendations (more details in: *Strategy against Juvenile Delinquency in Bosnia and Herzegovina 2006-2010*).

Educational recommendations or educational orders represent *"specific criminal law measures of an optional nature, or sui generis measures that are not criminal sanctions of an exclusively special preventive nature that lead to extrajudicial forms of intervention against socially unacceptable behavior of young people"* (Jovašević, Stevanović, 2013, p. 19).

In the Republika Srpska, at the beginning of 2010, the Law on the Protection and Treatment of Children and Juveniles in Criminal Procedure of the Republika Srpska ("Official Gazette of the RS", no. 13/10, 61/13 and 68/20) was adopted, which provides for the application of two types of alternative measures: police warning and educational recommendations.

In the Federation of BiH, the Law on the Protection and Treatment of Children and Minors in Criminal Proceedings ("Official Gazette of the FBiH", No. 7/14 and 74/20) was adopted in 2014, which provides for the introduction of restorative measures in criminal legislation towards minors, while in the Brčko District of BiH, the Law on the Protection and Treatment of Children and Minors in Criminal Proceedings ("Official Gazette of the Brčko District of BiH", No. 44/11) was adopted in 2011.

The goal of applying alternative measures in proceedings against minors is to avoid involving minors in classic criminal proceedings.

Alternative models generally represent the primary response to juvenile delinquency, representing forms of response to crime in the form of certain institutions, procedures and/or programs that do not deprive the perpetrator of his/her liberty. They are applied or carried out in the community (Pleh, 2019, pp. 127-155).

Alternative measures and alternative sanctions together constitute alternative models.

According to Pleh, alternative measures are *"measures that are taken against the perpetrator before the initiation of criminal proceedings with the aim of avoiding him, during the criminal proceedings with the aim of reacting to his behavior and eliminating behavior that would put him at risk of committing a criminal offense"*

again, or in the phase of applying or executing a criminal sanction of an institutional nature”.

Unlike alternative measures, alternative sanctions are imposed after the criminal proceedings have been completed, and are applied or executed in the community (Pleh, 2019, pp. 127-155).

With the completion of the adoption of the aforementioned laws at the state level in BiH, the possibility of applying extrajudicial forms of reaction to the behavior of minors has been formally opened (Tulumović, 2014, p. 651).

Alternative measures in the legislation of Bosnia and Herzegovina

The Laws on the Protection and Treatment of Children and Minors in Criminal Proceedings (FBiH, RS, BD BiH) provide for the application of police warnings and educational recommendations as alternative measures in proceedings against minors.

In addition to the aforementioned laws, the legal regulation of alternative measures in Bosnia and Herzegovina, depending on the alternative measure in question, is also made up of special rulebooks or regulations, and therefore we are talking about the following rulebooks or regulations:

For the application of the alternative measure of a police warning, the following applies:

- *Rulebook on the application of the FBiH police warning measure,*
- *Rulebook on the application of police warning measure RS,*
- *Rulebook on the application of the police warning measure BD BIH.*

For the implementation of alternative measures of educational recommendations, the following applies:

- *Regulation on the application of educational recommendations to minors of FBiH ,*
- *Rulebook on the application of educational recommendations towards juvenile perpetrators of criminal offenses of the RS,*
- *Rulebook on the application of educational recommendations towards juvenile perpetrators of criminal offenses in the BD of BIH.*

Police warning

A police warning is an alternative measure taken against a minor, and is imposed by a police officer who has special knowledge acquired during professional training - an authorized official with the approval of the prosecutor, in the manner and procedure prescribed by the aforementioned laws and regulations.

The basic principles on which the application of police warnings is based are: voluntariness, impartiality, proportionality, respect for civil and human rights, and it is in the interest of the minor.

The formal conditions for applying a police warning refer to the following:

- *that it is a criminal offense punishable by a fine or imprisonment of up to 3 years,*
- *that the issuing of a police warning is in accordance with the principles of comprehensiveness and proportionality.*

Special conditions of application refer to the following:

- *that the minor admits the criminal act,*
- *that the recognition was given freely and voluntarily,*
- *that there is sufficient evidence that the minor committed a criminal offense and*
 - *that the minor has not previously been issued a police warning, educational recommendation or criminal sanction.*

The Laws on the Protection and Treatment of Children and Minors in Criminal Proceedings (FBiH, RS, BD BiH) and the Regulations on the Application of Police Warning Measures (FBiH, RS, BD BiH) define the obligations of an authorized official who proposes to the prosecutor the imposition of an alternative police warning measure against a minor. .

When it comes to the obligations of an authorized official, they relate to the following:

The authorized official is obliged to obtain a social history and data on the imposed educational measures, data on the imposed educational recommendations and data from the criminal and misdemeanor records. After obtaining approval for the examination of the minor from the prosecutor, he is obliged to examine the minor within 24 hours in the presence of the defense attorney and parents or adoptive parents and social welfare authorities.

Furthermore, the obligation of the authorized official is also reflected in the preparation of an official report based on the provisions of the Criminal Procedure Code. The proposal for the imposition of an alternative measure of a police warning must be explained. He is obliged to impose an alternative measure on the minor within 3 days of the approval received from the prosecutor, and to point out to him the social unacceptability and harmfulness of his behavior, the consequences that his behavior may have for him, as well as the possibility of conducting criminal proceedings and imposing a criminal sanction in the event of a repeat commission of a criminal offense.

Unlike the obligations of an authorized official, the obligation of the plaintiff refers to:

- *giving an authorized official person permission to examine minors,*
- *granting approval for the imposition of a police warning measure.*

The alternative measure of a police warning is actually based on the application of the principle of opportunism.

For criminal offences punishable by a fine or imprisonment of up to three years, the prosecutor may decide not to initiate criminal proceedings even though there is evidence that a minor has committed the criminal offence if he or she considers that it would not be appropriate to initiate proceedings against the minor, given the nature of the criminal offence and the circumstances under which it was committed, the minor's previous life and his or her personal characteristics. The prosecutor may proceed in the same manner in the case of a criminal offence punishable by imprisonment of more than three years if such action is in accordance with the principle of proportionality. In order to establish the above circumstances, the prosecutor may request information from the minor's parents or guardians, other persons and institutions, and when necessary, may summon these persons and the minor for direct notification. The prosecutor shall seek the opinion of the guardianship authority on the appropriateness of initiating proceedings against the minor. When the execution of the punishment or educational measure is in progress, the prosecutor may decide not to demand the initiation of criminal proceedings for another criminal offense committed by a minor, if, considering the gravity of that criminal offense, as well as the punishment or educational measure being carried out, there would be no point in conducting the proceedings and imposing a criminal sanction for that offense.

Educational recommendations

Educational recommendations are a form of alternative measures that prosecutors or judges apply to a juvenile perpetrator of a criminal offense based on the principle of opportunity, thus diverting them from the usual criminal proceedings.

The basic principles on which the application of educational recommendations is based are: voluntariness, impartiality, proportionality, respect for civil and human rights, and it is in the interest of minors.

The formal conditions stipulated by the legislator in Bosnia and Herzegovina are as follows:

- that it is a criminal offense punishable by a fine or imprisonment of up to three years,*
- for criminal offenses punishable by a sentence of more than three years in prison if the legal requirements are met and if this is proportionate to the circumstances and gravity of the criminal offense committed.*

The special conditions provided by the legislator for issuing educational recommendations refer to the following:

- that the minor admits the criminal act,*
- that the recognition was given freely and voluntarily,*
- that there is sufficient evidence that the minor committed a criminal offense,*
- that the minor expresses in writing his willingness to reconcile with the injured party,*
- that the minor gives written consent to the application of the educational recommendation, and the younger minor also with the consent of the parents or guardians and*
- to give written consent to the injured party in the event that this is required by law.*

Purpose of educational recommendations:

- that no criminal proceedings be initiated against the minor and*
- that the application of educational recommendations influences the proper development of minors and strengthens their personal responsibility so that they do not commit criminal acts in the future.*

The legislator in Bosnia and Herzegovina foresees the following types of educational recommendations:

- personal apology to the injured party,*
- compensation for damage to the injured party,*
- regular school attendance or regular going to work,*
- involvement in work, without compensation, in humanitarian organizations or jobs of social, local or environmental content,*
- treatment in an appropriate health facility (hospital or outpatient),*
- inclusion in individual or group treatment in educational, psychological and other counseling centers.*

The first group of educational recommendations includes those that regulate the personal relations between the minor and the injured party - personal apology to the injured party and compensation for damages to the injured party. Then there are those that relate to the education and work of the minor, as recommendations of a treatment nature - regular school attendance, work for the benefit of a humanitarian organization or local communities and accepting suitable employment.

Finally, the third group of educational recommendations consists of those recommendations that are aimed at removing or mitigating the factors that are the cause of delinquent behavior of minors, and are related to his personal circumstances and social environment - placement in another family, home or institution, treatment in an appropriate health institution, and visiting educational, educational and other counseling centers (Gurda, 2011, p. 177-199).

The aforementioned division represents the basic criterion for differentiating the procedure of issuing and applying educational recommendations. Therefore, analogously to what has been said, we distinguish: the procedure for applying educational recommendations that regulate the personal relations of minors and the injured party and the procedure for applying other educational recommendations.

In relation to criminal sanctions that can only be imposed by a court, educational recommendations can also be imposed by the prosecutor, that is, one or more educational recommendations for a specific case (Gurda, 2011, pp. 177-199).

The competent prosecutor can issue the following educational recommendations: a personal apology to the victim, compensation for damage to the victim, regular school attendance and visits to educational, psychological and other counseling centers.

The juvenile judge may issue the following educational recommendations: work for the benefit of a humanitarian organization or local community, acceptance of suitable employment, placement in another family, home or institution, and treatment in an appropriate health institution (Gurda, 2011, pp. 177-199).

When implementing educational recommendations - personal apology to the injured party and compensation for damages to the injured party, in addition to the minor, the person injured by the criminal offense also gives his/her consent in writing.

The prosecutor, that is, the judge, when choosing an educational recommendation, has the obligation, in accordance with the law, to take into account the opinion and overall interests of the minor, as well as the interests of the injured party, with the obligation to take care that the application of the educational recommendations does not interfere with the regular education or work of the minor.

Educational recommendations can be replaced by another educational recommendation or canceled during their duration. The selection and application of educational recommendations is made in cooperation with the parents, adoptive parents or guardians of minors and the competent guardianship authority.

When it comes to the duration and issuing of educational recommendations, it is important to emphasize the fact that educational recommendations can last no longer than one year and are issued for full hours, days and months.

Records of issued educational recommendations are kept by prosecutor's offices and courts. Educational recommendations do not have the character of a criminal record of a juvenile's conviction and cannot be used in any way that would be harmful to the juvenile (Gurda, 2011, pp. 177-199).

CONCLUSION

Investing in the implementation of measures aimed at combating juvenile delinquency represents the only correct path towards the development of society as a whole. (Čuljević, 2024.)

Undoubtedly, one of the significant roles in achieving the aforementioned is played by the concept of restorative justice based on the juvenile justice system, primarily through alternative measures.

In Bosnia and Herzegovina, the concept of restorative justice has received a legal basis through the provisions of educational recommendations, the purpose of which is not to initiate criminal proceedings against minors and prevention, i.e. to influence the proper development of minors and strengthen their personal responsibility so that they do not commit criminal acts in the future.

The goal of restorative justice is to transform society's view of crime and other forms of unacceptable behavior from the classic response to crime (which is based on punishment and whose usefulness has been questioned in the modern era) to another view aimed at repairing the damage caused and establishing peace in the community.

Restorative justice seeks to repair the relationship created by the commission of a criminal offense, or rather, to establish a balance between the needs and interests of all interested parties in the process - the victim, the perpetrator, and members of the community.

The UN and other international organizations recommend the use of the concept of restorative justice, which can be applied to a wide range of social problems - primarily juvenile delinquency, which is unfortunately on the rise in every society, including ours.

Considering the above, restorative justice certainly becomes the basis for reviewing the existing criminal justice system.

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ISKUSTVO MEĐUNARODNIH ORGANIZACIJA U RJEŠAVANJU KONFLIKATA I IZGRADNJI MIRA NA ZAPADNOM BALKANU

Pregledni naučni rad

Dr. Lejla Trnčić¹

Sažetak

Regija Zapadnog Balkana, koja obuhvata države kao što su Albanija, Bosna i Hercegovina, Kosovo, Crna Gora, Sjeverna Makedonija i Srbija, već dugo se smatra jednim od najnestabilnijih područja u Europi. Ova regija je bila poprište brojnih konflikata, posebno nakon raspada Socijalističke Federativne Republike Jugoslavije početkom devedesetih godina prošlog stoljeća. Međunarodne organizacije kao što su Ujedinjene nacije, Europska unija, NATO i Organizacija za sigurnost i suradnju u Europi odigrale su ključne uloge u pokušajima rješavanja konflikata i izgradnji mira. Ovaj rad analizira njihovu ulogu, izazove s kojima su se suočavali i efikasnost njihovih intervencija u regiji.

Ključne riječi: *Zapadni Balkan, Međunarodne organizacije, Rješavanje konflikata, Izgradnja mira, Efikasnost.*

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1. Kontekst Zapadnog Balkana

U kontekstu tradicionalno prepoznatih granica europskog kontinenta, jugoistočni dio Europe se, argumentovano, smatra najzahtjevnijim i potencijalno najproblematičnijim².

Ovo je posebno slučaj nakon II svjetskog i Hladnog rata, a što je evidentno i kulminacijom dešavanja u regionu pred kraj 20. stoljeća.

U jugoistočnom dijelu Europe smatramo da se može napraviti ubjedljiv argument da je najproblematičniji onaj dio što se tradicionalno zove „Balkanski poluotok“³. Jednako evidentno, u kontekstu Balkanskog poluotoka posebno problematična je regija „Zapadnog Balkana“⁴.

Zapadni Balkan čine:

- Republika Albanija⁵,
- Bosna i Hercegovina,
- Republika Sjeverna Makedonija⁶,
- Crna Gora,
- Republika Srbija⁷, i
- Republika Kosovo⁸.

Politička situacija i karakteristike svake konstitutivne države Zapadnog Balkana se značajno razlikuju jedna od druge⁹.

² Bartlett, W. (2008): *Problematična regija Evrope: ekonomski razvoj, institucionalna reforma i socijalna zaštita na zapadnom Balkanu*. London and New York: Routledge.

³ Kako je invazija Ruske federacije na Ukrajinu u vrijeme pisanja rada još uvijek u infantilnoj fazi razvoja, evidentnoj je da će i ova regija predstavljati značajne izazove takođe.

⁴ „Zapadni Balkan“ nije formalno prepoznat kao politički ili međunarodni subjekt, no ipak je poznat i korišten radi lakšeg razumjevanja i djelovanja u regiji, između ostalog od strane Evropske unije koja izraz koristi kako bi implementirala jedinstven pristup u primjeni svojih instrumenata za izgradnju mira (ekonomskih, političkih, društvenih, razvojnih) sa ultimativnim ciljem da se države koje čine Zapadni Balkan pridruže Uniji.

⁵ Službeni naziv: „Republika e Shqipërisë“

⁶ U vremenskom periodu relevantnom za ovo poglavlje zvala se Republika Makedonija. Ime je promjenjeno 02.2019. godine.

⁷ Disolucijom Socijalističke Federativne Republike Jugoslavije Republika Srbija i Crna Gora su bile jedinstvena država koja se zvala Savezna Republika Jugoslavija od 27.04.1992. do 04.02.2003. godine, te Srbija i Crna Gora od 04.02.2003. godine do 03.06.2026. godine.

⁸ Službeni naziv: „Republika e Kosovës“ i „Republika „Kosovo“. Kosovo nije univerzalno priznato kao država kako od strane susjednih država tako i od strane država članica EU i nije članom Ujedinjenih Naroda.

⁹ Caplan, R. (2010): *The Western Balkans, On the Path to Stability*. u M. Cavelty Dunn i V. Mauer (ur.), *The Routledge Handbook of Security Studies*, str. 359–368.

Ipak, neke zajedničke karakteristike, u većoj ili manjoj mjeri, se mogu prepoznati:

- radi se o dominantno post-konfliktnim društvima,
- usljed partikulariteta historijskog razvitka prisutan je relativno nizak nivo političke kulture¹⁰,
- mehanizmi demokratske vladavine i odlučivanja su relativno nerazvijeni,
- države Zapadnog Balkana značajno zaostaju za državama Centralne i Istočne Europe u procesima tranzicije,
- privreda je relativno nerazvijena te još uvijek disproportionalno fokusirana na I i II sektor a ekonomske performanse su niske,
- u državama u pitanju su u toku višestruke tranzicije:
 - iz rata u mir;
 - iz komunističke vladavine u višestranački demokratski sistem;
 - iz centralno-planske ekonomije u tržišnu ekonomiju¹¹.

Slovenija i Hrvatska, stupanjem u članstvo Europske unije¹² iako tradicionalno i geografski pripadaju regiji Zapadnog Balkana, te su činile Socijalističku Federativnu Republiku Jugoslaviju, se sada smatraju geopolitički, i u veoma realnom smislu, da pripadaju Europskoj uniji pa tako ne čine Zapadni Balkan u kontekstu našeg rada, osim gdje je izričito drugačije naznačeno.

Krajem Hladnog rata i implementacijom značajnih, prvenstveno pozitivnih, promjena u političkim, privrednim i sigurnosnim aspektima u drugim dijelovima Europe (a posebno u onome što će postati „Europska unija“), Zapadni Balkan je, kontrastno, bio poprište destruktivnih konflikata, često opisanih kao „konflikti uslijed formiranja države“¹³ te mahom negativnih političkih, privrednih i posebno sigurnosnih promjena.

Godine 1991., nakon pada bivšeg Sovjetskog saveza i završetka Hladnog rata, Socijalistička Federativna Republika Jugoslavija je počela da sa disolucijom u individualne države koje su je sačinjavale. Proces disolucije je bio težak i

¹⁰ Petričušić, A. (2013): *Democracy without Citizens: Inadequate Consolidation in Two Decades of the Western Balkans Democracy*. European Quarterly of Political Attitudes and Mentalities 2 (4), str. 34–54.

¹¹ Bojicic-Dzelilovic, V., J. Ker-Lindsay i D. Kostovicova (ur.) (2013): *Civil Society and Transitions in the Western Balkans – New Perspectives on South-East Europe*. London: Palgrave Macmillan.

¹² Za Sloveniju 01.05.2004. godine i za Hrvatsku 01.07.2013. godine.

¹³ Wallensteen, P. (2007): *Razumijevanje rješavanja konflikta – rat, mir i globalni sistem*. London, Thousand Oaks, New Delhi: SAGE Publications.

problematičan te je rezultirao krvavim konfliktima između i unutar tri glavne etničke skupine – Srba, Bošnjaka i Hrvata – u više država a prvenstveno u Bosni i Hercegovini, Kosovu i Hrvatskoj. Nakon secesije svake pojedine teritorije SFRJ, vojne snage vođene Srbima a koristeći oružje bivše vojske SFRJ su napadale odcijepljene države. U narednih osam godina počinjeni su međunarodni zločini, uključujući zločine protiv čovječnosti i genocid u Srebrenici u Bosni i Hercegovini. Centralna obavještajna služba Sjedinjenih Američkih Država je izvijestila da je "90 posto" zločina počinjenih između juna 1991. i januara 1995. godine počinile srpske vojne i paravojne snage¹⁴.

Kao što je utvrđeno brojnim presudama Međunarodnog krivičnog suda za bivšu Jugoslaviju (MKSJ) ali i presudom Međunarodnog suda pravde u Hagu, vojne snage Srpske etničke skupine uz finansijsku i drugu podršku Republike Srbije su počinili i genocid nad Bošnjačkim stanovništvom u Bosni i Hercegovini na području općine Srebrenica te višestruke čine etničkog čišćenja kao i mnogostruke ratne zločine. Etničke većine su u SFRJ živjele u miru za vrijeme dok je Josip Broz Tito vodio Jugoslaviju, shodno bilo bi razumno pretpostaviti da bi primjerena primjena mehanizama rješavanja konflikta mogla proizvesti učinak sprječavanja konflikta od eskalacije koja je nastupila.

UN, NATO i pojedinačne države gdje posebno izdvajamo Sjedinjene Američke Države, Veliku Britaniju i druge, su bili dovoljno obaviješteni te raspolagali su sa dovoljnim sredstvima da spriječe etničko čišćenje i, ultimativno, genocid u Srebrenici u Bosni i Hercegovini, ali su u osnovi odlučili da to ne učine¹⁵.

Faza „formiranja država“ koja je nastupila nakon raspada Socijalističke Federativne Republike Jugoslavije, je eskalirala u nasilje prvenstveno uzrokovano tradicionalnim tenzijama i netrpeljivostima konstituentnih naroda a, posmatrano na višem nivou apstrakcije uzrokovano nespojivim vizijama regionalnih političkih aktera o daljem razvoju novih političkih jedinica.

Manifestacijom postojećih ekstremnih nacionalističkih osjećanja, koja je, između ostalih, tipizirao i zastupao predsjednik Srbije Slobodan Milošević, prvo se odcijepila Slovenija, potom Hrvatska, a nedugo zatim i Bosna i Hercegovina dovodeći do disolucije SFRJ 27.04.1992. godine.

¹⁴ Power, S. (2002): *“A Problem from Hell”: America in the Age of Genocide*. New York: Basic Books. str. 310.

¹⁵ Rohde, D. (1997): *„End Game: The Betrayal and Fall of Srebrenica, Europe’s Worst Massacres Since World War II“*. New York: Farrar, Straus and Giroux

Međunarodna zajednica pa shodno i međunarodne organizacije su bila ili su morale biti svjesna Miloševićevih riječi i prijetnji, kao i straha koji su oni ulijevali bošnjačkom, hrvatskom, albanskom i drugom stanovništvu u Bosni i Hercegovini, Hrvatskoj, Kosovu ali i u drugim odcjepljenim državama SFRJ. Na vidjelo međunarodne zajednice su dolazili izvještaji te sve prominentniji fotografski i video dokazi brutalnih vojnih akcija koje su predominantno srpske trupe činile protiv bivših susjeda a novoproglašениh neprijatelja.

Konflikti u jugoistočnoj Evropi nastali pred kraj 20. stoljeća su doveli u pitanje postojeće mehanizme za prevenciju i rješavanje konflikta, za izgradnju mira te ukupni instrumentarij alata upravljanja konfliktima koje su do tada, u institucionalnim okvirima, razvile i koristile međunarodne organizacije. Uloge većine prominentnih međunarodnih organizacija u jugoslovenskoj krizi su bile definisane u uslovima Hladnog rata, a u to vreme njihova sigurnosna komponenta ili nije postojala (EZ) ili je njihova uloga tek trebala da bude definisana u posthladnoratovskom svijetu (NATO, KESS). Dakle, UN i njihova ograničena sredstva (embargo na oružje¹⁶, preventivna diplomatija, specijalni izaslanici, tradicionalno održavanje mira) bili su primarni instrumenti korišteni prije i nakon potpisivanja prvih mirovnih sporazuma (Sarajevski sporazum)¹⁷, s različitim uspjehom.

S druge strane, tadašnja kriza u nastajanju je dala poticaj međunarodnim organizacijama kojima su do tada nedostajali takvi alati i instrumenti da ih razviju, čini nam se u nekim instancama, *de nuovo*¹⁸.

¹⁶ Rezolucija Vijeća sigurnosti UN-a 713, Septembar, 1991.

¹⁷ Sarajevski mirovni sporazum, potpisan 2. januara 1992. godine, bio je preduslov za uspostavljanje prve mirovne operacije u jugoslovenskoj krizi – UNPROFOR-a – čiji je mandat prvenstveno bio osmišljen za obuzdavanje konflikta koji je već bio u toku u Hrvatskoj i stvaranje uslova za mirne pregovore između strana u konfliktu. Vrlo brzo, njen mandat je proširen kako bi pokrio pogoršanje situacije u Bosni (april 1992.) i spriječio eskalaciju u Makedoniji (novembar 1992.).

¹⁸ Anderson, S. (1995): *EU, NATO and CSCE Responses to the Yugoslav Crisis: Testing Europe's New Security Architecture*. European Security 4 (2), str. 328–353.

2. Uloge međunarodnih organizacija

Danas je poznato da ove četiri organizacije: Ujedinjene nacije, Europska unija, NATO savez i OSCE igraju glavnu ulogu u upravljanju konfliktima općenito, pri čemu su aktivnosti upravljanja konfliktima pozicionirane u kontekstu upravljanja sigurnošću. Kako Wagnsson i Holmberg objašnjavaju, proces razvoja mehanizama upravljanja u oblasti upravljanja konfliktima započeo je početkom 1990-ih i od tada je bio izvanredan. Paralelni razvoj diskursa i prakse doprinio je rastu struktura za multilateralno djelovanje u centralnim organizacijama kao što su UN, NATO i EU¹⁹.

Ovi akteri su i dalje prisutni i posebno aktivni u Bosni i Hercegovini. Njihova misija još uvijek se izvodi te, argumentovano, je ključna za opstanak pojedinih država u regionu, kao i za regionalnu sigurnost i stabilnost.

Organizacije u pitanju nastavljaju da primjenjuju mjere rješavanja konflikata i izgradnje mira. Shodno, regija Zapadnog Balkana može predstavljati zanimljivu studiju slučaja u nekoliko oblasti:

- proučavanje mirovne krize nakon Hladnog rata u periodu disolucije SFRJ;
- razvoja i evolucija mirovnih operacija Ujedinjenih Naroda prema mirovnim operacijama druge generacije; te
- djelotvornost primjene instrumentarija za rješavanje konflikata i izgradnju mira.

Nasilni i krvavi međusobni konflikti na Zapadnom Balkanu, a prvenstveno u Bosni i Hercegovini i na Kosovu su izazvali veći interes, kako u pogođenim državama tako i u cijeloj međunarodnoj zajednici, za posredovanje kao sredstvo za podsticanje trajnih dogovora.

Složena sigurnosna situacija, jasni dokazi prominentnog kršenja ljudskih prava su indicirali od samog početka a svakako u ranim fazama nakon raspada Jugoslavije i onoga što se zvalo već u to vrijeme „jugoslovenskom krizom“ potrebu za aktivno djelovanje spoljnih aktera – prvenstveno međunarodnih udruženja i institucija.

Evidentno je da angažman međunarodnih organizacija u regiji nije izvršen toliko rano koliko je ukazivala hitnost situacije. Na osnovu analize deklasifikovanih dokumenata, Pauer (2002) tvrdi da „nijedna druga kampanja zločina u dvadesetom vijeku nije bila bolje praćena i shvatana od strane vlade SAD-a.

¹⁹ Wagnsson, C. i A. Holmberg (2014): *Conflict Management*. u J. Sperling (ur.), *Handbook of Governance and Security*. Cheltenham: Edward Elgar, str. 324–342.

Američki analitičari pripremali su za svoje nadređene detaljne i poražavajuće izvještaje o srpskim ciljevima i taktikama”²⁰. Ipak, svijet je u suštini gledao kako se užasni događaji odvijaju. “Uprkos nezapamćenom negodovanju javnosti zbog strane brutalnosti, Sjedinjene Američke Države, Europa i Ujedinjene nacije su naredne tri i po godine stajali po strani dok je oko dvije stotine hiljada Bosanaca ubijano, više od dva miliona raseljeno, a teritorija jedne multietničke europske republike podijeljena na tri etnički čiste države”²¹.

Razlozi za nepostupanje u korist žrtava bili su različiti od države do države i od organizacije do organizacije. To ne znači da u relevantnom vremenskom intervalu međunarodna zajednica nije učinila ništa. Ustvari, međunarodna zajednica i međunarodne organizacije su eventualno postale i nastavljaju biti duboko uključeni u pokušaj da se spriječi, izbjegne i koliko je to moguće smanji nasilje i konflikti u državama bivše Jugoslavije.

Tokom aktivnih oružanih konflikta oni su to učinili posredovanjem u prekidima vatre, uvođenjem sankcija i uspostavljanjem mirovnih sporazuma. Na samom početku krize, njihovi naponi u prevenciji konflikata bili su uglavnom neuspješni ili čak i nepostojeći²². Međunarodna zajednica, kao loše pripremljena, loše opremljena i bez političke volje, uvijek je činila „premalo i prekasno“ kako bi spriječila izbijanje nasilja ili zaustavila nasilje²³.

Regionalne institucije kao što su Europska zajednica²⁴ i NATO, i njihovi tada postojeći konfliktno prevenirajući instrumenti, bili su neprikladni za rješavanje nastale krize na Zapadnom Balkanu jer su bili fokusirani na mehanizme primjene mirnih sredstava. Europska unija, koju je tada činilo 12 država članica i koja je u početku krize djelovala pod nazivom Europska zajednica, zajedno sa Ujedinjenim nacijama kao posrednikom, imala je značajnu ulogu vanjskog aktera koji je postavljao pravila međunarodnog priznavanja novih država nastalih raspadom SFRJ. No, pri tom dio problema se ima naći u tome što mišljenja država članica

²⁰ Power, S. (2002): *“A Problem from Hell”: America in the Age of Genocide*. New York: Basic Books, str. 264.

²¹ Power, S. (2002): *“A Problem from Hell”: America in the Age of Genocide*. New York: Basic Books, str. 251.

²² Zupančić, R. (2009): *The Theory of Conflict Prevention. What Can Kosovo Draw out of it?* Thesis Kosova, 1/2009, str. 67.

²³ Marko, J. (2013): *Human Rights and Ethnopolitics*. U K. Cordell i S. Wolff (ur.), Routledge Handbook of Ethnic Conflict. London and New York: Routledge, str. 236–248.

²⁴ U vrijeme krize institucija koju danas poznajemo kao Evropska unija se zvala Evropska zajednica. Evropska zajednica je supsumirana u Evropsku uniju 1993. godine.

EZ o priznavanju bivših republika SFRJ kao nezavisnih država su se znatno razlikovala od članice od članice²⁵.

Neki autori idu i dalje tvrdeći da je nesposobnost razrade zajedničkih stavova među članicama EZ doprinijelo izbijanju nasilja na Zapadnom Balkanu i ograničila sposobnost EZ, a u manjem aspektu i drugih međunarodnih institucija da na odgovarajući način odgovori na nastajuće konflikte²⁶.

Iako su neki poticaji EZ i instrumenti preventivne diplomatije, kao što je Badinterova arbitražna komisija²⁷, uspješno implementirani u određenoj mjeri u ranoj fazi krize²⁸, tokom prve polovine 1990-ih ni EZ ni NATO nisu imali razvijen poseban instrumentarij za upravljanje krizama, rješavanje konflikata i izgradnju mira izvan svojih država članica a što smatramo da je kriza u Zapadnom Balkanu posebno zahtjevala. Iako se može smatrati samim projektom prevencije konflikta, tek početkom 1990-ih godina EZ (EU) je poduzela konkretne korake da definiše i uspostavi svoju sigurnosnu komponentu i izgradi svoje kapacitete da postane pružalac sigurnosti u smislu kako europske tako i globalne sigurnosti. Ovo se također odnosi na njene kapacitete za prevenciju konflikata i izgradnju mira.

Posredovanje u okviru konferencije o Jugoslaviji pod vodstvom UN-a i EU bilo je potpuni neuspjeh argumentuje Joseph Marko, ukazujući na iskustvo u ratovima 1990tih u Bosni i Hercegovini i Hrvatskoj i ratu u Kosovu ranih 2000tih.

3. Izazovi u rješavanju konflikata

Rješavanje međunarodnih konflikata postalo je raznovrsnije u smislu aktera u pitanju, primijenjenih mjera, okruženja u kojima su bile primijenjene, kao i sveukupnog pomaka sa paradigme usmjerene na državu ka paradigmi koja je više usmjerena na čovjeka.

U prvoj fazi jugoslovenske krize, između 1991. i 1999. godine, Ujedinjene nacije, Evropska unija, NATO i OSCE su koristili mješavinu pristupa i instrumenata kako bi se spriječila eskalacija krize u otvoreni konflikt (mislimo na mjere

²⁵ Griffiths, M. i T. O'Callaghan (2002): *International Relations: Key Concepts*. London and New York: Routledge, str. 266.

²⁶ von Brabant, C. (1998): *Analysis and Advocacy on a European Policy on Conflict Prevention: A Viewpoint*. Development in Practice 8 (2), str. 217–220.

²⁷ Roth, B. (2015): *Ne-konsenzualna disolucija država u međunarodnom pravu: Inovacija Badinterove komisije u retrospektivi*, Politička misao, god. 52, br. 1, str. 48-78.

²⁸ Pellet, A. (1992): *The Opinions of the Badinter Arbitration Committee: A Second Breath for the Self-Determination of People*. European Journal of International Law 3 (1), str. 178–185.

sprječavanja konflikta) ili da bi se konflikti zaustavili kad je već do njih došlo (mislimo na mjere rješavanja konflikata).

U ovom periodu, angažman, prije svega UN-a i EU, ali i NATO-a i OSCE-a u državama u regionu je bio značajan. Tada, argumentovano, region Zapadnog Balkana je bio glavni fokus međunarodne pažnje i mjera za osiguranje međunarodne sigurnosti.

Opravdano je zaključiti da su jugoslovenska kriza i kasniji konflikti zapravo predstavljali idealan poligon za razvoj kapaciteta i instrumenata za rješavanje konflikata i izgradnju mira u okviru prvenstveno UN, NATO, EU i OSCE.

Iako smatramo da se ovaj postulat odnosi na četiri navedene organizacije podjednako, isti posebno važi za operacije ESDP-a²⁹ i mirovne misije UN-a³⁰.

Opisujući takozvanu europsku sigurnosnu arhitekturu kao skup konkurentskih i kooperacijskih organizacija koje obavljaju različite uloge i zadatke, Cottey tvrdi da, iako postoji institucionalna konkurencija između EU, NATO-a i OSCE-a, postoji i element podjele rada između njih: NATO se fokusirao na zadatke vojne sigurnosti; EU se fokusirala na širu politiku političkog i ekonomskog angažmana sa partnerskim državama i drugim regijama; a OSCE se fokusirao na prevenciju/rješavanje konflikata i demokratiju i ljudska prava.³¹

Aktivnosti ovih višestrukih aktera bile su međusobno povezane i manje-više koordinirane u mnogim slučajevima od njihovog početnog angažmana u regionu. UN, EU, NATO i OSCE predstavljaju dominantne međunarodne institucije i organizacije na Zapadnom balkanu od početka konflikta te u subsekventnih 25+ godina.

Jugoslovensku krizu i djelovanje ovih međunarodnih organizacija u prevenciji možemo podijeliti na sljedeće faze:

1. početak raspada Jugoslavije kada je EZ putem mehanizama za prevenciju konflikata organizovala Mirovnu konferenciju o Jugoslaviji, pri čemu je Badinterova komisija uvela pravila za priznavanje novih država; istovremeno je EZ uvela moratorijum na proglašenje nezavisnosti, kao i embargo na oružje od

²⁹ Gross, E. (2007): *Civilian and Military Missions in the Western Balkans*. U Emerson, M. i Gross, E. (ur.). *Evaluating the EU's Crisis Missions in the Balkans*. Brussels: Centre for European Policy Studies.

³⁰ Beswick, D. i P. Jackson (2015): *Conflict, Security and Development – An Introduction*. London and New York: Routledge.

³¹ Cottey, A. (2014): *Europe*. U J. Sperling (ed.), *Handbook of Governance and Security*, str. 164–187.

strane UN-a³², prema odredbama poglavlja VII Povelje UN-a³³. Ova faza spada u okvire transformacije konflikta i rješavanja konflikta, odnosno prve dvije faze u „modelu pješčanog sata“, u kojima dolazi do razlike, kontradikcije, polarizacije i konačno nasilja³⁴. U smislu (direktne) prevencije konflikta, može se tvrditi da su ove akcije imale najosnovniju namjeru povezanu sa pokušajem suzbijanja konflikta, pronalaženjem rješenja koje je obostrano prihvatljivo za konfliktne strane i sprječavanjem izbijanja nasilja. Međutim, ove mjere su bile neuspješne i došlo je do nasilnog konflikta – prvo u Hrvatskoj (nakon kratkotrajnog konflikta u Sloveniji), a zatim u Bosni i Hercegovini i na Kosovu;

2. početak konflikta u Hrvatskoj i Bosni i Hercegovini, kada su se diplomatski kapaciteti EU pokazali nedovoljni i nerazvijeni, otvorio je prostor za UN da uvede svoje instrumente u rasponu od tradicionalnog održavanja mira (UNPROFOR) do prevencije konflikta (UNPREDEP³⁵; embargo na oružje). Ovo je središnji dio „modela pješčanog sata“, kada se koriste strategije ograničenja rata kako bi se konflikt geografski i u smislu intenziteta suzbio, te kako bi se konflikt prekinuo³⁶, i konačno,

3. okončanje direktnog nasilja korištenjem mješavine mehanizama kao što su nametanje mira i prinudna diplomatija³⁷ kao i izgradnja mira od strane UN-a³⁸. Ova faza obuhvata rješavanje konflikta i transformaciju konflikta kroz mješavinu očuvanja mira, stvaranja mira, strukturalne izgradnje mira, kao i kulturne izgradnje mira. Ove aktivnosti se također protežu na sljedeću fazu nakon 2000. godine.

³² Rezolucija 713 SB UN; SIPRI, 2007, xiii

³³ Povelja UN, Poglavlje VII: Član 41: za drugi uticaj embarga na oružje vidi izvještaj SIPRI/Uppsala Univerziteta od strane Fruchart, Holtom, Wezeman, Strandow i Wallenstein -a

³⁴ Ramsbotham, O., T. Woodhouse i H. Miall (2012): *Contemporary Conflict Resolution – The Prevention, Management and Transformation of Deadly Conflicts*. Cambridge: Polity Press, str. 14.

³⁵ UNPREDEP u Republici Makedoniji predstavljao je prvo preventivno raspoređivanje mirovnih snaga UN-a (Ramcharan, B. G. (2011): *Preventive Diplomacy at the United Nations*. UN Chronicle XLVII(2). Dostupno na <https://unchronicle.un.org/article/preventive-diplomacy-united-nations>)

³⁶ Ramcharan, B. G. (2011): *Preventive Diplomacy at the United Nations*. UN Chronicle XLVII(2). Dostupno na <https://unchronicle.un.org/article/preventive-diplomacy-united-nations>.

³⁷ NATO bombardovanje položaja bosanskih Srba 1995. i njegovo bombardovanje Jugoslavije 1999.

³⁸ United Nations Transitional Authority In Eastern Slavonia, Baranja And Western Sirmium, trajala od Januara, 1996. godine do Januara, 1998. godine. Više: <https://peacekeeping.un.org/sites/default/files/past/untaes.htm>

Konflikt u regiji Zapadnog Balkana je jasan ukazatelj potrebe za koordiniranim djelovanjem i utilizacijom sredstava više vanjskih aktera kako bi se spriječio konflikt, ili, ukoliko to nije moguće kako bi se postigla tranzicija iz rata u mir.

Na Zapadnom Balkanu strane u konfliktu nisu bile spremne ili u mogućnosti da djeluju samostalno kako bi pronašle obostrano prihvatljiva i održiva rješenja. Kao što neki autori sugerišu, NATO, OSCE i drugi europski aranžmani djelovali su kao ambivalentni partneri na Zapadnom Balkanu i drugdje u Europi u periodu neposredno poslije Hladnog rata, a kasnije su djelovali kao zamjena za problematične odredbe o miru i sigurnosti iz poglavlja VII. Povelje UN-a³⁹.

To je donekle pomoglo i u definisanju budućeg profila i uloge UN, EU, NATO i OSCE-a u regiji, kao i na podjelu zadataka primjene instrumenata sprječavanja konflikta i izgradnje mira među njima. Organizacije u pitanju su razvile značajno iskustvo i kapacitete po ovom pitanju izvodeći ovu institucionalnu koordinaciju od 1990-ih.

4. Učinkovitost i kritike

Početkom 1990-ih ove su organizacije bile na prekretnici u definisanju parametara svog budućeg razvoja. Osim iskustava u Somaliji i Ruandi, neuspjeh tradicionalnog očuvanja mira u Bosni⁴⁰ poslužio je kao kritički podsjetnik na potrebu za inovacijama u alatima UN-a za očuvanje mira i sigurnosti. Posljedica ove potrebe bila je rekonceptualizacija pojma mirovnih operacija⁴¹ uvedena kroz dokumente kao što su Agenda za mir⁴² ili Brahimihev izvještaj. Počevši od ranih

³⁹ Bennett, A. L. i J. K. Oliver (2004): *Međunarodne organizacije*. Zagreb: Politička kultura.

⁴⁰ Ramsbotham, O., T. Woodhouse i H. Miall (2012): *Contemporary Conflict Resolution – The Prevention, Management and Transformation of Deadly Conflicts*. Cambridge: Polity Press.

⁴¹ Bellamy, A. J., Williams, P. D. i S. Griffin, (2012): *Understanding Peacekeeping*. Cambridge: Polity Press.

⁴² Agenda za mir (1992.), pokrenuta pod vodstvom glavnog sekretara Boutrosa Boutrosa Ghalija, bio je prvi konceptualni dokument nakon Hladnog rata u vezi s prevencijom i rješavanjem konflikata, uključujući održanje mira, koji je rezultirao jasnijim definicijama različitih oblika djelovanja dostupnih UN-u u postizanju svoje svrhe očuvanja mira i sigurnosti. Osim očuvanja mira, kao samo jednog od alata za prevenciju i rješavanje konflikata, tu su preventivna diplomacija, stvaranje mira i izgradnja mira. Značaj Boutros-Ghalijeve definicije nije u njenom tekstu (...), već u njezinoj široj konceptualizaciji, odnosno ideji da je održavanje mira jedan od nekoliko načina na koje treće strane mogu doprinijeti sprječavanju, rješavanju ili upravljanju nasilnim konfliktima i ponovnoj izgradnji zajednice nakon toga.

1990-ih, ove konceptualne promjene bile su popraćene promjenama u institucionalnoj strukturi s ciljem jačanja sposobnosti UN-a za prevenciju konflikata, rješavanje konflikata i izgradnju mira.⁴³

Shvativši da su njezini kapaciteti nedovoljni da djeluje kao pružao sigurnosti, EU je počela definisati i graditi svoju sigurnosnu komponentu kako je predviđeno Ugovorom iz Maastrichta iz 1992. i dalje razvijeno u kasnijim ugovorima⁴⁴ te u Petersburškim zadacima iz 1993. godine

NATO tražeći opravdanje za svoje postojanje u odsustvu sovjetske prijetnje radi koje je osnovan je poduzeo preobražaj iz sredstva za pružanje kolektivne odbrane u tijelo kolektivne sigurnosti. Na Zapadnom Balkanu takozvane „operacije koje ne podpadaju pod Član 5“ ili „operacije izvan područja“ su ukazale na moguću budućnost ove organizacije. NATO je svojim djelovanjem osporio primat UN-a kao pružaoca legitimiteta za kolektivne akcije.

Ovo jasno proizilazi iz NATO-vog bombardovanja Jugoslavije 1999. u odsustvu odobrenja ili potpore UN-a barem u obliku rezolucije Vijeća sigurnosti UN-a⁴⁵. Kao proizvod detanta, KESS⁴⁶ se transformisao u OSCE 1994. godine kada je organizacija dobila stalne strukture i procedure. S obzirom na članstvo, OSCE je mogao znatno teže da razvije snažnije instrumente sprječavanja konflikta i izgradnje mira slične onima u NATO-u i EU te značajno redukovane kapacitete da provodi i primjenjuje te instrumente. Tokom 1990-ih kapaciteti OSCE-a su se počeli razvijati u pravcu primjene mehanizama ranog upozoravanja, praćenja demokratskih procesa i implementacije mjera za izgradnju povjerenja, koje su ovoj organizaciji dale jedinstvenu i važnu ulogu prvenstveno u prevenciji konflikata i post-konfliktnoj izgradnji mira⁴⁷.

Rješenja koja su implementirana u državama Zapadnog Balkana imala su povratni uticaj na razvoj politika dotičnih organizacija:

- UN - reforma očuvanja mira;
- NATO - poslijehladnoratovska uloga i zadaci upravljanja krizama,

⁴³ Kao što je Odjel za mirovne operacije, Odjel za političke poslove, Odjel terenske podrške.

⁴⁴ Kao što su ugovori iz: St. Maloa, Amsterdama, Lisabona...

⁴⁵ Wagnsson, C. i A. Holmberg (2014): *Conflict Management*. u J. Sperling (ur.), *Handbook of Governance and Security*. Cheltenham: Edward Elgar, 324–342.

⁴⁶ Konferencija za europsku sigurnost i suradnju, eng: Conference on Security and Co-operation in Europe (CSCE), prethodnik OSCE, osnovana 1973. godine.

⁴⁷ Alati OSCE-a pokrivaju čitav „ciklus konflikta” – rano upozoravanje, prevenciju i rješavanje konflikta, upravljanje krizama i post-konfliktnu rehabilitaciju, što znači da su njegove aktivnosti osmišljene tako da mogu djelovati i reagovati u različitim fazama konfliktnih situacija (kroz Centar za prevenciju konflikta i terenske misije).

- EU - priroda EU operacija izgradnje mira i EU kao sigurnosni akter, i
- OSCE - nevojne operacije i izgradnja mira.

Iskustva ovih organizacija u Zapadnom Balkanu, zajedno sa iskustvima iz nekih drugih dijelova svijeta, postavila su temelje za detaljniju podjelu zadataka između istih, te poslužila kao polazna tačka za re-konceptualizaciju pojma suvereniteta u svjetlu pojave principa „odgovornosti za zaštitu“.

Dugotrajno prisustvo predstavnika međunarodne zajednice na Zapadnom Balkanu datira od početaka krize ranih 1990-ih godina i nastavlja se i danas. To donekle signalizira i krhkost međuetničkih odnosa na mikro nivou (unutar države), ali i na makro nivou (međudržavno).

Moguće je zamisliti da bi odsustvo djelovanja aktera međunarodne zajednice imalo ozbiljne implikacije na održivost implementiranih političkih i državnih struktura, posebno u Bosni i Hercegovini i na Kosovu.

EU ali i međunarodna zajednica i dalje zadržava prisustvo svojih specijalnih predstavnika u ove dvije države.

Ured visokog predstavnika i dalje djeluje u Bosni i Hercegovini. Ovo nas upućuje na zaključak da rješenje konflikata, nominalno postignuto Dejtonskim sporazumom 1995. godine još uvijek nije dovelo do transformacije konflikta i željenog stepena stabilnosti između različitih zajednica u ovoj državi.

5. Zaključak i preporuke

Zapadni Balkan i dalje ostaje regija gdje su potrebni kontinuirani naponi u rješavanju konflikata i izgradnji mira. Preporučuje se jača koordinacija između međunarodnih organizacija, veći naglasak na lokalne inicijative i potrebe, te razvoj inkluzivnijih političkih procesa koji mogu omogućiti trajnije rješenje postojećih problema. Također, potrebno je jačati ekonomske temelje regije kako bi se smanjila politička nestabilnost i omogućio održivi razvoj. Stoga, efikasnost budućih napora zahtijeva promišljene strategije i koherentne akcije, te predlažemo;

- **Jača koordinacija međunarodnih organizacija.** Koordinacija između međunarodnih aktera često pati od preklapanja inicijativa i nedostatka jasno definirane podjele uloga. Preporučuje se uspostava jasnijih mehanizama za koordinaciju, koji bi omogućili efikasnije upravljanje resursima, izbjegavanje redundancije i konflikata u mandatima te optimizaciju postignuća konkretnih ciljeva. Stvaranje zajedničkih platformi za planiranje i razmjenu informacija

moglo bi pomoći u identifikaciji prioriternih područja i usklađivanju političkih i razvojnih agendi.

- **Naglasak na lokalne inicijative i potrebe.** Unatoč značajnom prisustvu međunarodnih organizacija, lokalne inicijative često se osjećaju marginalizirano. Poticanje lokalnog vlasništva nad procesima izgradnje mira ključno je za održivost bilo kojih rješenja. To uključuje jačanje kapaciteta lokalnih vlada, nevladinih organizacija i zajednica u planiranju i provedbi projekata. Uključivanje lokalnih aktera u donošenje odluka ne samo da promiče transparentnost i povjerenje, već i osigurava da inicijative odgovaraju stvarnim potrebama i okolnostima.
- **Razvoj inkluzivnijih političkih procesa.** Politički procesi na Zapadnom Balkanu trebaju biti inkluzivniji kako bi se osiguralo da svi segmenti društva, uključujući manjinske i marginalizirane grupe, imaju glas u oblikovanju budućnosti svojih zajednica. To podrazumijeva reforme izbornih zakona, jačanje pravne države i borbu protiv korupcije. Također, potrebno je osigurati da se mirovni sporazumi i politička rješenja temelje na širokom konsenzusu i pravičnosti.
- **Jačanje ekonomskih temelja za smanjenje političke nestabilnosti.** Ekonomska nestabilnost je često katalizator političkih tenzija. Stoga je ključno usmjeriti resurse na ekonomski razvoj, koji uključuje unaprjeđenje infrastrukture, podršku malim i srednjim poduzećima, razvoj obrazovanja i stručne obuke te promicanje trgovine i investicija.

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EXPERIENCE OF INTERNATIONAL ORGANIZATIONS IN CONFLICT RESOLUTION AND PEACEBUILDING IN THE WESTERN BALKANS

Review scientific paper

Dr. Lejla Trnčić¹

Summary

The Western Balkans region, which includes countries such as Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia, has long been considered one of the most unstable areas in Europe. The region has been the scene of numerous conflicts, especially after the collapse of the Socialist Federal Republic of Yugoslavia in the early 1990s. International organizations such as the United Nations, the European Union, NATO and the Organization for Security and Cooperation in Europe have played key roles in attempts to resolve conflicts and build peace. This paper analyses their role, the challenges they have faced and the effectiveness of their interventions in the region.

Keywords: *Western Balkans, International Organizations, Conflict Resolution, Peace Building, Efficiency.*

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1. Western Balkans context

In the context of the traditionally recognized borders of the European continent, the southeastern part of Europe is arguably considered the most demanding and potentially problematic ².

This is especially the case after World War II and the Cold War, which is also evident in the culmination of events in the region towards the end of the 20th century.

In the southeastern part of Europe, we believe that a convincing argument can be made that the most problematic part is what is traditionally called the "Balkan Peninsula" ³.

Equally evident, in the context of the Balkan Peninsula, the region of the "Western Balkans" ⁴ is particularly problematic.

The Western Balkans consist of:

- Republic of Albania ⁵,
- Bosnia and Herzegovina,
- Republic of North Macedonia ⁶,
- Montenegro,
- Republic of Serbia ⁷, and
- Republic of Kosovo ⁸.

²Bartlett, W. (2008): *Europe's Troubled Region: Economic Development, Institutional Reform and Social Protection in the Western Balkans*. London and New York: Routledge.

³As the Russian Federation's invasion of Ukraine at the time of writing is still in an infantile stage of development, it is evident that this region will present significant challenges as well.

⁴"Western Balkans" is not formally recognized as a political or international entity, but it is still known and used for easier understanding and action in the region, including by the European Union, which uses the term to implement a unified approach in the application of its peacebuilding instruments (economic, political, social, development) with the ultimate goal of the countries that make up the Western Balkans joining the Union.

⁵Official name: "Republika e Shqipërisë"

⁶During the time period relevant to this chapter, it was called the Republic of Macedonia. The name was changed in February 2019.

⁷With the dissolution of the Socialist Federal Republic of Yugoslavia, the Republic of Serbia and Montenegro was a single state called the Federal Republic of Yugoslavia from April 27, 1992 to February 4, 2003, and Serbia and Montenegro from February 4, 2003 to June 3, 2026.

⁸Official name: "Republika e Kosovës" and "Republika "Kosovo". Kosovo is not universally recognized as a state by either neighboring countries or EU member states and is not a member of the United Nations.

The political situation and characteristics of each constituent state of the Western Balkans differ significantly from one another ⁹.

Nevertheless, some common characteristics, to a greater or lesser extent, can be recognized:

- these are predominantly post-conflict societies,
- Due to the particularities of historical development, there is a relatively low level of political culture ¹⁰,
- the mechanisms of democratic governance and decision-making are relatively underdeveloped,
- the countries of the Western Balkans are significantly lagging behind the countries of Central and Eastern Europe in the transition processes,
- the economy is relatively underdeveloped and still disproportionately focused on sectors I and II, and economic performance is low,
- multiple transitions are underway in the countries in question:
 - from war to peace;
 - from communist rule to a multi-party democratic system;
 - from a centrally-planned economy to a market economy ¹¹.

Slovenia and Croatia, upon joining the European Union, ¹²although traditionally and geographically belonging to the Western Balkans region, and having formed the Socialist Federal Republic of Yugoslavia, are now considered geopolitically, and in a very real sense, to belong to the European Union and thus do not constitute the Western Balkans in the context of our work, except where explicitly stated otherwise.

With the end of the Cold War and the implementation of significant, primarily positive, changes in political, economic and security aspects in other parts of Europe (and especially in what would become the "European Union"), the Western Balkans, in contrast, was the scene of destructive conflicts, often

⁹Caplan, R. (2010): *The Western Balkans, On the Path to Stability*. in M. Cavelty Dunn and V. Mauer (eds.), *The Routledge Handbook of Security Studies*, p. 359–368.

¹⁰Petričušić, A. (2013): *Democracy without Citizens: Inadequate Consolidation in Two Decades of the Western Balkans Democracy*. *European Quarterly of Political Attitudes and Mentalities* 2 (4), p. 34–54.

¹¹Bojicic-Dzelilovic, V., J. Ker-Lindsay and D. Kostovicova (eds.) (2013): *Civil Society and Transitions in the Western Balkans – New Perspectives on South-East Europe*. London: Palgrave Macmillan.

¹²For Slovenia 01.05.2004. year and for Croatia 01.07.2013. year.

described as "conflicts due to state formation" ¹³and mostly negative political, economic and especially security changes.

In 1991, following the collapse of the former Soviet Union and the end of the Cold War, the Socialist Federal Republic of Yugoslavia began to dissolve into its constituent states. The process of dissolution was difficult and problematic, resulting in bloody conflicts between and within the three main ethnic groups – Serbs, Bosniaks and Croats – in several states, primarily in Bosnia and Herzegovina, Kosovo and Croatia. After the secession of each individual territory of the SFRY, military forces led by Serbs and using weapons from the former SFRY army attacked the breakaway states. Over the next eight years, international crimes were committed, including crimes against humanity and genocide in Srebrenica, Bosnia and Herzegovina. The United States Central Intelligence Agency reported that "90 percent" of the crimes committed between June 1991 and January 1995 were committed by Serbian military and paramilitary forces ¹⁴.

As established by numerous judgments of the International Criminal Tribunal for the former Yugoslavia (ICTY) and by the judgment of the International Court of Justice in The Hague, military forces of the Serbian ethnic group, with financial and other support from the Republic of Serbia, committed genocide against the Bosniak population in Bosnia and Herzegovina in the Srebrenica municipality, as well as multiple acts of ethnic cleansing, as well as multiple war crimes. The ethnic majorities in the SFRY lived in peace during the time when Josip Broz Tito led Yugoslavia, so it would be reasonable to assume that the appropriate application of conflict resolution mechanisms could have the effect of preventing the conflict from escalating.

The UN, NATO and individual states, notably the United States, Great Britain and others, were sufficiently informed and had sufficient resources to prevent ethnic cleansing and, ultimately, genocide in Srebrenica in Bosnia and Herzegovina, but they basically decided not to do so ¹⁵.

¹³Wallensteen, P. (2007): *Understanding Conflict Resolution – War, Peace and the Global System*. London, Thousand Oaks, New Delhi: SAGE Publications.

¹⁴Power, S. (2002): *"A Problem from Hell": America in the Age of Genocide*. New York: Basic Books. p. 310.

¹⁵Rohde, D. (1997): *"End Game: The Betrayal and Fall of Srebrenica, Europe's Worst Massacres Since World War II"*. New York: Farrar, Straus and Giroux

The phase of "state formation" that occurred after the collapse of the Socialist Federal Republic of Yugoslavia escalated into violence primarily caused by traditional tensions and intolerances of the constituent peoples and, viewed at a higher level of abstraction, caused by incompatible visions of regional political actors on the further development of new political units.

As a manifestation of existing extreme nationalist sentiments, typified and represented by, among others, Serbian President Slobodan Milošević, Slovenia first seceded, then Croatia, and shortly thereafter Bosnia and Herzegovina, leading to the dissolution of the SFRY on April 27, 1992.

The international community and, accordingly, international organizations were or had to be aware of Milošević's words and threats, as well as the fear they instilled in the Bosniak, Croat, Albanian and other populations in Bosnia and Herzegovina, Croatia, Kosovo, and other breakaway states of the SFRY. Reports and increasingly prominent photographic and video evidence of brutal military actions by predominantly Serbian troops against former neighbors and newly declared enemies came to the attention of the international community.

The conflicts in Southeastern Europe that emerged towards the end of the 20th century challenged the existing mechanisms for conflict prevention and resolution, for peacebuilding, and the entire set of conflict management tools that had been developed and used by international organizations within institutional frameworks. The roles of most prominent international organizations in the Yugoslav crisis were defined in the context of the Cold War, and at that time their security component either did not exist (EC) or their role had yet to be defined in the post-Cold War world (NATO, CSCE). Thus, the UN and its limited means (arms embargo ¹⁶, preventive diplomacy, special envoys, traditional peacekeeping) were the primary instruments used before and after the signing of the first peace agreements (Sarajevo Agreement) ¹⁷, with varying degrees of success.

¹⁶UN Security Council Resolution 713, September, 1991.

¹⁷The Sarajevo Peace Agreement, signed on 2 January 1992, was a precondition for the establishment of the first peacekeeping operation in the Yugoslav crisis – UNPROFOR – whose mandate was primarily designed to contain the conflict already underway in Croatia and create conditions for peaceful negotiations between the parties to the conflict. Very quickly, its mandate was expanded to cover the worsening situation in Bosnia (April 1992) and to prevent escalation in Macedonia (November 1992).

On the other hand, the then emerging crisis gave an impetus to international organizations that had previously lacked such tools and instruments to develop them, it seems to us in some instances, *de novo* ¹⁸.

2. Roles of international organizations

Today, it is recognized that these four organizations: the United Nations, the European Union, NATO and the OSCE play a major role in conflict management in general, with conflict management activities positioned within the context of security management. As Wagnsson and Holmberg explain, the process of developing governance mechanisms in the field of conflict management began in the early 1990s and has been remarkable since then. The parallel development of discourse and practice has contributed to the growth of structures for multilateral action in central organizations such as the UN, NATO and the EU ¹⁹.

These actors are still present and particularly active in Bosnia and Herzegovina. Their mission is still being carried out and, arguably, is crucial for the survival of individual states in the region, as well as for regional security and stability.

The organizations in question continue to implement conflict resolution and peacebuilding measures. Accordingly, the Western Balkans region can represent an interesting case study in several areas:

- studying the peace crisis after the Cold War during the period of the dissolution of the SFRY;
- the development and evolution of United Nations peacekeeping operations towards second-generation peacekeeping operations; and
- the effectiveness of the application of instruments for resolving conflicts and building peace.

Violent and bloody internecine conflicts in the Western Balkans, primarily in Bosnia and Herzegovina and Kosovo, have sparked greater interest, both in the

¹⁸Anderson, S. (1995): *EU, NATO and CSCE Responses to the Yugoslav Crisis: Testing Europe's New Security Architecture*. *European Security* 4 (2), p. 328–353.

¹⁹Wagnsson, C. and A. Holmberg (2014): *Conflict Management*. in J. Sperling (ed.), *Handbook of Governance and Security*. Cheltenham: Edward Elgar, p. 324–342.

affected countries and in the entire international community, in mediation as a means of fostering lasting agreements.

The complex security situation, clear evidence of prominent human rights violations indicated from the very beginning, and certainly in the early stages after the breakup of Yugoslavia and what was already called the "Yugoslav crisis" at that time, the need for active action by external actors - primarily international associations and institutions.

It is evident that the involvement of international organizations in the region was not as early as the urgency of the situation would have indicated. Based on an analysis of declassified documents, Power (2002) argues that "no other campaign of atrocities in the twentieth century was better monitored and understood by the US government. American analysts prepared detailed and devastating reports on Serbian objectives and tactics for their superiors ²⁰." Yet the world essentially watched the horrific events unfold. "Despite unprecedented public outrage at foreign brutality, the United States, Europe, and the United Nations stood by for the next three and a half years while some two hundred thousand Bosnians were killed, more than two million displaced, and the territory of a multiethnic European republic was divided into three ethnically pure states ²¹."

The reasons for not acting on behalf of the victims varied from state to state and from organization to organization. This does not mean that the international community did nothing during the relevant time period. In fact, the international community and international organizations eventually became and continue to be deeply involved in trying to prevent, avoid and, as far as possible, reduce violence and conflict in the countries of the former Yugoslavia.

During active armed conflicts, they did so by brokering ceasefires, imposing sanctions and establishing peace agreements. At the very beginning of the crisis, their efforts in conflict prevention were mostly unsuccessful or even non-existent ²². The international community, as ill-prepared, ill-equipped and without political

²⁰Power, S. (2002): *"A Problem from Hell": America in the Age of Genocide*. New York: Basic Books, p. 264.

²¹Power, S. (2002): *"A Problem from Hell": America in the Age of Genocide*. New York: Basic Books, p. 251.

²²Zupančić, R. (2009): *The Theory of Conflict Prevention. What can Kosovo draw out of it?* Thesis of Kosovo, 1/2009, p. 67.

will, always did "too little too late" to prevent the outbreak of violence or to stop the violence ²³.

Regional institutions such as the European Community ²⁴and NATO, and their then existing conflict prevention instruments, were unsuitable for solving the resulting crisis in the Western Balkans because they were focused on the mechanisms of applying peaceful means. The European Union, which then consisted of 12 member states and which at the beginning of the crisis operated under the name of the European Community, together with the United Nations as a mediator, had a significant role as an external actor that set the rules for the international recognition of the new states created by the breakup of the SFRY. However, part of the problem can be found in the fact that the opinions of the EC member states regarding the recognition of the former republics of the SFRY as independent states differed considerably from member to member ²⁵.

Some authors go further, arguing that the inability to develop common positions among EU members contributed to the outbreak of violence in the Western Balkans and limited the ability of the EU, and to a lesser extent other international institutions, to respond appropriately to emerging conflicts ²⁶.

Although some EC initiatives and preventive diplomacy instruments, such as the Badinter Arbitration Commission ²⁷, were successfully implemented to some extent in the early stages of the crisis ²⁸, during the first half of the 1990s neither the EC nor NATO had developed a specific instrument for crisis management, conflict resolution and peacebuilding outside their member states, which we believe the crisis in the Western Balkans particularly required. Although it can be considered a conflict prevention project in itself, it was only in the early 1990s that the EC (EU) took concrete steps to define and establish its security component and build its capacity to become a security provider in terms of both European

²³Marko, J. (2013): *Human Rights and Ethnopolitics*. In K. Cordell and S. Wolff (eds.), Routledge Handbook of Ethnic Conflict. London and New York: Routledge, p. 236–248.

²⁴During the crisis, the institution we know today as the European Union was called the European Community. The European Community was subsumed into the European Union in 1993.

²⁵Griffiths, M. and T. O'Callaghan (2002): *International Relations: Key Concepts*. London and New York: Routledge, p. 266.

²⁶von Brabant, C. (1998): *Analysis and Advocacy on a European Policy on Conflict Prevention: A Viewpoint*. Development in Practice 8 (2), p. 217–220.

²⁷Roth, B. (2015): *Non-consensual dissolution of states in international law: The innovation of the Badinter Commission in retrospect*, Political Thought, vol. 52, no. 1, pp. 48–78.

²⁸Pellet, A. (1992): *The Opinions of the Badinter Arbitration Committee: A Second Breath for the Self-Determination of People*. European Journal of International Law 3 (1), p. 178–185.

and global security. This also applies to its capacity for conflict prevention and peacebuilding.

The mediation at the UN-EU-led conference on Yugoslavia was a complete failure, argues Joseph Marko, pointing to the experience in the wars of the 1990s in Bosnia and Herzegovina and Croatia and the war in Kosovo in the early 2000s.

3. Challenges in conflict resolution

The resolution of international conflicts has become more diverse in terms of the actors involved, the measures applied, the environments in which they have been applied, and the overall shift from a state-centered paradigm to a more human-centered paradigm.

In the first phase of the Yugoslav crisis, between 1991 and 1999, the United Nations, the European Union, NATO and the OSCE used a mix of approaches and instruments to prevent the crisis from escalating into open conflict (meaning conflict prevention measures) or to stop conflicts once they had already occurred (meaning conflict resolution measures).

During this period, the engagement of primarily the UN and the EU, but also NATO and the OSCE in the countries of the region was significant. At that time, arguably, the Western Balkans region was the main focus of international attention and measures to ensure international security.

It is justified to conclude that the Yugoslav crisis and subsequent conflicts actually represented an ideal training ground for the development of capacities and instruments for conflict resolution and peacebuilding, primarily within the framework of the UN, NATO, EU and OSCE.

Although we believe that this postulate applies to the four mentioned organizations equally, it is especially valid for ESDP operations ²⁹and UN peacekeeping missions ³⁰.

Describing the so-called European security architecture as a set of competing and cooperating organizations performing different roles and tasks, Cottey argues that, although there is institutional competition between the EU, NATO and

²⁹Gross, E. (2007): *Civilian and Military Missions in the Western Balkans*. In Emerson, M. and Gross, E. (eds.). *Evaluating the EU's Crisis Missions in the Balkans*. Brussels: Center for European Policy Studies.

³⁰Beswick, D. and P. Jackson (2015): *Conflict, Security and Development – An Introduction*. London and New York: Routledge.

OSCE, there is also an element of division of labor between them: NATO has focused on tasks military security; the EU focused on a broader policy of political and economic engagement with partner countries and other regions; and the OSCE focused on conflict prevention/resolution and democracy and human rights.³¹

The activities of these multiple actors have been interconnected and more or less coordinated in many cases since their initial engagement in the region.

The UN, EU, NATO and OSCE have been the dominant international institutions and organisations in the Western Balkans since the beginning of the conflict and in the subsequent 25+ years.

The Yugoslav crisis and the activities of these international organizations in prevention can be divided into the following phases:

1. the beginning of the breakup of Yugoslavia when the EC, through conflict prevention mechanisms, organised the Peace Conference on Yugoslavia, where the Badinter Commission introduced rules for the recognition of new states; at the same time, the EC introduced a moratorium on the declaration of independence, as well as an arms embargo by the UN³², under the provisions of Chapter VII of the UN Charter³³. This phase falls within the framework of conflict transformation and conflict resolution, i.e. the first two phases in the “hourglass model”, in which difference, contradiction, polarisation and finally violence occur³⁴. In terms of (direct) conflict prevention, it can be argued that these actions had the most basic intention associated with an attempt to suppress the conflict, find a solution that is mutually acceptable to the conflicting parties and prevent the outbreak of violence. However, these measures were unsuccessful and violent conflict broke out – first in Croatia (after a short-lived conflict in Slovenia), and then in Bosnia and Herzegovina and Kosovo;
2. the beginning of the conflict in Croatia and Bosnia and Herzegovina, when the diplomatic capacities of the EU proved insufficient and underdeveloped, opened up space for the UN to introduce its instruments ranging from traditional

³¹Cottey, A. (2014): *Europe* . In J. Sperling (ed.), *Handbook of Governance and Security*, p. 164–187.

³² UN Security Council Resolution 713; SIPRI, 2007, xiii

³³ UN Charter, Chapter VII: Article 41: for another impact of arms embargoes see the SIPRI/Uppsala University report by Fruchart, Holtom, Wezeman, Strandow and Wallenstein

³⁴ Ramsbotham, O., T. Woodhouse and H. Miall (2012): *Contemporary Conflict Resolution – The Prevention, Management and Transformation of Deadly Conflicts* . Cambridge: Polity Press , p. 14.

peacekeeping (UNPROFOR) to conflict prevention (UNPREDEP ³⁵; arms embargo). This is the central part of the "hourglass model", when strategies of war limitation are used to reduce the conflict geographically and in terms of intensity, and to end the conflict ³⁶, and finally,

3. ending direct violence using a mix of mechanisms such as peace enforcement and coercive diplomacy ³⁷ as well as UN peacebuilding ³⁸. This phase encompasses conflict resolution and conflict transformation through a mix of peacekeeping, peacemaking, structural peacebuilding, and cultural peacebuilding. These activities also extend to the next phase after 2000.

The conflict in the Western Balkans region is a clear indicator of the need for coordinated action and the utilization of resources by multiple external actors in order to prevent conflict, or, if that is not possible, to achieve a transition from war to peace.

In the Western Balkans, the parties to the conflict were not ready or able to act independently to find mutually acceptable and sustainable solutions. As some authors suggest, NATO, the OSCE and other European arrangements acted as ambivalent partners in the Western Balkans and elsewhere in Europe in the immediate post-Cold War period, and later acted as substitutes for the problematic peace and security provisions of Chapter VII. UN Charter ³⁹.

This has helped to some extent in defining the future profile and role of the UN, EU, NATO and OSCE in the region, as well as in dividing the tasks of implementing conflict prevention and peacebuilding instruments among them. The organizations in question have developed significant experience and capacities in this matter by carrying out this institutional coordination since the 1990s.

³⁵UNPREDEP in the Republic of Macedonia represented the first preventive deployment of UN peacekeeping forces (Ramcharan, BG (2011): *Preventive Diplomacy at the United Nations*. UN Chronicle XLVII(2). Available at <https://unchronicle.un.org/article/preventive-diplomacy-united-nations>)

³⁶Ramcharan, BG (2011): *Preventive Diplomacy at the United Nations*. UN Chronicle XLVII(2). Available at <https://unchronicle.un.org/article/preventive-diplomacy-united-nations>.

³⁷ NATO's bombing of Bosnian Serb positions in 1995 and its bombing of Yugoslavia in 1999.

³⁸United Nations Transitional Authority In Eastern Slavonia, Baranja And Western Sirmium, lasted from January 1996 to January 1998. More: <https://peacekeeping.un.org/sites/default/files/past/untaes.htm>

³⁹Bennett, AL and JK Oliver (2004): *International Organizations*. Zagreb: Politička kultura.

4. Effectiveness and criticism

In the early 1990s, these organizations were at a turning point in defining the parameters of their future development. In addition to the experiences in Somalia and Rwanda, the failure of traditional peacekeeping in Bosnia ⁴⁰served as a critical reminder of the need for innovation in the UN's tools for maintaining peace and security. This need led to a reconceptualization of the notion of peacekeeping operations, ⁴¹introduced through documents such as the Agenda for Peace ⁴²or the Brahimi Report. Starting in the early 1990s, these conceptual changes were accompanied by changes in the institutional structure aimed at strengthening the UN's capacity for conflict prevention, conflict resolution and peacebuilding.⁴³

Realizing that its capacities were insufficient to act as a security provider, the EU began to define and build its security component as envisaged by the Maastricht Treaty of 1992 and further developed in subsequent treaties ⁴⁴and in the Petersburg Tasks of 1993.

NATO, seeking justification for its existence in the absence of the Soviet threat for which it was founded, has undertaken a transformation from a means of collective defense to a collective security body. In the Western Balkans, so-called "non-Article 5 operations" or "out-of-area operations" have indicated a possible future for the organization. NATO's actions have challenged the primacy of the UN as a provider of legitimacy for collective action.

This is clearly evident from NATO's bombing of Yugoslavia in 1999 in the absence of UN approval or support, at least in the form of a UN Security

⁴⁰Ramsbotham, O., T. Woodhouse and H. Miall (2012): *Contemporary Conflict Resolution – The Prevention, Management and Transformation of Deadly Conflicts* . Cambridge: Polity Press.

⁴¹Bellamy, AJ, Williams, PD and S. Griffin, (2012): *Understanding Peacekeeping* . Cambridge: Polity Press.

⁴²The Agenda for Peace (1992), launched under the leadership of Secretary-General Boutros Boutros-Ghali, was the first post-Cold War conceptual document on conflict prevention and resolution, including peacekeeping, which resulted in clearer definitions of the various forms of action available to the UN in achieving its purpose of maintaining peace and security. In addition to peacekeeping, as just one tool for preventing and resolving conflicts, there are preventive diplomacy, peacemaking and peacebuilding. The significance of Boutros-Ghali's definition is not in its text (...), but in its broader conceptualization, namely the idea that peacekeeping is one of several ways in which third parties can contribute to preventing, resolving or managing violent conflicts and rebuilding communities afterwards.

⁴³Such as Department of Peacekeeping Operations, Department of Political Affairs, Department of Field Support.

⁴⁴Such as contracts from: St. Malo, Amsterdam, Lisbon...

Council resolution ⁴⁵. As a product of détente, the CSCE ⁴⁶was transformed into the OSCE in 1994 when the organization was given permanent structures and procedures. Given its membership, the OSCE was much more difficult to develop stronger conflict prevention and peacebuilding instruments similar to those of NATO and the EU, and had a significantly reduced capacity to implement and enforce these instruments. During the 1990s, the OSCE's capacities began to develop towards the application of early warning mechanisms, monitoring of democratic processes and the implementation of confidence-building measures, which gave the organization a unique and important role, primarily in conflict prevention and post-conflict peacebuilding ⁴⁷.

The solutions implemented in the Western Balkan countries had a feedback effect on the development of the policies of the respective organizations:

- UN - peacekeeping reform;
- NATO - post-Cold War role and crisis management tasks,
- EU - the nature of EU peacebuilding operations and the EU as a security actor, and
- OSCE - non-military operations and peace building.

The experiences of these organizations in the Western Balkans, together with experiences from some other parts of the world, laid the foundation for a more detailed division of tasks between them, and served as a starting point for the re-conceptualization of the notion of sovereignty in light of the emergence of the principle of the “responsibility to protect”.

The long-term presence of international community representatives in the Western Balkans dates back to the beginning of the crisis in the early 1990s and continues today. This signals to some extent the fragility of interethnic relations at both the micro (within the state) and macro (between states) levels.

It is conceivable that the absence of action by international community actors would have serious implications for the sustainability of the implemented political and state structures, especially in Bosnia and Herzegovina and Kosovo.

⁴⁵ Wagnsson, C. and A. Holmberg (2014): *Conflict Management*. in J. Sperling (ed.), *Handbook of Governance and Security*. Cheltenham: Edward Elgar , 324–342.

⁴⁶Conference on Security and Co-operation in Europe (CSCE), predecessor of the OSCE, founded in 1973.

⁴⁷The OSCE's tools cover the entire "conflict cycle" - early warning, conflict prevention and resolution, crisis management and post-conflict rehabilitation, meaning that its activities are designed to act and respond at different stages of conflict situations (through the Centre for Conflict Prevention conflict and field missions).

The EU and the international community continue to maintain the presence of their special representatives in these two countries.

The Office of the High Representative is still active in Bosnia and Herzegovina. This leads us to conclude that the conflict resolution, nominally achieved by the Dayton Agreement in 1995, has not yet led to the transformation of the conflict and the desired degree of stability between the different communities in this country.

5. Conclusion and recommendations

The Western Balkans remains a region where continuous efforts are needed to resolve conflicts and build peace. Stronger coordination between international organizations, greater emphasis on local initiatives and needs, and the development of more inclusive political processes that can enable a more permanent solution to existing problems are recommended. Also, it is necessary to strengthen the economic foundations of the region in order to reduce political instability and enable sustainable development. Therefore, the effectiveness of future efforts requires thoughtful strategies and coherent actions, and we suggest;

- **Stronger coordination of international organizations.** Coordination between international actors often suffers from overlapping initiatives and a lack of clearly defined roles. It is recommended to establish clearer coordination mechanisms, which would enable more efficient resource management, avoid redundancy and conflicts in mandates, and optimize the achievement of specific objectives. The creation of common platforms for planning and information exchange could help identify priority areas and align political and development agendas.
- **Emphasis on local initiatives and needs.** Despite the significant presence of international organizations, local initiatives often feel marginalized. Encouraging local ownership of peacebuilding processes is critical to the sustainability of any solution. This includes strengthening the capacity of local governments, non-governmental organizations and communities in project planning and implementation. Involving local stakeholders in decision-making not only promotes transparency and trust, but also ensures that initiatives respond to real needs and circumstances.
- **Developing more inclusive political processes.** Political processes in the Western Balkans need to be more inclusive to ensure that all segments of society,

including minority and marginalized groups, have a voice in shaping the future of their communities. This includes reforming electoral laws, strengthening the rule of law, and fighting corruption. It is also necessary to ensure that peace agreements and political solutions are based on broad consensus and fairness.

- **Strengthening the economic foundations to reduce political instability.** Economic instability is often a catalyst for political tensions. It is therefore crucial to focus resources on economic development, which includes improving infrastructure, supporting small and medium-sized enterprises, developing education and vocational training, and promoting trade and investment.

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Metode infiltracije organizovanih kriminalnih grupa u legalne tokove novca kroz ulaganja u projekte obnovljivih izvora energije

MA Inda Kreso

Abstrakt

Sektor obnovljivih izvora energije (OIE) je u literaturi označen kao jedan od najprimamljivih sektora za organizovane kriminalne grupe. Razlog tome jeste velika količina finansijskih sredstava koje države odobravaju kako bi podržale energetska tranziciju, potpuni prelazak na obnovljive izvore energije, smanjenje korištenja fosilnih goriva i djelovale pozitivno na smanjenju klimatskih promjena. Zbog velike količine finansijskih sredstava koje se ulažu u ovaj sektor, organizovane kriminalne grupe u njemu vide priliku za pranje novca stečenog ilegalnim aktivnostima i za dodatno stvaranje profita. Cilj ovog rada jeste da se dubinskim sistematskim pregledom dostupne literature istraže načini i metode koje organizovane kriminalne grupe koriste kako bi se infiltrirali u legalne novčane tokove i na taj način oprali novac.

KLJUČNE RIJEČI: *korupcija, kriminal, sektor obnovljivih izvora energije, infiltracija kriminalnih organizacija*

Uvod

Oblast kriminala u sektoru obnovljivih izvora energije je veoma kompleksna oblast jer podrazumijeva interdisciplinarno polje koje zahtjeva kadar specifičnog obrazovanja. Iz ovog razloga kriminal u energetsom sektoru generalno nema jedinstven teorijski okvir niti jedinstven pristup u objašnjavanju. Upravo iz istog razloga, kriminal u sektoru obnovljivih izvora kako u svijetu tako i u Bosni i Hercegovini nije dovoljno prepoznat i istražen kao fenomen. Zbog nedovoljne osviještenosti i edukacije stručnog kadra vrlo često se dešava da krivična djela koja su izvršena u projektima izgradnje elektrana obnovljivih izvora energije i drugim projektima u sektoru obnovljivih izvora energije ne budu nikada otkrivena ili budu otkrivena poslije jako dugo vremena. Navedeno je dijelom i zbog slabe zainteresovanosti naučne zajednice za ovu temu. Sama pojava kriminala u sektoru obnovljivih izvora energije je zapravo samo manifestacija jedne druge pojave, odnosno duboko ukorijenjenog problema sa kojim se država bori. Ono što se vidi iz vana, a to su korupcija, krađe, netransparentni procesi tenederisanja i aukcija, zloupotreba položaja, uništavanje okoliša i ekološki kriminal su pojavni oblici koji mogu da se manifestuju zahvaljavajući nevladavini prava i visokoj korupciji koja se u državama u razviju (ali i u pojedinim ekonomski razvijenim državama) uglavnom ne sankcioniše adekvatno. Loše upravljanje energetsom sektorom može imati veoma loše posljedice po ekonomiju države, te je tema prevencije i predikcija kriminala u sektoru obnovljivih izvora energije u Bosni i Hercegovini veoma složena i kompleksna i podrazumijeva kontinuiran rad državnih organa, nevladinih institucija i akademske zajednice.

Prilikom procesa izgradnje elektrane obnovljivih izvora energije, kriminalne organizacije imaju priliku da operu novac stečen nelagalnim aktivnostima. Ulaganjem u projekat, u građevinski materijal, lažiranjem faktura i napuhavanjem troškova kompletnog procesa izgradnje, kriminalna organizacija

može da opere velike sume novac praktički nesmetano (Caneppele et al., 2013; Checchi & Polo, 2020; Deiana & Geraci, 2021; Riccardi, 2014; Sergi & South, 2016; Sovacool, 2021; Sovacool et al., 2016).

Jedan od primjera u literaturi jeste i energetski sektor Bosne i Hercegovine. BiH je zemlja izuzetno bogata potencijalom obnovljivih izvora energije, a najviše hidroenergetskim potencijalom. Upravo je u hidroenergetskom sektoru zabilježen i najveći broj započetih projekata u Bosni i Hercegovini koji bi vrlo često ostajali nedovršeni, uglavnom zbog nedostatka finansijskih sredstava (Dogmus & Nielsen, 2020). Zbog svoje kompleksnosti, projekti izgradnje elektrana obnovljivih izvora energije mogu često poslužiti kao idealna prilika za organizovane kriminalne grupe koje vide način da investiranjem u obnovljive izvore energije povećaju svoj profit na ilegalan način, kršeći porcedure i pravila, te da operu novac stečen kriminalnim aktivnostima (Caneppele et al., 2013; Checchi & Polo, 2020; Endriana et al., 2023a; Fortelny, n.d.; Riccardi, 2014). Kriminal u sektoru obnovljivih izvora u Bosni i Hercegovini, kao i pravovremena predikcija i prevencija kriminala sektoru obnovljivih izvora u Bosni i Hercegovini gotovo da uopšte nije fokus akademske zajednice. Primijećen je veliki nedostatak naučnoistraživačkih radova na temu prisutnosti i pojavnih oblika kriminala u sektoru obnovljivih izvora energije, pogotovo u odnosu na literaturu koja je prisutna među stranim autorima.

Metodologija

Kako bi se analizirali načini na koji se kriminalne organizacije infiltriraju u legalnu ekonomiju, dubinski sistematskim pregledom literature analizirani su naučni radovi na temu kriminala u sektoru obnovljivih izvora energije. Kriminal u sektoru obnovljivih izvora energije nije bio u velikoj mjeri fokus naučne zajednice, te je isto rezultiralo manjim brojem naučnih radova na ovu temu. Iz toga razloga bilo je potrebno koristiti više različitih baza kako bi se prikupio veći broj radova. Pomoću ključnih riječi pretražene su slijedeće baze: Google Scholar,

Web Of Science i Scopus. Ključne riječi koje su korištene su: korupcija, kriminal, sektor obnovljivih izvora energije, infiltracija kriminalnih organizacija. Navedene pretrage su rezultirala prikupljanjem 34 naučna rada na temu kriminala u sektoru obnovljivih izvora energije.

Rezultati

Stabilnost energetskeg sektora i kontinuirano unapređenje kompletnog energetskeg sektora u skladu sa globalnim razvijanjem društva je jedan od najzahtjevnijih sigurnosnih izazova na globalnom nivou. Konkretno, kada je u pitanju obnovljiva energije, ovaj izazov postaje još kompleksniji. Ideja koja stoji iza stabilnog i kontinuiranog razvoja sektora obnovljivih izvora energije jeste borba protiv klimatskih promjena na globalnom nivou, smanjenje zavisnosti od fosilnih goriva i fokusiranja na razvijanju održivog snabijevanja električnom energijom iz obnovljivih izvora energije (Checchi & Polo, 2020; Deiana & Geraci, 2021; Di Foggia & Beccarello, 2024; Eitan et al., 2019; Hitzeroth & Megerle, 2013; Vakulchuk et al., 2020).

Kompleksnost sektora obnovljivih izvora energije se ogleda u mnogim izazovima koji su tehničke, finansijske, regulatorne, političke, ekološke i društvene prirode, što dodatno usložnjava procese unutar sektora obnovljivih izvora energije. Jedan od osnovnih izazova unutar sektora obnovljivih izvora energije jesu problemi upravljanja investicijama i općenito finansijskim sredstvima koji se slivaju u ovaj sektor. Ulaganja u sektor obnovljivih izvora energije su jako visoka na globalnom nivou, kao i popratna infrastruktura potrebna za integraciju elektrane u trenutnu energetske mrežu. Upravo iz finansijskih razloga, zemlje sa slabije razvijenim ekonomijama ne mogu da prate svjetske trendove prelaska na zelenu energije (Endriana et al., 2023a; Polzin et al., 2019; Qadir et al., 2021; Steffen, 2018). Takve države kasne za trendovima napuštanja dobivanje energije iz fosilnih goriva i prelaskom na dobivanje energije iz obnovljivih izvora.

Zemlje u razvoju pored finansijskih, imaju jedan veoma važan izazov u razvoju sektora obnovljivih izvora energije, a to je regulatorni i politički okvir. Pošto su projekti izgradnje elektrana obnovljivih izvora veoma kompleksni projekti, potrebno je da zakonski okvir koji uređuje proces izgradnje energetske objekata bude kvalitetan i potpun. U velikom broju zemalja u razvoju zakonski okvir koji reguliše sektor obnovljivih izvora energije još nije u potpunosti prilagođen kako bi podržao brzo uvođenje obnovljivih izvora energije. Sa druge strane, politika ima veliku ulogu u projektima izgradnje elektrana obnovljivih izvora energije (Jiang & Martek, 2021; Lawrence et al., 1997; Y. Lu et al., 2020). Ukoliko je evidentan nedostatak podsticaja i jasnih politika koje vode vladajuće strukture, onda takva poslovna atmosfera može odbiti potencijalne investitore i na taj način otežati razvijanje sektora obnovljivih izvora energije.

U takvim društvima, vrlo često se razvija nuspojava, a to je prisustvo kriminala u sektoru obnovljivih izvora energije. Kriminal u projektima izgradnje elektrana obnovljivih izvora energije se ne dešava samo u državama u razvoju, već i u državama se veoma razvijenima ekonomijama kao što je Italija, Španija, Nizozemska i druge. Navedeno govori o tome da je pojava kriminala u sektoru obnovljivih izvora energije sigurnosni problem kojem se treba obratiti pažnja, te intenzivno raditi na razvijanju modela i metoda kako minimalizirati pojavu kriminala u projektima izgradnje elektrana obnovljivih izvora energije, i u kompletnom energetske sektoru uopćeno. Organizovane kriminalne grupe vide idealnu priliku da kroz niz krivičnih djela iskoriste sektor obnovljivih izvora energije za dodatnu zaradu i pranje novca stečenog ilegalnim putem. Upravo zbog intenzivnog ulaganja u sektor obnovljivih izvora energije, organizovane kriminalne grupe mogu nesmetano doći do velikog izvora finansijskih sredstava služeći se uglavnom podmićivanjem državnih službenika i političkih struktura. Kriminalne grupe uglavnom imaju iste ili slične pristupe koji se baziraju na formiranju privatne firme koja se bavi u suštini legalnim poslom izgradnje

elektrana obnovljivih izvora energije, investiranjem u sektor obnovljivih izvora energije ili razvijanjem različitih tehnologija potrebnim za izgradnju elektrane obnovljivih izvora energije (Caneppele et al., 2013; Checchi & Polo, 2020; Deiana & Geraci, 2021; Riccardi, 2014; Sergi & South, 2016; Sovacool, 2021; Sovacool et al., 2016). Firma je u vlasništvu same kriminalne organizacije ili u vlasništvu lica koje je blisko kriminalnom organizaciji. Kako se firma bavi legalnim poslovima, ista konkuriše na tendere koje organizuje država u svrhu odabira potpisnika ugovora za izgradnju elektrane obnovljivih izvora energije. Kriminalne organizacije osiguravaju dobivanje projekta na razne načine, uglavnom podmićivanjem državnih službenika, lažiranjem finansijske dokumentacije i ostalih dozvola potrebnih za izgradnju energetske postrojenja. Sa druge strane, podmićivanjem državnih službenika ne samo da uspiju da dobiju ugovor i budu predstavljeni kao firma koja ispunjava sve uslove, već uspijevaju i da ubrzaju sve ostale birokratske procese, kao što su koncesije, potrebne dozvole za gradnju, ekološke studije, studije izvodivosti i sve ostalo što je potrebno od dokumentacije, a što je propisano zakonom (Caneppele et al., 2013; Checchi & Polo, 2020; Deiana & Geraci, 2021; Riccardi, 2014; Sergi & South, 2016; Sovacool, 2021; Sovacool et al., 2016). Ukoliko firma koja je u vlasništvu kriminalne organizacije dobije podsticaj ili subvenciju od državnog novca imaju čak i novu priliku da dodatno zarade kroz projekat.

Projekti izgradnje elektrana obnovljivih izvora energije u čijim se svim fazama pojavljuje kriminal veoma štete energetskom sektoru, ekonomskom razvoju, okolišu i društvu te države generalno. Projekti u kojima je prisutan kriminal mogu imati nekoliko štetih posljedica. Kao prvo, vrlo se često desi da projekti za gradnju elektrana obnovljivih izvora energije koji su odobreni ne budu finalizirani. Ti projekti budu prekinuti kada više ne bude finansijskih sredstava, koja su vrlo često netransparentno potrošena. Takav je i slučaj u Bosni i Hercegovini i sa izgradnjom hidroelektrana kako navode autori (Dogmus &

Nielsen, 2020). Naime, u Bosni i Hercegovini u određenom periodu odobren je veliki broj projekata izgradnje hidroelektrana, bez samog završetka izgradnje tih hidroelektrana. Sa druge strane, u mnogim projektima koji nisu završeni primijećeno je da su ekološke studije rađene na prijeratnim podacima koji nisu relevantni za trenutnu sliku okoliša (Dogmus & Nielsen, 2020). To dovodi do druge posljedice prisutnosti kriminala u sektoru obnovljivih izvora energije, a to je uništavanje okoliša izgradnjom objekata koji nemaju dozvolu da mogu biti izgrađeni na tom terenu. Navedeno može izazvati fatalne posljedice za stanovništvo koje živi u okolnom području. Dovoljno je samo da se pokrenu klizišta koja mogu odnijeti stotine života. Također, nestabilna poslovna atmosfera može odbiti sve potencijalne investitore u sektor obnovljivih izvora energije kako strane tako i domaće. Na ovaj način se sistematski uništava ne samo sektor obnovljivih izvora energije, već kompletan energetska sektor jedne države. Slijedeća posljedica prisutnosti kriminala u sektoru obnovljivih izvora energije jeste alociranje finansijskih sredstava državnog budžeta za projekte koji služe striktno za pranje novca i kao nova prilika za bogaćenje kriminalnih grupa i državnih struktura koje bivaju podmićene od strane kriminalnih organizacija. Navedeno po svojoj prirodi predstavlja organizovani kriminal (Checchi & Polo, 2020; Gani, 2021; Sovacool, 2021; Sovacool et al., 2016).

No, pojava kriminala u sektoru OIE nije isključivo rezervisana za države u razvoju. Literatura ističe primjer Italije koja je u zadnjih 15 godina doživjela veliki procvat vjetroenergetskog sektora. Naime, (Caneppele et al., 2013; Checchi & Polo, 2020; Deiana & Geraci, 2021; Riccardi, 2014; Scandurra et al., 2024; Sergi & South, 2016) navode u svojim radovima da postoji jasna poveznica između lokacija izgradnje elektrana, te ulaganja državnih investicija u lokacije izgradnje elektrana sa lokacijama prebivališta kriminalnih organizacija. Drugim riječima, u ovim istraživanjima dokazana je direktna povezanost koja se ogledala u tome da su se ciljano gradile elektrane na onim lokacijama koje su pod

kontrolom mafijaških organizacija (Caneppele et al., 2013; Checchi & Polo, 2020; Deiana & Geraci, 2021; Money Laundering from Environmental Crime, 2021; Riccardi, 2014; Sergi & South, 2016). Ova koncentrisanost ulaganja u izgradnju vjetroelektrana u ovoj regiji je izazvala zabrinutost zbog visokog rizika infiltracije talijanskih organizovanih kriminalnih grupa koje su tradicionalno i historijski prisutne u južnoj Italiji (Cosa Nostra na Siciliji, Camorra u Kampaniji, 'Ndrangheta u Kalabriji, Apulian OC u Apuliji). Ova zabrinutost je opravdana, a i statistički brojevi govore o tome. Autori (Caneppele, Riccardi & Standridge, 2013) navode da je 2012. Godine Consiglio Nazionale Economia e Lavoro (CNEL) objavio izvještaj o problemu pristupnosti kriminalnih organizacija u sektoru obnovljivih izvora energije, konkretno u energiji koja se dobija iz vjetra. U izvještaju se navodi da je za obnovljive izvore energije, tačnije za izgradnju i za projekte finansiranja izgradnje vjetroelektrana u južnim regijama Italije uloženo preko 300 milijuna eura. Ovaj iznos je otprilike dva puta viši od ulaganja koje su ostale države poput Španije, Francuske, Poljske, Grčke, Njemačke, Portugala i Velike Britanije uložile. Unatoč velikim novčanim iznosima ulaganja u sektor obnovljivih izvora energije, kapacitet proizvodnje električne energije iz obnovljivih izvora energije na svakih 1000 stanovnika Italije bio je jednak prosjeku kapaciteta Evropske unije (465,5 KW), a opet lošiji od Njemačke (565 KW), Portugala (803 KW), Španije (894,6) i Švedske (1938 KW) (Caneppele, Riccardi & Standridge, 2013). U izvještaju se navodi da je Italija dobila veći iznos novčanih sredstava od Evropske unije za proizvodnju električne energije, a krajnji rezultat proizvodnje električne energije u odnosu na druge države Evropske unije je prosječan ili čak manji. Logično je pitanje da li je zapravo novac otišao u druge svrhe, a ne u jačanje sektora obnovljivih izvora energije. U kombinaciji sa historijskom prisutnošću kriminalnih organizacija u južnim regijama Italije, postavlja se logično pitanje da li su ovim ulaganjima omogućene i povećane kriminalne aktivnosti u legalnim ekonomskim tokovima (Caneppele,

Riccardi & Standridge, 2013). Interesantna je činjenica da u usporedbi sa ostalim regijama Evropske unije, Italija ne pokazuje toliko velik vjetro-potencijal. Na primjer, najvjetrovitija regija, odnosno regija sa najećim vjetro-potencijalom u Italiji zauzima 72. mjesto na EU spisku regija. Uprkos relativno niskom potencijalu vjetra Italija je 2011. godine bila treća Evropska zemlja sa najviše izgrađenih vjetroelektrana. Rezultati studije (Caneppele, Riccardi & Standridge, 2013) potvrđuju da regije sa većom razinom vjetro-potencijala imaju veći rizik od infiltracije kriminalnih organizacija u izgradnju vjetroelektrana. Autori navode da su u skoro svim fazama procesa izgradnje vjetroeletrane zabilježene određene nepravilnosti i malverzacije (Caneppele, Riccardi & Standridge, 2013). Tačnije u fazama pripreme, odobravanja i prikupljanja sredstava, izvođenja radova izgradnje vjetroelektrana i puštanja u rad vjetroelektrana u Italiji zabilježene su nepravilnosti i odstupanja. Također, autori navode slučajeve u kojima su određene oblasti unaprijed odabrane za izgradnju vjetroelektrana (Caneppele, Riccardi & Standridge, 2013), što bi značilo da kriminalne organizacije unaprijed biraju mjesta za koja znaju da mogu dobiti za izgradnju elektrane. U sedam slučajeva su potvrđene prisutnosti mafijaških organizacija (Cosa Nostra, 'Ndrangheta, apulijski OC). Neki od krivičnih slučajeva u Italiji vezani za kriminalne aktivnosti u sektoru obnovljivih izvora energije su navedeni u nastavku. Prvi slučaj koji se u literaturi navodi jeste slučaj Flavio Carboni i Pasquale Lombardi. Ovaj slučaj je idealan primjer kako mafijaške strukture djeluju koristeći državne strukture. Prema (Gennaioli & Tavoni, 2016) Flavio Carboni i bivši italijanski političar Pasquale Lombardi su zajedno djelovali kao članovi kriminalne organizacije, te su uzimali mito od privatnih firmi koje su zauzvrat dobivale dozvole za izgradnju vjetroelektrana na državnim zemljištima. Riječ je o sprezi mafije i politike, odnosno visokih državnih službenika, te upravo ta sprega omogućava veliki uspjeh i procvat kriminalnih aktivnosti u sektoru obnovljivih izvora energije. Navedeno zapravo predstavlja organizovani

kriminal. Drugi primjer je slučaj Angelo Salvatore i Vincenzo Funari. U Italiji 2007. godine na Siciliji su uhapšeni su poznati privrednik Angelo Salvatore i Vincenzo Funari koji se dovodi u vezu sa mafijom. Dokazi protiv njih su pribavljeni prisluškivanjem od strane istražnih organa. Salvatore i Funari su više navrata dogovarali poslove u sektoru obnovljivih izvora energije. Prema sudskim dokumentima poznate kriminalne familije i privrednici bi pronašli zemljište koji je pogodno za izgradnju vjetroelektrana i solarnih elektrana (Gennaioli & Tavoni, 2016). Vršili bi pritisak na vlasnike zemljišnih parcela da im prodaju zemljišta po nižim cijenama ili da dobiju od njih dugoročni zakup. U svrhu ubrzavanja čitavog procesa angažovali su i podmićivali lokalne državne službenike. Nakon dobivanja dozvole za izgradnju na traženom zemljištu, obraćali bi se stranim investitorima koji su željeli dobiti subvencije od talijanske vlade za razvoj elektrana za vjetro-energiju. Treći slučaj u Italiji je slučaj Vito Nicastrì – “Gospodar vjetrova”. Siciljanskom biznismenu Vitu Nicastriju, također poznatom po nadimku “Gospodar vjetrova”, italijanska policija oduzela je imovinu od vrijednosti 1.5 milijardi eura. Italijanska policija u svom saopštenju navodi da je zaplijenjena imovina 43 kompanije čije je polje poslovanja dobivanje energije iz obnovljivih izvora, konkretno u industriji vjetroelektrana i solarnih elektrana. Pored kompanija zaplijenjena imovina je podrazumijevala na stotine luksuznih automobila, vila, dionica, katamarana i zamrznutih bankovnih računa. Ova operacija je vođena protiv Nicastrija, talijanskog biznismena za kojeg se sumnja da je povezan sa šefom mafijaške organizacije Matteom Messinom Denarom (Caneppele et al., 2013; Checchi & Polo, 2020; Deiana & Geraci, 2021; Riccardi, 2014; Sergi & South, 2016). Istražitelji navode da su vjetroelektrane postale u zadnje vrijeme omiljeni alat za pranje novca zarađenog od trgovine drogom, reketiranjem i drugim kriminalnim aktivnostima. Ono što autor ističe kao interesantno jeste da se zapravo rađa nova era mafijaškog djelovanja koji je veoma udaljen od tradicionalnog djelovanja talijanske mafije

(Gennaioli & Tavoni, 2016). Tvrdi da se zapravo događa tranzicija mafije na obnovljive izvore energije koje vide kao neiscrpane finansijske izvore. Također, tvrdi da širom Italije mafijaške organizacije ulažu u obnovljive izvore energije pribavljajući i unovčavajući subvencije Evropske unije i države i na taj način peru novac stečen od trgovine drogom. Dalje se navodi u članku da za relativno mali novac poduzetnici koji su u direktnoj kontroli mafijaških struktura mogu kupiti zemljišta za instaliranje elektrana, solarnih panela, vjetroelektrana ili postrojenja za bioenergiju. Navedeno im omogućava pristup velikim novčanim iznosima državnih subvencija za podsticaj razvoja električne energije iz obnovljivih izvora energije.

Jedan dio literature je fokusiran na istraživanje načina iskorištavanja sektora obnovljivih izvora energije i energetskega sektora uopšte za pranje novca i za krivična djela finansijskog kriminala, te da li su u svjetskoj praksi navedena krivična djela u energetskega sektoru kažnjavana i u kojem obimu (Ashby, 2016; Darsania & Chaladze, 2023; Donastorg et al., 2017; Endriana et al., 2023a, 2023b; Fortelny, n.d.; Money Laundering from Environmental Crime, 2021; Scandurra et al., 2024; Sergi & South, 2016; Sophia, n.d.). Organizovane kriminalne grupe pored toga što sektor obnovljivih izvora vide kao izvor sticanja novih novčanih sredstava, vide ga i kao idealnu priliku za pranje novca koji je stečen ilegalnim aktivnostima. Posredstvom krivičnih djela korupcije, davanja i primanja mita organizovane kriminalne grupe se uspijevaju nametnuti i reangirati kao najbolji ponuđači. Ovdje je već evidentno da postoji i prisustvo korupcije među vladajućim strukturama i političkim figurama što upućuje na znatno složeniji problem u društvu (Gennaioli & Tavoni, 2016; J. Lu et al., 2019; Sovacool, 2021; Williams & Jenkins, 2020).

Literatura također ističe da je najefikasniji način borbe protiv kriminala u energetskega sektoru jačanje zakonske regulative (Cardoni et al., 2020; Low et al., 2010; Öge, 2016; Williams & Jenkins, 2020). To također podrazumijeva i

jačanje sprovođenja iste zakonske regulative. Od velike je važnosti da ukoliko dođe do zloupotrebe zakona isti pojedinci ili grupa bude dosljedno procesuirana i kažnjena u skladu sa zakonom. Na primjer, ukoliko je određeni državni službenik primio mito kako bi određena firma koja ne ispunjava sve uslove dobila ugovor za izgradnju elektarne obnovljivih izvora energije, onda je u ovom slučaju su pitanju krivična djela davanje i primanje mita i vrlo često zloupotreba položaja. Ukoliko je nelegalnom izgradnjom elektarne obnovljivih izvora energije narušen okoliš, onda je u pitanju ekološki kriminal koji se kažnjava u skladu sa krivičnim zakonima. Upravo je navedeno specifičnost kriminala u sektoru obnovljivih izvora energije i razlog zbog koje je ova tema od iznimne važnosti

Zaključak

Kada je u pitanju literatura u oblasti obnovljivih izvora energije Bosne i Hercegovine, može se zaključiti da ista nije mnogobrojna. Studije koje su rađene i analize koje su vršene vezano za sektor obnovljivih izvora energije su uglavnom potaknute i finansiranje od strane međunarodnih organizacija, nevladinih organizacija i vlada drugih država. Kriminalne grupe često primenjuju slične strategije koje se zasnivaju na osnivanju privatnih firmi koje se bave legalnim poslovima u sektoru obnovljivih izvora energije, kao što su izgradnja elektrana, ulaganje u obnovljive izvore ili razvoj tehnologija potrebnih za izgradnju tih postrojenja. Ove firme su ili direktno u vlasništvu kriminalnih organizacija ili su povezane s njima kroz bliske kontakte. Pošto se firma bavi zakonitim aktivnostima, prijavljuje se na tendere koje raspisuje država za izbor izvođača u projektima izgradnje elektrana obnovljivih izvora energije. Podmićivanjem državnih zvaničnika, falsifikovanjem finansijske dokumentacije i drugih potrebnih dozvola za izgradnju energetskih objekata, kriminalne grupe obezbijedju sigurnu pobjedu prilikom prijavljivanja na tendere. Pored toga, podmićivanjem državnih službenika ne samo da osiguravaju ugovore i stiču

dojam firme koja ispunjava sve uslove, već i ubrzavaju birokratske procese, uključujući izdavanje koncesija, dozvola za gradnju, ekoloških studija i svih drugih zakonskih obaveza. Na ovaj način organizovane kriminalne grupe imaju direktan pristup legalnim tokovima novca u koji mogu ubrizgavati vlastiti „prljavi“ novac.

Također, kada je u pitanju literatura o sektoru obnovljivih izvora Bosne i Hercegovine postoji nekoliko radova koji govore konkretno o prisustvu kriminala u Bosni i Hercegovini (Dogmus & Nielsen, 2021, 2020). Autori ukazuju na problem hidroenergetskog sektora Bosne i Hercegovine u kojem se počinju gomilati projekti bez njihove realizacije u stvarnosti. Lokalni nivoi vlasti odobravaju projekte, započinju izgradnju hidroelektrana ali projekti vrlo često ne budu finalizirani. Autori (Dogmus & Nielsen, 2020) su kroz intervju sa lokalnim stanovništvom došli do zaključka da je zapravo u pitanju prisustvo kriminala u hidroenergetskom sektoru Bosne i Hercegovine. Stanovništvo je navodilo slučajeve podmićivanja političkih ličnosti od strane lokalnih biznismena ili davanje drugog oblika dara, kao što je finansiranje političkih kampanja, a za uzvrat dobivali projekte izgradnje hidroelektrana. Autori ističu da Bosna i Hercegovina ima komplikovano političko i državno uređenje, što je opet rezultiralo komplikovanim i dugotrajnim birokratskim procedurama kojima su izloženi svi potencijalni investitori u obnovljivu energiju BiH. Također, evidentno je prisustvo korupcije u svima fazama izgradnje projekta hidroelektrana, te neefikasno upravljanje odobrenim budžetima za izgradnju elektrane.

Kako bi se podigla svijet kako naučne zajednice, tako i društva i kako bi se aktivno djelovalo na prevenciji kriminala, od velike je važnosti potaknuti naučnu zajednicu na doprinos i u ovoj oblasti. Kako se razvija svijest akademske zajednice o ovom problemu, tako se razvija i svijest u društvu uopšte, što opet dovodi do efikasnije borbe protiv kriminala u sektoru obnovljivih izvora energije.

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Methods of infiltration of organized criminal groups into legal money flows through investments in renewable energy projects

MA Inda Kreso

Abstract

The renewable energy sector (RES) has been identified in the literature as one of the most attractive sectors for organized criminal groups. This is due to the large amount of financial resources that governments allocate to support the energy transition, the complete transition to renewable energy sources, the reduction of fossil fuel use and the positive impact on climate change mitigation. Due to the large amount of financial resources invested in this sector, organized crime groups see it as an opportunity to launder money obtained through illegal activities and to generate additional profits. The aim of this paper is to investigate, through an in-depth systematic review of the available literature, the ways and methods that organized crime groups use to infiltrate legal financial flows and thus launder money.

KEY WORDS : *corruption, crime, sector of renewable energy sources, infiltration of criminal organizations*

Introduction

The area of crime in the renewable energy sector is a very complex area because it involves an interdisciplinary field that requires staff with specific education. For this reason, crime in the energy sector generally does not have a single theoretical framework or a single approach to explanation. For the same reason, crime in the renewable energy sector, both in the world and in Bosnia and Herzegovina, is not sufficiently recognized and researched as a phenomenon. Due to insufficient awareness and education of professional staff, it very often happens that criminal acts committed in renewable energy power plant construction projects and other projects in the renewable energy sector are never discovered or are discovered after a very long time. This is partly due to the lack of interest of the scientific community in this topic. The very occurrence of crime in the renewable energy sector is actually just a manifestation of another phenomenon, namely a deep-rooted problem that the state is struggling with. What is visible from the outside, namely corruption, theft, non-transparent tendering and auction processes, abuse of position, environmental destruction and ecological crime, are manifestations that can manifest themselves thanks to the lack of rule of law and high corruption, which in developing countries (but also in some economically developed countries) is generally not sanctioned adequately. Poor management of the energy sector can have very bad consequences for the country's economy, so the topic of crime prevention and prediction in the renewable energy sector in Bosnia and Herzegovina is very complex and involves continuous work by state bodies, non-governmental institutions and the academic community.

During the process of building a renewable energy power plant, criminal organizations have the opportunity to launder money gained through illegal activities. By investing in the project, in construction materials, falsifying invoices and inflating the costs of the entire construction process, a criminal

organization can launder large sums of money practically unhindered (Caneppele et al., 2013; Checchi & Polo, 2020; Deiana & Geraci, 2021; Riccardi, 2014; Sergi & South, 2016; Sovacool, 2021; Sovacool et al., 2016).

One example in the literature is the energy sector of Bosnia and Herzegovina. BiH is a country extremely rich in renewable energy potential, especially hydropower potential. It is in the hydropower sector that the largest number of initiated projects in Bosnia and Herzegovina has been recorded, which would very often remain unfinished, mainly due to a lack of financial resources (Dogmus & Nielsen, 2020). Due to their complexity, renewable energy power plant construction projects can often serve as an ideal opportunity for organized criminal groups that see a way to increase their profits illegally by investing in renewable energy sources, violating procedures and rules, and to launder money obtained through criminal activities (Caneppele et al., 2013; Checchi & Polo, 2020; Endriana et al., 2023a; Fortelny, n.d.; Riccardi, 2014). Crime in the renewable energy sector in Bosnia and Herzegovina, as well as timely prediction and prevention of crime in the renewable energy sector in Bosnia and Herzegovina, is almost not the focus of the academic community at all. A great lack of scientific research papers on the presence and manifestations of crime in the renewable energy sector has been noted, especially in relation to the literature present among foreign authors.

Methodology

In order to analyze the ways in which criminal organizations infiltrate the legal economy, an in-depth systematic literature review was conducted to analyze scientific papers on the topic of crime in the renewable energy sector. Crime in the renewable energy sector has not been a major focus of the scientific community, which has resulted in a smaller number of scientific papers on this topic. For this reason, it was necessary to use several different databases in order to collect a larger number of papers. The following databases were searched using

keywords: Google Scholar, Web Of Science and Scopus. The keywords used were: corruption, crime, renewable energy sector, infiltration of criminal organizations. The above searches resulted in the collection of 34 scientific papers on the topic of crime in the renewable energy sector.

Results

The stability of the energy sector and the continuous improvement of the entire energy sector in line with the global development of society is one of the most demanding security challenges at the global level. Specifically, when it comes to renewable energy, this challenge becomes even more complex. The idea behind the stable and continuous development of the renewable energy sector is to combat climate change at the global level, reduce dependence on fossil fuels and focus on developing a sustainable supply of electricity from renewable energy sources (Checchi & Polo, 2020; Deiana & Geraci, 2021; Di Foggia & Beccarello, 2024; Eitan et al., 2019; Hitzeroth & Megerle, 2013; Vakulchuk et al., 2020).

The complexity of the renewable energy sector is reflected in many challenges that are of a technical, financial, regulatory, political, environmental and social nature, which further complicates the processes within the renewable energy sector. One of the main challenges within the renewable energy sector is the problems of managing investments and generally financial resources flowing into this sector. Investments in the renewable energy sector are very high at the global level, as well as the accompanying infrastructure required for the integration of power plants into the current energy grid. Precisely for financial reasons, countries with less developed economies cannot follow the global trends of transition to green energy (Endriana et al., 2023a; Polzin et al., 2019; Qadir et al., 2021; Steffen, 2018). Such countries lag behind the trends of abandoning energy from fossil fuels and switching to energy from renewable sources.

In addition to financial, developing countries have a very important challenge in the development of the renewable energy sector, which is the regulatory and

political framework. Since renewable energy power plant construction projects are very complex projects, it is necessary that the legal framework governing the process of building energy facilities is high-quality and complete. In a large number of developing countries, the legal framework regulating the renewable energy sector has not yet been fully adapted to support the rapid introduction of renewable energy sources. On the other hand, politics plays a major role in renewable energy power plant construction projects (Jiang & Martek, 2021; Lawrence et al., 1997; Y. Lu et al., 2020). If there is an evident lack of incentives and clear policies led by the governing structures, then such a business atmosphere can repel potential investors and thus make it difficult to develop the renewable energy sector.

In such societies, a side effect often develops, which is the presence of crime in the renewable energy sector. Crime in renewable energy power plant construction projects occurs not only in developing countries, but also in countries with highly developed economies such as Italy, Spain, the Netherlands and others. The above indicates that the occurrence of crime in the renewable energy sector is a security issue that needs to be addressed, and intensive work should be done to develop models and methods to minimize the occurrence of crime in renewable energy power plant construction projects, and in the entire energy sector in general. Organized crime groups see an ideal opportunity to use the renewable energy sector through a series of criminal acts to make additional profits and launder money acquired illegally. It is precisely because of the intensive investment in the renewable energy sector that organized crime groups can easily access a large source of financial resources, mainly by bribing government officials and political structures. Criminal groups generally have the same or similar approaches, which are based on the formation of a private company that is engaged in the essentially legal business of building renewable energy power plants, investing in the renewable energy sector or developing various

technologies needed to build a renewable energy power plant (Caneppele et al., 2013; Checchi & Polo, 2020; Deiana & Geraci, 2021; Riccardi, 2014; Sergi & South, 2016; Sovacool, 2021; Sovacool et al., 2016). The company is owned by the criminal organization itself or by a person close to the criminal organization. Since the company is engaged in legal business, it competes in tenders organized by the state for the purpose of selecting the signatory to the contract for the construction of a renewable energy power plant. Criminal organizations ensure the acquisition of the project in various ways, mainly by bribing government officials, falsifying financial documents and other permits required for the construction of energy facilities. On the other hand, by bribing government officials, they not only manage to obtain the contract and be presented as a company that meets all the requirements, but also manage to speed up all other bureaucratic processes, such as concessions, necessary building permits, environmental studies, feasibility studies and everything else that is required from the documentation, which is prescribed by law (Caneppele et al., 2013; Checchi & Polo, 2020; Deiana & Geraci, 2021; Riccardi, 2014; Sergi & South, 2016; Sovacool, 2021; Sovacool et al., 2016). If a company owned by a criminal organization receives an incentive or subsidy from government money, they even have a new opportunity to earn additional income through the project.

Projects for the construction of renewable energy power plants, in all phases of which crime occurs, are very damaging to the energy sector, economic development, the environment and society of the country in general. Projects in which crime is present can have several harmful consequences. First of all, it very often happens that projects for the construction of renewable energy power plants that have been approved are not finalized. These projects are terminated when there are no more financial resources, which are very often spent in a non-transparent manner. This is also the case in Bosnia and Herzegovina and with the construction of hydroelectric power plants, as the authors state (Dogmus &

Nielsen, 2020). Namely, in Bosnia and Herzegovina, a large number of hydroelectric power plant construction projects were approved in a certain period, without the construction of these hydroelectric power plants being completed. On the other hand, in many projects that have not been completed, it has been noted that environmental studies were carried out on pre-war data that are not relevant to the current environmental situation (Dogmus & Nielsen, 2020). This leads to another consequence of the presence of crime in the renewable energy sector, which is the destruction of the environment by the construction of facilities that do not have a permit to be built on that terrain. The above can cause fatal consequences for the population living in the surrounding area. It is enough to trigger landslides that can take hundreds of lives. Also, an unstable business atmosphere can repel all potential investors in the renewable energy sector, both foreign and domestic. In this way, not only the renewable energy sector, but the entire energy sector of a country is systematically destroyed. Another consequence of the presence of crime in the renewable energy sector is the allocation of state budget funds for projects that serve strictly for money laundering and as a new opportunity for the enrichment of criminal groups and state structures that are bribed by criminal organizations. The above is by its nature organized crime (Checchi & Polo, 2020; Gani, 2021; Sovacool, 2021; Sovacool et al., 2016).

However, the emergence of crime in the RES sector is not exclusively reserved for developing countries. The literature highlights the example of Italy, which has experienced a major boom in the wind energy sector in the last 15 years. Namely, (Caneppele et al., 2013; Checchi & Polo, 2020; Deiana & Geraci, 2021; Riccardi, 2014; Scandurra et al., 2024; Sergi & South, 2016) state in their works that there is a clear link between the locations of power plant construction, and state investments in power plant construction sites, with the locations of residence of criminal organizations. In other words, these studies have proven a direct

connection, which was reflected in the fact that power plants were purposefully built in those locations that are under the control of mafia organizations (Caneppele et al., 2013; Checchi & Polo, 2020; Deiana & Geraci, 2021; Money Laundering from Environmental Crime, 2021; Riccardi, 2014; Sergi & South, 2016). This concentration of investment in the construction of wind farms in this region has raised concerns about the high risk of infiltration by Italian organized crime groups that are traditionally and historically present in southern Italy (Cosa Nostra in Sicily, Camorra in Campania, 'Ndrangheta in Calabria, Apulian OC in Apulia). This concern is justified, and statistical numbers also speak for themselves. The authors (Caneppele, Riccardi & Standridge, 2013) state that in 2012, the Consiglio Nazionale Economia e Lavoro (CNEL) published a report on the problem of the presence of criminal organizations in the renewable energy sector, specifically in wind energy. The report states that over 300 million euros have been invested in renewable energy sources, specifically in the construction and financing of wind farm construction projects in the southern regions of Italy. This amount is approximately twice as high as the investments made by other countries such as Spain, France, Poland, Greece, Germany, Portugal and the United Kingdom. Despite the large amounts of money invested in the renewable energy sector, Italy's renewable electricity production capacity per 1,000 inhabitants was equal to the average capacity of the European Union (465.5 KW), and still worse than Germany (565 KW), Portugal (803 KW), Spain (894.6) and Sweden (1,938 KW) (Caneppele, Riccardi & Standridge, 2013). The report states that Italy received a larger amount of money from the European Union for electricity production, and the final result of electricity production compared to other European Union countries is average or even lower. The logical question is whether the money was actually spent for other purposes, and not on strengthening the renewable energy sector. Combined with the historical presence of criminal organizations in the southern regions of Italy, a logical question arises

whether these investments have also enabled increased criminal activities in legal economic flows (Caneppele, Riccardi & Standridge, 2013). An interesting fact is that compared to other regions of the European Union, Italy does not show such a high wind potential. For example, the windiest region, i.e. the region with the highest wind potential in Italy, ranks 72nd on the EU list of regions. Despite the relatively low wind potential, Italy was the third European country with the most built wind farms in 2011. The results of the study (Caneppele, Riccardi & Standridge, 2013) confirm that regions with a higher level of wind potential have a higher risk of infiltration by criminal organizations into the construction of wind farms. The authors state that certain irregularities and malpractices have been recorded in almost all phases of the wind farm construction process (Caneppele, Riccardi & Standridge, 2013). More precisely, irregularities and deviations have been recorded in the phases of preparation, approval and fundraising, execution of wind farm construction works and commissioning of wind farms in Italy. The authors also mention cases in which certain areas were pre-selected for the construction of wind farms (Caneppele, Riccardi & Standridge, 2013), which would mean that criminal organizations pre-select places that they know they can get for the construction of the power plant. In seven cases, the presence of mafia organizations (Cosa Nostra, 'Ndrangheta, Apulian OC) was confirmed. Some of the criminal cases in Italy related to criminal activities in the renewable energy sector are listed below. The first case cited in the literature is the case of Flavio Carboni and Pasquale Lombardi. This case is an ideal example of how mafia structures operate using state structures. According to (Gennaioli & Tavoni, 2016), Flavio Carboni and former Italian politician Pasquale Lombardi acted together as members of a criminal organization, taking bribes from private companies that in turn received permits to build wind farms on state land. This is a connection between the mafia and politics, or high-ranking civil servants, and it is precisely this connection that enables great success and the flourishing of

criminal activities in the renewable energy sector. This actually represents organized crime. Another example is the case of Angelo Salvatore and Vincenzo Funari. In Italy, in 2007, well-known businessmen Angelo Salvatore and Vincenzo Funari, who are linked to the mafia, were arrested in Sicily. Evidence against them was obtained through wiretapping by investigative authorities. Salvatore and Funari repeatedly arranged deals in the renewable energy sector. According to court documents, well-known crime families and businessmen would find land suitable for the construction of wind farms and solar power plants (Gennaioli & Tavoni, 2016). They would pressure landowners to sell them land at lower prices or to obtain long-term leases from them. In order to speed up the process, they would hire and bribe local civil servants. After obtaining permission to build on the requested land, they would approach foreign investors who wanted to receive subsidies from the Italian government for the development of wind power plants. The third case in Italy is the case of Vito Nicastrì – “Lord of the Winds”. Sicilian businessman Vito Nicastrì, also known by his nickname “Lord of the Winds”, was seized by Italian police with assets worth 1.5 billion euros. Italian police said in a statement that the assets of 43 companies whose business is the production of energy from renewable sources, specifically in the wind and solar power industries, were seized. In addition to the companies, the seized assets included hundreds of luxury cars, villas, shares, catamarans and frozen bank accounts. This operation was conducted against Nicastrì, an Italian businessman suspected of being linked to the head of the mafia organization Matteo Messina Denaro (Caneppele et al., 2013; Checchi & Polo, 2020; Deiana & Geraci, 2021; Riccardi, 2014; Sergi & South, 2016). Investigators state that wind farms have recently become a favorite tool for laundering money earned from drug trafficking, racketeering and other criminal activities. What the author highlights as interesting is that a new era of mafia activity is actually being born that is very far from the traditional activities of the Italian mafia (Gennaioli &

Tavoni, 2016). They claim that the mafia is actually transitioning to renewable energy sources, which they see as inexhaustible financial sources. They also claim that throughout Italy, mafia organizations are investing in renewable energy sources by obtaining and cashing in subsidies from the European Union and the state, and in this way launder money obtained from drug trafficking. The article further states that for relatively little money, entrepreneurs who are in direct control of mafia structures can buy land for the installation of power plants, solar panels, wind farms or bioenergy plants. This allows them access to large amounts of government subsidies to encourage the development of electricity from renewable energy sources.

One part of the literature focuses on researching the ways in which the renewable energy sector and the energy sector in general are exploited for money laundering and financial crime, and whether the aforementioned crimes in the energy sector have been punished in world practice and to what extent (Ashby, 2016; Darsania & Chaladze, 2023; Donastorg et al., 2017; Endriana et al., 2023a, 2023b; Fortelny, n.d.; Money Laundering from Environmental Crime, 2021; Scandurra et al., 2024; Sergi & South, 2016; Sophia, n.d.). Organized crime groups, in addition to seeing the renewable energy sector as a source of new financial resources, also see it as an ideal opportunity to launder money obtained through illegal activities. Through corruption, bribery, and bribery, organized crime groups manage to impose themselves and reposition themselves as the best bidders. It is already evident here that there is also the presence of corruption among governing structures and political figures, which indicates a much more complex problem in society. (Gennaioli & Tavoni, 2016; J. Lu et al., 2019; Sovacool, 2021; Williams & Jenkins, 2020).

The literature also points out that the most effective way to combat crime in the energy sector is to strengthen the legal framework (Cardoni et al., 2020; Low et al., 2010; Öge, 2016; Williams & Jenkins, 2020). This also implies strengthening

the implementation of the same legal framework. It is of great importance that if there is abuse of the law, the same individuals or groups are consistently prosecuted and punished in accordance with the law. For example, if a certain civil servant accepted a bribe so that a certain company that does not meet all the requirements was awarded a contract to build a renewable energy power plant, then in this case the criminal offenses are giving and receiving bribes and very often abuse of position. If the illegal construction of a renewable energy power plant damages the environment, then it is an environmental crime that is punished in accordance with criminal laws. The specificity of crime in the renewable energy sector has been stated precisely and the reason why this topic is of exceptional importance

Conclusion

When it comes to the literature on renewable energy sources in Bosnia and Herzegovina, it can be concluded that it is not numerous. The studies that have been done and the analyses that have been carried out regarding the renewable energy sector have been mainly encouraged and financed by international organizations, non-governmental organizations and governments of other countries. Criminal groups often apply similar strategies based on the establishment of private companies that engage in legal activities in the renewable energy sector, such as the construction of power plants, investment in renewable sources or the development of technologies needed to build these facilities. These companies are either directly owned by criminal organizations or are connected to them through close contacts. Since the company is engaged in legal activities, it applies for tenders announced by the state for the selection of contractors in renewable energy power plant construction projects. By bribing state officials, falsifying financial documents and other necessary permits for the construction of energy facilities, criminal groups ensure a sure victory when

applying for tenders. In addition, bribing government officials not only secures contracts and gives the impression of a company that meets all requirements, but also speeds up bureaucratic processes, including the issuance of concessions, building permits, environmental studies and all other legal obligations. In this way, organized crime groups have direct access to legal money flows into which they can inject their own "dirty" money.

Also, when it comes to the literature on the renewable energy sector in Bosnia and Herzegovina, there are several works that specifically address the presence of crime in Bosnia and Herzegovina. (Dogmus & Nielsen, 2021, 2020). The authors point to the problem of the hydropower sector in Bosnia and Herzegovina, in which projects are starting to pile up without their implementation in reality. Local levels of government approve projects, start the construction of hydroelectric power plants, but the projects are very often not finalized. The authors (Dogmus & Nielsen, 2020) came to the conclusion through interviews with local residents that there is actually a presence of crime in the hydropower sector in Bosnia and Herzegovina. The population cited cases of bribery of political figures by local businessmen or giving other forms of gifts, such as financing political campaigns, and in return receiving hydroelectric power plant construction projects. The authors point out that Bosnia and Herzegovina has a complicated political and state system, which in turn has resulted in complicated and lengthy bureaucratic procedures to which all potential investors in renewable energy in BiH are exposed. Also, the presence of corruption is evident in all phases of the construction of hydroelectric power plants, and inefficient management of approved budgets for the construction of power plants.

In order to raise the profile of both the scientific community and society and to actively work on crime prevention, it is of great importance to encourage the scientific community to contribute in this area as well. As the awareness of the

academic community about this problem develops, so does awareness in society at large, which in turn leads to a more efficient fight against crime in the renewable energy sector.

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MOGUĆNOST FORMIRANJA HRVATSKOG TIMA STRUKTURNIH INŽENJERA UNUTAR EUROPSKOG KAPACITETA ZA ODGOVOR NA HITNE SITUACIJE (EERC)

Stručni članak

Alen Kadić¹

Sažetak

Trendovi pokazuju kako će inženjeri zasigurno nastaviti dobivati na značaju unutar sustava modernih sustava upravljanja u kriznim situacijama. Kada je riječ o fazi odgovora nezaobilazna je međunarodna suradnja, odnosno međunarodna pomoć, u kojoj ne postoji duga i sadržajna povijest sudjelovanja inženjera. Ipak, u posljednje vrijeme se događaju pozitivni pomaci te su započeli pokušaju standardizacije uloge i načina djelovanja timova inženjera, prije svega strukturalnih.

Temelje za formiranje standardiziranih timova strukturalnih inženjera njihovom identifikacijom kao jednim od timova unutar Europskog kapaciteta za odgovor na hitne situacije je postavila i Europska unija kao lider u području standardizacije međunarodne pomoći u kriznim situacijama. Ipak, postizanje brojnosti i standardizacija ovisi o inicijativama pojedinih država koje moraju preuzeti odgovornost i formirati timove strukturalnih inženjera, ali i raditi na usklađivanju strukture i postupanja s timovima drugih država.

Jedna od država koja potencijalno može formirati tim strukturalnih inženjera je i Hrvatska jer ima iskustva s mnogobrojnim i raznovrsnim interventnim inženjerskim aktivnostima nakon potresa u 2020. godini. Problem stvara činjenica kako su spomenute aktivnosti provedene bez sustavne pripreme na kojoj se počelo raditi tek nakon potresa.

Hrvatska je paralelno započela i s procesom formiranja tima strukturalnih inženjera zbog potencijalne potrebe za međunarodnim djelovanjem u bližoj budućnosti, što je dodatno potaknuo i potres u Turskoj početkom 2023. godine, ali i činjenica kako u regiji ne postoje razvijeni slični kapaciteti.

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Ključne riječi: *timovi strukturnih inženjera, upravljanje u kriznim situacijama, inženjerstvo, međunarodna pomoć, Europski kapacitet za odgovor na hitne situacije*

1. UVOD

Sigurnost i sigurnosne znanosti pokrivaju mnoga područja i zahtijevaju sveobuhvatni, ali i multidisciplinarni pristup zbog raznovrsnosti tih područja. Ta činjenica posebno dolazi do izražaja u 21. stoljeću kad se fokus u području sigurnosti počinje sve više odmicati od tradicionalnih shvaćanja i ratnih djelovanja.

Fokus se počinje usmjeravati prema kriznim situacijama, uključujući one koje su rezultat pojave antropogenih ugroza, a posebno one koje su rezultat pojave prirodnih ugroza. Uzrok tome su sve češće i sve štetnije krizne situacije uzrokovane prirodnim ugrozama, a tome doprinose i klimatske promjene čiji će se utjecaj nastaviti i u budućnosti.

Sigurnost će se također u budućnosti nastaviti sve više fokusirati na preventivne aktivnosti i povećanje otpornosti zbog nedvojbenog učinka koji se može postići pravovremenim djelovanjem. Ipak, zbog same srži sigurnosti i okolnosti koje na nju utječu, operativno djelovanje, s naglaskom na fazu odgovora će uvijek zadržati svoju važnost.

Zbog te činjenice se u fazi odgovora nastavljaju pronalaziti načini daljnjeg razvoja i optimalizacije budućih aktivnosti. Jedan od pravaca je i međunarodna suradnja, odnosno pomoć, jer u katastrofama države ne mogu same odgovoriti na kriznu situaciju i potrebna im je pomoć drugih država koje su sposobne i voljne pomoći.

Praksa međunarodne pomoći u odgovoru se mnoštvo puta dokazala kroz povijest, ali su se pojavljivali i problemi vezani uz pružanje međunarodne pomoći, posebno u dijelu koji se odnosi na razumijevanje pomoći i usklađivanje u djelovanju. Iz tog razloga se dokazalo kako je potrebna standardizacija kapaciteta koji su predmet međunarodne pomoći jer je to jedini način za maksimalnu efikasnost (Giles et al., 2019).

2. PREGLED POSTOJEĆEG STANJA

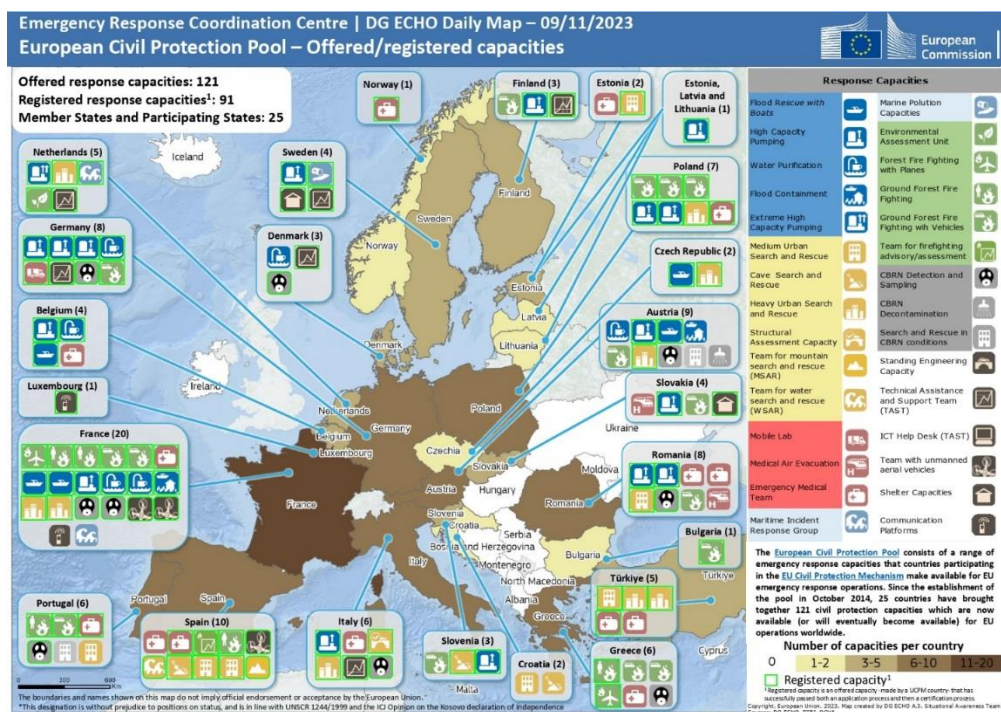
Zbog povećanja fokusa na međunarodnu pomoć i njen razvoj došlo i do sve većeg broja aktivnosti koje su usmjerene upravo prema standardizaciji kapaciteta u međunarodnoj pomoći. Prvenstveno se radi o praktičnim nastojanjima država da stvore kapacitete i procedure za međunarodnu pomoć te da iskoriste svoja, ali i iskustva i znanja drugih država (Łażniewska, 2011). Ipak, potrebno je istaknuti kako je i sve više znanstvenih istraživanja, iako njihov broj i dalje zaostaje u odnosu na broj praktičnih aktivnosti u području prijenos znanja i iskustava vezanih uz međunarodnu suradnju.

Europski kapacitet za odgovor na hitne situacije

Prijenos znanja i iskustava se odvija putem direktnih suradnji, pri čemu se ističu suradnje susjednih država ili država koje se nalaze u sličnim situacijama kada je riječ o rizicima, ali se odvija i putem posredništva međunarodnih organizacija koje su specijalizirane za koordinaciju međunarodne pomoći, pri čemu se može istaknuti Europska unija, odnosno njen mehanizam civilne zaštite (Zwęgliński, 2015).

Uloga Mehanizma civilne zaštite Europske unije nije samo u povezivanju pojedinih država, primarno kroz organizaciju vježbi civilne zaštite i financiranje zajedničkih projekata iz vlastitih fondova, niti koordinacija njihovog međunarodnih djelovanja tijekom kriznih situacija putem Koordinacijskog centra za odgovor na hitne situacije (u nastavku: ERCC). Mehanizam civilne zaštite Europske unije radi i na prepoznavanju potreba za formiranjem i identifikacijom kapaciteta međunarodne pomoći koji se putem ERCC-a mogu aktivirati.

S tom svrhom je stvoren Europski kapacitet za odgovor na hitne situacije (u nastavku: EERC) kao svojevrsni bazen kapaciteta na koji su nominirani od strane država za potencijalnu međunarodnu pomoć, *Slika 1*. Vrste kapaciteta su unaprijed identificirane od strane Mehanizma civilne zaštite i dijele se na module, timove, stručnjake i opremu (DG ECHO, 2015).



Slika 1. Europski kapacitet za odgovor na krizne situacije
<https://reliefweb.int/map/turkiye/european-civil-protection-pool-offeredregistered-capacities-dg-echo-daily-map-09112023>

Ključna je činjenica kako je vrlo veliki naglasak na standardizaciji kapaciteta kako bi se osiguralo njihovo razumijevanje, ali i efikasnost i interoperabilnost u samom operativnom djelovanju. Kako bi se postigla standardizacija Europska unija propisuje vrlo striktne kriterije i vrši certifikaciju svih kapaciteta (1313/2013/EU).

Osim kod razumijevanja pojedinih kapaciteta kod zatraživanja i prihvatanja pomoći tijekom kriznih situacija, striktni kriteriji znatno olakšavaju razumijevanje potrebne forme kapaciteta prilikom procesa njihovog formiranja i nominiranja u EERC, posebno kada je riječ o modulima i timovima.

Ipak, striktnost kriterija se razlikuje u odnosu radi li se o timovima ili modulima (1313/2013/EU). Moduli su prema postupku certifikacije i kriterijima zahtjevniji u odnosu na timove. Moduli i njihovi kriteriji su vrlo striktno definirani zbog svoje važnosti i učestalosti aktivacije za međunarodnu pomoć. Kriteriji i postupak certifikacije za timove su ipak fleksibilnije definirani unutar EERC-a.

Razlog tome je i činjenica kako i sama Europska unija, odnosno ERCC i EERC još uvijek pokušavaju pronaći nove timove i njihove optimalne forme. Upravo su iz tog razloga veće mogućnosti za formiranje timova i prilagođavanje njihovih formi sukladno specifičnim mogućnostima ili sklonostima. To olakšava proces formiranja timova, ali i predstavlja priliku za unaprjeđenjem generalnog standarda za kriterije tih timova u budućnosti.

Timovi strukturnih inženjera u Europskoj uniji

Jedan od timova nedavno prepoznatih u EERC je tim strukturnih inženjera. Upravo su inženjeri jedno od područja koje dobivaju sve više na značaju unutar sustava upravljanja u kriznim situacijama, a posebice kada je riječ o njihovoj potencijalnoj ulozi u fazi odgovora, odnosno provedbi interventnih inženjerskih aktivnosti, a samim time i u području međunarodne pomoći.

Inženjeri mogu doprinijeti u mnoštvu različitih interventnih inženjerskih aktivnosti i ugroza, a strukturni inženjeri se posebnu ističu. Oni mogu najviše doprinijeti u dijelu sustava upravljanja kriznim situacijama koji se odnosi na građevine i njihovo stanje, pri čemu se može istaknuti krizne situacije izazvane potresima (Dolce, 2023).

Uz sve navedeno i sama Europska unija je imala prethodno iskustva s potrebom i slanjem strukturnih inženjera kao međunarodne pomoći tijekom kriznih situacija, i kao dio timova civilne zaštite Europske unije (u nastavku: EUCPT) i kao dio timova specijaliziranih timova za procjene (Goretti, 2017). Najbolji primjer je potres u Albaniji 2019. godine kad je, na zahtjev Albanije, putem ERCC-a, kao dio EUCPT poslano oko 185 strukturnih inženjera iz 18 zemalja

koji su pomogli lokalnim inženjerima u pregledima oštećenja i uporabljivosti građevina, Slika 2 (Macabuag, 2022).



Slika 2. EUCPT nakon potresa u Albaniji

Izvor: <https://th.bing.com/th/id/OIP.z8OkZwpXfpFruXhMT6ReTQHaE8?rs=1&pid=ImgDetMain>

Kako ne bi ovisila o pozivanju strukturalnih inženjera kao pojedinih stručnjaka ili spontano оформljenih i ponuđenih specijaliziranih timova putem ERCC-a, Europska unija je poduzela daljnje mjere i identificirala tim strukturalnih inženjera kao jedan od kapaciteta unutar EERC-a. Na taj način osiguravši lakši pronalazak i organizaciju pri slanju strukturalnih inženjera kao međunarodne pomoći, ali ujedno i osiguravši lakšu implementaciju u timove, aktivnosti i sustav zemlje primateljice pomoći.

Kao što je to ranije spomenuto timovi doprinose razumijevanju i efikasnosti, ali i dalje ne predstavljaju potpunu striktnost u kriterijima kao što je slučaj kod modula. I timovi strukturalnih inženjera su kao kapacitet su još uvijek poprilično fleksibilni, odnosno tek trebaju biti razvijeni i formirani sukladno optimalnim potrebama i mogućnostima, nakon usuglašavanja i dokazivanja forme će početi striktnije definiranje kriterija kako bi se osigurala standardizacija sukladno optimalnoj formi.

U cijelom procesu je inicijativu preuzela Italija što je očekivano jer već duži period imaju sustavno razvijeno sudjelovanje inženjera u sustavu upravljanja u kriznim situacijama (Dolce 2023). Također, već su imali značajna iskustva s uključivanjem inženjera u krizne situacije na svom području, a njihovi inženjeri

su pružali i međunarodnu pomoć, između ostalog i kao dio tima koji je ERCC uputio 2019. godine u Albaniju (Macabuag, 2022).

Uz to, Italija je u proteklim godinama organizirala edukacije inženjera iz za drugih država za provedbu interventnih inženjerskih aktivnosti. Potrebno je istaknuti projekt MultinATIonaL module on Damage Assessment and countermeasures (u nastavku: MATILDA). MATILDA je provedena od 2014. do 2017. godine kao nastavak prethodnog projekta Dr. House koji je bio u nacionalnim okvirima, dok se u MATILDA-i proširio na inženjere iz Slovenije i Hrvatske DG ECHO, 2014).

Upravo zbog svega navedenog je Italija preuzela inicijativu i prva prijavila tim strukturalnih inženjera u EERC, a do danas je to ostao jedini prijavljeni tim strukturalnih inženjera. Problematično je što nema dostupnih informacija o talijanskom timu strukturalnih inženjera i njegovoj strukturi i mogućnostima, već samo postoji informacija o njegovom postojanju i certifikaciji unutar EERC-a.

Nedvojbeno je kako je potrebno još formiranih i certificiranih timova strukturalnih inženjera unutar EERC-a. To se dokazuje što se vidi tijekom mnogi kriznih događaja većih razmjera (i izvan Europske unije), posebno kada je riječ o onima nastalim pojavom potresima, najbolji primjer potres u Turskoj 2023. godine.

Svakako talijanski tim strukturalnih inženjera treba služiti kao referentan prilikom formiranja drugih timova strukturalnih inženjera, posebno ako se misle nominirati za certifikaciju u EERC-u. Ipak, sama forma koju je Italija predložila je fleksibilna i može se prilagoditi mogućnostima drugih država odnosno timova, a moguće je pronaći i unaprjeđenja za sve buduće timove strukturalnih inženjera, što će posebno doći do izražaja povećanjem broja timova i njihovim usklađivanjem i uvježbavanjem, a potencijalno i suradnjom tijekom kriznih događaja.

Pridruživanje inicijativi formiranja timova strukturalnih inženjera i njihovog nominiranja za certifikaciju u EERC od strane drugih država treba se bazirati na državama koje imaju već imaju iskustva i postojeće preduvjete za stvaranje timova strukturalnih inženjera.

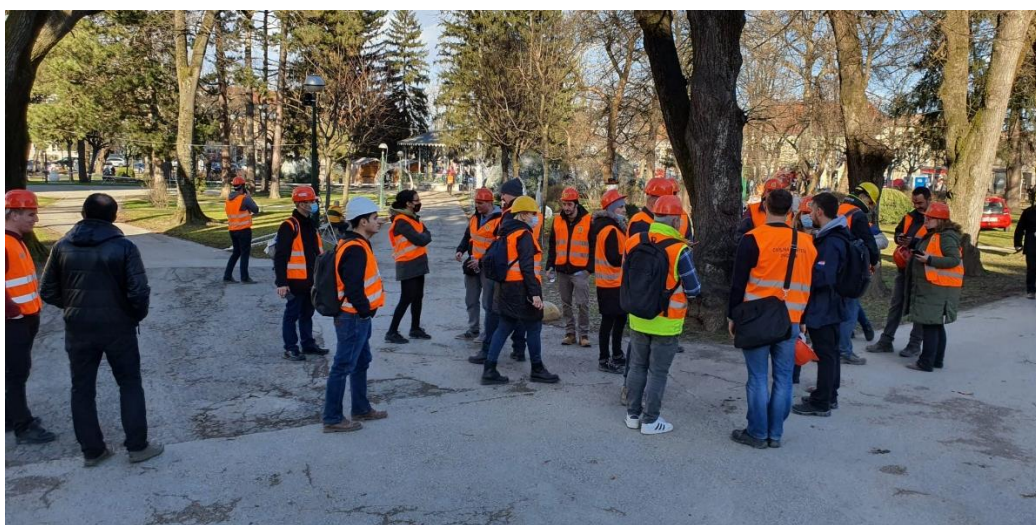
3. POTENCIJAL ZA FORMIRANJE HRVATSKOG TIMA STRUKTURNIH INŽENJERA U HRVATSKOJ

Hrvatska posjeduje iznimna nedavna iskustva s interventnim inženjerskim aktivnostima unutar sustava civilne zaštite. Iskustva su stečena nakon potresa u Hrvatskoj u 2020. godini, točnije u ožujku u Zagrebu, a nakon toga i prosincu i u Petrinji.

Prethodno nije postojao organiziran i pripremljen sustav za uključivanje inženjera u fazu odgovora tijekom kriznih situacija, ali je zbog značajne potrebe je sustav (struktura, procedure, metodologije i dr.), uz značajnu razinu improvizacije, stvoren u vrlo kratkom vremenu pod nazivom Hrvatski centar za potresno inženjerstvo.

Iako Hrvatski centar za potresno inženjerstvo nije formalno postojao kao organizacija, već samo kao neformalna platforma koja je djelovala kao dio Ureda za Hitne situacije Grada Zagreba i kasnije Ravnateljstva civilne zaštite Republike Hrvatske (u nastavku: RCZ), bio je ključan jer je postao centralno tijelo koje je omogućilo uključivanje inženjera, a samim time i provođenje interventnih inženjerskih aktivnosti.

Mnogobrojni inženjeri, kojih je ukupno bilo oko dvije tisuće, su bili organizirani u timove s ciljem izvršavanja pojedinih interventnih inženjerskih aktivnosti, Slika 3. Specijalizacije pojedinih inženjera su bile raznovrsne, a najvažniju ulogu su imali strukturalni inženjeri.



Slika 3. Inženjeri nakon potresa u Petrinji 2020. godine

Izvor: Zbirka HCPI-IS

Razlog je činjenica kako su upravo najvažnije i najopsežnije aktivnosti zahtijevala znanja strukturalnih inženjera, a te aktivnosti obuhvaćaju: preglede oštećenja i uporabljivosti građevina (kritična infrastruktura, zgrade, prometnice), preglede vezane uz hitne procedure (sigurnosni koridori, hitna uklanjanja, hitne mjere tehničke zaštite), sudjelovanje u timovima za spašavanje iz ruševina kao stručna podrška (spašavanje imovine).

Osim navedenih, provodile su se i druge interventne inženjerske aktivnosti koje nisu obuhvaćala strukturalne inženjere a to su prije svega pregledi geotehničkih ugroza i uspostavljanje hitnih građevina/infrastrukture. Važno je istaknuti kako je većina aktivnosti provedena u korištenje modernih tehnologija i alata, prije svega ArcGIS-a što je bilo posebno značajno kod pregleda oštećenja i uporabljivosti građevina.

Obzirom da su potresi dokazali nedvojbenu potrebnu za interventnim inženjerskim aktivnostima, a sve aktivnosti i cijeli izgrađeni sustav su početno bili rezultat improvizacije i djelovanja neformalne platforme, unutar sustava civilne zaštite se javila inicijativa za formalizacijom platforme koja će nastaviti svoje djelovanje i nakon krizne situacije.

Inicijativa je naknadno, krajem 2021. godine rezultirala formiranjem udruge Hrvatski centar za potresno inženjerstvo – Interventna služba (u nastavku: HCPI-IS). HCPI-IS je preuzeo provedbu svih interventnih inženjerskih aktivnosti i započeo je s implementacijom u sustav civilne zaštite Hrvatske.

Implementacija i uspostavljanje redovnog i sustavnog funkcioniranja HCPI-IS stvaraju preduvjete za stratešku i sustavnu organizaciju sudjelovanja inženjera u sustavu civilne zaštite, uključujući i interventne inženjerske aktivnosti. Sustavnom organizacijom bi se postigla mogućnost formiranja nacionalnih čvrsto strukturiranih timova inženjera koji bi se mogli jednostavno aktivirati i koordinirati u budućim kriznim situacijama, postizanjem sustavnosti i smanjenjem improvizacije.

HCPI-IS će nakon formiranje nacionalnih timova inženjera, uz potporu ostatka sustava civilne zaštite u Hrvatskoj, imati preduvjete i za sustavno formiranje timova inženjera za međunarodno djelovanje usklađujući nacionalne timove sa standardima koji su propisani za međunarodno djelovanje. Trenutno se u području inženjerskih timova u međunarodnom djelovanju svakako ističu spomenuti timovi strukturnih inženjera unutar EERC-a.

Osim stvaranja nacionalnih timova inženjera, HCPI-IS i Hrvatska već imaju još jedan preduvjet za stvaranje međunarodnih timova. To je činjenica kako pojedini inženjeri već imaju iskustva s međunarodnim aktivnostima, a posebno tečajevima, misijama i vježbama Europske unije koja je nadležna za certifikaciju unutar EERC-a.

Inženjeri su prolazili tečajeve za tehničke eksperte, te su bili na misijama u Albaniji i Turskoj, ali i na vježbama u Sloveniji i Portugalu. Važno je istaknuti i kako su pojedini inženjeri prošli obuku u Italiji u sklopu spomenutog projekta MATILDA u kojem su inženjeri iz Hrvatske sudjelovali u svim dijelovima obuke (Atalić et al., 2019).

Osim inženjera, Hrvatska posjeduje značajna međunarodnih iskustava u području upravljanja u kriznim situacijama. Osim što je nekoliko puta zatražila međunarodnu pomoć zbog kriznih situacija na svom teritoriju, upravo je ona i upućivala svoje kapacitete putem ERCC-a kao pomoć drugim državama.

Nedavni primjer je MUSAR tim koji je jedini formiran i certificiran kapacitet Hrvatske u EERC-u, a koji je putem ERCC-a upućen i operativno je djelovao nakon potresa u Turskoj 2023. godine. Važno je istaknuti kako MUSAR tim, osim certifikacije u EERC-u, redovno sudjeluje na europskim vježbama.

Iako je samo MUSAR trenutno nominiran, Hrvatska je trenutno u fazi pripreme i nominiranja drugih timova za certifikaciju u EERC koji su također prethodno prolazili europske vježbe, ali su i bili upućeni kao međunarodna pomoć drugim državama u prošlosti, pri čemu se mogu istaknuti gašenje požara korištenjem zrakoplova i spašavanje iz vode korištenjem plovila.

Osim međunarodne pomoći u fazi odgovora na krizne situacije, Hrvatska, a prije svega RCZ kao centralno tijelo nadležno za upravljanje u kriznim situacijama ima značajno iskustvo s procedurama i projektima Europske unije što znatno olakšava sve aktivnosti koje su dio sustava Europske unije, točnije Mehanizma civilne zaštite Europske unije.

Potrebno je istaknuti i kako su RCZ, ali i ostatak sustava civilne zaštite vrlo aktivni i u regiji kroz zajedničke projekte, ali i vježbe i međunarodnu suradnju u kriznim situacijama, Slika 4. Upravo regija može imati najviše koristi od hrvatskog tima strukturalnih inženjera unutar EERC-a, jer će se formirati vrlo organiziran i sposoban tim koji će se moći aktivirati i pomoći vrlo brzo preko ERCC, ali i bilateralno. Također, iz istog razloga regija može imati i koristi od drugih dijelova interventnog inženjersko djelovanja HCPI-IS.



Slika 4. Terenska vježba EU CZ BiH – BANJA LUKA 2021

Izvor: <https://civilna-zastita.gov.hr/userdocsimages//CIVILNA%20ZA%20C5%A0TITA/Vijesti/Terenska%20vje%C5%BEba%20EU%20CZ%20BiH%20naslovna.jpg?width=750&height=500>

HCPI-IS i Hrvatska mogu imati izniman pozitivan utjecaj i na regiju i u vrijeme između kriznih situacija jer svojim razvojem i razvojem spomenutih kapaciteta mogu služiti kao primjer i centar izvrsnosti, odnosno prenositelj znanja u okruženju, kao što je to primjerice bio spomenuti projekt MATILDA za prijenos znanja od strane Italije. To je posebno naglašeno jer je činjenica kako u regiji u većoj mjeri ne postoje razvijeni slični kapaciteti.

Dodatna je prednost je činjenica kako su zemlje u regiji u vrlo sličnom položaju, ne samo zbog geografskih preduvjeta koji se odnose na postojanje i rasprostranjenost pojedinih ugroza i geografskih obilježja, već i na vrlo slične karakteristike građevina, ali i vrlo sličan jezik što je može imati veliki utjecaj kod međunarodne suradnje, posebno u dijelu koji se odnosi na timove strukturalnih inženjera.

4. POČETNI KORACI FORMIRANJA HRVATSKOG TIMA STRUKTURNIH INŽENJERA

U veljači 2023. godine dogodio se snažan potres u Turskoj koji je rezultirao katastrofom i zatražena je međunarodna pomoć, između ostalog i preko EERC-

a. Hrvatska je putem ERCC-a ponudila MUSAR tim koji Turska prihvatila i isti je upućen u Tursku gdje je djelovao nekoliko dana. U sastavu MUSAR tima su kao stručna podrška bila i dva inženjera HCPI-IS.

Tim strukturnih inženjera je za vrijeme boravka MUSAR tima bio ponuđen Turskoj bilateralno od strane Hrvatske, iako nije formalno nominiran u ERCC-u i nije certificiran, ali su RCZ i HCPI-IS nakon analize odlučili kako bi prema iskustvima nakon potresa u Hrvatskoj i trenutno raspoložim kapacitetima isti mogao biti formiran i operativan u slučaju potrebe za međunarodnom pomoći. Turska nije zatražila međunarodnu pomoć tima strukturnih inženjera i isti nije bio upućen u pogođenu zemlju.

Realizirana međunarodna misija MUSAR tima je imala značajan utjecaj na RCZ, ali i cjelokupan sustav civilne zaštite u Hrvatskoj. Prije svega je dodatno u fokus stavila važnost međunarodnog djelovanja koje je bilo blago zanemareno u posljednjih nekoliko godina zbog kriznih situacija na području Hrvatske izazvanih COVID-19 i potresima.

Pod utjecajem međunarodne misije, RCZ je pokrenuo sveobuhvatnu analizu i ažuriranje postojećih kapaciteta za međunarodne misije. Tijekom analize RCZ je prepoznao nekoliko potencijalnih timova koji mogu biti formirani i nominirani za certifikaciju u ERCC, a jedan od njih je i tim strukturnih inženjera.

RCZ je u komunikaciji s HCPI-IS odlučio je kako će se krenuti u pripremu nacрта čvrsto strukturiranog tima strukturnih inženjera koji bi mogao biti certificiran prema kriterijima za standardizaciju prema postojećem vrlo slobodnom i neformalnom timu koji je djelovao nakon potresa u 2020. godini. Odlučeno je kako će u pripremi nacрта nositelj biti upravo HCPI-IS dok će RCZ biti potpora, a u slučaju potrebe uključit će se i drugi dionici sustava.

HCPI-IS je uz pomoć savjeta RCZ i vanjskih konzultanata izradio nekoliko dokumenta koji su dio sveobuhvatnog nacрта i stvoren je planski okvir za formiranje tima. Zaključeno je kako bi HCPI-IS sa svojim stručnjacima mogao pokriti većinu potreba tima, dok će za dio stručnjaka, kao i za materijalna logistička sredstva, morati dobiti potporu RCZ i manjim dijelom drugih dionika sustava.

Ipak, obzirom da se HCPI-IS nalazi na samom početku stvaranja nacionalnog sustava za uključivanje inženjera u sustav civilne zaštite i interventna inženjerska djelovanja, u komunikaciji s RCZ zaključeno je kako trenutno ne može definirati osobe koje bi mogle biti dio stalnog sastava čvrstog strukturiranog tima strukturnih inženjera za međunarodna djelovanja.

Paralelno je na koordinacijskim sastancima svih dionika sustava na temu analize i ažuriranja postojećih kapaciteta za međunarodna djelovanja odlučeno je kako

će se strateški i postepeno postupiti s razine RCZ u planiranju, formiranju i nominiranju timova u EERC-a kako ne bi došlo do preopterećenja RCZ i sustava civilne zaštite u cjelini.

Obzirom na spomenute okolnosti odlučeno je kako tim strukturnih inženjera ne bi trebao biti u prioritetima, ali i kako će HCPI-IS krenuti s poduzimanjem svih potrebnih radnji da za njegovo formiranje. Isto je započeto i preostaje vidjeti kako će se razvijati u budućnosti i kad će se ostvariti svi preduvjeti da tim strukturalnih inženjera bude u potpunosti spreman za formiranje u čvrstu strukturu i normiranje, a naknadno i certificiranje u EERC-a.

5. ZAKLJUČAK

Sve ukazuje kako se u bliskoj budućnosti zasigurno očekuje povećanje važnost inženjera u upravljanju u kriznim situacijama i dokazuje se potreba za formiranjem timova strukturalnih inženjera. Pozitivno je što su pojedine države su već poduzele korake u spomenutim pravcima, ali i što pojedine države prepoznaju važnost i potrebu i počinju poduzimati prve korake.

Od spomenutih država se očekuje da preuzmu inicijativu i u međunarodnim djelovanjima pa samim time i u formiranju timova strukturalnih inženjera koji će biti na raspolaganju za međunarodne aktivnosti, uzimajući u obzir certifikaciju prema jasnim kriterijima kako bi se osigurala standardizacija kapaciteta.

Važno je istaknuti kako uz već identificirane timove strukturalnih inženjera unutar EERC-a postoji prostor, ali i potreba za daljnji razvoj, odnosno identifikaciju i standardiziranje inženjerskih timova. Postoje brojne interventne inženjerske aktivnosti koje mogu biti predmet međunarodne pomoći, a ne odnose se na specifične strukturalne inženjere.

Sa spomenutim interventnim inženjerskim aktivnostima iskustva ima i Hrvatska koja je jedna od država koje su počele poduzimati prve korake prema formiranju i certificiranju tima strukturalnih inženjera. Unatoč iskustvu i HCPI-IS kao središnjoj organizaciji u sustavu za interventna inženjerska djelovanja, proces usporava činjenica kako se u Hrvatskoj tek uspostavlja nacionalni sustav interventnih inženjerskih aktivnosti, ali i kako Hrvatska još uvijek nema dovoljno informacija o postojećem talijanskom timu strukturalnih inženjera prema kojem se treba uskladiti.

Samim time je jasno kako Hrvatska zasigurno ima potencijal za formiranje tima strukturalnih inženjera unutar EERC-a, ali trenutno još uvijek nema mogućnosti za realizaciju potencijala. Ključno je da se spomenuti procesi uspostavljanja nacionalnog sustava interventnih inženjerskih aktivnosti i formiranja tima strukturalnih inženjera za međunarodna djelovanja nastave u Hrvatskoj i u budućnosti jer će njihova korist biti iznimna za sustav upravljanja u kriznim situacijama, ne samo u Hrvatskoj, već i u svim zemljama koje će u budućnosti zaprimiti međunarodnu pomoć.

Poseban naglasak je na regiju koja zasigurno može imati najveću korist od razvoja u Hrvatskoj. Osim u kriznim situacijama, sustavi u državama regije moraju nastojati iskoristiti razvoj u Hrvatskoj i tijekom mirnodopskog razdoblja za prijenos znanja i vlastiti razvoj.

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POSSIBILITY OF FORMING A CROATIAN STRUCTURAL ENGINEERING TEAM INSIDE EUROPEAN EMERGENCY RESPONSE CAPACITY (EERC)

Expert article

*Alen Kadic**

Abstract

Trends show that engineers will certainly continue to gain importance within the system of modern crisis management systems. When it comes to the response phase, international cooperation, or international assistance, is inevitable, in which there is no long and meaningful history of engineering participation. However, positive developments have been taking place recently and attempts have begun to standardize the role and methods of operation of engineering teams, primarily structural ones.

The foundations for the formation of standardized teams of structural engineers by their identification as one of the teams within the European capacity to respond to emergency situations were also laid by the European Union as a leader in the field of standardization of international aid in crisis situations. However, the achievement of numbers and standardization depends on the initiatives of individual countries, which must take responsibility and form teams of structural engineers, but also work on harmonizing the structure and handling with teams from other countries.

One of the countries that can potentially form a team of structural engineers is Croatia, as it has experience with numerous and diverse emergency engineering activities after the earthquake in 2020. The problem is that the aforementioned activities were carried out without systematic preparation, which began only after the earthquake.

In parallel, Croatia also started the process of forming a team of structural engineers due to the potential need for international action in the near future, which was additionally stimulated by the earthquake in Turkey at the beginning

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of 2023, but also by the fact that there are no developed similar capacities in the region.

Keywords : *structural engineering teams, crisis management, engineering, international assistance, European Emergency Response Capacity*

1. INTRODUCTION

Security and security sciences cover many areas and require a comprehensive, yet multidisciplinary approach due to the diversity of these areas. This fact is especially evident in the 21st century, when the focus in the field of security is increasingly moving away from traditional understandings and war activities.

The focus is beginning to be directed towards crisis situations, including those resulting from the occurrence of anthropogenic threats, and especially those resulting from the occurrence of natural threats. The reason for this is the increasingly frequent and increasingly harmful crisis situations caused by natural hazards, and climate change, whose impact will continue in the future, also contributes to this.

Security will also continue to focus increasingly on preventive activities and increasing resilience in the future due to the undeniable impact that can be achieved through timely action. However, due to the very core of security and the circumstances that influence it, operational action, with an emphasis on the response phase, will always remain its importance.

Due to this fact, in the response phase, ways of further development and optimization of future activities continue to be found. One of the directions is international cooperation, or assistance, because in disasters, states cannot respond to the crisis situation alone and need the help of other states that are capable and willing to help.

The practice of international assistance in response has been proven many times throughout history, but problems related to the provision of international assistance have also appeared, especially in the part related to the understanding of assistance and coordination in action. For this reason, it has been proven that the standardization of capacities that are the subject of international aid is necessary, as this is the only way to maximize efficiency (Giles et al., 2019).

2. OVERVIEW OF THE CURRENT SITUATION

Due to the increased focus on international aid and its development, there has been an increasing number of activities aimed precisely at standardizing capacities in international aid. Primarily, these are practical efforts by states to create capacities and procedures for international aid and to use their own, but also the experience and knowledge of other states (Łaźniewska, 2011). However, it should be noted that there is also an increasing number of scientific research, although their number still lags behind the number of practical activities in the area of transfer of knowledge and experience related to international cooperation.

European emergency response capacity

The transfer of knowledge and experience takes place through direct cooperation, with emphasis on cooperation between neighboring countries or countries that are in similar situations when it comes to risks, but it also takes place through the mediation of international organizations that specialize in coordinating international aid, of which the European Union, namely its civil protection mechanism, can be highlighted (Zwęgliński, 2015).

The role of the European Union Civil Protection Mechanism is not only to connect individual countries, primarily through the organization of civil protection exercises and the financing of joint projects from their own funds, nor the coordination of their international activities during crisis situations through the Coordination Center for Response to Emergency Situations (hereinafter: ERCC). The European Union's civil protection mechanism also works to identify the needs for the formation and identification of international aid capacities that can be activated through the ERCC.

For this purpose, the European Emergency Response Capacity (hereinafter: EERC) was created as a kind of pool of capacities to which states are nominated for potential international assistance, *Figure 1*. The types of capacities are identified in advance by the Civil Protection Mechanism and are divided into modules, teams, experts and equipment (DG ECHO, 2015).

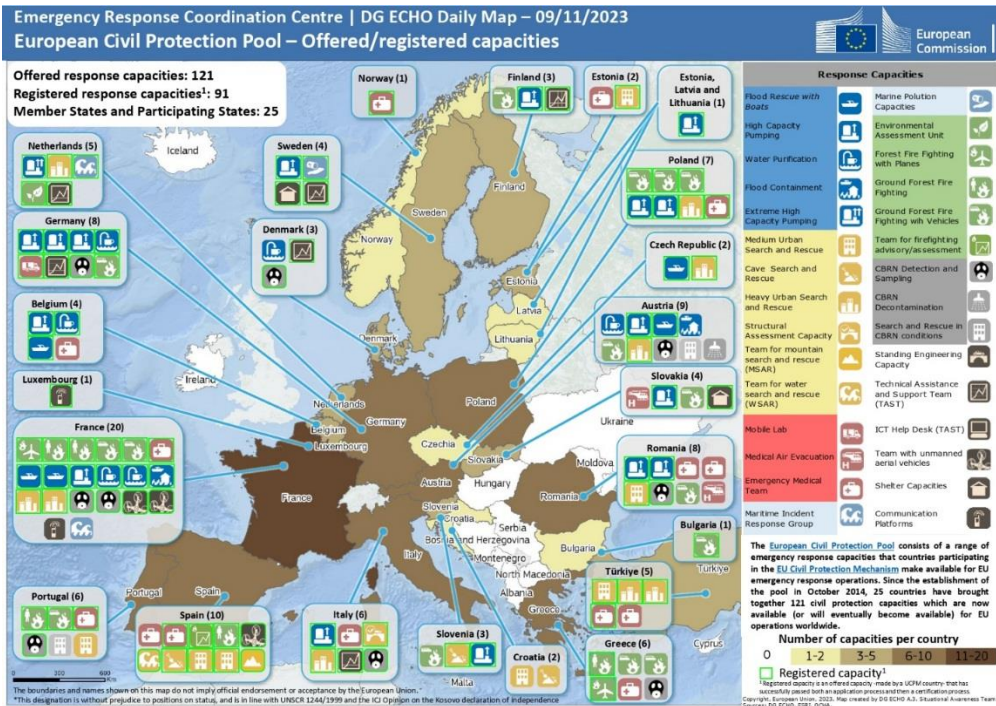


Figure 1 European capacity for crisis response Source: <https://reliefweb.int/map/turkiye/european-civil-protection-pool-offeredregistered-capacities-dg-echo-daily-map-09112023>

The key fact is that there is a very strong emphasis on the standardization of capacities in order to ensure their understanding, but also efficiency and interoperability in the operational activity itself. In order to achieve standardization, the European Union prescribes very strict criteria and certifies all capacities (1313/2013/EU).

In addition to understanding individual capacities when requesting and accepting assistance during crisis situations, strict criteria significantly facilitate understanding the necessary form of capacities during the process of their formation and nomination to the EERC, especially when it comes to modules and teams.

However, the strictness of the criteria differs depending on whether it is about teams or modules (1313/2013/EU). According to the certification process and criteria, modules are more demanding than teams. The modules and their criteria are very strictly defined due to their importance and frequency of activation for international aid. The criteria and certification procedure for teams are however more flexibly defined within the EERC.

The reason for this is the fact that the European Union itself, namely the ERCC and EERC, is still trying to find new teams and their optimal forms. For this

reason, there are greater opportunities to form teams and adapt their forms according to specific capabilities or preferences. This facilitates the process of formation teams, but also represents an opportunity to improve the general standard for the criteria of these teams in the future.

Structural engineering teams in the European Union

One of the teams recently recognized at EERC is the structural engineering team. Engineers are one of the areas that are gaining more and more importance within the management system in crisis situations, especially when it comes to their potential role in the response phase, i.e. the implementation of intervention engineering activities, and therefore also in the field of international aid.

Engineers can contribute to a multitude of different interventional engineering activities and threats, and structural engineers stand out in particular. They can contribute the most in the part of the crisis management system that refers to buildings and their condition, where crisis situations caused by earthquakes can be highlighted (Dolce, 2023).

In addition to all of the above, the European Union itself had previous experience with the need and sending of structural engineers as international aid during crisis situations, both as part of the European Union Civil Protection Teams (hereinafter: EUCPT) and as part of the teams of specialized assessment teams (Goretti, 2017). The best example is the earthquake in Albania in 2019 when, at the request of Albania, through the ERCC, as part of the ECUPT, about 185 structural engineers from 18 countries were sent to assist local engineers in inspecting the damage and serviceability of buildings , Figure 2 (Macabuag, 2022).



Figure 2 EUCPT after the earthquake in Albania

Source: <https://th.bing.com/th/id/OIP.z8OkZwpXfpFruXhMT6ReTQHaE8?rs=1&pid=ImgDetMain>

In order not to depend on the invitation of structural engineers as individual experts or spontaneously formed and offered specialized teams through the ERCC, the European Union took further measures and identified a team of structural engineers as one of the capacities within the EERC. In this way, ensuring easier finding and organization when sending structural engineers as international aid, but at the same time ensuring easier implementation in the teams, activities and system of the country receiving the aid.

As mentioned earlier, teams contribute to understanding and efficiency, but still do not represent complete strictness in the criteria as is the case with modules. Structural engineering teams are also quite flexible as a capacity, that is, they have yet to be developed and formed according to optimal needs and capabilities, after harmonization and proof of form, a more strict definition of criteria will begin in order to ensure standardization according to the optimal form.

Italy took the initiative in the entire process, which was expected, as they have had a long-standing systematic involvement of engineers in the crisis management system (Dolce 2023). They also already had significant experience with involving engineers in crisis situations in their area, and their engineers have also provided international assistance, including as part of the team sent by the ERCC to Albania in 2019 (Macabuag, 2022).

In addition, in the past years, Italy has organized the training of engineers from other countries for the implementation of interventional engineering activities. It is necessary to highlight the project MultinATional module on Damage Assessment and countermeasures (hereinafter: MATILDA). MATILDA was implemented from 2014 to 2017 as a continuation of the previous project Dr. House, which was within the national framework, while in MATILDA it expanded to include engineers from Slovenia and Croatia (DG ECHO, 2014).

Precisely because of all of the above, Italy took the initiative and was the first to register a team of structural engineers in the EERC, and to this day it remains the only registered team of structural engineers. It is problematic that there is no information available about the Italian team of structural engineers and its structure and capabilities, but only information about its existence and certification within the EERC.

There is no doubt that more established and certified teams of structural engineers are needed within the EERC. This is evidenced by what can be seen during many large-scale crisis events (also outside the European Union), especially when it comes to those caused by earthquakes, the best example being the earthquake in Turkey in 2023.

Certainly, the Italian team of structural engineers should serve as a reference when forming other teams of structural engineers, especially if they intend to be nominated for certification in the EERC. However, the form itself proposed by Italy is flexible and can be adapted to the capabilities of other countries or teams, and it is possible to find improvements for all future teams of structural engineers, which will be especially evident by increasing the number of teams and their coordination and training, and potentially also by cooperation during crisis events.

Joining the initiative of forming teams of structural engineers and nominating them for certification in EERC by other countries should be based on countries that already have experience and existing prerequisites for creating teams of structural engineers.

3. POTENTIAL FOR FORMING A CROATIAN TEAM OF STRUCTURAL ENGINEERS IN CROATIA

Croatia has exceptional recent experience with emergency engineering activities within the civil protection system. The experience was gained after the earthquakes in Croatia in 2020, specifically in March in Zagreb, and then in December in Petrinja.

Previously, there was no organized and prepared system for involving engineers in the response phase during crisis situations, but due to a significant need, a system (structure, procedures, methodologies, etc.) , with a significant level of improvisation, was created in a very short time under the name Croatian Center for Earthquake Engineering.

Although the Croatian Earthquake Engineering Center did not formally exist as an organization, but only as an informal platform that operated as part of the Emergency Situations Office of the City of Zagreb and later the Civil Protection Directorate of the Republic of Croatia (hereinafter: RCZ), it was crucial because it became the central body that enabled the involvement of engineers, and thus the implementation of emergency engineering activities.

Numerous engineers, totaling around two thousand, were organized into teams with the aim of carrying out individual intervention engineering activities, Figure 3. The specializations of individual engineers were diverse, and the most important role was played by structural engineers.

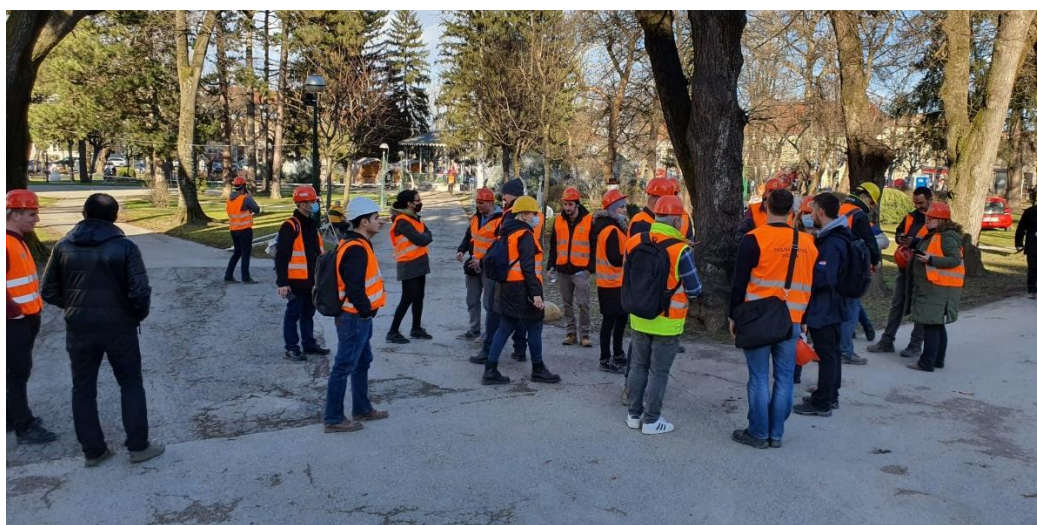


Figure 3 Engineers after the 2020 Petrinja earthquake

Source: HCPI-IS Collection

The reason is that the most important and extensive activities required the knowledge of structural engineers, and these activities include: inspections of damage and usability of structures (critical infrastructure, buildings, roads), inspections related to emergency procedures (safety corridors, emergency removals, emergency technical protection measures), participation in rubble rescue teams as professional support (asset rescue).

In addition to the above, other interventional engineering activities were carried out that did not include structural engineers, namely inspections of geotechnical hazards and the establishment of emergency buildings/infrastructure. It is important to point out that most of the activities were carried out using modern technologies and tools, above all ArcGIS, which was especially important when inspecting the damage and usability of buildings.

Given that the earthquakes have proven the undoubted need for emergency engineering activities, and all activities and the entire built system were initially the result of improvisation and the operation of an informal platform, an initiative has emerged within the civil protection system to formalize a platform that will continue its operations after the crisis.

The initiative subsequently, at the end of 2021, resulted in the formation of the association Croatian Center for Earthquake Engineering - Intervention Service (hereinafter: HCPI-IS). HCPI-IS took over the implementation of all interventional engineering activities and started implementing them into the Croatian civil protection system.

The implementation and establishment of regular and systematic functioning of the HCPI-IS create the prerequisites for the strategic and systematic organization of the participation of engineers in the civil protection system, including intervention engineering activities. A systematic organization would enable the formation of national, tightly structured teams of engineers that could be easily activated and coordinated in future crisis situations, achieving systematicity and reducing improvisation.

After the formation of national teams of engineers, HCPI-IS, with the support of the rest of the civil protection system in Croatia, will have the prerequisites for the systematic formation of teams of engineers for international operations, harmonizing national teams with the standards prescribed for international operations. Currently, in the field of engineering teams in international operations, the aforementioned teams of structural engineers within the EERC certainly stand out.

In addition to creating national teams of engineers, HCPI-IS and Croatia already have another prerequisite for creating international teams. This is the fact that individual engineers already have experience with international activities, especially courses, missions and exercises of the European Union, which is responsible for certification within the EERC.

The engineers underwent technical expert training courses, and participated in missions in Albania and Turkey, as well as exercises in Slovenia and Portugal. It is also important to note that some engineers underwent training in Italy as part

of the aforementioned MATILDA project, in which Croatian engineers participated in all parts of the training (Atalić et al., 2019).

In addition to engineers, Croatia has significant international experience in the field of crisis management. In addition to having requested international assistance several times due to crises on its territory, it has also deployed its capacities through the ERCC to assist other countries.

A recent example is the MUSAR team, which is the only formed and certified Croatian capacity in the EERC, and which was deployed through the ERCC and operated operationally after the earthquake in Turkey in 2023. It is important to point out that the MUSAR team, in addition to certification in the EERC, regularly participates in European exercises.

Although only MUSAR is currently nominated, Croatia is currently in the process of preparing and nominating other teams for certification in the EERC that have also previously undergone European exercises, but have also been sent as international assistance to other countries in the past, including firefighting using aircraft and water rescue using vessels.

In addition to international assistance in the crisis response phase, Croatia, and above all the RCZ as the central body responsible for crisis management, has significant experience with European Union procedures and projects, which significantly facilitates all activities that are part of the European Union system, specifically the European Union Civil Protection Mechanism.

It is also necessary to emphasize that the RCZ, as well as the rest of the civil protection system, are very active in the region through joint projects, as well as exercises and international cooperation in crisis situations, Figure 4. It is precisely the region that can benefit the most from the Croatian team of structural engineers within the EERC, because a very organized and capable team will be formed that will be able to activate and assist very quickly through the ERCC, but also bilaterally. Also, for the same reason, the region can also benefit from other parts of the HCPI-IS emergency engineering activities.



Figure 4 EU CZ BiH Field Exercise – BANJA LUKA 2021

Source: <https://civilna-zastita.gov.hr/userdocsimages//CIVILNA%20ZA%C5%A0TITA/Vijesti/Terenska%20vje%C5%BEba%20EU%20CZ%20BiH%20naslovna.jpg?width=750&height=500>

HCPI-IS and Croatia can have an exceptionally positive impact on the region even in the time between crises because with their development and the development of the aforementioned capacities they can serve as an example and a center of excellence, or a knowledge transferor in the region, as was the case, for example, with the aforementioned MATILDA project for knowledge transfer by Italy. This is especially emphasized because the fact is that similar capacities are largely not developed in the region.

An additional advantage is the fact that the countries in the region are in a very similar position, not only due to geographical prerequisites related to the existence and spread of certain threats and geographical features, but also to very similar characteristics of buildings, but also a very similar language, which can have a great influence in international cooperation, especially in the part that refers to teams of structural engineers.

4. INITIAL STEPS IN FORMING A CROATIAN TEAM OF STRUCTURAL ENGINEERS

In February 2023, a powerful earthquake occurred in Turkey, resulting in a disaster, and international assistance was requested, including through the EERC. Croatia offered a MUSAR team through the ERCC, which Turkey accepted and was sent to Turkey, where it operated for several days. The MUSAR team also included two HCPI-IS engineers as professional support.

During the stay of the MUSAR team, a team of structural engineers was offered to Turkey bilaterally by Croatia, although it was not formally nominated in the ERCC and was not certified, but RCZ and HCPI-IS decided after analysis that according to the experiences after the earthquake in Croatia and the currently available capacities, it could be formed and operational in case of need for international assistance. Turkey did not request international assistance from a team of structural engineers and it was not dispatched to the affected country.

The implemented international mission of the MUSAR team had a significant impact on the RCZ, but also on the entire civil protection system in Croatia. First of all, it further focused on the importance of international action, which had been slightly neglected in the last few years due to the crisis situations in Croatia caused by COVID-19 and earthquakes.

Under the influence of the international mission, RCZ initiated a comprehensive analysis and update of existing capacities for international missions. During the analysis, RCZ identified several potential teams that could be formed and nominated for certification in the ERCC, one of which is a team of structural engineers.

RCZ, in communication with HCPI-IS, decided to start preparing a draft of a tightly structured team of structural engineers that could be certified according to the criteria for standardization according to the existing very loose and informal team that operated after the earthquake in 2020. It was decided that HCPI-IS would be the lead in preparing the draft, while RCZ would provide support, and if necessary, other stakeholders in the system would be involved.

HCPI-IS, with the help of advice from RCZ and external consultants, has developed several documents that are part of the comprehensive draft and a planning framework for the formation of the team has been created. It was concluded that HCPI-IS with its experts could cover most of the needs of the team, while for some of the experts, as well as for material logistical resources, it will have to receive support from RCZ and a smaller number of other stakeholders of the system.

However, given that HCPI-IS is at the very beginning of creating a national system for including engineers in the civil protection system and emergency engineering activities, in communication with RCZ it was concluded that it cannot currently define persons who could be part of the permanent composition of a solid structured team of structural engineers for international activities.

In parallel, at coordination meetings of all system stakeholders on the topic of analyzing and updating existing capacities for international operations, it was decided that the RCZ level would proceed strategically and gradually in planning, forming and nominating teams in the EERC in order to avoid overloading the RCZ and the civil protection system as a whole.

Considering the mentioned circumstances, it was decided that the team of structural engineers should not be in the priorities, but also that HCPI-IS will start taking all the necessary actions for its formation. The same has been started and it remains to be seen how it will develop in the future and when all the prerequisites will be met for the team of structural engineers to be fully ready for formation in a solid structure and standardization, and subsequent certification in the EERC.

5. CONCLUSION

Everything indicates that in the near future the importance of engineers in managing crisis situations is certainly expected to increase and the need to form teams of structural engineers is proven. It is positive that some countries have already taken steps in the mentioned directions, but also that some countries recognize the importance and need and are starting to take the first steps.

The mentioned countries are expected to take the initiative in international activities and therefore also in the formation of teams of structural engineers that will be available for international activities, taking into account certification according to clear criteria to ensure the standardization of capacities.

It is important to point out that in addition to the already identified teams of structural engineers within the EERC, there is room, but also the need for further development, that is, the identification and standardization of engineering teams. There are numerous interventional engineering activities that can be the subject of international assistance, which do not refer to specific structural engineers.

Croatia also has experience with the aforementioned emergency engineering activities, and is one of the countries that has begun to take the first steps towards forming and certifying a team of structural engineers. Despite the experience and the HCPI-IS as the central organization in the emergency engineering system, the process is slowed down by the fact that a national system of emergency engineering activities is only just being established in Croatia, and that Croatia still does not have enough information about the existing Italian team of structural engineers to which it needs to be aligned.

It is therefore clear that Croatia certainly has the potential to form a team of structural engineers within the EERC, but currently there is still no possibility to realize the potential. It is crucial that the aforementioned processes of establishing a national system of intervention engineering activities and forming a team of structural engineers for international operations continue in Croatia in the future, as their benefit will be exceptional for the crisis management system, not only in Croatia, but also in all countries that will receive international assistance in the future.

Special emphasis is placed on the region, which can certainly benefit the most from developments in Croatia. Apart from crisis situations, systems in the countries of the region must strive to use developments in Croatia even during peacetime for knowledge transfer and their own development.

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PRAVNI I EVOLUTIVNI ASPEKTI OGRANIČENJA I ZABRANA RATOVANJA

Doc. dr Željko Petrović¹

Sažetak

Međunarodno humanitarno pravo ima za cilj da ograniči destruktivne efekte oružanih sukoba. Ovaj rad ukazaće na određene načine ratovanja koji su zabranjeni i ograničeni po međunarodnom humanitarnom pravu ili bi trebali biti odnosno na razvoj njihovih zabrana i ograničenja. Problem ovog rada jesu ograničenja i zabrane načina ratovanja po međunarodnom humanitarnom pravu, odnosno njihovi pravni i evolutivni aspekti. Međunarodno humanitarno pravo ima za cilj da ograniči destruktivne efekte oružanih sukoba, da se patnje i razaranja svedu na samo neophodnu mjeru. Posmatrano kroz istoriju već prva pravila ove grane prava bavila su se pitanjem dozvoljenosti odnosno nedozvoljenosti načina ratovanja, dok je vremenom to pitanje bilo sve aktuelnije zbog sve većih destruktivnih efekata ratovanja i nepotrebnih razaranja u oružanim sukobima. Predmet istraživanja obuhvata prvenstveno period od Haških konvencija usvojenih 1907. godine kao jednih od prvih ugovornih zabrana iz međunarodnog humanitarnog prava, pa sve do stanja u međunarodnom humanitarnom pravu danas.

Ključne riječi: Rat, konvencije, način ratovanja, istorija, ratno pravo, sukobi.

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UVOD

Međunarodno humanitarno pravo uređuje odnose između država u toku trajanja oružanog sukoba, prije svega kako bi se zaštitili civili, ratni zarobljenici, ranjenici, ali i sva druga lica u cilju humanizovanja ovih odnosa koliko je to moguće, jer rat sam po sebi predstavlja zlo i negaciju svega humanog.

Takođe cilj je da se zaštite i određeni objekti od destruktivnih efekata oružanih sukoba, tako da se uvode određene zabrane i ograničenja sredstava i načina ratovanja. Prije svega te zabrane i ograničenja zasnivaju se na Ženevskim i Haškim konvencijama, sudskoj praksi i međunarodnom običajnom pravu, ali i na nizu drugi međunarodnih konvencija koje su države zaključile. Te zabrane i ograničenja su tekovina savremene međunarodne zajednice i stvaranja svijesti da oružani sukobi ugrožavaju cijelo čovječanstvo.

Ograničenja i zabrane u oružanim sukobima postojala su još u antičkim vremenima, dok međunarodno humanitarno dobija karakter kakav danas ima u 19. vijeku. Osnova ovih pravila jeste pokušaj stvaranja ravnoteže između ratnih nastojanja i načela humanosti. Prvi i Drugi svjetski rat pokazali su koliko oružani sukobi mogu biti destruktivni, a tome je posebno doprinjeo kasniji pronalazak nuklearnog i termonuklearnog oružja i njegovo usavršavanje do neslučenih razmjera u toku Hladnog rata. Tako su države zaključivale određene međunarodne sporazume kojima su se uvodila izvjesna ograničenja i zabrane u pogledu sredstava i načina ratovanja uz mogućnost preduzimanja određenih sankcija prema onim koji ih ne poštuju. Rat i dalje postoji i države mu pribjegavaju kada drugim sredstvima ne mogu da ostvare određene ciljeve, dok se međunarodnim humanitarnim pravom pokušavaju ublažiti patnje koje on proizvodi, te zaštititi prije svega određeni krug lica u čemu posebnu ulogu imaju pravila koja se odnose kako na sredstva ratovanja tako i načine ratovanja.

U radu će se ukazati na posljedice primjene određenih načina ratovanja koji su zabranjeni ili ograničeni ili bi trebali biti po međunarodnom humanitarnom pravu imajući u vidu strahovita stradanja koja ona prouzrokuju, kao i trenutno stanje u međunarodnom pravu u pogledu njihove zabrane i ograničenja.

Rad treba da doprinese razvoju međunarodnog humanitarnog prava, ukazujući na potrebe humanizacije, koliko je ona moguća kod same primjene načina ratovanja. Treba da se ograniči dozvoljeno od zabranjenog i ukaže potreba boljeg poznavanja ove oblasti međunarodnog humanitarnog prava, kao i da se doprinese njegovom razvoju.

OGRANIČENJA I ZABRANE NAČINA RATOVANJA

Kroz čitavu istoriju ljudske civilizacije države su nastojale da usavrše takve načine ratovanja kojima bi u oružanim sukobima ostvarile sto lakšu pobjedu nad neprijateljem. Države su pribjegavale upotrebi raznih načina ratovanja koji su često bili zasnovani na ideji cilj opravdava sredstvo. U tom pravcu korišteni su razni načini ratovanja koji su imali cilj nanošenje što većih gubitaka neprijatelju. Oni su često bili nehumani i kao takvi još kod starih naroda bili su osuđivani i zabranjivani.

Sa razvojem nauke, tehnologije i samim razvojem cjelokupnog ljudskog društva, došlo je do otkrića novih oružja koja su imala strahovitu destruktivnu moć i predstavljala opasnost ne samo po pripadnike neprijateljskih oružanih snaga već i cijelu okolinu, a danas njegovim usavršavanjem i cijelo čovečanstvo. Primjetilo se da određena sredstva ratovanja nanose nepotrebne patnje što je bilo protivno zakonima humanosti. Takođe, vremenom ratovi su gubili dozu viteškog koja je često i pored svega bila protkana kroz međusobne oružane sukobe država (Tofler, 1998).

Međutim, ograničenja i zabrane koja su činjena u ovom pravcu nastajala su jako sporo, zbog nespremnosti država da se odreknu ratne tehnike koju su usavršile i koja predstavlja značajan činilac za pobjedu u oružanom sukobu. Vremenom su uvedene zabrane i ograničenja i taj proces je i danas u toku. 20. vijek predstavlja vijek u kome su otkrivena i usavršena strahovita oružja koja su u stanju uništiti čitavo čovječanstvo. Uporedo s tim činjeni su strahoviti zločini nad civilnim stanovništvom i došlo je do sukoba neviđenih razmera u kojima niko nije bio pošteđen.

Rat karakteriše izbijanje na površinu najprimitivnijeg i najgrubljeg nasilja. Kada države ne mogu ili neće da nesuglasice i razlike riješe putem mirne diskusije, progovara oružje. Rat neminovno ima za posljedicu neizmjernu patnju i stradanje ljudi, te ogromne štete na objektima. Rat je po definiciji zlo, kao što je i Nirnberški sud postavio u svojoj osudi najvećih ratnih zločinaca Drugog svjetskog rata. Niko ni danas ne može opravdati rat i sve patnje koje nanosi, kao cilj samom sebi. Ipak, države nastavljaju da vode ratove i često krše osnovna pravila međunarodnog humanitarnog prava, ne birajući ni način ni sredstvo da postignu vojni uspeh. Takvo postupanje je neprihvatljivo i osuđeno od strane međunarodne zajednice. Kao što je Žan Žak Ruso sumirajući osnovne principe na kojima počiva međunarodno humanitarno pravo istakao, da svrha ratničkog napada nikad ne smije biti fizičko uništenje neprijatelja i da je rat odnos između država, a ne čovjeka i čovjeka i da su pojedinci u njemu neprijatelji samo slučajno (Ruso, 1949).

Rat predstavlja karakteristiku i pratilac je savremene međunarodne zajednice, tako da je potrebno bar ga donekle humanizovati, ako je to uopšte moguće.

Tačnije, potrebno je ograničiti sukobljene strane u pogledu izbora sredstava i načina ratovanja, što treba da bude opšte prihvaćeno u eventualnim oružanim sukobima.

Ipak, istorija je pokazatelj da u starim vremenima gdje god su izbijali sukobi između država, plemena, klanova, ti sukobi nisu imali rezultat borbu do kraja, uništenja, nego se pojavljuju pravila, koja su često i nesvjesna, sa svrhom ograničavanja posljedica nasilja. Takva pravila preteče današnjeg međunarodnog prava mogu se naći u svim kulturama.

Samo međunarodno humanitarno pravo ima za cilj da ograniči destruktivne efekte oružanih sukoba. Postoji stalno nastojanje da se patnje i razaranja svedu na samo neophodnu mjeru. Već prva ugovorna pravila međunarodnog humanitarnog prava bavila su se pitanjem dozvoljenosti odnosno nedozvoljenosti načina ratovanja. U međunarodnoj zajednici postoji stalna težnja da se odnosi u ratu donekle humanizuju, da primjenjeni načini ratovanja što manje nanesu patnju i izbjegnu se nečovječna postupanja. Danas je naročito aktuelan ovaj problem zbog sve većih destruktivnih efekata sredstava ratovanja i nanošenja nepotrebnih razaranja u oružanim sukobima. Kroz cjelokupan proces uvođenja ograničenja i zabrana načina ratovanja nastojao se naći nužan kompromis između vojne potrebe i zahtjeva humanosti. Postoji potreba da se ustanove granice dozvoljenog od nedozvoljenog po međunarodnom humanitarnom pravu, kao i da se utvrdi domašaj zabrana i ograničenja načina ratovanja i njihovo poštovanje u praksi. Treba da se utvrde i sami ciljevi zabrana i ograničenja načina ratovanja i njihov domašaj u budućnosti. Pod načinima ratovanja podrazumjevaju se postupci i metode koje sukobljene strane koriste u vođenju oružanog sukoba. Pod međunarodnim humanitarnim pravom podrazumjeva se dio međunarodnog javnog prava koji uređuje odnose između država u oružanom sukobu i povodom oružanog sukoba. Ono je kompromis između vojne potrebe i zahtjeva humanosti koji ne spriječava vojničku pobjedu već zahteva da se ne nanose suvišne patnje i razaranja.

Međunarodno humanitarno pravo predstavlja dio međunarodnog javnog prava i kao takvo obuhvata skup pravnih pravila kojim se uređuju odnosi, odnosa prava i obaveze zaraćenih strana, kao i odnosi između njih i neutralnih strana u toku rata.

Posljednjih decenija učinjeni su veliki naponi u međunarodnoj zajednici u pogledu ograničenja i zabrana načina ratovanja. Postoji tendencija u međunarodnom humanitarnom pravu sve većih ograničenja i zabrana sa jedne strane i sa druge strane sve grubljih kršenja istih na međunarodnom planu. Treba da se ograniči dozvoljeno od zabranjenog i ukaže potreba boljeg

poznavanja ove oblasti međunarodnog humanitarnog prava, kao i da se doprinese njegovom razvoju.

U međunarodnoj zajednici postoji potreba humanizovanja odnosa između sukobljenih strana kroz načelnu zabranu upotrebe određenih načina ratovanja, kao i njihovu konkretizaciju. Ograničenja i zabrane načina ratovanja predstavljaju kompromis između članica međunarodne zajednice kojima takva pravila nisu išla u korist i onih koje su na njima izričito insistirale. Potrebno je naglasiti da međunarodno humanitarno pravo štiti civile i civilne objekte i sve druge objekte koji nisu vojni, kulturna dobra, sanitetske objekte i transportere, objekte i instalacije koje sadrže opasne sile i prirodnu okolinu.

Što su sredstva ratovanja savremenija, ratna razaranja su ubojitija, a gubici u ljudstvu, naročito na strani civilnog stanovništva, veći su i pogubniji. U savremenom ratu nema kao nekada, jasnog razgraničenja između fronta i pozadine, ratom je obuhvaćena ne samo oružana sila, već cjelokupno stanovništvo, privreda i teritorija. Savremena vazduhoplovna tehnika i softicirani raketni sistemi mogu da dejstvuju stotinama, pa čak i hiljadama kilometara u dubinu teritorije protivnika tako da savremeni rat ima totalan i opšti karakter (Vujković, 1998). To se već vidi i na primjeru dosadašnja dva svjetska rata, ali i današnjim ratovima koji se vode. U Prvom svjetskom ratu učestvovalo je 38 država sa 1,5 milijardi stanovnika, vođen je na prostoru od 4 miliona km², mobilisano je 70 miliona ljudi i završen je sa 9 miliona žrtava. Drugi svjetski rat obuhvatio je 58 država sa 2,1 milijardi stanovnika na prostoru od 30,5 miliona km², mobilisano je 110 miliona ljudi, a završen je sa 37 miliona žrtava. U oba rata veliki broj lica je stradao od oružja za masovno uništenje koje ne pravi razlike ni u pogledu prostora ni kategorije lica.

Klasična pravila međunarodnog humanitarnog prava uređuju tri cjeline: rat na kopnu, rat na moru i rat u vazduhu. U tom smislu postoje određena pravila, odnosno konvencije. Međutim u savremnim uslovima postojanja oružja za masovno uništenje i drugog savremenog oružja ova pravila nisu strogo odvojena i zasebna već u nedostatku drugih, shodno se primjenjuju u svim slučajevima. Ta podjela gubi na značaju jer moderno oružje dejstvuje multikompleksno i kombinovano u vazduhu, vodi i na kopnu.

Politika sile i pribjegavanje sili u prošlosti imala je za cilj ostvarivanje jedne pretenzije, teritorijalne ili ideološke, određene koristi ekonomske ili političke. I kroz neposredne te koristi određivala su se mjerila na osnovu kojih se pribjegavalo sili. U današnjoj svjetskoj politici zasnovanoj na mogućoj primjeni nuklearne sile taj elemenat faktičke koristi otpada. Eventualni nuklearni rat bi bio rat sveopšteg uništenja, rat bez pobjednika i poraženog. Zato su i velike

sile nastojale da minimiziraju pribjegavanje sili u svojim spoljnim politikama, ali se nerado prihvataju ograničenja u tom pogledu.

Veliki napredak u razvoju ratne tehnike poslednjih decenija doveo je do fundamentalnih promjena u načinu ratovanja. U ratne tehnologije uvode se savremeni elektronski uređaji, računari, radari, laseri, oružja sa teledirigovanom energijom itd., što je imalo za posljedicu automatizaciju ratnih operacija. Smanjen je obim ljudskog angažovanja, a daje se primat nauci, tehnici, visoko osposobljenom i profesionalnom osoblju. Razvoj ratne tehnike išao je ispred pravnog regulisanja, dovodeći tako do pravnog vakuma. Sredstva ratovanja su se brže razvijala nego pravni poredak. Savremeno međunarodno ratno pravo nije u mogućnosti da reguliše sve slučajeve, što je prije svega rezultat nespremnosti mnogih razvijenijih država da se povinuju novim ugovornim zabranama ili ograničenjima u tom pogledu. U pogledu humanizacije rata, učinjeni su veliki naponi, ali taj se proces odvijao jako sporo i uz stalnu izgradnju kompromisa između onih kojima takva pravila nisu išla u korist i onih koji su na njima izričito insistirali. Međutim naprijed navedeni osnovni principi međunarodnog humanitarnog prava, kao i *De Martensonova klauzula* dovoljno su snažna podloga za procjenjivanje spornih pitanja. Ta pravila imaju neprolazan značaj i u njihovim okvirima treba cijeliti dozvoljenost, odnosno nedozvoljenost primjene određenih načina ratovanja.

PRAVNI I EVOLUTIVNI ASPEKTI OGRANIČENJA I ZABRANA NAČINA RATOVANJA

U dosadašnjem razvoju međunarodnog humanitarnog prava postoji tendencija ograničavanja i zabrane određenih načina tj. postupaka i metoda u vođenju rata. Kao što strane u sukobu nemaju neograničeno pravo izbora sredstava ratovanja, tako nemaju pravo izbora načina ratovanja. Od davnina se poštovalo načelo da se data riječ u ratu mora poštovati, bez obzira što je ona data neprijatelju, naročito ako je u pitanju uslovna predaja, prekid vatre i sl. Ratna pravila su istakla zabranu ratovanja koja se kose sa vojničkim moralom i časti. Mnoštvo drevnih tekstova, kao što su Mahabarta, Biblija, Kuran, sadrže pravila koja pozivaju na poštovanje neprijatelja. Tako Vikajet spis sačinjen krajem 13. vijeka, na vrhuncu arapske vladavine Španijom, sadrži kodeks pravila ratovanja.

I stara običajna ratna pravila su zabranjivala ratovanje na način suprotan moralu i časti ratnika i svaki prekršaj ovih pravila se oštro kažnjavao. Morala se data riječ ispoštovati i prema neprijatelju dok su se suprotni postupci smatrali perfidijom (vjerolomstvom). Perfidije kao postupci u ratu su bile zabranjene još

u stara vremena kao i danas po međunarodnom humanitarnom pravu. Perfidijama su pribjegavale mnoge vojske u međusobnim sukobima, tako da skoro nije bilo rata u kojem ovi načini rata nisu korišteni. Kroz čitavu istoriju, države se koriste raznim perfidijama i ratnim lukavstvima da ostvare vojnu pobjedu. Kad su međusobno zaratile kineske države Vu i Jui, država Vu je kao prethodnicu poslala tri hiljade razbojnika da bi na protivnika ostavila utisak svoje vojne dezorganizovanosti i tako namamila državu Jui da prva napadne. Neki robijaši su pobjegli, a neki se predali, vojska države Jui se borila protiv njih, da bi kasnije pretrpjela poraz od vojske države Vu. Kao što je pisao stari kineski ratnik i filozof Sun Cu „Kad ste blizu neprijatelja, trudite se da ostavite utisak kako ste daleko, kada ste daleko, trudite se da ostavite utisak kako ste blizu. Uvucite neprijatelja u borbu u kojoj imate dobre izgleda da pobjedite. Glumite nered u svojim redovima, a potom udarite na neprijatelja i iskoristite njegovu zbunjenost“ (Sunc Cu, 2022).

Ratna lukavstva se redovno koriste u ratnim operacijama i sami vojnici se obučavaju za njihovu primjenu. Veliko ratno lukavstvo koje je po nekima dalo saveznicima odlučujuću prednost u Drugom svjetskom ratu, bilo je kada su prevarili Nijemce 1944. godine da će se iskrcati u Pade Kaleu, a iskrcavanje je bilo planirano i ostvareno u Normandiji (Perazić, 1966).

Kako stoji u nekim starim zapisima, još je Muhamed govorio da je ratno lukavstvo ponekad korisnije od pomoći kakvog plemena, a arabljanski pisac Ibn Kaldun je u svojim „Istorijskim Prolegomenama“ zapisao: „U ratovima pobjeda obično zavisi od moralnih uzoraka koji utiču na duh i na maštu: množina vojske, izvrsnost oružja i junaštvo u napadu dovoljno su ponekad da se dođe do pobjede, ali su ta sredstva od mnogo manjeg dejstva negoli moralni utisci. Stoga je upotreba ratnog lukavstva najkorisnija, jer ona vrlo često donose pobjedu“. Gracijan i Sveti Toma Akvinski takođe su potvrdno govorili o zakonitosti pribjegavanju lukavstvu i ratnom varanju, kao i kasnije u srednjem vijeku veliki broj pravnika i filozofa (Nis, 1987). Vlade zaraćenih država na početku Drugog svjetskog rata su se obavezivale da će poštediti civilne objekte koji su zaštićeni po međunarodnom humanitarnom pravu. Ruzvelt je 1939. godine uputio poziv vladama Francuske, Velike Britanije, Njemačke, Italije i Poljske koje su se na osnovu njega javno izjasnile, da ako budu uvučene u rat, da će voditi vojne operacije tako da zaštite civilno stanovništvo, kao i civilne objekte. Međutim, Drugi svjetski rat je bio klasični primjer velikog stradanja civila i ogromnih razaranja civilnih objekata, koji su imali za cilj slabljenje morala stanovništva i pritisak na vlade drugih država da popuste pred drugom ratujućom stranom (Perazić, 1966). Kroz čitavu istoriju ratovanja može se primjetiti da su se zaraćene strane koristile raznim ratnim lukavstvima, metodama, načinima ratovanja kako bi ostvarile ratni uspjeh, tako da je postojala potreba ograničavanja i zabrane određenih postupaka koji bi se

smatrali nedozvoljenim, a sve u cilju dovođenja određenog reda u sam rat i zaštite određenih lica kao i objekata. Tako su sama ratna pravila vodila računa o poštovanju nekih ljudskih prava prije nego što su ona i zagarantovana na opšti način. Za tim samim postoji potreba zbog izuzetne situacije u kojoj se nalaze ljudi koji su u ratu izgubili zaštitu svoje države i u vlasti su protivničke države, koja se prema njima često ophodi kao prema „neprijateljima“ (Dimitrijević, Račić, 2007).

Određena ograničenja u pogledu načina ratovanja su uvedena još Pariskom pomorskom deklaracijom iz 1856. godine. Ona zabranjuje gusarenje i zapljene neutralne imovine pod neprijateljskom zastavom. Posebna ograničenja uvode Haške konvencije iz 1907. godine, a kasnije i Ženevske konvencije iz 1949. i 1977. godine. Sva ova pravila koja se odnose na ograničavanja i zabrane načina ratovanja, kao i pravila koja se odnose na sredstva ratovanja imaju krajnji cilj humanizaciju rata koliko to dopušta vojna potreba.

Haškim pravilnikom o zakonima i običajima rata na kopnu iz 1907. godine je zabranjeno:

- vjerolomno ili perfidno ubijanje ili ranjavanje lica koja pripadaju oružanim snagama protivničke strane, kao i njihovih građana. Vjerolomno ubijanje podrazumjeva svaku radnju koja u sebi sakriva podmuklost sa ciljem ubijanja neprijatelja. Takav slučaj npr. predstavlja obustava otpora jedne ratujuće strane, kako bi se druga strana prevarila i prišla na poziv radi pregovora, pa se na nju otvori vatra iz oružja. Takođe, slučaj kada se pripadnik oružanih snaga pretvara da je mrtav ili ranjen pa mu se neprijatelj približi da provjeri ili da mu pomogne ako je ranjen, a ovaj na njega otvori vatru iz oružja. Ali ako vojnik ovo čini da bi izbjegao zarobljavanje to nije perfidija, nego ratno lukavstvo koje je dozvoljeno;
- objavljivanje da se nikome neće poštediti život. Zabranjeno je to činiti i prema ratnim zločincima, kao i jedinicama koje su opkoljene, te koje bi se na taj način prinudile da se predaju;
- uništavanje ili pljenidba neprijateljske imovine, osim u slučajevima kada bi to nalagala vojna potreba;
- prisiljavanje državljana protivničke strane da uzimaju učešće u ratnim operacijama usmjerenim protiv njihove zemlje i slučaju ako su oni bili u njihovoj službi prije početka rata;
- ubijanje ili ranjavanje neprijatelja poslije polaganja oružja ili ako je ostao bez sredstava za borbu, te se bezuslovno predao;

- upotrebljavanje protivno pravilima znaka parlamenta, državne zastave neprijatelja, neprijateljske vojne oznake, neprijateljske uniforme i međunarodno poznatih znakova kao što su znak Crvenog krsta itd.;
- napadanje ili bombardovanje bilo kojim sredstvima nebranjenih gradova i drugih nebranjenih mjesta kao i svako namjerno bombardovanje civila;
- pljačkanje odnosno prepuštanje pljački gradova i ostalih mjesta,
- pljenidba ili uništavanje podmorskih kablova koji vezuju okupiranu teritoriju sa nekom neutralnom teritorijom, osim ako drugačije ne zahtjeva vojna potreba;
- prisiljavanje stanovništva okupirane teritorije na davanje podataka o vojsci druge zaraćene strane, njenim odbrambenim sredstvima ili prisiljavanje stanovništva na polaganje zakletve neprijatelju.

Konvencija o pravima i dužnostima neutralnih sila i lica u slučaju rata na kopnu iz 1907. godine zabranjuje sledeće postupke:

- prevođenje preko teritorije neutralne sile trupa ili konvoja, sa municijom ili opremom od strane zaraćene strane;
- instaliranje na teritoriji neutralne sile radio-telegrafskih stanica ili bilo kojeg drugog uređaja namjenjenog da služi kao sredstvo veze sa zaraćenim snagama na kopnu ili moru;
- upotrebljavanje bilo kojih uređaja koji služe kao sredstvo veze, a uspostavljeni su prije rata na teritoriji neutralne sile isključivo u vojne svrhe, a koji nisu bili otvoreni za službu javnog saobraćaja;
- osnivanje od strane zaraćenih strana na teritoriji neutralne sile boračkih jedinica ili kancelarija za vrbovanje.

Konvencija o bombardovanju od strane pomorskih snaga u vrijeme rata iz 1907. godine zabranjuje:

- bombardovanje nebranjenih luka, gradova, sela naselja ili zgrada;
- prepuštanje pljački grada ili mjesta, čak iako su zauzeti na juriš.

I neke druge konvencije donesene na Drugoj mirovnoj konferenciji u Hagu 1907. godine sadrže klauzule o zabrani određenih postupaka u pogledu načina ratovanja od strane zaraćenih ili neutralnih sila. Međutim i posle donošenja ovih pravila povrede su bile jako česte u svjetskim ratovima, a tako i u ranijim ratovima. U Južnoj Africi od 1899. do 1900. godine u ratu sa Burima, Englezi su više puta pribjegavali upotrebi znaka crvenog krsta i bijele zastave. Sličnih

postupaka je bilo u ratu Rusa i Japanaca od 1904. do 1905. godine. Takođe Nijemci su u Prvom svjetskom ratu upotrebljavali znak crvenog krsta. Oktobra 1912. godine, Turci su podigli bijelu zastavu istočno od Skadra, te su Crnogorce koji su im prišli zasuli vatrom i savladali na taj nedozvoljen način. Iste postupke su Nijemci koristili u Belgiji, Francuskoj i Italiji da bi savladali neprijatelja. Austrougarski vojnici su koristili uniforme italijanskih vojnika u Prvom svjetskom ratu, a takođe neprijateljske uniforme su koristili i Bugari 1917. godine. Rusi su u ratu sa Japanom 1904. i 1905. godine, koristili uniforme treće strane, tačnije kineske vojske. I u Drugom svjetskom ratu Nijemci su 1944. godine koristili američke uniforme. Uz sve ovo treba naglasiti da se ženevskim znakom crvenog krsta izjednačava znak crvenog polumeseca, crvenog lava i crvenog sunca (Perazić, 1966).

Ženevska konvencija iz 1949. godine i dopunski protokoli iz 1977. godine sadrže nova ograničenja i zabrane u pogledu načina ratovanja. Protokol iz 1977 godine, je jedna od konvencija koja pripada tzv. Ženevskom pravu. Haško pravo međutim postaje pravi zakon o vođenju rata, samo kroz Protokol. Iz datog slijedi da se haško pravo i ženevsko pravo spajaju u Dodatnom protokolu. Razlika između dva grada, kao mjesta gdje se pravo razvijalo i mjesta koja pojedinačno simbolizuju veliki doprinos međunarodnom humanitarnom pravu, je sada samo akademska (Gaser, 1999)

Ovi propisi zabranjuju:

- nečovječno postupanje sa ranjenicima, bolesnicima i brodolomnicima pripadnicima oružanih snaga protivnika, kao i ugrožavanje njihovog života i ličnosti;
- nečovječno postupanje sa ratnim zarobljenicima i svaki postupak koji može da dovede do njihove smrti ili ozbiljnog narušavanja njihovog zdravlja;
- napade na civilno stanovništvo i pojedinačne kategorije civila, uključujući i napade bez izbora ciljeva, napade na civilne objekte, napade na mjesta i zone bezbjednosti koji koriste se za njihovo stavljanje van domašaja ratnih dejstava, fizička i moralna prinuđavanja na davanje podataka, mučenje gladu, kolektivno kažnjavanje, zastrašivanje, terorisanje, pljačkanje, uzimanje talaca, ubijanje, izlaganje represalijama, mučenje, nečovječno postupanje, prouzrokovanje velikih patnji i prouzrokovanje ozbiljnih povreda tijela i zdravlja, progonstvo i preseljavanje na drugu teritoriju, prinuđavanje na služenje u tuđoj vojsci itd.;
- perfidije;

- napade na vojne i civilne sanitetske jedinice, bolnice, sanitetske Transporte i sredstva tih transporta (vazduhoplove, brodove i kopnena sredstva prevoza) i sanitetsko osoblje;
- zloupotrebljavanje znaka raspoznavanja Crvenog krsta, Crvenog polumjeseca, Crvenog lava i Crvenog sunca i drugih amblema, znakova i signala utvrđenih konvencijama iz 1949. godine uključujući zastavu primirja, znak raspoznavanja UN, osim onako kako je odobrio UN;
- korištenje zastave, vojnih amblema, oznaka i uniformi neutralnih i drugih država koje nisu strane u sukobu, odnosno protivničke strane za vrijeme napada ili sa ciljem odbrane, podsticanja, zaštite ili ometanja vojne operacije;
- izricanje naredbi da ne smije biti preživelih ili prijetnje protivniku i vođenje neprijateljstava na toj osnovi;
- napade na osobe koje iskaču padobranom iz vazduhoplova koji je u nevolji, dok se spuštaju na zemlju;
- napade bilo koje vrste na neprijateljske spomenike kulture, umetnička djela ili hramove koji čine kulturno ili duhovno naslijeđe naroda, korišćenje ovih objekata za pomoć vojnim akcijama;
- vojne akcije koje za imaju cilj ili od koji se može očekivati oštećenje prirodne okoline, štetne po zdravlje ili opstanak civilnog stanovništva;
- napade na nebranjena mjesta i demilitarizovane zone i dr.

Ženevske konvencije opravdale su svoje postojanje primjenom u oružanim sukobima. Njihova praktična primjena, spremnost država da ih poštuju i njihovo nastojanje da se izbjegnu povrede pravila, prihvatanje i angažovanje predstavnika međunarodnih organizacija, a posebno delegacija Međunarodnog komiteta Crvenog krsta i UN, ukazuju na stepen njihovog kvaliteta i zaštite humanitarnih načela i principa. Primjena ovih pravila, samo njihovo poštovanje i nepoštovanje, znatno je uticalo na međunarodne odnose i njihove ukupne promjene. Prvi put se u istoriji međunarodnih odnosa dogodilo da pravo direktno utiče na složena kretanja u međunarodnim odnosima. Međunarodne organizacije su budno pratile primjene Ženevskih konvencija, što je omogućilo da se uoče njihovi nedostaci i nejasnoće, te sagledaju pravci daljeg usavršavanja i samog pristupa reformi pravila (Jončić, 2003).

Međunarodno humanitarno pravo uvodi uglavnom bezuslovne zabrane načina ratovanja, dok u određenim slučajevima te zabrane su uslovljene zahtjevima vojne potrebe. Vojna potreba predstavlja jako važno pitanje u teoriji i praksi

međunarodnog humanitarnog prava. Ona predstavlja posebne osnove za neprimenjivanje nekog međunarodnog pravila u cjelini ili djelimično, koji mogu nastati kada bi neka strana u sukobu utvrdila da bi njena primjena bila iz političkih, vojnooperativnih ili drugih sličnih razloga, otežana ili onemogućena.

Zabrane koje se odnose na načine ratovanja prvenstveno imaju za cilj da zaštite:

- civile i civilne objekte;
- sve druge objekte koji nisu vojni;
- kulturna dobra;
- sanitetske objekte koji nisu vojni;
- objekte civilne zaštite;
- objekte i instalacije koje sadrže opasne sile;
- prirodnu okolinu.

Poznati izraelski pravnik Joram Dinštajn između ostalog navodi da se ovim zabranama posebno treba pružiti zaštita:

- sanitetskog i vjerskog osoblja, sanitetskih jedinica i vozila, sanitetskih ustanova, zgrada, materijala, brodova, bolnica i sanitetskih vazuhoplova;
- civila zatečenih na okupiranoj teritoriji;
- civila koji su pogođeni neprijateljskim vojnim operacijama, civilnih objekata, objekata nužnih za opstanak civilnog stanovništva, instalacija koje sadrže opasne sile;
- organizacija za civilnu zaštitu;
- Međunarodni komitet Crvenog krsta, nacionalna društva Crvenog krsta i druge humanitarne organizacije;
- oznaka Crvenog krsta i drugih sličnih znakova;
- kulturnih dobara i vjerskih objekata;
- prirodne okoline.

PERFIDIJE I RATNA LUKAVSTVA

Jedno od tradicionalnih „viteških“ pravila ratnog prava je zabrana perfidija, tj. korištenja vjerolomnih načina da bi se protivnik ubio ili onesposobio. Perfidnim aktima se podrazumjevaju svi akti kojima se zloupotrebljava protivnikovo povjerenje, kao što su npr. pretvaranje da se žele pregovori, simuliranje povrede ili bolesti, neovlašćeno korišćenje znakova humanitarnih organizacija ili UN.

Haški pravilnik iz 1907. godine zabranjuje perfidije i tako zabranjuje vjerolomno ubijanje ili ranjavanje lica koja pripadaju neprijateljskom narodu ili vojsci ili upotrebljavanje zastave parlamentara ili zastave, vojnih oznaka i uniforme protivnika. Haški pravilnik ipak ne daje definiciju perfidije.

Protokol I uvodi dopune i daje definiciju perfidija. On perfidije definiše kao akte kojima se uliva povjerenje protivniku da ga navede da vjeruje da ima pravo ili da je obavezan da prihvati zaštitu po pravilima međunarodnog prava koja se primjenjuju u oružanom sukobu, s namjerom da se iznevjeri to povjerenje. Pod perfidnim postupcima se smatraju:

- pretvaranje da se namjerava pregovarati pod zastavom primirja ili predaje;
- pretvaranje da je neko nesposoban zbog rana ili bolesti;
- pretvaranje da je neko civil, odnosno da ima status neborca;
- pretvaranje da se ima zaštićen status korišćenjem znakova, amblema, uniformi UN ili neutralnih i drugih država koje nisu strane u sukobu. Ovde se podrazumjeva i upotreba znakova Crvenog krsta, Crvenog polumjeseca, Crvenog lava i Crvenog sunca, kao i zaštitnog amblema kulturnih dobara, zastave, vojnih znakova, oznaka i uniformi protivnika.

Svako korištenje znaka za koje međunarodnim humanitarnim pravom nije dobijeno izričito ovlašćenje predstavlja njegovu zloupotrebu.

Postoje tri vrste zloupotrebe:

- imitacija koja predstavlja korištenje oznake koja svojim oblikom i/ili bojom može izazvati zamjenu sa znakom;
- uzurpacija koja predstavlja korištenje znaka od neovlašćenih lica ili organizacija (komercijalnih firmi, farmaceuta, privatnih ljekara, nevladinih organizacija, drugih pojedinaca, itd.), ukoliko lica ovlaštena da koriste znak to ne čine u skladu sa pravilima Konvencije i Protokola, to takođe predstavlja uzurpaciju;

- perfidija koja predstavlja korištenje znaka u vreme sukoba sa ciljem da se zaštite borci ili vojna oprema; perfidno korištenje znaka može predstavljati tešku povredu međunarodnog prava ili drugim rečima ratni zločin.

Zloupotreba znaka u zaštitne svrhe u vrijeme rata ugrožava sistem zaštite ustanovljen međunarodnim humanitarnim pravom. Zloupotreba znaka u svrhu raspoznavanja potkopava njegov ugled u očima javnosti, te prema tome umanjuje njegovu zaštitnu snagu u vrijeme rata (Oberson, 2002).

Ratna lukavstva su nasuprot perfidijama dozvoljena po međunarodnom humanitarnom pravu. Ratno lukavstvo je jedna od karakteristika rata i ono se stalno koristi u ratnim operacijama. Još u stara vremena ona su bila dozvoljena kao način ratovanja. Pod njima se podrazumijevaju razne prevare, kamuflaže, lažno povlačenje, lažno davanje signala itd., a koje imaju za cilj da se savlada protivnik.

Haški pravilnik u članu 24. određuje da su ratna lukavstva dozvoljena, ali ih nije definisao. Protokol I je definisao ratna lukavstva kao radnje koje su namjenjene da obmanu protivnika ili da navedu da se ponaša bezbrižno, ali koje ne krše nijedno pravilo međunarodnog prava koje se primjenjuje u oružanom sukobu i koje nisu perfidne jer ne ulijevaju povjerenje protivniku u pogledu zaštite na tom pravu.

Nekada je teško napraviti razliku između perfidije i ratnog lukavstva jer i jedna i druga su u suštini varka protivnika sračunata radi njegovog savladavanja. Međutim iz definicije ratnog lukavstva koju daje Protokol I može se jasno postaviti razlika između njih.

RATNI PLIJEN

Haški pravilnik o zakonima i običajima rata na kopnu iz 1907. godine uslovno dozvoljava ratni plijen. On zabranjuje da se uništava i plijeni neprijateljska imovina, osim u slučajevima kad bi uništavanje i zaplijenu imperativno nalogala ratna neophodnost. Ova zabrana je uslovljena vojnom potrebom. Plijeniti se mogu sva javna pokretna dobra, a prvenstveno sredstva i dobra namjenjena vojnoj svrsi. Ta dobra moraju biti zatečena na bojištu. Pod tim pokretnim dobrima se uglavnom porazumijevaju: oružje, municija, vojna oprema, sredstva prevoza, dokumentacija, hartije od vrijednosti protivničke strane i dr., ali i ne lične i porodične stvari poginulih boraca i zarobljenika. Savremeno je shvatanje da se ne može zaplijeniti novac iz specijalnih namjenskih fondova, kao što su fondovi za isplatu penzija, invalidnina itd. Takođe ni novac koji se nalazi deponovan u bankama, a ne pripada neprijateljskoj državi. Plijeniti se ne može

državna imovina, a jedini izuzetak od toga predstavlja ako se ona odnosi direktno na porijeklo i način vođenja rata. Ne smiju se plijeniti istorijski spomenici, umjetnička i naučna djela (Avramov, Kreća, 2001).

Predmeti koji ulaze u ratni plijen postaju vlasništvo države i oni moraju biti skupljeni i predati nadležnim državnim organima, a ne pojedincima. Predmeti koji ulaze u ratni plijen mogu se odmah koristiti u ratne svrhe, što znači da imaju značajnu ratnu prednost, pogotovo ako je riječ o vojsci koja je nedovoljna naoružana, kao što su razne oslobodilačke i revolucionarne vojske.

Izvjese sličnosti postoje između ratnog plijena i pljačke u ratu i nekada ih je vrlo teško razlikovati. Haški pravilnik članom 28. zabranjuje da se pljački prepusti „grad ili mjesto na juriš zauzeto“. Ratni plijen treba razlikovati od pljačke. Pljačkom se podrazumijeva lično prisvajanje tuđe imovine javnog ili privatnog karaktera. Takođe pljačku zabranjuje i Konvencija o bombardovanju od strane pomorskih snaga u vrijeme rata iz 1907. godine.

U praksi često dolazi do pljačke pod opravdanjem da je u pitanju ratni plijen. U Drugom svjetskom ratu dolazilo je često do kršenja ovih pravila od osovinskih oficira i vojnika. Njemački oficiri i vojnici su sa Istočnog fronta slali svojim familijama razne umjetničke predmete i druge stvari koje su lično pljačkali po raznim galerijama i privatnim stanovima.

Od ratnog plijena treba razlikovati rekvizicije i kontribucije (Degan, 2011). Rekvizicije podrazumijevaju davanja u naturi za potrebe neprijateljske okupacione vojske. To su davanja u životnim namirnicama, odjeći, prevoznim sredstvima kao i davanje u vidu usluga tj. stavljanje na raspolaganje radne snage. Haški pravilnik u članu 52. postavlja tri uslova za rekvizicije: mogu biti zahtjevane samo za potrebe neprijateljske okupacione vojske, one moraju biti u srazmjeri sa ekonomskom snagom zemlje i ne mogu u sebi sadržavati obavezu za stanovnike da uzmu učešće u ratnim operacijama. Rekvizicije moraju biti plaćene u novcu, u pravoj vrijednosti, a ukoliko to nije moguće učiniti, onda se izdaju priznanice. Kontribucije predstavljaju davanja u novcu koja se mogu zahjevati samo na osnovu pismenog naređenja glavnog komadanta neprijateljske okupacione vojske na određenom području i moraju biti u srazmjeri sa bogatstvom zemlje. One ne predstavljaju sankciju i Haški pravilnik u članu 50. konstatuje da „nikakava kolektivna kazna, novčana ili druga, ne može biti naređena protiv stanovništva zbog individualnih djela za koja oni ne bi mogli biti smatrani kolektivno odgovornim“.

Ratni običaji iz vremena moći Rimske imperije dozvoljavali su rimskoj vojsci uzapćenje ne samo predmeta koje je koristio protivnik nego i samog protivnika, što se objašnjava činjenicom da je rimsko pravo tuđince smatralo bespravnim

licima. Plijen (*praeda*) je u jednom ili drugom obliku predavan državi, a dijelimično dijelio se između vojnika. Međutim tadašnja pravila dopuštala su mogućnost pljačke (*dispertio*), od koje su korist imali jedino vojnici i vojni zapovjednici koji su pljačku i dozvoljavali. U jednom djelu antičkog perioda pljenjena su i nepokretna dobra, ali kasnije se sa takvom praksom prekinulo, pa su se pod ratnim plijenom smatrala samo pokretna dobra. U srednjem vijeku ratnom plijenu davan je veliki značaj, s obzirom na stanovništvo da rat treba da bude koristan za onoga ko ga pokrene. Zadržana je praksa podjele ratnog plijena između vojnika koji su došli do njega, ali postojala je obaveza da ratne sprave, životne namirnice i municiju predaju vladaru. Vojni poglavnici nekih država uveli su i neka ograničenja u vezi sa ratnim plijenom, koja su zabranjivala vojnicima da idu u potjeru za ratnim plijenom bez prethodnog odobrenja, odnosno da vrše zaplijenu posle završene bitke. Ugovorima o predaji gradova često se pobjednik obavezivao da neće plijeniti povelje, državne hartije i javne isprave. U nekim državama su i uspostavljeni bili sudovi nadležni da rješavaju sporove pripadnosti plijena stečenog u ratu na kopnu, dok je nadležnost za utvrđivanje pripadnosti plijena stečenog u pomorskom ratu pripadala admiralitetu (Nis, 1987). Tada je prihvaćeno načelo da onaj koji zaplijeni nema vlasništvo nad plijenom dok mu nadležni sud, odnosno admiralitet to ne odobri.

ATENTATI

Međunarodno humanitarno pravo posebno ne reguliše atentat na pojedine vojne i političke ličnosti neprijateljske države u toku rata. Međutim iz opštih pravnih načela i ostalih pravila međunarodnog humanitarnog prava može se zaključiti da atentat koji izvrši pojedinac ili grupa ljudi na bilo koji način i bilo pod kakvim rukovodstvom nije pravno legitiman čin pod sledećim uslovima:

- da je izvršen potajno;
- da do momenta izvršenja ubistva atentator nije primjećen;
- da atentator nije nosio određene oznake i uniformu ili je nosio lažnu uniformu.

Takav stav treba izvući i iz načela da se rat ne vodi protiv pojedinca, pa ni visoke ličnosti neprijateljske države, već protiv oružane sile neprijatelja. Ako atentator bude uhvaćen u takvoj akciji, sila koja ga uhvati ima puno pravo da ga izvede na sud i najstrožije kazni. Ali ako neka visoka ličnost neprijateljske države izgubi život u akciji komandosa, koji zakonito ratuju, onda je takav čin legitiman.

UCJENE

Ucjena u oružanom sukobu predstavlja akt koji ima za cilj da se za novac ili drugu nagradu određena vojna ili civilna lica uhvate živa ili izvrši ubistvo nekog vojnog ili političkog funkcionera političke strane. Obično su takve ucjene objavljivane preko novina ili radija. Ovakav postupak je sa stanovišta međunarodnog humanitarnog prava nelegitiman jer je i protivan načelu humanosti, predstavlja nehuman postupak jer se pojedinci podstiču na zločin iz koristoljublja. Takođe javno oglašavanje da se određenoj ličnosti oduzme milost, protivno je međunarodnom humanitarnom pravu jer se rat vodi protiv vojne sile neprijatelja, a ne protiv pojedinih lica.

IZAZIVANJE POBUNA

Izazivanje pobune predstavlja akt koji se sastoji u tome što jedna zaraćena strana podstiče, pomaže ili organizuje pobunu kod druge strane na vjerskoj, političkoj, nacionalnoj ili drugoj osnovi. Kojim se metodama koristi podstrekač bez značaja je za međunarodno humanitarno pravo. Cilj pobune je da se druga strana oslabi i stvori atmosfera nesigurnosti radi lakšeg savladavanja protivnika (Vučinić, 2006).

Ako je stanovništvo jedne teritorije spremno da ustane protiv okupatorske ili svoje vlasti, druga ratujuća strana putem podsticanja na borbu, može pomoći i politički na određen način rukovoditi takvom borbom (Perazić, 1966). Ako bi se ove akcije podsticale i pomagale u mirnom periodu, to bi predstavljalo mješanje u unutrašnji život druge države, odnosno intervenciju koja je nelegitimna po međunarodnom humanitarnom pravu, dok se isti postupci za vrijeme rata smatraju legitimnim.

PSIHOLOŠKI RAT

Psihološki rat za vrijeme oružanih sukoba obuhvata primjenu svih načina plasiranja informacija, koje jedna strana usmjerava protiv druge sa ciljem slabljenja njene vojne moći. Najčešće su to razne vijesti koje imaju za cilj dezinformisanje vojske i naroda. Koristi se od starih vremena, a danas je naročito u širokoj upotrebi, zahvaljući savremenim načinima plasiranja informacija koji su široko dostupni.

Informacije koje se plasiraju na internetu, televiziji, radiju, novinama predstavljaju u današnjem globalnom selu i društvima komunikacijskog izobilja glavni uticaj na javno mnjenje. Postoje razrađene metode kako da se pojedine informacije prezentiraju javnosti preko sredstava informisanja, a da psihološki efekat i praktični rezultat budu što povoljniji. Postoji posebna veza između onih koji upućuju informaciju u svom cilju i medija, što neki autori upoređuju sa „*previše harmoničnim, ali dugotrajnim brakom*“ (Danilović, 2007).

Drugi svjetski rat pokazao je veliko savršenstvo ove metode ratovanja, tako da su postojale i posebne vojne jedinice i struktura organa za propagandu. U kasnijim ratovima to će postati standard postupanja kojim su se koristile zaraćene strane.

ZAKLJUČAK

U pogledu načina ratovanja savremeni rat kao da je okrenuo leđa humanosti i pretvorio se u veliki uništilački poduhvat. I pored impresivnog broja međunarodnih propisa koji u ovom pogledu uvode zabrane, njihovo nepoštovanje je stalno. Potrebno je i na unutrašnjem planu raditi na jačanju svijesti pripadnika oružanih snaga i diskriminirati sve ove nehumane postupke u oružanim sukobima koji su zabranjeni međunarodnim pravom. Postoji potreba stalnog osposobljavanja svih učesnika u oružanim sukobima kako da postupaju, da pored ratnih vještina poznaju i ovu stranu rata. I Sun Cu je isticao, „*rat je od suštinskog značaja za državu, to je područje smrti i života, staza opstanka i propasti i stoga se mora što bolje proučiti*“.

U periodu posle usvajanja Ženevskih konvencija iz 1949. godine, svijet je doživio alarmantan broj oružanih sukoba koji su pogodili skoro svaki kontinent i veliki broj država. Ženevske konvencije i njihovi Dopunski protokoli iz 1977. godine obezbjedili su određene zaštite koje su predstavljale veliki korak naprijed. Međutim i pored toga došlo je brojnih povreda ovih ugovora, koje su imale za posljedicu samo patnje i smrt, a koje su mogle da budu izbjegnute da je međunarodno humanitarno pravo bolje poštovano.

Može se zaključiti da i danas posle svih ugovorenih zabrana nije obezbjeđeno da se zaraćene strane dosljedno pridržavaju pravila međunarodnog humanitarnog prava, jer i staro rimsko pravilo kaže: „*silent legus inter arms*“ tj. da u ratu čute zakoni, jer sam rat predstavlja nasilje, a nasilje je nespojivo sa zakonom i zakonitošću. Ipak međunarodno humanitarno pravo propisuje minimume humanosti, koje je veliki broj država ugradio u svoja unutrašnja zakonodavstva, a uz to su se obavezale multilateralnim konvencijama na primjenu tih minimalnih pravila. Sva ta pravila imaju za cilj da obuzdaju nasilje u ratu, tako

što će se zaraćene strane ponašati u skladu sa dva osnovna načela ratovanja: načelom vojne potrebe, koje dozvoljava upotrebu nasilja u minimalnom obliku i intezitetu koji su potrebni za postizanje ratnog cilja i načelom humanosti, koje je usmjereno na zaštitu života i zdravlja ljudi. I pored prihvatanja ovih načela od strane skoro svih država svijeta pokazalo se, nažalost da te standarde mnoge države različito i na svoj način tumače, što nekad dovodi do teških zloupotreba i grubog i nepopravljivog kršenja međunarodnog humanitarnog prava.

Logika rata, prije svega na strani agresora, produbljuje i intezivira spiralu nasilja koja često izmiče kontroli, a ponekad i sama sebi postaje cilj. U svim ratovima vođenim do sad mnogi učesnici su lako prelazili liniju koja razdvaja vojne mjere i dejstva u ratu od ratnih zločina i upotrebe prekomjerne vojne sile, a sve na štetu civilnog stanovništva, vojnika, ranjenika, parlamentara, privatne i druge imovine itd. Takve postupke bi trebala međunarodna zajednica spriječiti svim raspoloživim instrumentima, sve do krajnjeg dovođenja krivaca pod udar međunarodnog prava i sudske pravde.

Takođe možemo se nadati da će i UN, kao glas međunarodne zajednice u budućnosti poklanjati više pažnje poštovanju međunarodnog humanitarnog prava i oduprijeti se svim izazovima sa kojima se susreće. Svaki napor u ovom pravcu vrijedan je truda jer cilj je opstanak ljudi u ratu i zaštita ljudskog dostojanstva.

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LEGAL AND EVOLUTIONARY ASPECTS OF WARFARE LIMITATIONS AND PROHIBITIONS

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Abstract

International humanitarian law aims to limit the destructive effects of armed conflict. This work will point to certain ways of warfare that are prohibited and restricted by international humanitarian law or should be, that is, to the development of their prohibitions and restrictions. The problem of this work is the limitations and prohibitions of the way of warfare according to international humanitarian law, that is, their legal and evolutionary aspects. International humanitarian law aims to limit the destructive effects of armed conflicts, to reduce suffering and destruction to only the necessary measure. Observed throughout history, the first rules of this branch of law dealt with the issue of permissibility or impermissibility of warfare, while over time this issue became more and more relevant due to the increasing destructive effects of warfare and unnecessary destruction in armed conflicts. The subject of the research includes primarily the period from the Hague Conventions adopted in 1907 as one of the first treaty prohibitions from international humanitarian law, up to the state of international humanitarian law today.

Key words : War, conventions, method of warfare, history, law of war, conflicts.

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INTRODUCTION

International humanitarian law governs relations between states during an armed conflict, primarily to protect civilians, prisoners of war, the wounded, but also all other persons in order to humanize these relations as much as possible, because war in itself represents evil and the negation of everything humane.

The goal is also to protect certain objects from the destructive effects of armed conflicts, so that certain prohibitions and restrictions on the means and methods of warfare are introduced. First of all, these prohibitions and restrictions are based on the Geneva and Hague Conventions, judicial practice and international customary law, but also on a number of other international conventions concluded by the states. These prohibitions and restrictions are the result of the contemporary international community and the creation of awareness that armed conflicts endanger all of humanity.

Restrictions and prohibitions in armed conflicts existed in ancient times, while international humanitarianism acquired the character it has today in the 19th century. The basis of these rules is an attempt to create a balance between war efforts and principles of humanity. The First and Second World Wars showed how destructive armed conflicts can be, and this was especially contributed to by the later invention of nuclear and thermonuclear weapons and their improvement to unimaginable proportions during the Cold War. Thus, states concluded certain international agreements that introduced certain restrictions and prohibitions regarding the means and methods of warfare with the possibility of undertaking certain sanctions against those who do not respect them. War still exists and states resort to it when they cannot achieve certain goals by other means, while international humanitarian law tries to alleviate the suffering it produces, and above all to protect a certain group of people, in which the rules relating to both the means of warfare play a special role as well as ways of warfare.

The paper will point out the consequences of the application of certain methods of warfare that are prohibited or limited or should be under international humanitarian law, bearing in mind the terrible suffering they cause, as well as the current state of international law regarding their prohibition and limitations.

The work should contribute to the development of international humanitarian law, pointing out the needs of humanization, as far as it is possible in the application of the method of warfare itself. It is necessary to limit what is permitted from what is prohibited and to point out the need for better knowledge of this area of international humanitarian law, as well as to contribute to its development.

RESTRICTIONS AND PROHIBITIONS ON METHODS OF WARFARE

Throughout the entire history of human civilization, states have tried to perfect such ways of warfare that would enable them to achieve a much easier victory over the enemy in armed conflicts. States resorted to the use of various methods of warfare, which were often based on the idea that the end justifies the means. In this direction, various methods of warfare were used with the aim of inflicting the greatest possible losses on the enemy. They were often inhumane and as such they were still condemned and banned by ancient peoples.

With the development of science, technology and the development of the entire human society, new weapons were discovered that had tremendous destructive power and posed a danger not only to members of the enemy armed forces but also to the entire environment, and today, with its improvement, to all of humanity. It was noticed that certain means of warfare caused unnecessary suffering, which was contrary to the laws of humanity. Also, over time, wars lost the dose of chivalry that was often, despite everything, interwoven through armed conflicts between states (Tofler, 1998).

However, the restrictions and prohibitions that were made in this direction were created very slowly, due to the reluctance of states to give up the war technique that they have perfected and which represents a significant factor for victory in an armed conflict. Bans and restrictions were introduced over time and this process is still ongoing today. The 20th century represents the century in which terrible weapons were discovered and perfected, which are able to destroy the entire humanity. At the same time, terrible crimes were committed against the civilian population and there was a conflict of unprecedented proportions in which no one was spared.

War is characterized by the emergence of the most primitive and crudest violence. When states cannot or will not resolve disagreements and differences through peaceful discussion, weapons speak. War inevitably results in immense human suffering and suffering, as well as enormous damage to buildings. War is evil by definition, as the Nuremberg Tribunal stated in its conviction of the biggest war criminals of the Second World War. Even today, no one can justify war and all the suffering it causes as an end in itself. Nevertheless, states continue to wage wars and often violate the basic rules of international humanitarian law, choosing neither the way nor the means to achieve military success. Such behavior is unacceptable and condemned by the international community. As Jean-Jacques Rousseau, summarizing the basic principles on which international humanitarian law rests, pointed out that the purpose of a military attack must never be the physical destruction of the enemy and that war is a relationship between states,

not between man and man, and that individuals in it are enemies only by chance (Rousseau, 1949).

War is a characteristic and a companion of the contemporary international community, so it is necessary to humanize it at least to some extent, if this is at all possible. More precisely, it is necessary to limit the conflicting parties in terms of the choice of means and methods of warfare, which should be generally accepted in eventual armed conflicts.

However, history is an indicator that in ancient times, wherever conflicts broke out between states, tribes, clans, these conflicts did not result in a fight to the end, destruction, but rather rules emerged, which were often unconscious, with the purpose of limiting the consequences of violence. Such The rules that are the precursors of today's international law can be found in all cultures.

International humanitarian law itself aims to limit the destructive effects of armed conflicts. There is a constant effort to reduce suffering and destruction to only the necessary measure. Already the first contractual rules of international humanitarian law dealt with the issue of permissibility or impermissibility of warfare. In the international community, there is a constant desire to humanize relations in war to some extent, to use methods of warfare that cause as little suffering as possible and to avoid inhumane treatment. Today, this problem is particularly relevant due to the increasingly destructive effects of the means of warfare and the infliction of unnecessary destruction in armed conflicts. Through the entire process of introducing restrictions and bans on the way of warfare, an effort was made to find a necessary compromise between military necessity and the demands of humanity. There is a need to establish the boundaries of what is permitted and what is not permitted under international humanitarian law, as well as to determine the scope of prohibitions and restrictions on the way of warfare and their observance in practice. The objectives of the bans and restrictions on the way of warfare and their scope in the future should also be determined. The methods of warfare are the procedures and methods used by the conflicting parties in conducting an armed conflict. International humanitarian law refers to the part of international public law that governs relations between states in armed conflict and on the occasion of armed conflict. It is a compromise between military necessity and the demands of humanity that does not prevent military victory but requires that unnecessary suffering and destruction not be caused.

International humanitarian law is a part of public international law and as such includes a set of legal rules that govern the relations, rights and obligations of warring parties, as well as relations between them and neutral parties during war.

In recent decades, great efforts have been made in the international community regarding restrictions and prohibitions on methods of warfare. There is a tendency in international humanitarian law towards ever greater restrictions and prohibitions on the one hand and ever more serious violations of them on the other hand at the international level. What is permitted should be limited from what is prohibited. and highlights the need for better knowledge of this area of international humanitarian law, as well as to contribute to its development.

In the international community, there is a need to humanize relations between the conflicting parties through a principled ban on the use of certain methods of warfare, as well as their concretization. Limitations and prohibitions on the way of warfare represent a compromise between the members of the international community who were not benefited by such rules and those who explicitly insisted on them. It should be emphasized that international humanitarian law protects civilians and civilian objects and all other objects that are not military, cultural property, medical objects and transporters, objects and installations that contain dangerous forces and the natural environment.

The more modern the means of warfare, the more murderous the destruction of war, and the greater and more fatal the losses in manpower, especially on the side of the civilian population. In modern war, there is no clear demarcation between the front and the background, as in the past, the war covers not only the armed forces, but the entire population, economy and territory. Modern aviation technology and soft rocket systems can operate hundreds and even thousands of kilometers deep into the opponent's territory, so that modern war has a total and general character (Vujković, 1998). This can already be seen in the example of the two world wars so far, but also in the wars that are being fought today. 38 countries with 1.5 billion inhabitants participated in the First World War, it was fought on an area of 4 million km², 70 million people were mobilized and it ended with 9 million victims. The Second World War encompassed 58 countries with 2.1 billion inhabitants in an area of 30.5 million km², 110 million people were mobilized, and it ended with 37 million victims. In both wars, a large number of people were killed by weapons of mass destruction, which make no difference in terms of space or category of people.

The classic rules of international humanitarian law regulate three units: war on land, war at sea and war in the air. In this sense, there are certain rules, or conventions. However, in the modern conditions of the existence of weapons of mass destruction and other modern weapons, these rules are not strictly separated and separate, but in the absence of others, they are applied accordingly in all cases. This division is losing its significance because modern weapons act multi-complex and combined in the air, water and on land.

The politics of force and resorting to force in the past had the goal of realizing a pretension, territorial or ideological, certain economic or political benefits. And through these immediate benefits, the benchmarks were determined on the basis of which force was resorted to. In today's world politics based on the possible use of nuclear force, this element of factual use is wasted. An eventual nuclear war would be a war of total destruction, a war without a winner or a loser. That is why the great powers have tried to minimize the use of force in their foreign policies, but they are reluctant to accept limitations in this regard.

Great progress in the development of war technology in recent decades has led to fundamental changes in the way of warfare. Modern electronic devices, computers, radars, lasers, weapons with remotely controlled energy, etc., were introduced into war technologies, which resulted in the automation of war operations. The scope of human involvement has been reduced, and priority is given to science, technology, highly trained and professional personnel. The development of military technology preceded legal regulation, thus leading to a legal vacuum. The means of warfare developed faster than the legal order. Modern international law of war is not able to regulate all cases, which is primarily the result of the unwillingness of many more developed states to comply with new treaty prohibitions or restrictions in this regard. Regarding the humanization of war, great efforts were made, but this process took place very slowly and with the constant building of compromises between those who did not benefit from such rules and those who explicitly insisted on them. However, the above-mentioned basic principles of international humanitarian law, as well as *the De Martenson clause*, are a sufficiently strong basis for assessing the disputed issues. These rules have an enduring significance and within their framework the permissibility or impermissibility of the application of certain methods of warfare should be assessed.

LEGAL AND EVOLUTIONARY ASPECTS OF LIMITATIONS AND PROHIBITIONS OF WARFARE

In the current development of international humanitarian law, there is a tendency to limit and prohibit certain ways, i.e. procedures and methods in the conduct of war. Just as the parties to the conflict do not have an unlimited right to choose the means of warfare, so they do not have the right to choose the way of warfare. Since ancient times, the principle that a word given in war must be respected, regardless of whether it was given to the enemy, especially if it is a question of conditional surrender, ceasefire, etc. The rules of war emphasized the prohibition of warfare that conflicts with military morals and honor. Many ancient texts, such as the Mahabarta, the Bible, the Koran, contain rules calling for respect for enemies. Thus, the Vikajet document, written at the end of the 13th century, at the height of Arab rule in Spain, contains a code of rules of warfare.

And the old customary rules of war forbade warfare in a manner contrary to the morals and honor of warriors, and any violation of these rules was severely punished. The given word had to be respected even towards the enemy, while the opposite actions were considered perfidy (treason). Perfidy as an act of war was prohibited even in ancient times as it is today under international humanitarian law. Many armies resorted to perfidy in mutual conflicts, so that there was hardly a war in which these methods of warfare were not used. Throughout history, states have used various perfidies and war tricks to achieve military victory. When the Chinese states of Wu and Jui went to war with each other, the Wu state sent three thousand bandits as a vanguard to give the enemy the impression of its military disorganization and thus entice the Jui state to attack first. Some prisoners escaped and some surrendered, the army of Jui State fought against them, only to later suffer defeat from the army of Wu State. As the ancient Chinese warrior and philosopher Sun Tzu wrote, "When you are near the enemy, try to give the impression that you are far away; when you are far away, try to give the impression that you are near. Engage the enemy in a fight in which you have a good chance of winning." "Fake disorder in your ranks, and then strike at the enemy and take advantage of his confusion" (Sun Cu, 2022).

War tricks are regularly used in war operations and the soldiers themselves are trained to use them. The great war trick that, according to some, gave the Allies a decisive advantage in the Second World War, was when they deceived the Germans in 1944 that they would land in Pade Kale, and the landing was planned and realized in Normandy (Perazić, 1966).

As stated in some ancient records, Muhammad also said that war cunning is sometimes more useful than the help of a tribe, and the Arabian writer Ibn Khaldun wrote in his "Historical Prolegomena": "In wars, victory usually depends on moral patterns that influence the spirit and imagination: the large number of troops, the excellence of weapons and heroism in the attack are sometimes enough

to achieve victory, but these means are much less effective than moral impressions. Therefore, the use of war cunning is the most useful, because it very often brings victory." Gratian and Saint Thomas Aquinas also spoke positively about the legality of resorting to cunning and war deception, as did a large number of lawyers and philosophers later in the Middle Ages (Nis, 1987). At the beginning of World War II, the governments of the warring states committed themselves to sparing civilian objects that were protected by international humanitarian law. In 1939, Roosevelt sent an invitation to the governments of France, Great Britain, Germany, Italy and Poland, which based on it publicly declared that if they were drawn into the war, they would conduct military operations in such a way as to protect the civilian population as well as civilian objects. However, the Second World War was a classic example of great civilian suffering and massive destruction of civilian buildings, which were aimed at weakening the morale of the population and putting pressure on the governments of other countries to yield to the other warring party (Perazić, 1966). Throughout the entire history of warfare, it can be observed that the warring parties used various war tricks, methods, ways of warfare in order to achieve war success, so that there was a need to limit and prohibit certain actions that would be considered illegal, all with the aim of bringing a certain order to the war itself and protecting certain persons as well as objects. Thus, the rules of war themselves took care of the respect of some human rights before they were guaranteed in a general way. There is a need for this because of the exceptional situation in which people find themselves who lost the protection of their state during the war and are in the power of the opposing state, which often treats them as "enemies" (Dimitrijević, Račić, 2007).

Certain restrictions regarding the way of warfare were introduced by the Paris Naval Declaration from 1856. It prohibits piracy and the seizure of neutral property under enemy flags. Special restrictions were introduced by the Hague Conventions from 1907, and later by the Geneva Conventions from 1949 and 1977. All these rules that refer to the limitations and prohibitions of the methods of warfare, as well as the rules that refer to the means of warfare, have the ultimate goal of humanizing war as far as military necessity allows.

The Hague Regulations on the Laws and Customs of War on Land from 1907 prohibited:

- treacherous or perfidious killing or wounding of persons belonging to the armed forces of the opposing party, as well as their citizens. Treacherous killing implies any act that hides insidiousness with the aim of killing the enemy. Such a case, e.g. represents the suspension of resistance by one warring party, so that the other party is deceived and comes to the call for negotiations, so that they open fire with weapons. Also, the case when a member of the armed forces pretends to be

dead or wounded and the enemy approaches him to check or to help him if he is wounded, and the latter opens fire on him with a weapon. But if a soldier does this to avoid capture, it is not perfidy, but a stratagem of war which is permitted;

- announcement that no one's life will be spared. It is forbidden to do this towards war criminals, as well as units that are surrounded, and that would be forced to surrender in this way;

- destruction or confiscation of enemy property, except in cases where military necessity dictates it;

- forcing citizens of the opposing party to take part in war operations directed against their country and if they were in their service before the start of the war;

- killing or wounding the enemy after he laid down his arms or if he was left without means of fighting and surrendered unconditionally;

- using contrary to the rules the emblem of parliament, the national flag of the enemy, the enemy military insignia, the enemy uniform and internationally recognized symbols such as the Red Cross emblem, etc.;

- attacking or bombing by any means undefended cities and other undefended places, as well as any intentional bombing of civilians;

- looting, i.e. surrendering to looting of cities and other places,

- confiscation or destruction of submarine cables connecting the occupied territory with a neutral territory, unless otherwise required by military necessity;

- forcing the population of the occupied territory to provide information about the army of the other warring party, its defense means, or forcing the population to swear an oath to the enemy.

The 1907 Convention on the Rights and Duties of Neutral Powers and Persons in Case of War on Land prohibits the following actions:

- transfer across the territory of a neutral force of troops or convoys, with ammunition or equipment by the belligerent party;

- installation on the territory of a neutral power of a radio-telegraph station or any other device intended to serve as a means of communication with belligerent forces on land or sea;

- the use of any devices that serve as a means of communication, and were established before the war on the territory of a neutral power exclusively for military purposes, and which were not open to the service of public transport;
- the establishment by warring parties on the territory of a neutral power of veterans' units or recruiting offices.

The 1907 Convention on Bombardment by Naval Forces in Time of War prohibits:

- bombing of undefended ports, cities, villages, settlements or buildings;
- allowing a city or town to be plundered, even if it is taken by storm.

And some other conventions adopted at the Second Peace Conference in The Hague in 1907 contain clauses prohibiting certain actions regarding the way of warfare by belligerent or neutral powers. However, even after the adoption of these rules, violations were very common in world wars, as well as in earlier wars. In South Africa from 1899 to 1900, in the war with the Boers, the British repeatedly resorted to the use of the sign of the red cross and the white flag. There were similar actions in the war between the Russians and the Japanese from 1904 to 1905. The Germans also used the red cross sign in the First World War. In October 1912, the Turks raised the white flag east of Shkodër, and the Montenegrins who approached them were showered with fire and defeated in that illegal way. The Germans used the same procedures in Belgium, France and Italy to defeat the enemy. Austro-Hungarian soldiers used the uniforms of Italian soldiers in the First World War, and enemy uniforms were also used by the Bulgarians in 1917. In the war with Japan in 1904 and 1905, the Russians used the uniforms of a third party, namely the Chinese army. Even in World War II, in 1944, the Germans used American uniforms. In addition to all this, it should be emphasized that the Geneva sign of the red cross is equated with the sign of the red crescent, red lion and red sun (Perazić, 1966).

The Geneva Convention of 1949 and the Additional Protocols of 1977 contain new restrictions and prohibitions regarding the methods of warfare. The Protocol from 1977 is one of the conventions that belongs to the so-called Geneva law. Hague law, however, becomes a real law on the conduct of war, only through the Protocol. It follows from this that Hague law and Geneva law are combined in the Additional Protocol. The difference between the two cities, as places where law was developed and places that individually symbolize a great contribution to international humanitarian law, is now only academic (Gasser, 1999).

These regulations prohibit:

- inhumane treatment of wounded, sick and shipwrecked members of the enemy's armed forces, as well as endangering their lives and personalities;
- inhumane treatment of prisoners of war and any procedure that can lead to their death or serious damage to their health;
- attacks on the civilian population and certain categories of civilians, including attacks without a choice of targets, attacks on civilian objects, attacks on places and security zones that are used to put them out of the reach of war operations, physical and moral coercion to provide information, torture by starvation, collective punishment, intimidation, terrorizing, robbery, taking hostages, killing, exposure to reprisals, torture, inhuman treatment, causing great suffering and causing serious bodily harm and health, exile and resettlement to another territory, forcing to serve in a foreign army, etc.;
- perfidy;
- attacks on military and civilian medical units, hospitals, medical transports and means of such transport (aircraft, ships and land means of transport) and medical personnel;
- misuse of the distinctive emblem of the Red Cross, Red Crescent, Red Lion and Red Sun and other emblems, signs and signals established by the 1949 Conventions, including the flag of truce, the distinctive emblem of the UN, except as authorized by the UN;
- the use of the flag, military emblems, markings and uniforms of neutral and other countries that are not parties to the conflict, or the opposing party during an attack or with the aim of defending, encouraging, protecting or disrupting a military operation;
- issuing orders that there should be no survivors or threats to the enemy and conducting hostilities on that basis;
- attacks on persons who parachute from an aircraft in distress, while descending to the ground;
- attacks of any kind on enemy cultural monuments, works of art or temples that constitute the cultural or spiritual heritage of the people, use of these objects to aid military actions;
- military actions that have the goal or can be expected to damage the natural environment, harmful to the health or survival of the civilian population;
- attacks on undefended places and demilitarized zones, etc.

The Geneva Conventions justified their existence by their application in armed conflicts. Their practical application, the readiness of states to respect them and their efforts to avoid violations of the rules, the acceptance and engagement of representatives of international organizations, especially delegations of the International Committee of the Red Cross and the UN, indicate the level of their quality and protection of humanitarian principles and principles. The application of these rules, their respect and non-respect, had a significant impact on international relations and their overall changes. For the first time in the history of international relations, law directly affects complex developments in international relations. International organizations closely monitored the application of the Geneva Conventions, which made it possible to notice their shortcomings and ambiguities, and to see the directions for further improvement and the very approach to the reform of the rules (Jončić, 2003).

International humanitarian law introduces mostly unconditional prohibitions of warfare, while in certain cases these prohibitions are conditioned by the requirements of military necessity. Military necessity is a very important issue in the theory and practice of international humanitarian law. It represents special grounds for non-application of an international rule in whole or in part, which may arise when a party to the conflict determines that its application would be difficult or impossible for political, military operational or other similar reasons.

Prohibitions relating to methods of warfare are primarily intended to protect:

- civilians and civilian objects;
- all other non-military facilities;
- cultural goods;
- non-military medical facilities;
- civil protection facilities;
- facilities and installations containing dangerous forces;
- the natural environment.

The famous Israeli lawyer Yoram Dinstein states, among other things, that these prohibitions should be given special protection:

- medical and religious personnel, medical units and vehicles, medical institutions, buildings, materials, ships, hospitals and medical ambulances;
- civilians found in the occupied territory;

- civilians affected by enemy military operations, civilian objects, objects essential for the survival of the civilian population, installations containing dangerous forces;
- civil protection organization;
- International Committee of the Red Cross, national societies of the Red Cross and other humanitarian organizations;
- the Red Cross symbol and other similar signs;
- cultural assets and religious buildings;
- natural environment.

PERPHIDIES AND WAR CUNTS

One of the traditional "chivalrous" rules of the law of war is the prohibition of perfidy, i.e. of using vJerobreaking ways to kill or incapacitate the opponent. Perfidious acts include all acts that abuse the opponent's trust, such as, for example, pretending to want negotiations, simulating an injury or illness, unauthorized use of symbols of humanitarian organizations or the UN.

The Hague Ordinance from 1907 forbids perfidy and thus forbids treacherous killing or wounding of persons belonging to an enemy nation or army or using the flag of a parliamentary or the flag, military insignia and uniform of an opponent. The Hague Rulebook, however, does not define perfidy.

Protocol I introduces amendments and defines perfidy. He defines perfidy as acts that instill confidence in the adversary to make him believe that he has the right or that he is obliged to accept protection under the rules of international law that apply in armed conflict, with the intention of betraying that trust. Perfidious procedures include:

- Pretending to intend to negotiate under a flag of truce or surrender;
- pretending that someone is incapacitated due to injury or illness;
- pretending that someone is a civilian, that is, that they have the status of a non-combatant;
- pretending to have a protected status by using signs, emblems, uniforms of the UN or neutral and other states that are not parties to the conflict. This includes the use of the symbols of the Red Cross, Red Crescent, Red Lion and Red Sun,

as well as the protective emblem of cultural assets, the flag, military signs, insignia and uniforms of the opponent.

Any use of a sign for which international humanitarian law has not been expressly authorized constitutes its misuse.

There are three types of abuse:

- imitation which represents the use of a sign which, by its shape and/or colour, may cause confusion with the sign;
- usurpation, which represents the use of the sign by unauthorized persons or organizations (commercial companies, pharmacists, private doctors, non-governmental organizations, other individuals, etc.), if the persons authorized to use the sign do not do so in accordance with the rules of the Convention and the Protocol, it also represents usurpation;
- perfidy, which represents the use of a sign during a conflict with the aim of protecting fighters or military equipment; perfidious use of the sign can represent a serious violation of international law or, in other words, a war crime.

The misuse of the emblem for protective purposes in times of war undermines the system of protection established by international humanitarian law. The misuse of the emblem for identification purposes undermines its reputation in the eyes of the public, and therefore diminishes its protective power in times of war (Oberson, 2002).

As opposed to perfidy, war tricks are permitted under international humanitarian law. War cunning is one of the characteristics of war and it is constantly used in war operations. Even in ancient times, they were allowed as a way of warfare. They mean various deceptions, camouflages, false withdrawal, false giving of signals, etc., which are aimed at defeating the opponent.

Article 24 of the Hague Regulations stipulates that war tactics are allowed, but did not define them. Protocol I defined stratagems of war as acts which are intended to deceive the adversary or to induce him to behave recklessly, but which do not violate any rule of international law applicable in armed conflict and which are not perfidious because they do not inspire the adversary's confidence in the protection of that the right one.

Sometimes it is difficult to distinguish between perfidy and war cunning because both are essentially a trick of the opponent calculated to defeat him. However, from the definition of war cunning given by Protocol I, the difference between them can be clearly established.

WAR SPOILS

The Hague Rulebook on the Laws and Customs of War on Land from 1907 conditionally allows for spoils of war. It prohibits the destruction and seizure of enemy property, except in cases where destruction and seizure would be imperatively required by the necessity of war. This ban is conditioned by military necessity. All public movable property can be seized, primarily funds and goods intended for military purposes. These goods must be found on the battlefield. These movable assets are generally understood to mean: weapons, ammunition, military equipment, means of transport, documentation, securities of the opposing party, etc., but also not the personal and family belongings of fallen soldiers and prisoners. It is a modern understanding that money from special purpose funds, such as funds for the payment of pensions, disability benefits, etc., cannot be confiscated. Neither does money that is deposited in banks and does not belong to an enemy state. State property cannot be seized, and the only exception to this is if it directly relates to the origin and manner of waging war. Historical monuments, works of art and science may not be seized (Avramov, Kreća, 2001).

Items that are part of the spoils of war become the property of the state and they must be collected and handed over to the competent state authorities, not to individuals. Items that enter the spoils of war can be immediately used for war purposes, which can give a significant war advantage, especially if it is an army that is insufficiently armed, such as the various liberation and revolutionary armies.

There are certain similarities between spoils of war and looting in war and sometimes it is very difficult to distinguish between them. Article 28 of the Hague Ordinance prohibits "a city or place taken by storm" from being left to robbery. Spoils of war should be distinguished from plunder. Robbery means the personal appropriation of other people's property of a public or private nature. Robbery is also prohibited by the Convention on Bombardment by Naval Forces in Time of War from 1907.

In practice, looting often occurs under the pretext that it is war booty. In the Second World War, these rules were often violated by Axis officers and soldiers. German officers and soldiers from the Eastern Front sent their families various art objects and other things that they personally looted in various galleries and private apartments.

Requisitions and contributions should be distinguished from war booty (Degan, 2011). Requisitions imply contributions in kind for the needs of the enemy's occupying army. These are donations in the form of food, clothing, means of

transport, as well as donations in the form of services, i.e. making labor available. The Hague Rulebook in Article 52 sets three conditions for requisitions: they can only be requested for the needs of the enemy's occupying army, they must be in proportion to the economic power of the country and they cannot contain an obligation for the inhabitants to take part in war operations. Requisitions must be paid in cash, at the true value, and if this is not possible, then receipts are issued. Contributions are monetary contributions that can be demanded only on the basis of a written order from the commander-in-chief of the enemy occupation army in a certain area and must be in proportion to the wealth of the country. They do not represent a sanction and the Hague Rulebook states in Article 50 that "no collective punishment, monetary or otherwise, can be ordered against the population for individual acts for which they could not be held collectively responsible".

War customs from the time of the power of the Roman Empire allowed the Roman army to seize not only objects used by the opponent but also the opponent himself, which is explained by the fact that Roman law considered foreigners illegal persons. The booty (*praeda*) was handed over to the state in one form or another, and was divided among the soldiers. However, the rules at that time allowed the possibility of robbery (*dispertio*), which benefited only soldiers and military commanders who allowed robbery. In one part of the ancient period, immovable goods were also captured, but later this practice was discontinued, so only movable goods were considered spoils of war. In the Middle Ages, the spoils of war were given great importance, given the opinion that war should be beneficial to the one who starts it. The practice of dividing the spoils of war between the soldiers who came to it was retained, but there was an obligation to hand over war implements, food supplies and ammunition to the ruler. The military leaders of some states also introduced some restrictions regarding the spoils of war, which prohibited soldiers from pursuing the spoils of war without prior permission, or from seizing them after the battle was over. In treaties on the surrender of cities, the victor often undertook not to seize charters, state papers and public documents. In some states, courts were established with the authority to resolve disputes over the ownership of booty acquired in a land war, while the authority to determine the ownership of booty acquired in a naval war belonged to the admiralty (Nis, 1987). At that time, the principle was accepted that the person who seizes does not have ownership of the loot until the competent court, or the admiralty, grants him permission to do so.

ASSASSINATIONS

International humanitarian law does not specifically regulate the assassination of individual military and political figures of an enemy state during war. However, from general legal principles and other rules of international humanitarian law, it can be concluded that assassination carried out by an individual or a group of people in any way and under any leadership is not a legally legitimate act under the following conditions:

- that it was carried out secretly;
- that the assassin was not noticed until the moment of the murder;
- that the assassin did not wear certain insignia and uniform or wore a fake uniform.

Such an attitude should also be derived from the principle that war is not waged against an individual, not even a high-ranking figure of an enemy state, but against the enemy's armed forces. If the assassin is caught in such an action, the power that catches him has every right to bring him to court and punish him most severely. But if a high-ranking figure of an enemy state loses his life in the action of commandos, who are legally at war, then such an act is legitimate.

BLACKMAIL

Blackmail in an armed conflict is an act whose aim is to capture certain military or civilian persons alive or to kill a military or political functionary of a political party for money or other reward. Usually such blackmails were announced through newspapers or radio. This kind of procedure is illegitimate from the point of view of international humanitarian law because it is against the principle of humanity, it is an inhumane procedure because individuals are encouraged to commit crimes for self-interest. Also, publicly announcing that a certain personality will be deprived of mercy is against international humanitarian law, because the war is fought against the military force of the enemy, and not against individuals.

CAUSING REVOLTS

Inciting insurrection is an act that consists in the fact that one warring party incites, assists or organizes insurrection among the other party on religious, political, national or other grounds. What methods the instigator uses is irrelevant

to international humanitarian law. The goal of the rebellion is to weaken the other side and create an atmosphere of insecurity in order to easily overcome the opponent (Vučinić, 2006).

If the population of one territory is ready to rise up against the occupying power or its own government, the other warring party, by encouraging them to fight, can help and politically manage such a fight in a certain way (Perazić, 1966). If these actions were to be encouraged and assisted in a peaceful period, this would represent interference in the internal life of another state, that is, an intervention that is illegitimate under international humanitarian law, while the same actions are considered legitimate during wartime.

PSYCHOLOGICAL WARFARE

Psychological warfare during armed conflicts includes the application of all methods of placing information, which one side directs against the other with the aim of weakening its military power. Most often, these are various news aimed at disinforming the army and the people. It has been used since ancient times, and today it is especially widely used, thanks to modern ways of distributing information that are widely available.

Information that is placed on the Internet, television, radio, newspapers represents the main influence on public opinion in today's global village and societies of communication abundance. There are elaborate methods for presenting certain information to the public through the means of information, and for the psychological effect and practical result to be as favorable as possible. There is a special connection between those who send information in their goal and the media, which some authors compare to "*a too harmonious but long-lasting marriage*" (Danilović, 2007).

The Second World War showed the great perfection of this method of warfare, so that there were also special military units and a structure of organs for propaganda. In later wars, this would become the standard of conduct used by the warring parties.

CONCLUSION

In terms of the way of warfare, the modern war seems to have turned its back on humanity and turned into a great destructive enterprise. Despite the impressive number of international regulations that introduce prohibitions in this regard, their non-compliance is constant. It is also necessary to work on strengthening the awareness of members of the armed forces and to discriminate against all these inhumane actions in armed conflicts that are prohibited by international law. There is a need for constant training of all participants in armed conflicts on how to act, to know this side of war in addition to war skills. And Sun Tzu pointed out, " *war is of essential importance for the state, it is the area of death and life, the*

path of survival and destruction, and therefore it must be studied as well as possible ".

In the period after the adoption of the Geneva Conventions from 1949, the world experienced an alarming number of armed conflicts that affected almost every continent and a large number of countries. The Geneva Conventions and their Additional Protocols from 1977 provided certain protections that represented a big step forward. However, despite this, there were numerous violations of these treaties, which only resulted in suffering and death, and which could have been avoided if international humanitarian law had been better respected.

It can be concluded that even today, after all the agreed prohibitions, it is not ensured that the warring parties consistently adhere to the rules of international humanitarian law, because the old Roman rule says: "*silent legus inter arms*", i.e. that laws are silent in war, because war itself represents violence, and violence is incompatible with law and legality. However, international humanitarian law prescribes the minimums of humanity, which a large number of countries have incorporated into their internal legislation, and in addition, they have committed themselves to the application of these minimum rules through multilateral conventions. All these rules aim to curb violence in war, so that warring parties will behave in accordance with two basic principles of warfare: the principle of military necessity, which allows the use of violence in the minimum form and intensity necessary to achieve the war objective, and the principle of humanity, which is aimed at protecting people's lives and health. Despite the acceptance of these principles by almost all countries of the world, it has unfortunately been shown that many countries interpret these standards differently and in their own way, which sometimes leads to severe abuses and gross and irreparable violations of international humanitarian law.

The logic of war, primarily on the side of the aggressor, deepens and intensifies the spiral of violence that often gets out of control, and sometimes becomes a goal in itself. In all the wars fought so far, many participants easily crossed the line that separates military measures and actions in war from war crimes and the use of excessive military force, all to the detriment of the civilian population, soldiers, wounded, parliamentarians, private and other property, etc. Such procedures should be prevented by the international community with all available instruments, until the culprits are ultimately brought under the influence of international law and judicial justice.

We can also hope that the UN, as the voice of the international community, will pay more attention in the future to respecting international humanitarian law and resisting all the challenges it faces. Every effort in this direction is worth the effort

because the goal is the survival of people in war and the protection of human dignity.

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KRIMINALISTIČKA OBRADA U FUKCIJI ANALIZE STANJA KRIMINALITETA

Pregledni znanstveni članak

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Sažetak:

U ovom radu obrađuje se kriminalistička obrada kao i analiza stanja opšteg kriminaliteta na području Bosne i Hercegovine za 2022. godinu. Kriminalistička obrada je široko kompleksna pa joj je posvećena posebna pažnja, što i jeste jedan od ciljeva ovog rada. Mi ovdje nastojimo da odnosnu temu razmatramo višedimenzionalno i da damo neke preporuke u oblasti sprečavanja prvenstveno opšteg kriminaliteta. U ovim nastojanjima pokušaćemo da damo jednu realnu sliku stanja ovih delikata unutar dijapazona kriminalnih aktivnosti koje opterećuju bosanskohercegovačko društvo.

Informacijom o stanju bezbjednosti u Bosni i Hercegovini u 2023.godini, te provedenim mjerama institucija i agencija za zaštitu zakonitosti (na osnovu podataka tih institucija i agencija) ima za cilj da zakonodavnoj vlasti BiH posluži kao osnov u namjeri da u svom budućem radu , kroz zakonodavne inicijative, unaprijedi postojeće zakonske okvire (na nivou BiH) u skladu sa evropskim standardima, kako bi se osigurala efikasnija borba protiv svih vidova prvenstveno organizovanog kriminaliteta, protiv korupcije, terorizma kao i protiv opšteg kriminaliteta.

To je temelj za sagledavanje potrebe za unapređenje postojećih politika, strategija akcionih planova za borbu protiv svih vidova savremenog kriminaliteta, kao i potreba jačanja institucionalnih kapaciteta za borbu protiv kriminaliteta.

Ključne riječi: *kriminalističke provjere, nadzor, kriminalistička obrada, kriminalitet.*

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1. UVOD

Kada podaci i obavještenja ukazuju da postoje osnovi sumnje (Korajlić, 2003) da je izvršeno krivično djelo za koje se goni po službenoj dužnosti, postupanje policije mora da ima sistematski karakter i da se odvija kroz evidentiranje podataka i obavještenja , njihovo stručno procjenjivanje, donošenje odluke o postupanju, kao i provjeravanju podataka i obavještenja, u cilju prikupljanja materijalnih i drugih dokaza. Postupak provjeravanja podataka i obavještenja i prikupljanje materijalnih i drugih dokaza o krivičnom djelu i učiniocu vrši se kriminalističkim – prethodnim provjerama. Prethodna provjera podrazumijeva preduzimanje operativnih mjera i radnji kojima se prikupljaju podaci i obavještenja i određeni materijalni i drugi dokazi. Operativne mjere i radnje se preduzimaju u skladu sa pravilima kriminalistike, a na osnovu ovlaštenja Zakona o krivičnom postupku i Zakona o unutrašnjim poslovima. Prije zavođenja i otvaranja kriminalističke obrade preduzimaju se mjere i radnje pojačanog nadzora nad određenom kategorijom lica.

Pod pojačanim nadzorom podrazumijevamo sistem operativno-taktičkih i tehničkih mjera i radnji koje se sastoje u ostvarivanju uvida nad kretanjem i ponašanjem lica za koja se pretpostavlja da će nastaviti sa vršenjem krivičnih djela i težih prekršaja protiv javnog reda i mira na određenom užem ili širem području. Svrha nadzora je da se blagovremeno prikupe podaci o namjerama vršenja kriminalne i kriminogene djelatnosti u cilju njenog sprečavanja, kao i praćenja aktivnosti, radi lakšeg otkrivanja već počinjenih krivičnih djela. U praksi su, nažalost, poznati slučajevi da su, radi zanemarivanja ove službene radnje, pojedini kriminalci, nepoznati za novu generaciju policije zbog izdržavanja dugogodišnje kazne zatvora, izvršili serije teških krivičnih djela, da bi tek slučajno bili otkriveni. Razlog za ovakve slabosti nalaze se u nepostojanju operativnih evidencija, njihovog neažurnog vođenja (a naročito albuma kriminalaca) ili nekorištenja u praksi. Ovakvi primjeri nameću obavezu svim radnicima policije koji vrše pozorničko-patrolnu i druge oblike djelatnosti i radnicima kriminalističke policije da moraju veoma dobro poznavati sva lica koja su stavljena pod pojačani nadzor. Nadzor nad licima ne smije se vršiti na način koji predstavlja ograničenje slobode kretanja, nastanjivanja ili zapošljavanja ili ometanje uključivanja u redovan život. Pod nadzor se ne mogu stavljati lica koja to svojim ponašanjem ne zaslužuju. S toga se s pravom postavlja pitanje koje su to kategorije lica koja se zbog svog dosadašnjeg kriminalnog i kriminogenog ponašanja i osnovane pretpostavke da će nastaviti sa takvim ponašanjem , mogu staviti pod pojačani nadzor. U ta lica naročito spadaju:

- ❖ lica koja su više puta prijavljena i osuđivana (recedivisti – povratnici u vršenju krivičnih djela);

- ❖ lica koja su više puta prijavljena i osuđivana zbog krivičnih djela protiv ustavnog uređenja i bezbjednosti zemlje (politička krivična djela);
- ❖ profesionalizovani i specijalizovani kriminalci (ubice, razbojnici, provalnici i dr),
- ❖ pripadnici organizovanih kriminalnih grupa. Svakako da zbog stepena društvene opasnosti i drugih okolnosti sva nabrojana lica ne zaslužuju isti tretman nadzora. To zahtijeva da se lica koja se stavljaju pod pojačani nadzor svrstaju u tri kategorije, a to su:
- ❖ **Prva kategorija** – lica koja su više puta prijavljivana i osuđivana za teška krivična djela (povratnici), kao što su ubice, razbojnici, provalnici, opasni krijumčari. U ovu kategoriju spadala bi i lica koja su u izvršenju ovih i drugih krivičnih djela ispoljila svirepost, okrutnost, surovost. Zbog njihove opasnosti, nad ovim licima moguće je uspostaviti svaki metod – oblik nadzora, naravno dopušteni, za koji se ocijeni da je najplodotvorniji;
- ❖ **Druga kategorija** – lica koja su za ostala krivična djela više puta prijavljivana i osuđivana, kao i teži prekršioci javnog reda i mira (siledžije, nasilnici), nad kojima se nadzor ostvaruje kroz svakodnevno vršenje pozorničko – patrolne djelatnosti;
- ❖ **Treća kategorija** - lica koja važe kao potencijalni izvršioci krivičnih djela i težih prekršaja (najčešće maloljetnici), koji su prijavljivani za izvršena krivična djela i teže prekršaje, ali još uvijek nisu osuđeni. Ovakva lica vode se samo u operativnim evidencijama organizacionih jedinica Ministarstva unutrašnjih poslova, dok se lica iz prve i druge kategorije, pored ovih, vode i u kaznenim i (ili) prekršajnim evidencijama.

Broj lica koja se stavljaju pod pojačan nadzor treba svesti na minimum, jer bi preveliki broj lica bilo teže kontrolisati, u kom slučaju bi kontrola bila površna i formalistička. Imajući u vidu da je ostvarivanje pojačanog nadzora putem nekih metoda koje se primjenjuju u određenoj mjeri zadiranje u ljudska prava i slobode građana, nedopustivo je da o stavljanju lica pod pojačani nadzor odlučuju neovlašćena lica bez utvrđenih kriterijuma (Kovačević, 1990).

Nadzor može biti:

- ❖ lokalni, ako se osnovano pretpostavlja da se lice kreće i vrši krivična djela u određenom užem prostoru (opština, regija) i državnog karaktera, ako se pretpostavlja da je lice kriminalno aktivno na području cijele Bosne i Hercegovine i šire.

Kao što je već ranije istaknuto, svrha pojačanog nadzora nad određenim kategorijama lica je da se ostvari uvid u dalje ponašanje lica nakon izvršenog krivičnog djela ili težeg prekršaja protiv javnog reda i mira. Cilj nadzora je da se utvrdi da li se lice i dalje bavi kriminalnim aktivnostima, sa kime se od poročnih lica druži, sa čime se kreće, da li troši mimo realnih materijalnih zarada i mogućnosti, kao i slična zapažanja koja mogu ukazivati na osnovanu pretpostavku da se lice i dalje bavi kriminalnim i kriminogenim aktivnostima.

Pojačano nadziranje može se vršiti na više načina, zavisno od stepena društvene opasnosti lica, konkretnog zadatka itd. Nadziranje se ostvaruje putem neke od sledećih metoda:

a) vlastitim zapažanjem kroz:

– obavljanje pozoričko-patrolne djelatnosti i

– osmatranjem kriminalnih i kriminogenih žarišta (određenih prostora i objekata gdje se često vrše krivična djela i teži prekršaji protiv javnog reda i mira);

b) prikupljanjem obavještenja od građana koja prema svom radnom mjestu i mjestu stanovanja mogu doći do podataka o tim licima i hoće da ih dobrovoljno saopšte;

c) putem operativnih veza (informatora i saradnika) koji konspirativno ali dobrovoljno, po uputama ovlašćenog službenog lica prikupljaju podatke o ponašanju lica koja su stavljena pod pojačani nadzor;

d) pratnjom, koja se sastoji u slijeđenju i posmatranju lica sa ciljem zapažanja i fiksiranja činjenica koje su bitne za utvrđivanje kriminalne aktivnosti lica, njegovih saučesnika i drugih okolnosti. Za vršenje ove složene policijske radnje angažovaće se iskusni radnici koji za to imaju afiniteta.

Ova radnja kao i angažovanje operativnih veza može se vršiti isključivo po odobrenju neposrednog rukovodioca i

e) na druge načine, kao što je provjera alibija u vezi konkretnog događaja, postavljanjem zasjede, organizovanjem racije, prilikom kontrole saobraćaja kao i mjerama davanja upozorenja i izdavanja naređenja (Kovačević, 2018).

Svi radnici koji rade na operativnim poslovima sprečavanja i otkrivanja krivičnih djela, održavanja javnog reda i mira i kontroli i regulisanju saobraćaja, dužni su da evidentiraju sva bezbjednosno interesantna zapažanja i saznanja do kojih su došla u vezi sa sprovođenjem pojačanog nadzora. Zapažanja i saznanja se unose u evidenciju bezbjednosnog sektora. Pored toga, potrebno je po zahtjevu rukovodioca kriminalističke policije sačinjavati periodične izvještaje (mjesečne,

tromjesečne) o ostvarivanju nadzora, kako bi se na osnovu podataka iz izvještaja mogle stvarati kriminalističke verzije povodom izvršenih krivičnih djela po nepoznatom izvršiocu, vršiti eliminacija osumnjičenih lica i slično. Jedan od bitnih zadataka društvene zajednice je, da licima koja su krenula stranputicom, pomogne da se što prije vrate u kolosijek normalnog života, to jest da se što prije postigne njihova resocijalizacija. S tim u vezi, i pored negodovanja određenog broja neupućenih građana da se kriminalcima po povratku sa izdržavanja kazne zatvora pruži šansa, društvo im treba pružiti pomoć u pogledu zaposlenja u skladu sa stručnim kvalifikacijama, kako ne bi imali ni najmanju potrebu za nezakonitim pribavljanjem sredstava za život. Ako se nakon dužeg praćenja aktivnosti lica koje je stavljeno pod pojačani nadzor stekne uvjerenje da se lice više ne bavi vršenjem krivičnih djela, nadzor će se obustaviti (Kovačević, 2017).

Opšti izvori daju informacije koje djeluju generalno i kao takvi primjenjuju se u svim konkretnim situacijama i slučajevima. U grupu opštih izvora ubrajamo analizu i sintezu kriminala, kriminalističke operativne evidencije, laboratorije primijenjenih nauka za borbu protiv kriminaliteta.

Posebni izvori operativnih saznanja organizuju se na određenom prostoru u određenom vremenu i najčešće u odnosu na konkretan trenutni ili kontinuirani operativni zadatak. Možemo da ih podijelimo na :

- neposredni operativni rad ovlašćenog službenog lica organa unutrašnjih poslova;
- aktivnost građana – community policing;¹
- angažovanje operativnih veza;
- razgovor sa učiniocem krivičnog djela u operativnom cilju;
- praćenje i operativno osmatranje;
- primjena posebnih operativnih metoda, sredstava i tehničkih metoda i sredstava u prikupljanju operativnih obavještenja.²

¹ Operativne informacije personalne prirode sadržane su u izjavama lica i najčešće su neformalne prirode. Takva

lica obično su presumtivni svjedoci ili osumnjičeni, ali i sva druga lica koja imaju kakva saznanja o krivičnom događaju i učiniocu.

² Operativne informacije stvarne prirode sadržane su u pronađenim tragovima i predmetima koji se dovode u vezu

s učinjenim krivičnim djelom i one imaju kriminalističku relevantnost. To su tzv. stvarni dokazi koji ne

zahtijevaju stručnu interpretaciju, nego ih za potrebe postupka može koristiti tijelo postupka na temelju svog

znanja i iskustva. Dio indicija materijalne prirode zahtijevaju prethodno vještačenje i javljaju se kao predmeti

vještačenja.

U ostale izvore koji mogu biti i operativni, a u smislu da predstavlja osnov za preduzimanje daljih operativnih mjera i obavještenja, možemo ubrojati:

- prijavu oštećenog građanina, žrtve ili pravnog lica o učinjenom krivičnom djelu;
- prijave i izjave svjedoka i očevidaca do kojih se došlo u kriminalističkoj obradi i krivičnom postupku;
- štampa i druga sredstva javnog informisanja;
- anonimne i pseudonimne prijave (Gaćeša, 1998).

2. KRIMINALISTIČKA OBRADA

Kriminalistička obrada je skup metodološki planiranih i poduzetih mjera i radnji što ih poduzimaju ovlaštena službena lica povodom određenog kriminalnog događaja s ciljem da se osnove sumnje do kojih se došlo operativnim radom podignu na takav stupanj vjerovatnosti koji će omogućiti donošenje procesnog akta optuženja. Riječ je o kriminalističkom misaonom, radnom i dokaznom procesu tijela unutrašnjih poslova, odnosno aktivnosti ovlaštenih službenih lica usmjerenih na otkrivanje, prikupljanje, obezbjeđenje i izvođenje dokaza o relevantnim činjenicama, na otkrivanje izvršioca i obezbjeđenje njegove dostupnosti. (Korajlić, 2006). U otkrivačkoj djelatnosti na početku svakog krivičnog događaja obično se raspolaže s malobrojnima, nepovezanim i često nejasnim informacijama, kako o krivičnom djelu, tako i o njegovom nepoznatom učiniocu. U toj početnoj kriminalističko – taktičkoj situaciji ne mogu se donositi bilo kakvi zaključci, već u prvom redu, po načelu skepse, treba poći od krivičnog događaja i ispitati krivično djelo (Bošković, 1990).

Sa stanovišta operativne – otkrivačke djelatnosti, krivična djela dijelimo u dvije osnovne grupe krivičnih djela i to na:

1. Krivična djela s nepoznatim izvršiocom – to su svi krivični događaji – krivična djela za koja se u početku ne raspolaže informacijama o učiniocima tih krivičnih djela, i

2. Krivična djela s poznatim izvršiocem – to su svi krivični događaji – krivična djela kod kojih se u kriminalističkoj obradi polazi od određenog, osnovano sumnjivog fizičkog lica, čije se radnje provjeravaju kako bi se utvrdilo kako je prouzrokovalo krivični događaj.

Kriminalistička obrada predstavlja skup planiranih i sistematskih preduzetih kriminalističko – taktičkih i kriminalističko – tehničkih radnji i mjera i istražnih radnji, s ciljem otkrivanja i utvrđivanja krivičnog djela i učinioca, njegovog pronalaženja i privođenja i obezbjeđenja dokaza. Kriminalistička obrada se mora sprovoditi planski, što svakako podrazumijeva blagovremeno donošenje plana rada, koji se mora stalno ažurirati i dopunjavati, u zavisnosti od novih činjenica i podataka dobijenih tokom realizacije same obrade, odnosno od konkretne kriminalističko – taktičke situacije. Kriminalistička obrada je oblik djelatnosti pomoću koje se utvrđuje postojanje kriminalnog događaja i kriminalnog ponašanja, određenog lica. (Aleksić Milovanović, 1994). Pod kriminalističkom obradom podrazumijevamo sistem svih operativno taktičkih mjera, usmjerenih ka otkrivanju i utvrđivanju konkretnog krivičnog djela i njihovog izvršioca, a na osnovu prethodno saznatih indicija.

Na osnovu pomenutih definicija, može se zaključiti da su bitne karakteristike kriminalističke obrade, i to:

- da se kriminalistička obrada realizuje u momentu postojanja osnova sumnje za postojanje krivičnog djela i učinioca,
- da se pravni osnov kriminalističke obrade nalazi u Zakonu o krivičnom postupku (ako postoji osnovi sumnje da je učinjeno krivično djelo za koje se goni po službenoj dužnosti organi unutrašnjih poslova su dužni preduzeti potrebne mjere i radnje da se pronađe učinilac krivičnog djela...),
- da se kriminalistička obrada planira operativnom djelatnošću, koja ima zadatak da se stepen osnova sumnje pretvori u osnovanu sumnju kao kvalitetno viši stepen vjerovatnoće,
- da je kriminalistička obrada sistem operativno – taktičkih mjera i radnji, iako pojedini kriminalisti upotrebljavaju pojam skup, što je neadekvatan pojam za ovaj oblik djelatnosti organa unutrašnjih poslova.

Osnov za zavođenje i vođenje kriminalističke obrade je određeno krivično djelo ili lice. Ta određenost se sastoji u postojanju osnova sumnje

za određeno lice ili krivično djelo. Vremensko trajanje kriminalističke obrade je određeno, i uglavnom kraće, s tim što se ne može stalno precizno utvrditi period trajanja. Postupak zavođenja i realizacija kriminalističke obrade regulisani su u instruktivnim aktima organa unutrašnjih poslova. Krajnji cilj kriminalističke obrade je utvrđivanje osnovane sumnje o krivičnom djelu i određenom licu kao učiniocu, čime se stiču potrebni uslovi potrebni za podnošenje izvještaja o počinjenom krivičnom djelu nadležnom tužilaštvu (Kovačević, 2018).

3. ANALIZA KRIMINALITETA U BIH ZA PERIOD 2018.-2022.

Mjerenje učinka u poslovnim procesima proizilazi iz kvantativno postavljenih ciljeva, te se na kraju rezultat postavljenih ciljeva može izmjeriti, dok su ciljevi u policijskoj organizaciji

postavljeni prvenstveno kvalitativno. Iako policija u svakoj demokratskoj državi predstavlja

temeljni oslonac sistema bezbjednosti, odgovornost za stanje bezbjednosti ne može biti samo na policijskoj organizaciji. „Na stanje bezbjednosti u državi utiču, s jedne strane, negativne ili štetne bezbjednosne pojave koje se definišu kao protivpravna i asocijalna ponašanja u društvu. S druge strane, na stanje bezbjednosti u državi utiču pozitivne ili korisne bezbjednosne pojave, a to su postupci policije i svih drugih subjekata u sistemu nacionalne bezbjednosti, radi sprečavanja nastajanja negativnih bezbjednosnih pojava, te samozaštitno djelovanje građana uz pomoć kontakt policije, odnosno policije u zajednici“ (Vencl, Jamnić, Pušeljčić, 2021).

Ukupan broj registrovanih krivičnih djela u Bosni i Hercegovini u 2022. godini (23.171) je manji za 3,78% u odnosu na 2021. godini (24.083). Sve ovo ukazuje na to da se bazična bezbjednost u Bosni i Hercegovini stabilizuje i pored niza bezbjednosnih izazova i rizika, za koje treba naći prave mjere i odgovore, kao i činjenice da se policija susreće sa sve složenijim krivičnim djelima.

Ukupan broj registrovanih krivičnih djela u Bosni i Hercegovini u 2020. godini (24.617) je manji za 0,64% u odnosu na 2019. godini (24.776). Dok je broj krivičnih djela u 2019. godini manji za 1,53% u odnosu na 2018. godinu (25.161).

Ukupan broj registrovanih krivičnih djela u Bosni i Hercegovini u 2019. godini (24.685) je manji za 1,89% u odnosu na 2018. godini (25.161). Dok je broj krivičnih djela u 2018. godini manji za 6,86% u odnosu na 2017. godinu (27.016). Smanjenju broja registrovanih izvršilaca krivičnih djela doprinijele su brojne policijske mjere, među kojima i preventivne. U 2022. godini, na nivou BiH, od ukupnog broja izvršilaca krivičnih djela 2,6% se odnosi na maloljetne osobe što je smanjenje u odnosu na 2021. godinu kada je bilo 3,2%.

Ukupan broj izvršilaca registrovanih krivičnih djela u Bosni i Hercegovini u 2020. godini iznosio je 18.776, a u 2019. godini 19.595 lica, što je manje za 4,2 %. Smanjenju broja registrovanih izvršilaca krivičnih djela doprinijele su brojne policijske mjere, među kojima i preventivne. U 2020. godini, na nivou BiH, od ukupnog broja izvršilaca krivičnih djela 2,6% se odnosi na maloljetna lica što je smanjenje u odnosu na 2019. godinu kada je bilo 3,2%.

Stanje bezbjednosti na području Federacije Bosne i Hercegovine, prema statističkim podacima kantonalnih Ministarstava unutrašnjih poslova i Federalne uprave policije, prezentovanih po zadatim segmentima za period: januar-decembar 2022. godine u odnosu na uporedni period 2021. godine, karakteriše smanjenje:

- broja izvršenih krivičnih djela za 580 (ili 3,68%),
- broja registrovanih prekršaja iz oblasti javnog reda i mira za 8.936 (ili 35,26%),
- broja napada na ovlaštena službena lica za jedan (ili 1,43%) te povećanje broja saobraćajnih nezgoda za 854 (ili 4,17%).

U 2022. godini, Ministarstvo unutrašnjih poslova Republike Srpske je nadležnim tužilaštvima podnijelo 5.890 izvještaja protiv 6.591 lica, zbog osnova sumnje da su počinila 6.830 krivičnih djela. Smanjen je ukupan broj krivičnih djela za 3,3% u odnosu na 2021. godinu. Koeficijent ukupne rasvjetljenosti iznosi 87,7% a koeficijent rasvjetljenosti krivičnih djela izvršenih od strane nepoznatih lica 70,8%.

Broj krivičnih djela opšteg kriminaliteta (5.748) smanjen je za 2,9% u odnosu na uporednu godinu Povećan je koeficijent ukupne rasvjetljenosti (85,6%), dok je u 2021. godini koeficijent ukupne rasvjetljenosti iznosio je (84,7%) što je povećanje za (0,9%), a koeficijent rasvjetljenosti po nepoznatom izvršiocu u 2022. godini (69,4%), a u 2021. godini po nepoznatom izvršiocu (70,5%), što je manje za (-1,1%).

Državna agencija za istrage i zaštitu je realizovala 70 operativnih akcija, od kojih se šest odnosilo na krivična djela ratnih zločina. Kriminalističko-istražno

odjeljenje i Finansijsko-obavještajno odjeljenje realizovali su ukupno 64 operativne akcije, od kojih su 32 realizovane samostalno a 32 u saradnji sa policijskim tijelima u BiH i drugim institucijama u BiH. Lišeno je slobode 195 lica, od kojih je 21 za krivična djela ratnih zločina.

Izvještajima i dopunama izvještaja o postojanju osnova sumnje o počinjenom krivičnom djelu prijavljena su 242 krivična djela ili 8% manje u odnosu na 2021. godinu kada su otkrivena i prijavljena 263 krivična djela (Ministarstvo bezbjednosti BiH, 2023).

4. ZAKLJUČAK

Na osnovu izloženog, možemo zaključiti da je sprečavanje kriminaliteta organizovani oblik prije svega društvene prevencije koja pretpostavlja poznavanje kriminalnih pojava, socijalnih, ekonomskih i društvenih uzroka koji do njih dovode. Za razliku od sprečavanja, suzbijanje kriminaliteta ima drugu dimenziju a to je da se počinjena krivična djela otkriju i rasvjetle, a prema počiniocima preduzmu zakonom propisane mjere i radnje, tj prikupe dokazi, podnesu izvještaji o počinjenim krivičnim djelima, gdje upravo ključnu ulogu ima kriminalistička obrada. Otkrivanje krivičnih djela u potpunosti se zasniva na uspješnom prikupljanju dvije vrste dokaza: materijalnih dokaza i izjave svjedoka. Sve to zahtjeva neprekidni rad i angažman svih agencija za provođenje zakona u BiH, prvenstveno policije, sve u cilju sprečavanja, otkrivanja i rasvjetljavanja krivičnih djela te sprečavanje narušavanje bezbjednosti građana i imovine. Na osnovu analize stanja kriminaliteta u Bosni i Hercegovini može se zaključiti da je stanje bezbjednosti u BiH u vremenskom period 2018-2022. godini, bilo na zadovoljavajućem nivou.

Bezbjednosno stanje u Bosni i Hercegovini može se unaprijediti, samo dobrom komunikacijom koordinacijom i saradnjom između nadležnih institucija i agencija za sprovođenje zakona. U smislu pravovremenog dostavljanja međunarodnih operativnih podataka, saradnju policijskih tijela s Tužilaštvom i pravosudnim tijelima Bosne i Hercegovine, kao i s policijskim tijelima zemalja u okruženju i šire, potrebno je podići na viši nivo razmjene i saradnje na konkretnim predmetima te provedbu zajedničkih policijskih operacija.

U narednom periodu će biti neophodan pojačan angažman nadležnih subjekata u borbi protiv svih oblika kriminaliteta. Također ne treba zanemariti činjenicu o

prilagođavanje novim modus operandi sistemima korištenim od strane kriminogenih lica naročito u oblasti upotrebe IT tehnologija. Posebnu pažnju treba usmjeriti na kontinuirano jačanje saradnje kriminalnih lica iz BiH sa kriminalnim grupama iz regiona, što zahtijeva da policajci koji su zaduženi za sprečavanje i otkrivanje krivičnih djela ne shvataju svoj zadatak kao nešto rutinsko. Pristup mora biti profesionalan uz adekvatnu primjenu pozitivno pravnih propisa sa blagovremenom razmjenom podataka, a sve u cilju hapšenja i lišenja slobode počinilaca krivičnih djela i njihovo procesuiranje pred nadležnim sudovima.

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**CRIMINAL PROCESSING IN THE FUNCTION OF SITUATION
ANALYSIS
CRIMINALITY**

Review scientific article

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Abstract:

This paper deals with the criminal investigation as well as the analysis of the state of general crime in the territory of Bosnia and Herzegovina for the year 2022. Criminal processing is widely complex, so special attention is paid to it, which is one of the goals of this paper. Here, we are trying to consider the relevant topic in a multidimensional way and to give some recommendations in the field of preventing, primarily, general criminality. In these efforts, we will try to give a realistic picture of the state of these offenses within the range of criminal activities that burden the Bosnian society.

With information on the state of security in Bosnia and Herzegovina in 2023, and the implemented measures of institutions and agencies for the protection of legality (based on the data of those institutions and agencies), it aims to serve as a basis for the legislative power of BiH in order to, in its future work, through legislative initiatives, improve existing legal frameworks (at the BiH level) in accordance with European standards, in order to ensure a more efficient fight against all forms of primarily organized crime, against corruption, terrorism as well as against general crime.

This is the basis for considering the need to improve existing policies, strategies of action plans to fight against all forms of modern crime, as well as the need to strengthen institutional capacities to fight against crime.

Keywords : *criminal background checks, surveillance, criminal processing, crime.*

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1. INTRODUCTION

When data and notifications indicate that there are grounds for suspicion (Korajlić, 2003) that a criminal offense has been committed for which the prosecution is *ex officio*, the police's actions must be systematic in nature and take place through the recording of data and notifications, their expert assessment, and decision-making on handling, as well as checking data and notifications, in order to collect material and other evidence. The process of verifying data and notifications and collecting material and other evidence about the criminal act and the perpetrator is carried out by criminal - preliminary checks. Preliminary verification implies taking operational measures and actions that collect data and notifications and certain material and other evidence. Operational measures and actions are undertaken in accordance with the rules of criminalistics, based on the authorization of the Criminal Procedure Act and the Internal Affairs Act. Prior to the initiation and opening of the criminal investigation, measures and actions of increased supervision over a certain category of persons are undertaken.

By enhanced surveillance, we mean a system of operational-tactical and technical measures and actions that consist in gaining insight into the movement and behavior of persons who are assumed to continue committing criminal offenses and serious offenses against public order and peace in a specific narrow or wider area. The purpose of surveillance is to timely collect data on intentions to commit criminal and criminogenic activities in order to prevent them, as well as to monitor activities, in order to facilitate the detection of already committed criminal acts. In practice, unfortunately, cases are known that, due to the neglect of this official action, certain criminals, unknown to the new generation of police due to serving a long prison sentence, have committed a series of serious crimes, only to be discovered by chance. The reason for such weaknesses lies in the lack of operational records, their not being kept up-to-date (especially albums of criminals) or not being used in practice. Such examples impose an obligation on all police officers who perform stage-patrol and other forms of activity and criminal police officers to know very well all persons who are placed under increased surveillance. Surveillance of persons must not be carried out in a way that represents a restriction of freedom of movement, residence or employment or hinders inclusion in regular life. Persons who do not deserve it due to their behavior cannot be put under supervision. This rightly raises the question of which categories of persons can be placed under increased surveillance due to their previous criminal and criminogenic behavior and the well-founded assumption that they will continue such behavior. In particular, these persons include:

- ❖ persons who have been reported and convicted several times (recidivists - returnees in the commission of criminal acts);
- ❖ faces that . have been repeatedly reported and convicted for criminal offenses against the constitution organization and security of the country (political crimes);
- ❖ professionalized and specialized criminals (murderers, robbers, burglars, etc.),
- ❖ members of organized criminal groups . Certainly, due to the degree of social danger and other circumstances, all the listed persons do not deserve the same treatment of supervision. This requires that persons who are placed under increased surveillance be classified into three categories, namely:
 - ❖ **The first category** – persons who have been repeatedly reported and convicted of serious crimes (returnees), such as murderers, robbers, burglars, dangerous smugglers. This category would also include persons who, in the execution of these and other criminal acts, showed ferocity, cruelty, cruelty. Because of their danger, it is possible to establish any method over these persons - a form of supervision, of course permitted, which is judged to be the most fruitful;
 - ❖ **Second category** - persons who have been repeatedly reported and convicted for other criminal acts, as well as serious violators of public order and peace (thugs, thugs), who are monitored through the daily performance of stage-patrol activities;
 - ❖ **The third category** - persons who are considered as potential perpetrators of criminal offenses and serious misdemeanors (most often minors), who have been reported for committed criminal offenses and serious misdemeanors, but have not yet been convicted. Such persons are kept only in the operational records of the organizational units of the Ministry of Internal Affairs, while persons from the first and second categories, in addition to these, are also kept in the criminal and (or) misdemeanor records.

The number of persons placed under increased surveillance should be reduced to a minimum, because too many persons would be more difficult to control, in which case the control would be superficial and formalistic. Bearing in mind that the implementation of enhanced surveillance through some methods that are applied to a certain extent is an encroachment on the human rights and freedoms of citizens, it is unacceptable that unauthorized persons decide to put a person under enhanced surveillance without established criteria (Kovačević, 1990).

Supervision can be:

- ❖ local, if it is reasonably assumed that the person moves and commits criminal acts in a certain narrow area (municipality, region) and of a national nature, if it is assumed that the person is criminally active in the entire territory of Bosnia and Herzegovina and beyond.

As it was already pointed out earlier, the purpose of increased supervision over certain categories of persons is to gain insight into the further behavior of persons after committing a criminal offense or a serious offense against public order and peace. The aim of the surveillance is to determine whether the person is still engaged in criminal activities, with whom of the evil persons he associates, what he is doing, whether he spends beyond his real material earnings and possibilities, as well as similar observations that may indicate a well-founded assumption that the person is still engaged in criminal and criminogenic activities.

Increased surveillance can be carried out in several ways, depending on the degree of social danger of the person, the specific task, etc. Monitoring is achieved through one of the following methods:

a) by own observation through:

– performing stage patrol activities and

- observing criminal and criminogenic hotspots (certain areas and facilities where crimes and serious offenses against public order and peace are often committed);

b) by collecting information from citizens who, according to their workplace and place of residence, can obtain information about these persons and want to voluntarily communicate it;

c) through operational connections (informants and collaborators) who conspiratorially but voluntarily, on the instructions of an authorized official, collect data on the behavior of persons who have been placed under increased surveillance;

d) escort, which consists in following and observing the person with the aim of observing and fixing the facts that are essential for determining the criminal activity of the person, his accomplices and other circumstances. Experienced workers who have an affinity for this will be hired to perform this complex police action.

This action, as well as the engagement of operational connections, can only be done with the approval of the immediate manager and

e) in other ways, such as checking an alibi in connection with a specific event, by setting up an ambush, organizing a raid, during traffic control, as well as measures of giving warnings and issuing orders (Kovačević, 2018).

All workers who work on the operational tasks of preventing and detecting criminal acts, maintaining public order and peace, and controlling and regulating traffic, are required to record all safety-related observations and knowledge they have come to in connection with the implementation of enhanced surveillance. Observations and findings are entered into the records of the security sector. In addition, at the request of the head of the criminal police, it is necessary to prepare periodic reports (monthly, quarterly) on the implementation of supervision, so that, based on the data from the report, criminal versions can be created on the occasion of the committed criminal acts by an unknown perpetrator, elimination of suspects and the like. One of the important tasks of the social community is to help persons who have gone astray to return to the track of normal life as soon as possible, that is, to achieve their resocialization as soon as possible. In this regard, despite the objection of a certain number of uninformed citizens that criminals should be given a chance after returning from serving a prison sentence, society should provide them with assistance in terms of employment in accordance with their professional qualifications, so that they do not have the slightest need for illegal acquisition of funds for life. If, after longer monitoring of the activities of a person who has been placed under increased surveillance, it is believed that the person is no longer engaged in committing criminal acts, the surveillance will also be suspended (Kovačević, 2017).

General sources provide information that works in general and as such is applied in all concrete situations and cases. In the group of general sources we include analysis and synthesis of crime, criminal operational records, laboratories of applied sciences for the fight against crime.

Special sources of operational knowledge are organized in a certain space at a certain time and most often in relation to a specific current or continuous operational task. We can divide them into:

- direct operational work of an authorized official of the internal affairs body;
- citizen activity – community policing;¹
- engagement of operational connections;
- conversation with the perpetrator of the criminal act for the operational purpose;

¹Operational information of a personal nature is contained in the statements of persons and is most often of an informal nature. Such a one persons are usually presumptive witnesses or suspects, but also all other persons who have any knowledge of the crime the event and the perpetrator.

- monitoring and operational observation;
- application of special operational methods, means and technical methods and means in collection of operational notifications.²

Among the other sources that can be operational, and in the sense that they represent the basis for undertaking further operational measures and notifications, we can include:

- report by an injured citizen, victim or legal entity about a committed criminal act;
- translations and statements of witnesses and eyewitnesses obtained in the criminal investigation and criminal proceedings procedure;
- press and other means of public information;
- anonymous and pseudonymous reports (Gaćeša, 1998).

2. FORENSIC PROCESSING

Criminal processing is a set of methodologically planned and undertaken measures and actions undertaken by authorized officials on the occasion of a certain criminal event with the aim of raising the grounds of suspicion that have been reached through operational work to such a degree of probability that it will enable the adoption of a procedural act of indictment. It is about the criminal thinking, work and evidentiary process of the internal affairs body, that is, the activities of authorized officials aimed at discovering, collecting, securing and producing evidence of relevant facts, discovering the perpetrator and ensuring his availability. (Korajlić, 2006). In the discovery activity, at the beginning of every criminal event, there is usually little, unrelated and often unclear information available, both about the criminal act and its unknown perpetrator. In this initial

²Operational information of a real nature is contained in the found traces and related objects with the committed criminal act, they also have criminal relevance. These are the so-called actual evidence that does not require expert interpretation, but can be used for the purposes of the procedure by the body of the procedure based on its knowledge and experience. Part of the evidence of a material nature requires prior expertise and appears as objects expert opinions.

criminal-tactical situation, no conclusions can be drawn, but first of all, according to the principle of skepticism, one should start from the criminal event and examine the criminal act (Boskovic, 1990).

From the point of view of operative and investigative activities, we divide criminal offenses into two basic groups of criminal offenses:

1. Criminal offenses with an unknown perpetrator - these are all criminal events - criminal offenses for which no information about the perpetrators of these criminal offenses is initially available, and
2. Criminal acts with a known perpetrator - these are all criminal events - criminal acts in which the criminal investigation is based on a certain, reasonably suspicious natural person, whose actions are checked in order to determine how they caused the criminal event.

Criminal processing is a set of planned and systematic criminal-tactical and criminal-technical actions and measures and investigative actions, with the aim of discovering and determining the criminal act and the perpetrator, finding and apprehending him and securing evidence. Criminal processing must be carried out in a planned manner, which certainly implies the timely adoption of a work plan, which must be constantly updated and supplemented, depending on new facts and data obtained during the implementation of the processing itself, that is, on the concrete criminal-tactical situation. Criminal processing is a form of activity that determines the existence of a criminal event and criminal behavior of a specific person. (Aleksić Milovanović, 1994). By criminal processing, we mean a system of all operationally tactical measures, aimed at discovering and determining the specific criminal offense and its perpetrator, based on previously known indications.

Based on the mentioned definitions, it can be concluded that the essential characteristics of criminal processing are:

- that criminal processing is carried out when there are grounds for suspicion of the existence of a criminal offense and the perpetrator,
- that the legal basis of criminal processing is found in the Criminal Procedure Act (if there is a basis for suspecting that a criminal offense has been committed, which is being prosecuted ex officio, the internal

affairs authorities are obliged to take the necessary measures and actions to find the perpetrator of the criminal offense...),

- that criminal processing is planned as an operational activity, which has the task of turning the level of grounds of suspicion into well-founded suspicion as a qualitatively higher level of probability,
- that criminal processing is a system of operational - tactical measures and actions, although some criminalists use the term set, which is an inadequate term for this form of activity of internal affairs bodies.

The basis for the initiation and management of criminal proceedings is a specific criminal act or person. This certainty consists in the existence of grounds of suspicion for a certain person or criminal act. The duration of criminal processing is determined, and generally shorter, with the fact that it is not always possible to precisely determine the duration. The procedure of seduction and the implementation of criminal processing are regulated in the instructional acts of the internal affairs bodies. The ultimate goal of the criminal investigation is to establish a well-founded suspicion of a criminal offense and a specific person as the perpetrator, thereby obtaining the necessary conditions for submitting a report on the committed criminal offense to the competent prosecutor's office (Kovačević, 2018).

3. ANALYSIS OF CRIMINALITY IN BIH FOR THE PERIOD 2018-2022.

Performance measurement in business processes stems from quantitatively set goals, and in the end the result of the set goals can be measured, while goals in a police organization are

set primarily qualitatively. Although the police in every democratic state represent

the fundamental pillar of the security system, the responsibility for the security situation cannot lie solely with the police organization. "The state of security in the country is affected, on the one hand, by negative or harmful security phenomena, which are defined as illegal and antisocial behavior in society. On the other hand, the state of security in the country is affected by positive or beneficial security phenomena, which are the actions of the police and all other entities in the national security system, in order to prevent the occurrence of

negative security phenomena, and the self-protective actions of citizens with the help of contact police, i.e. police in the community " (Vencl, Jamnić, Puseljčić, 2021).

The total number of registered criminal offenses in Bosnia and Herzegovina in 2022 (23,171) is 3.78% lower than in 2021 (24,083). All this indicates that the basic security in Bosnia and Herzegovina is stabilizing despite a series of security challenges and risks, for which the right measures and answers need to be found, as well as the fact that the police are dealing with increasingly complex criminal acts.

The total number of registered criminal offenses in Bosnia and Herzegovina in 2020 (24,617) is 0.64% lower than in 2019 (24,776). While the number of criminal offenses in 2019 is 1.53% lower than in 2018 (25,161).

The total number of registered criminal offenses in Bosnia and Herzegovina in 2019 (24,685) is 1.89% lower than in 2018 (25,161). While the number of criminal offenses in 2018 is 6.86% lower than in 2017 (27,016).

Numerous police measures, including preventive measures, contributed to the reduction of the number of registered perpetrators of criminal acts. In 2022, at the level of Bosnia and Herzegovina, 2.6% of the total number of perpetrators of criminal offenses are minors, which is a decrease compared to 2021, when it was 3.2%.

The total number of perpetrators of registered crimes in Bosnia and Herzegovina was 18,776 in 2020, and 19,595 in 2019, which is 4.2% less. Numerous police measures, including preventive ones, contributed to the reduction of the number of registered criminals. In 2020, at the level of BiH, 2.6% of the total number of perpetrators of criminal offenses are minors, which is a decrease compared to 2019, when it was 3.2%.

The state of security in the territory of the Federation of Bosnia and Herzegovina, according to the statistical data of the cantonal Ministries of Internal Affairs and the Federal Police Administration, presented by given segments for the period: January-December 2022 compared to the comparative period of 2021, is characterized by a decrease:

- the number of committed criminal offenses by 580 (or 3.68%).
- the number of registered offenses in the field of public order and peace by 8,936 (or 35.26%).
- number of attacks on authorized officials by one (or 1.43%) and increase in the number of traffic accidents by 854 (or 4.17%).

In 2022, the Ministry of Internal Affairs of the Republic of Srpska submitted 5,890 reports against 6,591 persons to the competent prosecutor's offices, due to grounds for suspicion that they committed 6,830 criminal acts. The total number of criminal offenses decreased by 3.3% compared to 2021. The overall coverage ratio is 87.7%, and the coverage ratio for crimes committed by unknown persons is 70.8%.

The number of criminal offenses of general crime (5,748) decreased by 2.9% compared to the comparative year. The coefficient of total illumination increased (85.6%), while in 2021 the coefficient of total illumination was (84.7%), which is an increase of (0.9%), and the lighting coefficient by unknown perpetrator in 2022 (69.4%), and in 2021 by unknown to the executor (70.5%), which is less by (-1.1%).

The State Agency for Investigations and Protection carried out 70 operational actions, six of which related to criminal acts of war crimes. The Criminal Investigation Department and the Financial Intelligence Department carried out a total of 64 operational actions, of which 32 were carried out independently and 32 in cooperation with police bodies in BiH and other institutions in BiH. 195 persons were deprived of their liberty, of which 21 were convicted of war crimes. Reports and amendments to reports on the existence of grounds for suspicion of a committed criminal offense reported 242 criminal offences, or 8% less compared to 2021, when 263 criminal offenses were discovered and reported (Ministry of Security of BiH, 2023).

4. CONCLUSION

Based on the above, we can conclude that crime prevention is primarily an organized form of social prevention that presupposes knowledge of criminal phenomena, social, economic and social causes that lead to them. In contrast to prevention, the suppression of crime has another dimension, which is to discover and shed light on the committed criminal acts, and to take measures and actions prescribed by law against the perpetrators, i.e. collect evidence, submit reports on the committed criminal acts, where criminal processing plays a key role. The detection of criminal offenses is entirely based on the successful collection of two types of evidence: physical evidence and witness statements. All of this requires the continuous work and engagement of all law enforcement agencies in BiH, primarily the police, all with the aim of preventing, detecting and elucidating criminal acts and preventing violations of the security of citizens and property. Based on the analysis of the state of crime in Bosnia and Herzegovina, it can be concluded that the state of security in BiH in the period 2018-2022. year, either at a satisfactory level.

The security situation in Bosnia and Herzegovina can only be improved through good communication, coordination and cooperation between competent institutions and law enforcement agencies. In terms of the timely delivery of international operational data, the cooperation of police authorities with the Prosecutor's Office and the judicial authorities of Bosnia and Herzegovina, as well as with the police authorities of neighboring countries and beyond, it is necessary to raise to a higher level the exchange and cooperation on specific cases and the implementation of joint police operations.

In the coming period, it will be necessary to increase the engagement of competent entities in the fight against all forms of crime. We should also not ignore the fact of adaptation to new modus operandi systems used by criminogenic persons, especially in the area of IT technology use. Special attention should be focused on the continuous strengthening of the cooperation of criminal persons from BiH with criminal groups from the region, which requires that police officers who are in charge of preventing and detecting criminal offenses do not perceive their task as something routine. The approach must be professional with adequate application of positive legal regulations with a timely exchange of data, all with the aim of arresting and depriving the perpetrators of criminal offenses of their freedom and prosecuting them before the competent courts.

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TERORIZAM - BEZBJEDNOSNA PRIJETNJA ZAPADNOM BALKANU

Pregledni znanstveni članak

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Sažetak:

Među gorućim svjetskim problemima s kojima se suočava međunarodna zajednica je terorizam, te samim tim predstavlja globalnu prijetnju miru i čovječanstvu. Iako je međunarodna saradnja država reprezentativnija nego ikad terorizam i dalje predstavlja ozbiljnu prijetnju po svjetsku zajednicu sa negativnim posljedicama koji se manifestuju na pogoršane uslove života, međuetničko neprijateljstvo, sijanje straha i nepovjerenja među stanovništvom. Obilježija terorizma mjenjala su se tokom istorije neprekidno usklađujući ga sa trenutnim razvojem tehnologije i dostignućima u nauci i tehnici, te društveno političkim procesima. Problematiku takođe predstavljaju neusvojene opšteprihvaćene definicije pojma terorizma, zbog različitog tumačenja sadašnjih definicija svjetskih stručnjaka i državnih i međunarodnih institucija. Kada je u pitanju nacionalna bezbjednost strategiju za prevenciju i borbu protiv terorizma predstavlja dokument u kojem su naznačeni ciljevi države sa sredstvima, pristupima i načinima po kojima će država postupati kako bi realizovala svoje ciljeve. Za terorizam možemo reći da je on danas internacionalni fenomen i bezbjednosna prijetnja na cijeloj planeti, a ne samo problem država i lokalnih zajednica koje bi trebale zajedno uskladiti napore u borbi protiv terorističkih organizacija i njihovih finansijera. Tokom 2022. godine na području Zapadnog Balkana nisu registrovane terorističke aktivnosti, niti protok državljana koji odlaze na strana ratišta. Takođe utvrđeno je da na području Zapadnog Balkana ne postoje značajnije terorističke ili nasilničke ekstremne grupe, već se to svodi na radikalizirane pojedince i male lokalne grupe.

Ključne riječi: Terorizam, pojam terorizma, strategija, prijetnja, Zapadni Balkan.

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1. UVOD

Evropske bezbjednosne službe suočavaju se sa polarizacije svijeta i porastom antisemitizma, koje će najvjerojatnije predstavljati novi talas prijetnji terorističkih napada u narednom period, gdje se bilježi porast antisemitskih incidenata, govora mržnje i ekstremističkih sadržaja na internetu. Inostrane terorističke grupe koje se nalaze na području istočne Evrope i zapadnog Balkana pokušale su da iskoriste aktivne mreže ilegalnog krijumčarenja i trgovine ljudima kako bi sebi obezbjedili lakši ulazak terorista u Evropu sa Bliskog istoka i južne Azije. Republika Turska je s obzirom na svoju geografsku lokaciju oduvijek bila tranzitna tačka za strane terorističke borce koji su napuštali susjedne zemlje. Većina terorističkih incidenata u Evropi uključivala je jednostavne zavjere s lako izvodljivim taktikama, korištenjem noževa, oružja ili vozila za ranjavanje ili ubijanje ciljeva u Ujedinjenom Kraljevstvu, Njemačkoj, Francuskoj i Turskoj. Evropa nikad nije ni prestala da se suočava sa stalnim terorističkim prijetnjama i zabrinutostima, rasno ili etničkim motivisanim ekstremistima i teroristima. Mnoge evropske vlade izrazile su zabrinutost zbog rastuće prijetnje koju predstavljaju akteri budući da aktivno rade na uključivanju, regrutovanju i radikalizaciji nasilja na internetu. Tome još negativno doprinosi i oružani sukob na područjima Palestine i Izraela, koji bi zbog raseljavanja i migracije stanovništva u Evropu doveo i određeni broj ratnika (spavača) raznih terorističkih grupa.

2. POJMOVNO ODREĐENJE TERORIZMA

Terorizam potiče od latinske riječi (terror,terrere-plašiti) koji upotrebom nasilja i u stanju egocentričnosti i brzopletosti, širi strah, paniku i nesigurnost kako bi se ostvarili ciljevi grupe (vjerski, ideološki, politički). On u svom korijenu sadrži esencijalno nasilje i njemu konačni cilj nisu samo ljudske žrtve i materijalna šteta koju nanese, već potvrda i simbolika prenošenja zastrašujućih poruka prema stanovništvu, gdje se planski udara na psihi čovjeka. U doktrini se obično daje sljedeća definicija ovom pojmu – društveno međunarodna štetna aktivnost koja

rezultira besmislenim gubicima ljudskih života, remećenje normalnih diplomatskih aktivnosti država i njihovih predstavnika i međunarodnih kontakata, sastanaka, te prometnih veza između država. U nekim definicijama krivičnog djela terorizma prilikom određivanja terorističkog ponašanja koriste se i drugi kriterijumi radi preciziranja osobenosti radnje izvršenja pomenutog djela (Korajlić, 2008).

Stručnjaci za terorizam i države koje se bore protiv terorizma saglasni su u ocjeni da će biti vrlo teško odrediti definiciju terorizma koju bi priznale sve zemlje svijeta, ali su takođe saglasni u tome da se bez nje ne može voditi uspješna internacionalna borba protiv terorizma. "Da bismo razumjeli pojam terorizma i njegovu ulogu trebamo ga staviti u vrijeme i prostor u kojem se događa i gledati iz više aspekata. Terorizam je dio globalnog svijeta i neosporno je da postoji, no svaki događaj, bila to pljačka, nasilje između pojedinih skupina ne možemo nazvati terorizmom." (Marić, 2012) U literaturi postoji preko stotine definicija koji opisuju pojam terorizma, ali ima nešto zajedničko što se provlači u njima a to je da se u podlozi terorizma koristi teror kao sredstvo nasilja u cilju ostvarivanja zadatih ciljeva, koja su najčešće politička. „Kada govorimo o teroru koji je jedan od elemenata terorizma, napraviti ćemo paralelu odnosa rata i terorizma. Dakle, rat je fizički dok je terorizam mentalni, te fizička sila može u principu biti minijatura. Terorizam djeluje putem subjektivnog psihološkog pritiska i najviše ga olakšava kolektivna panika.“ (Townshend, 2003). Glavna suština terorizma ogleda se u privrženosti radikalnim separatističkim poklicima, fokusiranim na suzbijanje tradicionalnih državnih osnova uspostavljanjem društvenih, rasnih, nacionalnih, vjerskih i drugih klasnih razlika. Pored toga, proklamuju i političku motivaciju nasilničkih aktivnosti, zastrašivanja različitih društvenih grupa, opravdavanje terorističkih akcija, nepostojanje obavezne veze između terorističkih napada i kasnijih oružanih sukoba, te prisustvo određene ekstremističke ideologije.

3. STRATEGIJA I SARADNJA U BIH

Svaki posao, naročito onaj koji je društveno potreban i koristan, kao što su poslovi policijskih organa i policijskih službenika, temelji se na određenim temeljnim i ključnim vrijednostima i principima. Demokratski postulati na kojima se treba zasnivati policijski rad su „legitimnost, profesionalizam i odgovornost“ (Mustafić M, 2022). Savjet ministara BiH je u novembru 2021.

godine usvojio dugo odgađanu Strategiju za prevenciju i borbu protiv terorizma 2021-2026 godine. Strategija predstavlja najvišu sposobnost države u pogledu osiguravanja nacionalnih interesa. Nacionalna strategija je način uporabe moći i resursa nacije kako bi se postigli nacionalni ciljevi bez obzira na potencijale krizne situacije (Bilandžić, 2012.). Nova strategija je bila neophodna zbog saradnje sa određenim međunarodnim organizacijama i predstavljala je dio procesa evropskih integracija zemlje. Ovaj dokument pokušava da razvija mehanizme na svim nivoima vlasti kada je u pitanju prevencija terorizma i ublažavanje radikalizacije nasilja i nasilnog ekstremizma. Savjet ministara BiH usvojio je takođe i plan međusektorskog koordinacionog tijela za repatrijaciju državljana BiH iz Sirije i Iraka u nadležnosti Ministarstva bezbjednosti BiH iste godine.

U BiH Državna agencija za istrage i zaštitu ostaje i dalje prepoznatljiva kada je u pitanju borba protiv terorizma, međutim BiH nema jasne smjernice kojima se regulišu saradnja između tužilaca, obavještajne zajednice i organa za provođenje zakona u istragama o nacionalnoj bezbjednosti. Saradnja trpi zbog sporova oko nadležnosti i birokratske manjkavosti koja je rezultat složene strukture vlasti u BiH i politizacije kompleksnih pitanja krivičnog pravosuđa kada je riječ o terorizmu. Kada je riječ o graničnoj kontroli u proteklom periodu usvojen je novi zakon kojim se unapređuje regulatorni okvir o prikupljanju i korištenju unaprijed podataka o putnicima (API). Savjet ministara je usvojio odluku kojom se uspostavlja međuagencijska radna grupa za API i evidenciju imena putnika (PNR) kako bi se razvio regulatorni okvir za prikupljanje i korištenje informacija nakon čega bi uslijedilo razmjještanje terminala sistema za bezbjedno praćenje, poređenje i procjenu lične identifikacije na četiri aerodroma u BiH. Pored toga BiH je članica MONEYVAL-a (Komiteta eksperata za ocjenu mjera protiv pranja novca i finansiranja terorizma), i njeno Finansijsko obavještajno odjeljenje članica je Egmont grupe čime se dokazuje da BiH radi na izgradnji kapaciteta za suzbijanje finansiranja terorizma i dobrom saradnjom sa regionalnim susjedima i državama članicama EU, UN-om, OSCE-om, Vijećem za regionalnu saradnju za jugoistočnu Evropu i Vijećem Evrope.

Potpisivanje sporazuma sa evropskom agencijom bilo je predviđeno u momentu kada je migrantska kriza u BiH bila na vrhuncu. EU je tada ponudila BiH sporazum prema kojem bi Fronteks pomagao domaćim policijskim službama za provedbu zakona da suzbiju nelegalnu migraciju i prekogranični kriminal, što uključuje saradnju sa partnerima i raspoređivanje njihovih snaga. BiH i Fronteks

su krajem 2018. godine parafirali sporazum. Savjet ministara Bosne i Hercegovine ovih dana postiglo je saglasnost o tekstu sporazuma kojeg bi ta država trebala postići s Fronteksom, čime bi se stekli uslovi da policijski službenici iz Evropske Unije mogu doći u BiH kako bi pomogli u kontroli ilegalnih migracija, što ovaj sporazum čini jednim od ključnih preduslova koje je Evropska komisija postavila kako bi BiH u narednom periodu mogla otvoriti pristupne pregovore s Unijom.

3.1. Statistički pokazatelji za Evropu i Zapadni Balkan

Tabela br.1 Europe GTI score, rank and change in score, 2012–2022
Izvor: Institute for Economics and Peace, GTI, 2023.

Country	Overall Score	Overall Rank	Change 2012-2022	Change 2021-2022
Türkiye	5.600	23	-1.787	-0.078
Greece	4.793	31	0.765	-0.098
France	4.419	34	0.060	-0.154
Germany	4.242	35	1.022	-0.503
United Kingdom	3.840	42	-0.729	-0.713
Norway	3.514	49	-2.060	2.407
Italy	3.290	53	0.054	-0.391
Slovakia	2.784	58	2.275	2.784
Belgium	2.763	59	1.936	1.020
Spain	2.712	60	-0.545	-0.145
Austria	2.677	61	1.157	-0.580
Sweden	2.307	64	0.848	0.701
Switzerland	2.205	65	0.685	-0.572

Netherlands	2.120	67	2.120	-0.592
Cyprus	1.392	74	0.566	-0.537
Romania	0.682	84	0.682	-0.376
Lithuania	0.508	86	0.508	-0.318
Ireland	0.291	87	-1.829	-0.217
Denmark	0.158	90	-0.669	-0.133
Kosovo 90	0.158	90	-3.079	-0.133
Albania	0	93	-0.826	0
Bosnia and Herzegovina	0	93	-1.974	0
Bulgaria	0	93	-4.255	0
Croatia	0	93	0	0
Estonia	0	93	-1.820	0
Hungary	0	93	-0.291	0
Iceland	0.000	93	0	0
Latvia	0	93	0	0
Montenegro	0	93	-0.508	0
Poland	0	93	0	0
Portugal	0	93	0	0
Serbia	0	93	-2.450	0
Slovenia	0	93	0	0

Macedonia (FYR)	0	93	0	-0.158
Czech Republic	0	93	0	-0.291
Finland	0	93	-0.227	-1.006
Regional Average			-0.288	-0.002

U periodu od 13. do 17.11.2023. godine, u organizaciji Generalnog sekretarijata Interpola- Direkcije za borbu protiv terorizma i Direkcije za koordinaciju policijskih tijela Bosne i Hercegovine*, u našoj zemlji je realizovana specijalna operacija Interpola HOTSPOT Adriatic 2023, čiji je cilj sprječavanje i otkrivanje kretanja terorista/stranih boraca terorista i njihovih saradnika koji koriste neregularne migracijske tokove. Direkcija za borbu protiv terorizma i naročito Poddirekcija za borbu protiv terorističkih mreža koje se nalaze u sastavu Interpola razvila je HOTSPOT koncept u svrhu otkrivanja, identifikovanja i lišenja slobode terorista i njihovih pomagača koji zloupotrebljavaju nezakonite migracijske rute za ilegalni ulazak u različite zemlje. Okosnica koncepta je unakrsna provjera biometrijskih podataka, prikupljenih od sumnjivih lica, sa biometrijskim podacima u Interpolovim bazama podataka, u realnom vremenu na licu mjesta.

Operativna operacija HOTSPOT Adriatic 2023 odvijala se na području Unsko-sanskog kantona u PPC „Lipa“, u Kantonu Sarajevo u PPC „Blažuj“, kao i u Imigracionom centru u Istočnom Sarajevu. Prema raspoloživim podacima u BiH izvršena je provjera 292 lica kroz Interpolove baze otisaka prstiju i prepoznavanja lica te razmijenjeno 360 informacija putem Interpolovog zaštićenog sistema I-24/7 i drugih sredstava komunikacije. Prilikom unakrsne provjere biometrijskih podataka, jedno lice je identifikovano kao lice traženo po međunaorndoj potjernici zbog krivičnog djela Organizovanje kriminalne grupe i Ilegalna trgovina migrantima, i lišeno je slobode i predato u dalju nadležnost Suda Bosne i Hercegovine*. Osim u Bosni i Hercegovini, ovakve operativne akcije sprovedene su i u Albaniji, Crnoj Gori, Sjevernoj Makedoniji, Srbiji, Ujedinjenom Kraljevstvu, Sloveniji, Moldaviji, Italiji, Libiji i Tunisu.

*www.dkpt.gov.ba , (29.11.2024.)

4. TERORISTIČKA PRIJETNJA U EKSPANZIJI

U odnosu na 2021. godinu kada je bilo 18 terorističkih napada, države članice EU u 2022. godine prijavile su 28 pokušaja terorističkih napada, što znači tendenciju rasta i zabrinutosti. U izvještaju EUROPOLA* za 2022. godinu predočeno je da terorizam ostaje značajna prijetnja unutrašnjoj bezbjednosti Europske Unije, i da je neophodno nastaviti saradnju sa bezbjednosnim partnerskim agencijama kako bi osujetili terorističke aktivnosti, finansiranje terorističkih organizacija i grupa, smanjili radikalizaciju itd.

Na području Zapadnog Balkana nisu registrovane terorističke aktivnosti, niti protok državljana koji odlaze na strana ratišta tokom 2022. godine. Nacionalna netrpeljivost, visoka stopa nezaposlenosti, loši socioekonomski uslovi predstavljaju pogodno tlo za razvijanje radikalizacije na ovom prostoru. Online propaganda je i dalje na prvom mjestu kad je u pitanju širenje mržnje i ekstremizma, kao i regrutovanje putem neformalnih vjerskih okupljanja. Trenutno na području Zapadnog Balkana nema većih terorističkih ili ekstremističkih grupa, nego su zabilježeni radikalni pojedinci ili malnje lokalne grupe. Te lokalne grupe nisu hijerarhijski organizovane, već ih vode vjerski "autoriteti" u grupi koje imaju online kontakte sa istomišljenicima u regionu i Evropskoj Uniji. Zemlje Zapadnog Balkana tokom 2022. Godine nisu zvanično registrirale državljane koji putuju u inozemstvo na ratišta, iako je bilo više medijskih izvještaja o takvim slučajevima. U izvještaju se takođe skreće pažnja na povratak stranih boraca iz Sirije i Iraka u zemlje u regiji zapadnog Balkana.

Bosna i Hercegovina je u posebnom riziku zbog većeg broja ovih lica, znajući da ih se preko 100 još nije vratilo kući. Teroristi koji su osumnjičeni i predstavljaju potencijalnu bezbjednosnu prijetnju koriste migrantske rute kako bi se infiltrirali u grupe prolazeći kroz zemlje Zapadnog Balkana na putu do EU. Takođe uočene su prijetnje kroz korištenje vještačke inteligencije i novih tehnologija terorista i ekstremista namjenjene za regrutovanja i radikalizaciju pojedinaca. Platforma Metaverse koristi se za širenje regrutovanje, koordinaciju terorističkih aktivnosti i širenja propaganda plasirajući opciju dubokih lažiranja, proširene stvarnosti i vještačke inteligencije za razgovor kako bi se poboljšala učinkovitost.

*<https://www.europol.europa.eu/cms/sites/default/files/documents/European%20Union%20Terrorism%20Situation%20and%20Trend%20report%202023.pdf>, (29.11.2024.)

5. ZAKLJUČAK

Evidentno je da Bosna i Hercegovina ima volju da nastavi graditi zdravu, pluralnu i demokratsku zemlju, poštujući institucionalne vrijednosti. Međutim ukoliko se želi napraviti napredak u narednom vremenu potrebna je društvena predanost i finansijska podrška Evropske Unije. U svijetu nasilja i nejednakosti samo kultura i tehnologija mogu biti učinkoviti instrumenti za izgradnju ravnopravnijeg i tolerantnijeg okruženja u kome društvo ima posljednju riječ.

Kada govorimo o terorizmu možemo zaključiti da je to složena i višedimenzionalna pojava. Osim pravnih on se dotiče i niza drugih problema kao što su: psihološki, historijski, tehnološki, itd. Sve to dovodi do zaključka da svjetska zajednica još nije uspjela razviti opšte prihvatljivu pravnu definiciju za terorizam. Trenutno postoji prilično raznolik broj definicija koje manifestuju terorizam, koji proučavaju stručnjaci, kriminolozi, politolozi i specijalisti drugih nauka, dok se istovremeno se pojavljuju novi, sofisticiraniji oblici terorizma povezani sa razvojem naučnog i tehnološkog napretka.

Kako bi se uklonile prijetnje od terorističkih aktivnosti koje prijete Zapadnom Balkanu i šire policijske agencije i bezbjednosne službe morale bi represivnije djelovati kad je u pitanju ovaj kriminalni akt, a sastojala bi se od prepoznavanja, uklanjanja, neutralisanja, lokalizacija i minimiziranje utjecaja onih stvari koje bi mogle dovesti do terorističkih akata ili ga sprovesti u djelo. Prevenciju se provodi u prekriminalnim fazama razvoja negativnih procesa, tj faze u kojima se formira motivacija za nezakonito ponašanje. Kada se radi o borbi protiv terorizma, kojem je osnova vjerski fanatizam, neophodna je masovnost učešća kroz publikacije i razgovor sa stanovništvom koji moraju izlagati specijalisti iz područja teologije, društvenih nauka, psihologije, pravosuđa i mas medija.

Poseban značaj i podršku treba dati agencijama za provođenje zakona u Bosni i Hercegovini (SIPA-e, Ministarstvo unutarnjih poslova Republike Srpske, Federalne Uprave policije, Policije Brčko Distrikta, Tužilaštva BiH) koji su aktivno uključeni u borbi protiv terorizma kako bi se povećala učinkovitost njihove interakcije, razmjene informacija i koordinacije tokom zajedničkih protivterorističkih operacija.

Strategija za prevenciju i borbu protiv terorizma 2021-2026 godine, uveliko će olakšati konsolidovanu saradnju sa određenim međunarodnim organizacijama i državama članicama svjetske zajednice u cilju borbe protiv terorizma i razvoja mjera za rana upozorenja. Što interakcija na ovom polju bude aktivnija i šira, to možemo više očekivati da će manevarski prostor za teroriste biti sužen kako bi ih onemogućili u provođenju svojih namjera.

Takođe potpisivanjem sporazuma sa Fronteksom uveliko će pomoći u obezbjeđenju graničnog pojasa naše zemlje čime bi rezultat trebao biti suzbijanje nelegalne migracije, trgovinom oružjem i ljudima, prekogranični kriminal itd.

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TERRORISM - A SECURITY THREAT TO THE WESTERN BALKANS

Review scientific article

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Abstract:

Among the pressing world problems facing the international community is terrorism, which therefore represents a global threat to peace and humanity. Although the international cooperation of states is more representative than ever, terrorism still represents a serious threat to the world community with negative consequences that are manifested in worsening living conditions, inter-ethnic hostility, spreading fear and mistrust among the population. The characteristics of terrorism have changed throughout history, continuously harmonizing it with the current development of technology and achievements in science and technology, as well as socio-political processes. The problem is also represented by the non-adopted generally accepted definitions of the term terrorism, due to different interpretations of current definitions by world experts and state and international institutions. When it comes to national security, the strategy for the prevention and fight against terrorism is a document in which the goals of the state are indicated with the means, approaches and methods by which the state will act in order to realize its goals. Regarding terrorism, we can say that today it is an international phenomenon and a security threat on the entire planet, and not only a problem of states and local communities, which should coordinate their efforts in the fight against terrorist organizations and their financiers. During 2022, no terrorist activities were registered in the area of the Western Balkans, nor was there a flow of citizens going to foreign battlefields. It has also been established that there are no significant terrorist or violent extreme groups in the Western Balkans, but it is reduced to radicalized individuals and small local groups.

Keywords: *Terrorism, concept of terrorism, strategy, threat, Western Balkans.*

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1. INTRODUCTION

European security services are facing the polarization of the world and the rise of anti-Semitism, which will most likely represent a new wave of threats of terrorist attacks in the coming period, where there is an increase in anti-Semitic incidents, hate speech and extremist content on the Internet. Foreign terrorist groups based in Eastern Europe and the Western Balkans have tried to use active networks of illegal smuggling and human trafficking to ensure easier entry of terrorists into Europe from the Middle East and South Asia. Due to its geographical location, the Republic of Turkey has always been a transit point for foreign terrorist fighters leaving neighboring countries. Most terrorist incidents in Europe involved simple plots with easy-to-implement tactics, using knives, guns or vehicles to injure or kill targets in the UK, Germany, France and Turkey. Europe has never stopped facing constant terrorist threats and concerns, racially or ethnically motivated extremists and terrorists. Many European governments have expressed concern about the growing threat posed by actors as they actively work to engage, recruit and radicalize online violence. The armed conflict on the territories of Palestine and Israel also contributes negatively to this, which would bring a certain number of fighters (sleepers) of various terrorist groups to Europe due to the displacement and migration of the population.

2. DEFINITION OF TERRORISM

Terrorism originates from the Latin word (terror, terrere-to scare) which, through the use of violence and in a state of self-centeredness and rashness, spreads fear, panic and insecurity in order to achieve the goals of the group (religious, ideological, political). At its root, it contains essential violence, and its final goal is not only human victims and the material damage it causes, but the confirmation and symbolism of conveying terrifying messages to the population, where it systematically strikes at the human psyche. In the doctrine, the following definition is usually given to this term - socio-international harmful activity that results in senseless loss of human life, disruption of normal diplomatic activities of states and their representatives and international contacts, meetings, and transport links between states. In some definitions of the criminal act of terrorism, when determining terrorist behavior, other criteria are also used in order to specify the particularity of the act of committing the said act (Korajlić, 2008).

Terrorism experts and countries fighting terrorism agree that it will be very difficult to determine a definition of terrorism that would be recognized by all countries of the world, but they also agree that without it, a successful international fight against terrorism cannot be conducted. "In order to understand the concept of terrorism and its role, we need to place it in the time and space in which it occurs and look at it from multiple aspects. Terrorism is part of the global world and it is undeniable that it exists, but every event, be it robbery, violence between individual groups we can call it terrorism." (Marić, 2012) There are over hundreds of definitions in the literature that describe the term terrorism, but there is something common that runs through them, which is that terrorism is based on the use of terror as a means of violence in order to achieve set goals, which are mostly political. "When we talk about terror, which is one of the elements of terrorism, we will draw a parallel between the relationship between war and terrorism. Thus, war is physical while terrorism is mental, and physical force can in principle be miniature. Terrorism works through subjective psychological pressure and is most facilitated by collective panic" (Townshend, 2003). The main essence of terrorism is reflected in adherence to radical separatist slogans, focused on suppressing traditional state foundations by establishing social, racial, national, religious and other class differences. In addition, they proclaim the political motivation of violent activities, the intimidation of various social groups, the justification of terrorist actions, the absence of a mandatory connection between terrorist attacks and subsequent armed conflicts, and the presence of a certain extremist ideology.

3. STRATEGY AND COOPERATION IN BIH

Every job, especially one that is socially necessary and useful, such as the jobs of police bodies and police officers, is based on certain fundamental and key values and principles. The democratic postulates on which police work should be based are "legitimacy, professionalism and responsibility (Mustafić M, 2022). In November 2021, the BiH Council of Ministers adopted the long-delayed Strategy for the Prevention and Fight against Terrorism 2021-2026. The strategy represents the highest ability of the state in terms of securing national interests. National strategy is a way of using the nation's power and resources to achieve national goals regardless of the potential of the crisis situation (Bilandžić, 2012). The new strategy was necessary due to cooperation with certain international

organizations and was part of the country's European integration process. This document attempts to develop mechanisms at all levels of government when it comes to preventing terrorism and mitigating the radicalization of violence and violent extremism. The Council of Ministers of Bosnia and Herzegovina also adopted the plan of the intersectoral coordination body for the repatriation of citizens of Bosnia and Herzegovina from Syria and Iraq under the jurisdiction of the Ministry of Security of Bosnia and Herzegovina in the same year.

In BiH, the State Agency for Investigations and Protection remains recognizable when it comes to the fight against terrorism, however, BiH does not have clear guidelines regulating cooperation between prosecutors, the intelligence community and law enforcement authorities in national security investigations. Cooperation suffers due to disputes over jurisdiction and bureaucratic inadequacy, which is the result of the complex structure of the government in BiH and the politicization of complex issues of criminal justice when it comes to terrorism. When it comes to border control, a new law was adopted in the past period, which improves the regulatory framework on the collection and use of advance passenger data (API). The Council of Ministers adopted a decision establishing an inter-agency API and Passenger Name Record (PNR) working group to develop a regulatory framework for the collection and use of information followed by the deployment of security tracking, matching and assessment systems for personal identification at four airports in BiH. In addition, BiH is a member of MONEYVAL (Committee of Experts for the Evaluation of Measures Against Money Laundering and Terrorist Financing), and its Financial Intelligence Department is a member of the Egmont Group, which proves that BiH is working to build capacities to combat terrorist financing and good cooperation with regional neighbors. and the EU member states, the UN, the OSCE, the Council for Regional Cooperation for Southeast Europe and the Council of Europe.

The signing of the agreement with the European agency was foreseen at the moment when the migrant crisis in Bosnia and Herzegovina was at its peak. The EU then offered BiH an agreement under which Frontex would assist domestic police law enforcement agencies to combat illegal migration and cross-border crime, which includes cooperation with partners and the deployment of their forces. BiH and Frontex initialed the agreement at the end of 2018. The Council of Ministers of Bosnia and Herzegovina recently reached an agreement on the text of the agreement that that country should reach with Frontex, which would

create the conditions for police officers from the European Union to come to BiH to help control illegal migration, which makes this agreement a of the key preconditions set by the European Commission so that Bosnia and Herzegovina could open accession negotiations with the Union in the coming period.

3.1. Statistical indicators for Europe and the Western Balkans

Table no. 1 Europe GTI score, rank and change in score, 2012–2022

Source: Institute for Economics and Peace, GTI, 2023.

Country	Overall Score	Overall Rank	Change 2012-2022	Change 2021-2022
Turkey	5,600	23	-1.787	-0.078
Greece	4,793	31	0.765	-0.098
France	4,419	34	0.060	-0.154
Germany	4,242	35	1,022	-0.503
United Kingdom	3,840	42	-0.729	-0.713
Norway	3,514	49	-2.060	2,407
Italy	3,290	53	0.054	-0.391
Slovakia	2,784	58	2,275	2,784
Belgium	2,763	59	1,936	1,020
Spain	2,712	60	-0.545	-0.145
Austria	2,677	61	1,157	-0.580
Sweden	2,307	64	0.848	0.701
Switzerland	2,205	65	0.685	-0.572
Netherlands	2,120	67	2.120	-0.592

Cyprus	1,392	74	0.566	-0.537
Romania	0.682	84	0.682	-0.376
Lithuania	0.508	86	0.508	-0.318
Ireland	0.291	87	-1.829	-0.217
Denmark	0.158	90	-0.669	-0.133
Kosovo 90	0.158	90	-3.079	-0.133
Albania	0	93	-0.826	0
Bosnia and Herzegovina	0	93	-1.974	0
Bulgaria	0	93	-4.255	0
Croatia	0	93	0	0
Estonia	0	93	-1.820	0
Hungary	0	93	-0.291	0
Iceland	0.000	93	0	0
Latvia	0	93	0	0
Montenegro	0	93	-0.508	0
Poland	0	93	0	0
Portugal	0	93	0	0
Serbia	0	93	-2.450	0
Slovenia	0	93	0	0
Macedonia (FYR)	0	93	0	-0.158

Czech Republic	0	93	0	-0.291
Finland	0	93	-0.227	-1.006
Regional Average			-0.288	-0.002

In the period from 13 to 17 November 2023. in the organization of the General Secretariat of Interpol - the Directorate for Combating Terrorism and the Directorate for the Coordination of Police Bodies of Bosnia and Herzegovina*, a special Interpol operation HOTSPOT Adriatic 2023 was implemented in our country, the aim of which is to prevent and detect the movement of terrorists/foreign terrorist fighters and their collaborators who use irregular migration flows. The Directorate for Combating Terrorism and especially the Sub-Directorate for Combating Terrorist Networks, which are part of Interpol, developed the HOTSPOT concept for the purpose of detecting, identifying and depriving the freedom of terrorists and their helpers. who abuse illegal migration routes for illegal entry into different countries. The backbone of the concept is the cross-checking of biometric data, collected from suspicious persons, with biometric data in Interpol's databases, in real time on the spot.

The operational operation HOTSPOT Adriatic 2023 took place in the territory of the Una-Sana Canton in the "Lipa" PPC, in the Sarajevo Canton in the "Blažuj" PPC, as well as in the Immigration Center in East Sarajevo. According to available data in BiH, 292 persons were checked through Interpol's fingerprint and facial recognition databases, and 360 pieces of information were exchanged through Interpol's protected I-24/7 system and other means of communication. During cross-checking of biometric data, one person was identified as a person wanted under an international warrant for the criminal offense of Organizing a criminal group and Illegal trafficking of migrants, and was deprived of his liberty and handed over to the further jurisdiction of the Court of Bosnia and Herzegovina*. Apart from Bosnia and Herzegovina, such operational actions were also carried out in Albania, Montenegro, North Macedonia, Serbia, the United Kingdom, Slovenia, Moldova, Italy, Libya and Tunisia.

* www.dkpt.gov.ba , (November 29, 2024)

4. TERRORIST THREAT IN EXPANSION

Compared to 2021, when there were 18 terrorist attacks, EU member states reported 28 attempted terrorist attacks in 2022, which means a growing trend and concern. In the EUROPOL* report for 2022, it was presented that terrorism remains a significant threat to the internal security of the European Union, and that it is necessary to continue cooperation with security partner agencies in order to thwart terrorist activities, financing of terrorist organizations and groups, reduce radicalization, etc.

No terrorist activities were registered in the area of the Western Balkans, nor was there a flow of citizens going to foreign battlefields during 2022. National intolerance, high unemployment rate, poor socioeconomic conditions represent a suitable ground for the development of radicalization in this area. Online propaganda is still in first place when it comes to spreading hatred and extremism, as well as recruiting through informal religious gatherings. Currently, there are no major terrorist or extremist groups in the Western Balkans, but radical individuals or small local groups have been recorded. These local groups are not hierarchically organized, but are led by religious "authorities" in the group who have online contacts with like-minded people in the region and the European Union. During 2022, the countries of the Western Balkans did not officially register citizens traveling abroad to the battlefields, although there were more media reports on such cases. The report also draws attention to the return of foreign fighters from Syria and Iraq to countries in the Western Balkans region.

Bosnia and Herzegovina is at particular risk due to the large number of these persons, knowing that over 100 of them have not yet returned home. Terrorists who are suspected and pose a potential security threat use migrant routes to infiltrate groups passing through Western Balkan countries on their way to the EU. Threats through the use of artificial intelligence and new technologies by terrorists and extremists intended for recruitment and radicalization of individuals were also observed. The Metaverse platform is used to expand recruitment, coordinate terrorist activities and spread propaganda by placing the option of deep spoofing, augmented reality and artificial intelligence for conversation to improve efficiency.

*<https://www.europol.europa.eu/cms/sites/default/files/documents/European%20Union%20Terrorism%20Situation%20and%20Trend%20report%202023.pdf>, (29.11.2024)

5. CONCLUSION

It is evident that Bosnia and Herzegovina has the will to continue building a healthy, plural and democratic country, respecting institutional values. However, if progress is to be made in the future, social commitment and financial support from the European Union are needed. In a world of violence and inequality, only culture and technology can be effective instruments for building a more equal and tolerant environment in which society has the last word.

When we talk about terrorism, we can conclude that it is a complex and multidimensional phenomenon. Apart from the legal ones, it also touches on a number of other problems such as: psychological, historical, technological, etc. All this leads to the conclusion that the world community has not yet managed to develop a generally acceptable legal definition for terrorism. Currently, there is a fairly diverse number of definitions that manifest terrorism, which are studied by experts, criminologists, political scientists and specialists of other sciences, while new, more sophisticated forms of terrorism associated with the development of scientific and technological progress appear at the same time.

In order to eliminate threats from terrorist activities that threaten the Western Balkans and wider police agencies and security services would have to act more repressively when it comes to this criminal act, and it would consist of identifying, removing, neutralizing, localizing and minimizing the influence of those things that would could lead to terrorist acts or put them into action. Prevention is carried out in the pre-criminal stages of the development of negative processes, i.e. the stages in which the motivation for illegal behavior is formed. When it comes to the fight against terrorism, which is based on religious fanaticism, mass participation is necessary through publications and conversations with the population, which must be presented by specialists in the fields of theology, social sciences, psychology, justice and the mass media.

Special importance and support should be given to law enforcement agencies in Bosnia and Herzegovina (SIPA, Ministry of Internal Affairs of Republika Srpska, Federal Police Directorate, Brčko District Police, BiH Prosecutor's Office) that are actively involved in the fight against terrorism in order to increase the effectiveness of their interaction, exchange of information and coordination during joint anti-terrorist operations.

The strategy for the prevention and fight against terrorism 2021-2026 will greatly facilitate consolidated cooperation with certain international organizations and member states of the world community in order to fight against terrorism and develop early warning measures. The more active and wider the interaction in this field, the more we can expect that the room for maneuver for terrorists will be narrowed in order to prevent them from carrying out their intentions.

Also, by signing the agreement with Frontex, it will greatly help in securing the border zone of our country, which should result in the suppression of illegal migration, arms and human trafficking, cross-border crime, etc.

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Uloga komunikacijskih sustava u sigurnosti i efikasnosti zračnog prometa

Stručni članak

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Sažetak

Zračni promet je ključan za povezanost na međunarodnoj i nacionalnoj razini, a sigurnost i efikasnost operacija ovise o naprednim komunikacijskim sustavima koji omogućuju učinkovitu razmjenu podataka među pilotima, kontrolorima letenja i zračnim lukama. Sigurnost zahtijeva preciznu koordinaciju, dok efikasnost ovisi o optimizaciji letnih ruta i smanjenju kašnjenja. Osim što doprinosi sigurnosti, napredna komunikacija omogućava brže donošenje odluka, što poboljšava ukupnu efikasnost sustava. Integracija novih tehnologija, poput naprednih komunikacijskih mreža i automatiziranih sustava, ključna je za daljnje unapređenje zračnog prometa.

Ključne riječi: *zračni promet, komunikacijski sustavi, sigurnost, efikasnost.*

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1. Uvod

Zračni promet je ključni element globalne povezanosti, omogućujući učinkovitu mobilnost ljudi i roba diljem svijeta. S obzirom na njegovu kompleksnost, sigurnost i efikasnost operacija u zračnom prometu postavljaju visoke zahtjeve prema tehnološkim i operativnim sustavima. Komunikacijski sustavi u zračnom prometu predstavljaju ključnu komponentu operativnih sustava jer omogućuju neprekidnu i preciznu razmjenu podataka između svih dionika – pilota, kontrolora zračnog prometa, zračnih luka i drugih operativnih čimbenika. Ovi sustavi osiguravaju pravovremene informacije koje su ključne za donošenje odluka, koordinaciju, upravljanje letovima te sprječavanje nesreća i kašnjenja.

Sigurnost u zračnom prometu je apsolutni prioritet, jer najmanja greška ili kašnjenje u komunikaciji može imati ozbiljne posljedice. Komunikacija u stvarnom vremenu omogućuje kontrolu i koordinaciju letova, smanjenje rizika od nesreća i brzu reakciju u izvanrednim situacijama. S druge strane, efikasnost zračnog prometa također ovisi o kvaliteti komunikacijskih sustava. Optimizacija letnih ruta, smanjenje vremena čekanja, smanjenje kašnjenja i bolje iskorištavanje zračnih resursa mogu se postići primjenom naprednih komunikacijskih tehnologija i međunarodnih zračnih prometnih standarda.

Međunarodni standardi i regulative definiraju smjernice za implementaciju i održavanje sigurnosnih i operativnih standarda u zračnom prometu. Ovi standardi uključuju usklađivanje komunikacijskih kanala, sigurnosnih protokola, nadogradnje sustava i redovito testiranje tehnologije, čime se osigurava sigurnost i efikasnost operacija.

Komunikacijski sustavi koji podržavaju zračni promet neprestano se razvijaju kako bi odgovorili na izazove modernizacije, rastući broj letova, veću gustoću zračnog prometa te nove tehnologije. Napredne tehnologije poput satelitskih sustava i radara mogu značajno poboljšati sigurnost i efikasnost u zračnom prometu, ali to također zahtijeva ulaganja u infrastrukturu i stalnu obuku kadrova. S obzirom na globalnu povezanost i dinamičnost sektora, učinkovita implementacija komunikacijskih sustava zahtijeva ne samo tehničke inovacije, već i međunarodnu suradnju i usklađivanje normi i standarda. Povećanje efikasnosti zračnog prometa i osiguranje visokih sigurnosnih standarda mogući su samo kroz koordinirane napore zrakoplovne industrije, regulatornih tijela i tehnoloških razvojnih organizacija.

2. Sigurnost i efikasnost u zračnom prometu

Zračni promet je, uz sve prednosti globalnog povezivanja, jedan od najzahtjevnijih sektora kada je riječ o sigurnosti. Sigurnost (engl. Safety) u zrakoplovstvu predstavlja stanje u kojem su rizik od ugrožavanja života i zdravlja ljudi te prouzrokovanja štete imovini smanjeni i održavani na prihvatljivom nivou, stalnim uočavanjem opasnosti i kontrolom rizika od uočenih opasnosti. (Čokorilo, 2020)

Zrakoplovna industrija koristi sveobuhvatan pristup koji uključuje upravljanje rizicima, obuku osoblja, tehnološke inovacije i međunarodnu suradnju kako bi osigurala visoke sigurnosne standarde. Uz sigurnost, efikasnost zračnog prometa također je od presudne važnosti jer doprinosi smanjenju operativnih troškova, skraćivanju vremena putovanja i smanjenju negativnog utjecaja na okoliš. Razvoj novih tehnologija, poput naprednih sustava za upravljanje zračnim prometom (engl. Air Traffic Management - ATM), smanjuje kašnjenja i povećava kapacitet zračnog prostora. Automatizirani sustavi i digitalizacija omogućuju preciznije praćenje zrakoplova, smanjujući rizik od ljudskih pogrešaka, a sustavi za predviđanje vremenskih uvjeta dodatno poboljšavaju sigurnost, sprječavajući nesreće uzrokovane nepovoljnim uvjetima.

Svaka promjena koja se provodi u sustavima za upravljanje zračnim prometom mora uvijek uzeti u obzir sigurnost jer se ona ne smije ugroziti u nastojanju za većom efikasnošću. Međutim, nije moguće optimizirati sigurnost kao takvu. Ako bi se pokušalo osigurati 100% sigurnosti u sustavima za upravljanje zračnim prometom, to bi se moglo postići jedino prizemljivanjem svih zrakoplova. (Todov, Petrov, 2017)

Sigurnost u zračnom prometu ne uključuje samo fizičke aspekte poput tehnologije i infrastrukture, već i ljudski faktor. Zdrava kultura sigurnosti aktivno traži poboljšanja, stalno je svjesna potencijalnih opasnosti i koristi sustave i alate za kontinuirani nadzor, analizu i istraživanje. Takva kultura mora biti prisutna u državnim zrakoplovnim organizacijama, kao i u organizacijama koje pružaju proizvode i usluge u zračnom prometu. Ostale značajke kulture sigurnosti uključuju zajedničku predanost osoblja i menadžmenta u ispunjavanju odgovornosti za sigurnost, povjerenje u sigurnosni sustav te jasno definirani skup pravila i politika. (ICAO, 2013)

U konačnici, efikasnost i sigurnost zračnog prometa međusobno se nadopunjuju. Napredna tehnologija ne samo da povećava efikasnost i smanjuje operativne troškova, već i poboljšava sigurnosne standarde, čime se jača povjerenje u zračni promet kao najsigurniji oblik prijevoza. Tehnologija, osobito u obliku komunikacijskih sustava, igra bitnu ulogu u održavanju sigurnosti i efikasnosti. S obzirom na globalnu povezanost i stalnu rastuću potražnju za zračnim

prijevozom, suradnja među regulatornim tijelima, industrijskim organizacijama i tehnologijama bit će ključna za postizanje održive sigurnosti i efikasnosti. Za ostvarenje ciljeva sigurnosti i efikasnosti u zračnom prometu, ključno je osigurati integraciju novih komunikacijskih tehnologija u postojeće sustave. Istovremeno, usklađivanje s međunarodnim standardima i normama jamči globalnu interoperabilnost i usklađenost sa sigurnosnim protokolima, što je temelj za održavanje visoke razine sigurnosti i efikasnosti na globalnoj razini.

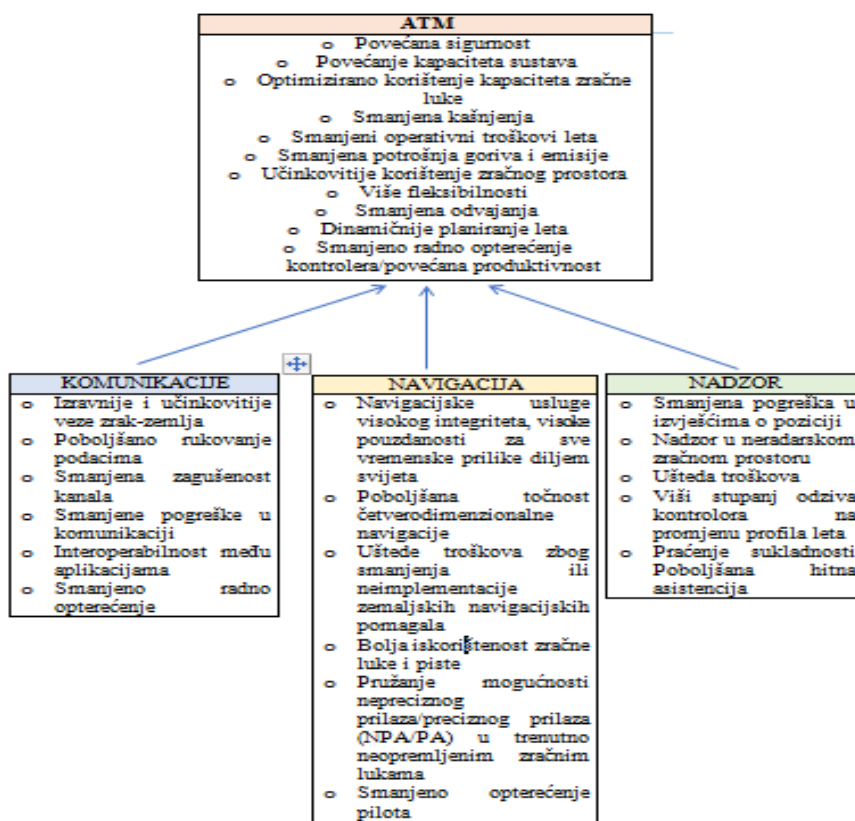
3. Vizija i misija provedbe CNS sustava

U avijaciji općenito, a posebno u upravljanju zračnim prometom nemoguće je razdvajati parcijalno sisteme jedan od drugog, a da se pri tome sigurnost odvijanja prometa ne dovede u pitanje. Svi sistemi i tehnologije koje se koriste u upravljanju zračnim prometom nose jedinstvenu oznaku CNS (engl. Communications, Navigation, and Surveillance). Definicija ovih sistema najbolje je predložena od strane Međunarodne organizacije civilnog zrakoplovstva (ICAO), a glasi: „Komunikacijski, navigacijski i nadzorni sustavi koji koriste digitalne tehnologije, uključujući satelitske sustave zajedno s različitim razinama automatizacije, koji se primjenjuju kao podrška besprijekornom globalnom sustavu upravljanja zračnim prometom“. (ICAO, 2002)

Nema sumnje da je osnovna i glavna vizija CNS sustava da potiče implementaciju besprijekornog, globalnog sustava upravljanja zračnim prometom koji će omogućiti operaterima zrakoplova da ispoštuju planirano vrijeme odlaska i dolaska i pridržavaju se željenih profila leta uz minimalna ograničenja i bez ugrožavanja dogovorenih razina sigurnosti. Također, misija je razviti besprijekoran, globalno koordiniran sustav usluga zračne plovidbe koji će se nositi s rastom potražnje u zračnom prometu širom svijeta uz:

- poboljšanje sadašnje razine sigurnosti;
- poboljšanje sadašnjih razina regularnosti;
- poboljšanje sveukupne učinkovitosti zračnog prostora i operacija zračne luke, što dovodi do povećanja kapaciteta;
- povećanje dostupnosti rasporeda letova i
- minimiziranje različitih zahtjeva za prijenos opreme između regija.

Ovaj sažetak općenito opisuje pristup ICAO-a prema planiranju za implementaciju sustava komunikacija, navigacije i nadzora/upravljanja zračnim prometom (CNS/ATM) na globalnoj, regionalnoj i nacionalnoj razini, s ciljem spajanja cjelokupnog planiranja u koherentnu, jedinstvenu strategiju. Pogled na visoku razinu očekivanih prednosti ovih sistema ilustriran je na Slici1.



Slika 1. Pogled na visoku razinu očekivanih prednosti novih sustava (Izvor: ICAO, 2002)

3.1. Značaj komunikacija kontrole zračnog prometa

Komunikacije kontrole zračnog prometa ključne su za održavanje sigurnosti i efikasnosti operacija zračnog prometa. Ovi komunikacijski sustavi omogućuju dijalog u stvarnom vremenu između kontrolora zračnog prometa i pilota, olakšavajući koordinaciju kretanja zrakoplova unutar prenatrpanog zračnog prostora. Učinkovita komunikacija smanjuje rizik od incidenata, osiguravajući da zrakoplovi održavaju sigurnu udaljenost jedan od drugog.

Značaj se proteže na povećanje situacijske svijesti i za pilote i za kontrolore zračnog prometa. Putem jasne komunikacije, kontrolori mogu pružiti kritična ažuriranja u vezi s vremenskim uvjetima, promjenama u putanjama leta i potencijalnim opasnostima. Ove su informacije neophodne za informirano donošenje odluka u dinamičnim okruženjima, čime se poboljšava ukupna sigurnost i operativna učinkovitost.

Pouzdanost i dostupnost komunikacijskih sustava moraju biti na razini koja minimizira mogućnost kvarova ili značajnih degradacija. Svaki kvar ili

nepravilnost u komunikacijskim sustavima, opremi ili drugim sustavima koji mogu negativno utjecati na sigurnost i efikasnost zračnog prometa mora biti odmah prijavljen. (ICAO, 2007)

Štoviše, komunikacije kontrole zračnog prometa potiču suradnju između različitih dionika u zračnom prometu. Integriranjem različitih komunikacijskih sustava, uključujući govorne i podatkovne veze, upravljanje zračnim prometom postaje besprijekorno. Ova suradnja promiče sigurnije iskustvo letenja omogućavajući brže odgovore na hitne situacije i sustavno upravljanje prometom.

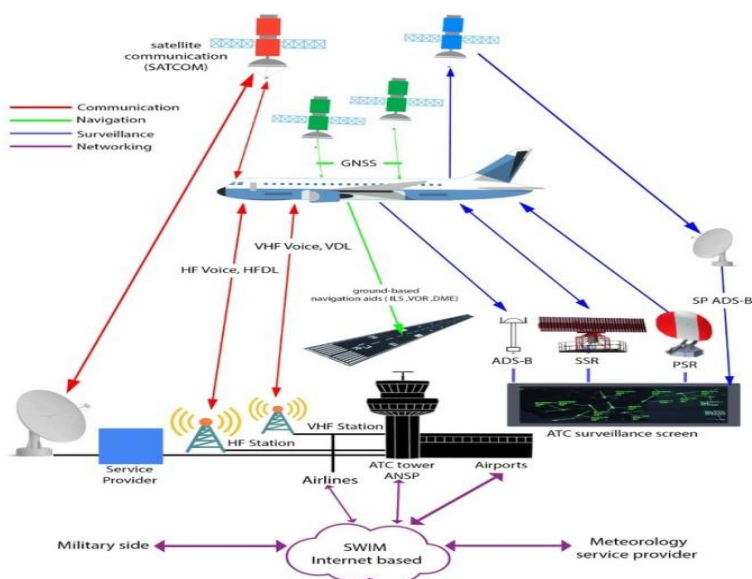
U konačnici, pouzdanost i jasnoća komunikacija kontrole zračnog prometa temeljne su za podršku rastućim zahtjevima zrakoplovne industrije. Kako se zračni promet nastavlja povećavati, važnost ovih komunikacijskih sustava samo će se pojačavati, jačajući njihovu ulogu kamena temeljca učinkovitog upravljanja zračnim prometom.

3.1.1. Komponente komunikacija kontrole zračnog prometa

Komunikacije kontrole zračnog prometa sastoje se od različitih komponenti koje osiguravaju sigurno i učinkovito kretanje zrakoplova. Ovi sustavi olakšavaju vitalne interakcije između kontrolora zračnog prometa i pilota, smanjujući rizik od nesporazuma i poboljšavajući cjelokupno upravljanje zračnim prostorom. Sustavi glasovne komunikacije kamen su temeljac komunikacija kontrole zračnog prometa, koji se tradicionalno oslanjaju na VHF (engl. Very High Frequency) radio frekvencije za dijalog u stvarnom vremenu. Ovi sustavi omogućuju kontrolorima prenošenje ključnih uputa, uključujući odobrenja, ažuriranje vremenske prognoze i navigacijsko vođenje. (EUROCONTROL/FAA, 2007)

Komunikacije putem podatkovne veze predstavljaju modernu evoluciju, omogućujući razmjenu unaprijed formatiranih poruka između pilota i kontrolora zračnog prometa. Tehnologije poput Automatic Dependent Surveillance-Contract (ADS-C) koriste ovu metodu, značajno povećavajući preciznost dijeljenih informacija. (Aeroplane Tech, 2024)

Automatizirani sustavi igraju bitnu ulogu u učinkovitom upravljanju zračnim prometom. Ovi sustavi pomažu u praćenju kretanja zrakoplova i integraciji različitih komunikacijskih metoda, osiguravajući da se odluke temelje na podacima u stvarnom vremenu za optimalnu sigurnost i operativne performanse. Pregled većeg broja CNS sistema prikazan je na Slici 2.



Slika 2. Pregled CNS sistema (Izvor: Elmarady & Rahouma, 2021)

Sustavi govorne komunikacije u kontroli zračnog prometa omogućuju dijalog u stvarnom vremenu između kontrolora zračnog prometa i pilota. Korištenjem visokofrekventnih radio prijenosa, ovi sustavi omogućuju prijenos kritičnih informacija, uputa i odobrenja koja su neophodna za siguran rad zrakoplova.

Komunikacije putem podatkovne veze koriste digitalne prijenosne sustave koji omogućuju učinkovitu razmjenu potrebnih informacija o letu između kontrolora zračnog prometa i pilota. Sustav unapređuje tradicionalne metode govorne komunikacije, omogućujući preciznije, jasnije i pouzdanije prijenose podataka.

Automatizirani sustavi u komunikaciji kontrole zračnog prometa odnose se na korištenje tehnologije za usmjeravanje i poboljšanje komunikacijskih procesa između kontrolora zračnog prometa i zrakoplova. Ovi sustavi dizajnirani su za smanjenje kognitivnog opterećenja kontrolora, omogućavajući učinkovitije upravljanje zračnim prometom. Primjeri automatiziranih sustava uključuju automatizirane alate za govornu komunikaciju i transponderske sustave koji pružaju podatke o položaju i statusu zrakoplova u stvarnom vremenu. Ovi sustavi mogu obraditi i prenijeti informacije brže od ručnih metoda, čime se poboljšava ukupna učinkovitost upravljanja zračnim prometom.

3.2. Tehnologije u komunikacijama kontrole zračnog prometa

Komunikacije kontrole zračnog prometa koriste različite napredne tehnologije kako bi osigurale sigurno i učinkovito upravljanje zračnim prometom. Ove tehnologije povećavaju sposobnost kontrolora i pilota da dijele kritične informacije u stvarnom vremenu. Ključne komponente uključuju:

- **Radarska tehnologija:** Koristi se za praćenje položaja zrakoplova, radarski sustavi pružaju vitalne informacije kontrolorima zračnog prometa, olakšavajući točan nadzor putanja leta i osiguravajući razdvajanje između zrakoplova.
- **Satelitske komunikacije:** nudeći globalnu pokrivenost, satelitske komunikacije omogućuju kontinuiranu razmjenu podataka. Ova tehnologija posebno je korisna u udaljenim regijama gdje zemaljski sustavi možda nisu dostupni.
- **Sustavi nadzora:** Integrativni sustavi nadzora povećavaju svijest o situaciji među kontrolorima zračnog prometa. Ovi sustavi konsolidiraju podatke iz više izvora, omogućujući koordinirane odgovore na scenarije dinamičkog leta. (Khalid&Nazneen, 2024)

Ove tehnologije zajedno pridonose učinkovitosti komunikacija kontrole zračnog prometa, potičući poboljšane sigurnosne protokole i operativnu učinkovitost unutar sektora zrakoplovstva.

3.2.1. Međunarodni standardi u komunikacijskim sustavima zračnog prometa

Međunarodni standardi u komunikacijskim sustavima zračnog prometa ključni su za osiguranje globalne sigurnosti, efikasnosti i interoperabilnosti unutar zračnog prometa. Ovi standardi omogućuju neprekidnu i sigurnu komunikaciju između zrakoplova, zračnih kontrolora, zemaljskih usluga i drugih dionika u zračnom prometu. Glavni međunarodni standardi i organizacije koje oblikuju komunikacijske sustave u zračnom prometu uključuju ICAO³, ITU⁴ (Međunarodna telekomunikacijska unija), Eurocontrol⁵, te EASA⁶ (Europska agencija za sigurnost zračnog prometa).

ICAO, kao specijalizirana agencija Ujedinjenih naroda, razvija globalne propise i standarde za civilnu avijaciju koji obuhvaćaju širok raspon aspekata, uključujući sigurnost, operacije, navigaciju i komunikacijske protokole. Ključni dokument za

³ Više na: <https://icao.int/>

⁴ Više na: <https://www.itu.int/>

⁵ Više na: <https://www.eurocontrol.int/>

⁶ Više na: <https://www.easa.europa.eu/en>

usklađivanje međunarodnih standarda je Annex 10: Aeronautical Telecommunications, koji sadrži smjernice i preporučene prakse vezane uz komunikacijske sustave, uključujući VHF frekvencije, satelitske komunikacije i druge tehnologije koje omogućuju sigurnu interakciju između zrakoplova i kontrolora. Također, ICAO definira tehničke specifikacije za radiofrekvencije i protokole koji omogućuju pouzdanu povezanost u globalnom zračnom prostoru, kao što je obuhvaćeno u dokumentu Doc 4444 - Air Traffic Management. (ICAO, 2013)

ITU upravlja globalnim radio frekvencijskim spektrom i telekomunikacijskim normama, omogućujući koordinaciju korištenja frekvencija esencijalnih za zračne komunikacije. Kroz svoj regulatorni okvir, ITU osigurava nesmetanu uporabu VHF frekvencija i razvija smjernice za mobilne komunikacije i satelitske sustave koji omogućuju globalnu povezanost u zračnom prometu. (ITU, 2020)

Eurocontrol koordinira zračni promet u Europi i razvija standarde za komunikaciju i navigacijske sustave. Organizacija se fokusira na optimizaciju zračnog prostora, pružanje usluga zračnim navigacijskim centrima i osiguranje interoperabilnosti svih sustava, uključujući tehnologije za sustavnu razmjenu podataka, kao i satelitsku navigaciju.

EASA surađuje s ICAO i ITU kako bi osigurala usklađivanje europskih komunikacijskih sustava s globalnim normama. Time omogućava sigurno i pouzdano upravljanje zračnim prometom, osiguravajući kontinuitet komunikacije, čak i u kriznim situacijama. (EASA, 2019)

Standardi i tehnički zahtjevi koje uspostavljaju ove organizacije osiguravaju usklađenost i interoperabilnost sustava, čime se ostvaruje visoka razina sigurnosti, pouzdanosti i operativne učinkovitosti. Ovaj okvir omogućava integrirano upravljanje zračnim prometom, smanjuje rizik od nesreća i omogućava optimizaciju globalnih zračnih operacija kroz standardizirane procedure i tehnologije.

4. Izazovi i budućnost komunikacija u kontroli zračnog prometa

Komunikacije kontrole zračnog prometa suočavaju se s nekoliko izazova koji mogu imati značajne implikacije na sigurnost i učinkovitost zračnog prometa. Jedan od istaknutih problema je sve veći obujam prometa, koji stvara pritisak na postojeće komunikacijske sustave. Kako zračni promet raste, kontrolori moraju upravljati s više zrakoplova istovremeno, što dovodi do potencijalnih pogrešaka u komunikaciji.

Dodatni izazov predstavlja oslanjanje na zastarjele tehnologije. Mnogi sustavi kontrole zračnog prometa još uvijek koriste staru opremu koja ne zadovoljava

moderne zahtjeve, što može uzrokovati probleme u brzom i preciznom prijenosu kritičnih informacija. Također, ljudski čimbenici poput stresa, umora i smetnji mogu utjecati na kvalitetu komunikacije, što zahtijeva kontinuirane programe obuke i svijesti kako bi se minimizirali potencijalni rizici.

Osim smjernica ICAO-a, nacionalne zrakoplovne vlasti, kao što je Savezna uprava za zrakoplovstvo (FAA)⁷ u Sjedinjenim Državama, provode posebne propise unutar svojih nadležnosti koji uključuju tehničke zahtjeve, komunikacijske postupke i operativne prakse neophodne za učinkovitu komunikaciju kontrole zračnog prometa. Usklađenost s tim propisima osigurava optimalno funkcioniranje komunikacijskih sustava, povećavajući sigurnost i pouzdanost zračnog putovanja.

Budućnost komunikacija kontrole zračnog prometa bit će oblikovana napretkom u umjetnoj inteligenciji i satelitskoj tehnologiji. Očekuje se da će umjetna inteligencija poboljšati procese donošenja odluka, omogućujući brže odgovore na dinamične situacije u zračnom prometu. Ova integracija može dovesti do optimiziranih putanja leta i poboljšane komunikacije između kontrolora zračnog prometa i pilota.

Napredak satelitske tehnologije također će igrati ključnu ulogu u komunikaciji kontrole zračnog prometa. Poboljšani satelitski sustavi omogućit će točniji prijenos podataka, povećavajući pouzdanost komunikacije u različitim zemljopisnim regijama. Ovo je ključno jer zračni promet nastavlja rasti diljem svijeta, zahtijevajući robusniju komunikacijsku infrastrukturu.

Ukratko, evoluciju komunikacija kontrole zračnog prometa potaknut će inovativne tehnologije, utirući put sigurnijem i efikasnijem zračnom prometu u godinama koje dolaze. Integracija umjetne inteligencije u komunikaciju kontrole zračnog prometa predstavlja transformativni napredak u upravljanju sigurnošću i efikasnošću zračnog prostora. Tehnologije umjetne inteligencije mogu analizirati ogromne količine podataka koje generiraju zrakoplovi i prometni sustavi u stvarnom vremenu, omogućujući donošenje odluka s više informacija.

Putem sustava glasovne komunikacije, kontrolori mogu trenutačno pružiti pilotima ključna ažuriranja, omogućujući pravovremeno donošenje odluka. Isto tako, komunikacija podatkovnom vezom služi za isporuku informacija izravno sustavima zrakoplova, smanjujući opterećenje pilota i omogućavajući bolju svijest o situaciji. Integracija programa obuke za osoblje uključeno u komunikacije kontrole zračnog prometa dodatno povećava ukupnu sigurnost. Poticanjem kulture učinkovite komunikacije, zainteresirane strane u

⁷ Više na: <https://www.faa.gov/>

zrakoplovstvu mogu minimizirati rizike i povećati pouzdanost sustava upravljanja zračnim prostorom.

U zaključku, unaprjeđenje komunikacijskih sustava u zračnom prometu ključno je za osiguranje visoke razine sigurnosti i operativne efikasnosti. Modernizacija tih sustava, kroz integraciju naprednih tehnologija i usklađivanje s međunarodnim standardima, omogućit će bolju koordinaciju među dionicima, smanjenje operativnih kašnjenja te osiguranje veće pouzdanosti u globalnom zračnom prostoru. Ovaj razvoj bit će temelj za budući napredak i optimizaciju zračnog prometa, čime će se dodatno smanjiti rizici i povećati efikasnost u svakodnevnim operacijama.

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The role of communication systems in the safety and efficiency of air traffic

Expert article

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Abstract

Air traffic is essential for international and national connectivity, and the safety and efficiency of operations depend on advanced communication systems that enable the efficient exchange of data between pilots, air traffic controllers and airports. Safety requires precise coordination, while efficiency depends on optimizing flight routes and reducing delays. In addition to contributing to safety, advanced communication enables faster decision-making, which improves the overall efficiency of the system. The integration of new technologies, such as advanced communication networks and automated systems, is essential for further improving air traffic.

Keywords: *air traffic, communication systems, safety, efficiency.*

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1. Introduction

Air transport is a key element of global connectivity, enabling the efficient mobility of people and goods around the world. Given its complexity, safety and efficiency, air transport operations place high demands on technological and operational systems. Air transport communication systems are a key component of operational systems because they enable continuous and accurate data exchange between all stakeholders – pilots, air traffic controllers, airports and other operational factors. These systems provide timely information that is essential for decision-making, coordination, flight management and the prevention of accidents and delays.

Air traffic safety is an absolute priority, as the slightest error or delay in communication can have serious consequences. Real-time communication enables flight control and coordination, reduces the risk of accidents and allows for rapid response in emergency situations. On the other hand, the efficiency of air traffic also depends on the quality of communication systems. Optimization of flight routes, reduction of waiting times, reduction of delays and better utilization of air resources can be achieved by applying advanced communication technologies and international air traffic standards.

International standards and regulations define guidelines for the implementation and maintenance of safety and operational standards in air transport. These standards include the harmonisation of communication channels, security protocols, system upgrades and regular testing of technology, thus ensuring the safety and efficiency of operations.

Communication systems supporting air traffic are constantly evolving to meet the challenges of modernization, increasing flight numbers, higher air traffic density and new technologies. Advanced technologies such as satellite systems and radar can significantly improve air traffic safety and efficiency, but this also requires investment in infrastructure and ongoing training of personnel. Given the global connectivity and dynamism of the sector, the effective implementation of communication systems requires not only technical innovation, but also international cooperation and the harmonisation of norms and standards. Increasing the efficiency of air traffic and ensuring high safety standards are only possible through coordinated efforts of the aviation industry, regulatory authorities and technology development organizations.

2. Safety and efficiency in air traffic

Air transport, with all the advantages of global connectivity, is one of the most demanding sectors when it comes to safety. Safety in aviation represents a state in which the risk of endangering human life and health and causing damage to property is reduced and maintained at an acceptable level, through constant detection of hazards and risk control from detected hazards. (Čokorilo, 20 20)

The aviation industry uses a comprehensive approach that includes risk management, staff training, technological innovation and international cooperation to ensure high safety standards. In addition to safety, air traffic efficiency is also crucial, as it contributes to reducing operating costs, shortening travel times and reducing negative environmental impact. The development of new technologies, such as advanced Air Traffic Management (ATM) systems, reduces delays and increases airspace capacity. Automated systems and digitalization allow for more precise aircraft tracking, reducing the risk of human error, and weather forecasting systems further improve safety by preventing accidents caused by adverse conditions.

Any change implemented in air traffic management systems must always take safety into account, as it must not be compromised in the pursuit of greater efficiency. However, it is not possible to optimize safety as such. If one were to try to ensure 100% safety in air traffic management systems, this could only be achieved by grounding all aircraft. (Todov, Petrov, 2017)

Aviation safety involves not only physical aspects such as technology and infrastructure, but also the human factor. A healthy safety culture actively seeks improvements, is constantly aware of potential hazards, and uses systems and tools for continuous monitoring, analysis and research. Such a culture must be present in state aviation organizations, as well as in organizations that provide aviation products and services. Other characteristics of a safety culture include a shared commitment by staff and management to fulfill safety responsibilities, confidence in the safety system, and a clearly defined set of rules and policies. (ICAO, 2013)

Ultimately, air transport efficiency and safety complement each other. Advanced technology not only increases efficiency and reduces operating costs, but also improves safety standards, thereby strengthening confidence in air transport as the safest form of transport. Technology, especially in the form of communication systems, plays an essential role in maintaining safety and efficiency. Given the global connectivity and the ever-increasing demand for air transport, cooperation between regulatory authorities, industry organisations and technologies will be essential to achieve sustainable safety and efficiency. To achieve the goals of

safety and efficiency in air transport, it is essential to ensure the integration of new communication technologies into existing systems. At the same time, compliance with international standards and norms guarantees global interoperability and compliance with safety protocols, which is the basis for maintaining a high level of safety and efficiency at a global level.

3. Vision and mission of the CNS system implementation

In aviation in general, and in air traffic management in particular, it is impossible to partially separate systems from each other without compromising the safety of traffic. All systems and technologies used in air traffic management bear the unique designation CNS (Communications, Navigation, and Surveillance). The definition of these systems is best presented by the International Civil Aviation Organization (ICAO), which reads: "Communications, navigation, and surveillance systems using digital technologies, including satellite systems together with various levels of automation, which are applied in support of a seamless global air traffic management system". (ICAO, 2002)

There is no doubt that the basic and main vision of the CNS system is to promote the implementation of a seamless, global air traffic management system that will enable aircraft operators to meet scheduled departure and arrival times and adhere to desired flight profiles with minimal restrictions and without compromising agreed safety levels. Also, the mission is to develop a seamless, globally coordinated air navigation service system that will cope with the growth in air traffic demand worldwide by:

- improving the current level of security;
- improving current levels of regularity;
- improving the overall efficiency of airspace and airport operations, leading to increased capacity;
- increasing the availability of flight schedules and
- minimizing different equipment transfer requirements between regions.

This summary broadly describes ICAO's approach to planning for the implementation of communications, navigation and air traffic control/management (CNS/ATM) systems at the global, regional and national levels, with the aim of integrating all planning into a coherent, unified strategy. A high-level view of the expected benefits of these systems is illustrated in Figure 1.

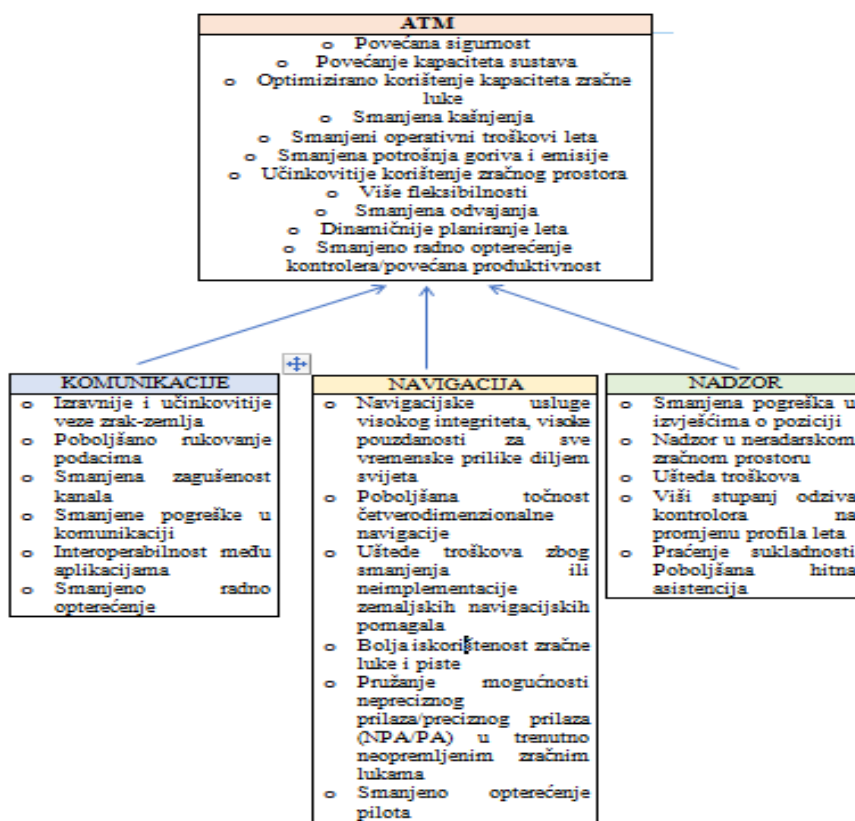


Figure 1A high-level view of the expected benefits of new systems (Source: ICAO, 2002)

3.1. The importance of air traffic control communications

Air traffic control communications are essential for maintaining the safety and efficiency of air traffic operations. These communication systems enable real-time dialogue between air traffic controllers and pilots, facilitating the coordination of aircraft movements within congested airspace. Effective communication reduces the risk of incidents by ensuring that aircraft maintain a safe distance from each other.

The significance extends to increasing situational awareness for both pilots and air traffic controllers. Through clear communication, controllers can provide critical updates regarding weather conditions, changes in flight paths and potential hazards. This information is essential for informed decision-making in dynamic environments, thereby improving overall security and operational efficiency.

The reliability and availability of communication systems must be at a level that minimizes the possibility of failures or significant degradation. Any failure or

irregularity in communication systems, equipment or other systems that may adversely affect the safety and efficiency of air traffic must be reported immediately. (ICAO, 2007)

Moreover, air traffic control communications foster collaboration between different stakeholders in air traffic. By integrating different communication systems, including voice and data links, air traffic management becomes seamless. This collaboration promotes a safer flying experience by enabling faster responses to emergencies and systematic traffic management.

Ultimately, the reliability and clarity of air traffic control communications are essential to supporting the growing demands of the aviation industry. As air traffic continues to increase, the importance of these communication systems will only increase, reinforcing their role as a cornerstone of effective air traffic management.

3.1.1. Air traffic control communication components

Air traffic control communications consist of various components that ensure the safe and efficient movement of aircraft. These systems facilitate vital interactions between air traffic controllers and pilots, reducing the risk of misunderstandings and improving overall airspace management. Voice communication systems are the cornerstone of air traffic control communications, which have traditionally relied on VHF (Very High Frequency) radio frequencies for real-time dialogue. These systems allow controllers to relay key instructions, including clearances, weather updates and navigational guidance. (EUROCONTROL/FAA, 2007)

Data link communications represent a modern evolution, allowing the exchange of pre-formatted messages between pilots and air traffic controllers. Technologies such as Automatic Dependent Surveillance-Contract (ADS-C) use this method, significantly increasing the accuracy of shared information. (Aeroplane Tech, 2024)

Automated systems play a vital role in effective air traffic management. These systems help track aircraft movements and integrate various communication methods, ensuring that decisions are based on real-time data for optimal safety and operational performance. An overview of a number of CNS systems is shown in Figure 2.

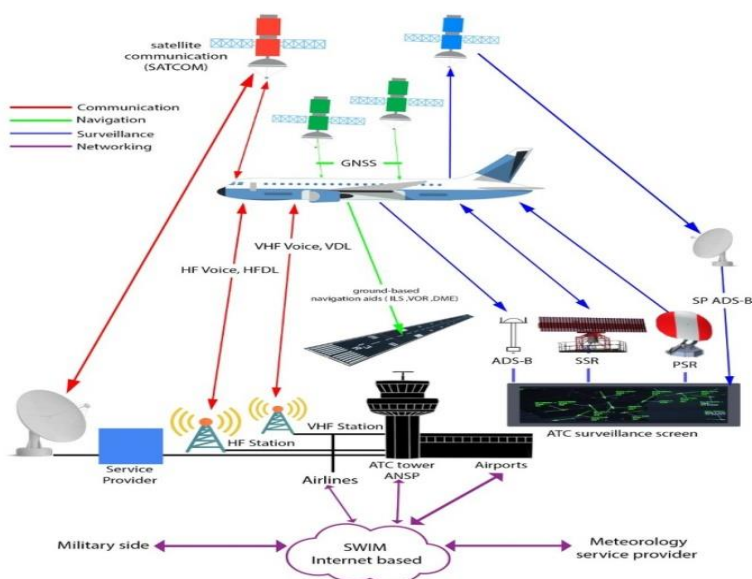


Figure 2. Overview of the CNS system (Source: Elmarady & Rahouma , 2021)

Air traffic control voice communication systems enable real-time dialogue between air traffic controllers and pilots. Using high-frequency radio transmissions, these systems enable the transmission of critical information, instructions, and clearances necessary for the safe operation of aircraft.

Data link communications utilize digital transmission systems that enable the efficient exchange of necessary flight information between air traffic controllers and pilots. The system improves upon traditional voice communication methods, enabling more precise, clear, and reliable data transmissions.

Automated systems in air traffic control communications refer to the use of technology to streamline and improve the communication processes between air traffic controllers and aircraft. These systems are designed to reduce the cognitive load on controllers, allowing for more efficient air traffic management. Examples of automated systems include automated voice communication tools and transponder systems that provide real-time aircraft position and status data. These systems can process and transmit information faster than manual methods, improving the overall efficiency of air traffic management.

3.2. Technologies in air traffic control communications

Air traffic control communications use a variety of advanced technologies to ensure safe and efficient air traffic management. These technologies enhance the ability of controllers and pilots to share critical information in real time. Key components include:

- Radar Technology: Used to track the position of aircraft, radar systems provide vital information to air traffic controllers, facilitating accurate flight path monitoring and ensuring separation between aircraft.
- Satellite communications: Offering global coverage, satellite communications enable continuous data exchange. This technology is particularly useful in remote regions where terrestrial systems may not be available.
- Surveillance Systems: Integrative surveillance systems increase situational awareness among air traffic controllers. These systems consolidate data from multiple sources, enabling coordinated responses to dynamic flight scenarios. (Khalid&Nazneen, 2024)

Together, these technologies contribute to the efficiency of air traffic control communications, driving improved safety protocols and operational efficiency within the aviation sector.

3.2.1. International standards in air traffic communication systems

International standards in air traffic communication systems are essential for ensuring global safety, efficiency and interoperability within air traffic. These standards enable seamless and secure communication between aircraft, air traffic controllers, ground services and other air traffic stakeholders. The main international standards and organizations shaping air traffic communication systems include ICAO ³, ITU ⁴(International Telecommunication Union), Eurocontrol ⁵, and EASA ⁶(European Aviation Safety Agency).

ICAO, as a specialized agency of the United Nations, develops global regulations and standards for civil aviation covering a wide range of aspects, including safety, operations, navigation and communication protocols. The key document for harmonizing international standards is Annex 10: Aeronautical Telecommunications, which contains guidelines and recommended practices related to communication systems, including VHF frequencies, satellite

³More at: <https://icao.int/>

⁴ More at: <https://www.itu.int/>

⁵ More at: <https://www.eurocontrol.int/>

⁶ More at: <https://www.easa.europa.eu/en>

communications and other technologies that enable safe interaction between aircraft and controllers. Also, ICAO defines technical specifications for radio frequencies and protocols that enable reliable connectivity in global airspace, as covered in document Doc 4444 - Air Traffic Management. (ICAO, 2013)

ITU manages the global radio frequency spectrum and telecommunications standards, enabling the coordination of the use of frequencies essential for air communications. Through its regulatory framework, ITU ensures the unhindered use of VHF frequencies and develops guidelines for mobile communications and satellite systems that enable global air traffic connectivity. (ITU, 2020)

Eurocontrol coordinates air traffic in Europe and develops standards for communication and navigation systems. The organization focuses on optimizing airspace, providing services to air navigation centers, and ensuring the interoperability of all systems, including technologies for systematic data exchange, as well as satellite navigation.

EASA works with ICAO and ITU to ensure that European communication systems are aligned with global standards. This enables safe and reliable air traffic management, ensuring continuity of communication, even in crisis situations. (EASA, 2019)

The standards and technical requirements established by these organizations ensure the compatibility and interoperability of systems, thereby achieving a high level of safety, reliability and operational efficiency. This framework enables integrated air traffic management, reduces the risk of accidents and enables the optimization of global air operations through standardized procedures and technologies.

4. Challenges and the future of communications in air traffic control

Air traffic control communications face several challenges that can have significant implications for the safety and efficiency of air traffic. One prominent issue is the increasing volume of traffic, which is putting pressure on existing communication systems. As air traffic increases, controllers must manage more aircraft simultaneously, leading to potential communication errors.

An additional challenge is the reliance on outdated technologies. Many air traffic control systems still use old equipment that does not meet modern requirements, which can cause problems in the rapid and accurate transmission of critical information. Also, human factors such as stress, fatigue and distractions can affect the quality of communication, which requires continuous training and awareness programs to minimize potential risks.

In addition to ICAO guidelines, national aviation authorities, such as the Federal Aviation Administration (FAA) ⁷in the United States, implement specific regulations within their jurisdiction that include technical requirements, communication procedures, and operational practices necessary for effective air traffic control communications. Compliance with these regulations ensures the optimal functioning of communication systems, increasing the safety and reliability of air travel.

The future of air traffic control communications will be shaped by advances in artificial intelligence and satellite technology. Artificial intelligence is expected to improve decision-making processes, enabling faster responses to dynamic air traffic situations. This integration can lead to optimized flight paths and improved communication between air traffic controllers and pilots.

Advances in satellite technology will also play a key role in air traffic control communications. Improved satellite systems will enable more accurate data transmission, increasing the reliability of communications across different geographic regions. This is crucial as air traffic continues to grow worldwide, requiring a more robust communications infrastructure.

In short, the evolution of air traffic control communications will be driven by innovative technologies, paving the way for safer and more efficient air traffic in the years to come. The integration of artificial intelligence into air traffic control communications represents a transformative advance in managing the safety and efficiency of airspace. Artificial intelligence technologies can analyze vast amounts of data generated by aircraft and traffic systems in real time, enabling more informed decision-making.

Through voice communication systems, controllers can provide pilots with critical updates instantly, enabling timely decision-making. Similarly, data link communications serve to deliver information directly to aircraft systems, reducing pilot workload and providing better situational awareness. Integrating training programs for personnel involved in air traffic control communications further enhances overall safety. By fostering a culture of effective communication, aviation stakeholders can minimize risks and increase the reliability of airspace management systems.

In conclusion, improving air traffic communication systems is essential to ensure high levels of safety and operational efficiency. Modernizing these systems, through the integration of advanced technologies and alignment with international standards, will enable better coordination among stakeholders, reduce operational delays, and ensure greater reliability in global airspace. This

⁷ More at: <https://www.faa.gov/>

development will be the foundation for future progress and optimization of air traffic, further reducing risks and increasing efficiency in daily operations.

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PREVENCIJA PROFESIONALNOG SAGORIJEVANJA KOD POLICIJSKIH SLUŽBENIKA I VATROGASACA: FILOZOFSKI PRISTUPI I PRAKTIČNE SMJERNICE

Martina Matijević

Sažetak

Ovaj rad istražuje strategije za prevenciju profesionalnog sagorijevanja kod policijskih službenika i vatrogasaca, kombinirajući filozofske pristupe spore produktivnosti i esencijalizma s praktičnim smjernicama. Spora produktivnost naglašava smanjenje multitaskinga i prilagodbu prirodnom tempu rada, dok esencijalizam potiče fokusiranje na ključne zadatke i eliminaciju manje bitnih radnih aktivnosti. Rad navodi konkretne mjere poput automatizacije administrativnih zadataka, implementacije sustava prioritizacije, rotacije smjena, treninga za emocionalnu otpornost i redovitih procjena mentalnog zdravlja. Primjena ovih strategija smanjuje rizik od kognitivnog opterećenja, povećava učinkovitost i doprinosi dugoročnom očuvanju mentalnog zdravlja zaposlenika. Pružene smjernice prilagođene su specifičnim izazovima sigurnosnih zanimanja i podržane su relevantnim znanstvenim istraživanjima, čineći rad korisnim resursom za unapređenje radnih praksi u ovom sektoru.

Ključne riječi: prevencija profesionalnog sagorijevanja, spora produktivnost, esencijalizam, mentalno zdravlje zaposlenika

UVODNE NAPOMENE

Fenomen profesionalnog sagorijevanja (eng. *burnout*) počeo se znanstveno istraživati sredinom 1970-ih u SAD-u. Američki psiholog Herbert Freudenberger prvi je upotrijebio ovaj termin u pionirskom radu *Staff Burn-Out* (1974), opisujući ga kao stanje emocionalne iscrpljenosti, smanjenja motivacije i povećane apatije među volonterima bolnice sv. Marka u New Yorku u kojoj je radio. Termin "sagorijevanje" prethodno je bio povezan s kroničnom zloupotrebom droga, a Freudenberger ga je proširio kako bi obuhvatio posljedice intenzivnog profesionalnog stresa.

Rani simptomi sagorijevanja uključuju premor, gubitak energije, pesimističan stav prema poslu i smanjenje profesionalne produktivnosti (Freudenberger, 1974). Freudenberger (1974) je zaključio da se prvi simptomi obično pojavljuju unutar jedne godine kontinuiranog stresa. Prema Alexander i Walker (2000), najčešći stresori među policijskim službenicima i vatrogascima su preopterećenost poslom, manjak priznanja za obavljen zadatak, frustriranost beznačajnim izazovima, izlaganje opasnosti i manjak radnih zadataka.

Table 1: Comparison of policemen (PM) and firemen (FF) in relation to general work stressors in the previous four weeks

General work stressor	Not at all		Slightly		Considerably		Extremely	
	PM n (%)	FF n (%)	PM n (%)	FF n (%)	PM n (%)	FF n (%)	PM n (%)	FF n (%)
1. Being overworked*	266 (39)	82 (56)	249 (36)	42 (29)	148 (22)	17 (11)	19 (3)	6 (4)
2. Being underworked	522 (77)	112 (77)	107 (16)	23 (16)	37 (6)	11 (7)	10 (1)	0 (0)
3. Being exposed to danger	383 (56)	78 (53)	239 (35)	57 (39)	56 (8)	9 (6)	5 (1)	2 (2)
4. Lack of recognition at work	355 (52)	83 (64)	143 (21)	23 (16)	137 (20)	20 (13)	47 (7)	10 (7)
5. Frustrated by perceived unnecessary obstacles	229 (33)	64 (44)	234 (42)	49 (33)	136 (20)	26 (18)	34 (5)	7 (5)

Tablica 1. Usporedba policijskih službenika (eng. policemen (skrać. PM)) i vatrogasaca (eng. firefighters (skrać. FF)) u odnosu na stresore u razdoblju od mjesec dana (Alexander i Walker, 2000).

Početni programi prevencije bili su usmjereni na zanimanja s visokim emocionalnim angažmanom, poput odvjetnika, socijalnih radnika i medicinskog osoblja. Međutim, profesionalno sagorijevanje kasnije se proširilo i na druga zanimanja, uključujući ona koja su dužna izlagati se prirodnim opasnostima i kriznim situacijama poput vatrogasaca i policijskih službenika. Cilj ovog rada je istražiti filozofske pristupe poput spore produktivnosti i esencijalizma s obzirom da načela kojima se vode su lako primjenjiva u svakodnevnom radu i uvelike su korisna za suzbijanje glavnih faktora stresa. Za svaki pristup bit će predloženi praktični načini primjene u sigurnosnim zanimanjima.

1. FILOZOFSKI PRISTUPI KORISNI ZA PREVENCIJU SAGORIJEVANJA KOD POLICIJSIH SLUŽBENIKA I VATROGASACA

1.1. Primjena spore produktivnosti pri obavljanju zanimanja policijskog službenika i vatrogasca

Termin „*spora produktivnost*“ predstavlja jedinstveni filozofski koncept čovjekova odnosa prema radu kojeg je osmislio američki sveučilišni profesor i publicist Cal Newport i izložio u *Sporoj produktivnosti: Izgubljeno umijeće postignuća bez pregorijevanja (Slow Productivity: The Lost Art of Accomplishment Without Burnout)* ili skraćeno *Spora produktivnost (Slow Productivity)* iz 2024.

Sušтина spore produktivnosti jest obavljati manje zadataka, ali tzv. prirodnim tempom koji nema ustaljenu definiciju jer je u zavisnosti od pojedinca i zanimanja kojim se bavi. Primjerice, u pojedinoj vatrogasnoj postrojbi, vatrogasci će biti zaposleniji tijekom sezone požara, a manje tijekom zimskih perioda. Kako ispunjavanje manje zadataka ne bi rezultiralo smanjenjem produktivnosti zaposlenika, nužno je prvenstveno mariti o kvaliteti obavljenog rada. Da bi policijski službenici i vatrogasci kvalitetnije ispunjavali svoju dužnost, policijske postaje i vatrogasne postrojbe mogle bi uvesti automatizaciju administrativnih zadataka. Ona omogućuje zaposlenicima više vremena za fokusiranje na ključne aktivnosti, smanjujući rizik od kognitivnog preopterećenja i profesionalnog sagorijevanja. Prema Hryn et al. (2024), implementacija AI sustava za izvršavanje repetitivnih zadataka, poput obrade podataka i odgovaranja na standardne upite, dovodi do povećanja fleksibilnosti na radnom mjestu, manjeg stresa i bolje produktivnosti. Policijski odjeli mogu koristiti automatizaciju za analizu video-nadzornih materijala i automatsko slanje upozorenja u stvarnom vremenu. To zaposlenicima omogućuje usmjeravanje pažnje na analitičke i intervencijske zadatke od ključne važnosti. Iako se automatizacija ponekad povezuje s rizikom gubitka radnih mjesta, preusmjeravanje zaposlenika na složenije operativne zadatke osigurava optimalno iskorištavanje njihovih kompetencija.

Na dalje, Newport (2024) negativno definira idealnu količinu rada kao onu koja ne rezultira sagorijevanjem. Jedni od primarnih faktora pojave profesionalnog sagorijevanja među policijskim službenicima su dugo radno vrijeme i nedovoljno sna (Vila, 2006). Neujednačeno radno vrijeme i jednodnevna smjena ne dovode samo do sagorijevanja, već i povećanog rizika razvoja srčanih bolesti među vatrogascima (Kaikkonen et al., 2017). Čak polovina smrtnih slučajeva vatrogasaca tijekom perioda od jedne godine su klasificirani kao posljedica stresa

(Kaikkonen et al., 2017). Kako bi se spriječile negativne posljedice sagorijevanja i uspostavila idealna količina rada, potrebno je policijskim službenicima i vatrogascima osigurati dovoljno slobodnog vremena između dvije radne smjene (Kaikkonen et al., 2017) koje je dovoljno da se njihove psihofiziološke funkcije i cirkadijalni ritam vrate u normalno stanje. Također je važno u kojem dijelu dana oni obavljaju radnu smjenu. Prema Paley (1994), zaposlenici u noćnim smjenama imaju prosječno najkraće trajanje sna i najizraženije negativne efekte poput depresije i lošeg raspoloženja. Redovite pauze i rotacija smjena ključni su za smanjenje simptoma sagorijevanja kod zaposlenika u sigurnosnim zanimanjima. Prema Dababneh et al. (2001) i Henning et al. (1997), planirani odmori poboljšavaju koncentraciju i smanjuju emocionalno opterećenje. Rotacijski sustavi smjena osobito su korisni za vatrogasce i policijske službenike, jer omogućuju fizički oporavak nakon zahtjevnih zadataka. Viitasalo (2008) navodi da rotacija smjena može smanjiti pospanost i krvni tlak, što izravno doprinosi smanjenju stresa i smanjenju vjerojatnosti oboljenja od srčanih bolesti. Primjerice, raspored koji uključuje kraće, ali češće smjene mogao bi povećati učinkovitost bez ugrožavanja zdravlja zaposlenika.

Od imperativnog je značaja navesti da vremenski okvir koji je obuhvaćen Newportovim prvim i temeljnim načelom obavljanja manje posla (2024) jest istovremenost, a ne određeni duži ili kraći period vremena pa ono isključivo nalaže da se u jednom trenutku vrši manji broj radnih zadataka, a ne nipošto tijekom primjerice radnog dana ili tjedna čime se izbjegava njegovo ambivalentno i pogrešno tumačenje. Ono je ustanovljeno na temelju činjenice da ljudski mozak nema kapacitet prilikom iznenadnog prebacivanja s jednog na drugi zadatak biti jednako fokusiran kao i na prethodni. Ovo može rezultirati kognitivnim opterećenjem. Prema Bond et al. (2016) pod kognitivnim opterećenjem, policajci se češće oslanjaju na automatsko odlučivanje, što može

utjecati na ključne odluke, poput odluka o pucanju. Problem je izraženiji kod zaposlenika s niskim kapacitetom radne memorije (Bond et al., 2016). Trening pune svjesnosti (eng. *mindfulness*) može se primijeniti za ojačavanje radne memorije i smanjiti utjecaj stresa na kognitivne performanse (Bond et al., 2016). Često se na treninzima uz punu svjesnost radi i na razvijanju emocionalne otpornosti. Weltman (2014) navodi da policijski službenici koji su sudjelovali u šestotjednom programu razvoja emocionalne otpornosti su zabilježili smanjenje stresa za 40%, dok im se emocionalna vitalnost povećala za 25%. Također, kod primjene u policijskih službenika otkriveno je da umanjuje napetost, nestrpljenje i razdražljivost te znatno umanjuje fizički stres (Hoeve et al., 2021). Prakticiranje pune svjesnosti pomaže smanjenju PTSP-a kod policijskih službenika (Chopko i Schwartz, 2015). S obzirom da je policijska organizacija temeljni oslonac sigurnosti građana (Vencel et al., 2021), mentalno stanje policijskih službenika je bitno i samim građanima jer oni koji imaju problema s ovisnosti, mentalnom bolesti ili nesanicom skloniji su činiti više pogrešaka pri radu i time ugrožavati građane. Glede vatrogasaca, primjena pune svjesnosti u svakodnevnom radu je povezana s manje simptoma PTSP-a, simptoma depresije i problema s alkoholom (Smith et al., 2011).

Zatim, Newportovo drugo načelo glasi radi prirodnim tempom (2024). Newport preporuča da u svrhu izbjegavanja sagorijevanja zaposlenici izbalansiraju periode napornijeg rada s blažim radom kada nemaju velike i važne obaveze i to oslovljava kao prirodni tempo. Tokom perioda u kojem se suočavaju s manje zadataka, vatrogasci i policijski službenici bi dodatno slobodno vrijeme koje imaju na raspolaganju iskoristiti za poboljšanje higijene spavanja korištenjem zatamnjenih zastora, udobnih madraca i stišavanje vanjske buke, ali i emocionalna podrška životnog partnera (Watkins et al., 2020; Cullen et. al, 1985).

Treće i ujedno posljednje Newportovo načelo koje podrazumijeva da treba biti fokusiran na kvalitetu izvršenog rada djeluje kao spona između prva dva principa te njegovim interpoliranjem autor je nastojao izbjegnuti da se radnikova produktivnost smanji. Newport (2024) naglašava da je srž ovog načela da se individua bavi onime u čemu je izvrsna, prema čemu gaji volju i želi postati još bolja. Ovime se zapravo postiže specijalizacija rada. Ona se iskazala kao jedan od faktora koji pozitivno utiču na zadovoljstvo policijskog službenika svojim poslom uz veličinu organizacije, bolje uvjete rada i priliku za napredovanje (Johnson, 2012).

1.2. Esencijalizam: Kako eliminirati nepotrebne zadatke

Antički filozofski koncept esencijalizma, prilagođen suvremenim radnim uvjetima, detaljno je razradio britanski autor Greg McKeown u *Esencijalizam: Disciplinirana potraga za manje, ali boljim* (2014). Temeljna pretpostavka koncepta je da čovjek mora prepoznati i fokusirati se na ono što je zaista esencijalno te se time postiže uspjeh i osobno zadovoljstvo. Njegov moto "Manje, ali bolje," preuzet je od njemačkog industrijskog dizajnera Dietera Ramsa, čiji su proizvodi za njemačku tvrtku Braun postali sinonim za funkcionalnost i kvalitetu. Ovaj filozofski pristup nalazi svoju primjenu u poslovnim i privatnim sferama života što je izrazito bitno jer relativno velik broj policijskih službenika i vatrogasaca tvrdi da im obavljanje posla utječe na društveni život. U studiji Alexandera (2000), 37% policijskih službenika smatralo je da im posao značajno ili ekstremno utječe na društveni život u odnosu na 12% vatrogasaca.

McKeown je osmislio koncept esencijalizma jer smatra da jedan od primarnih uzroka zašto se velik broj današnjih ljudi osjeća neispunjeno u svojim životima je taj da ne mogu izdvojiti svoj primarni prioritet. Pojam „prioritet“ u engleskom jeziku se izvorno javlja u 13. stoljeću i postojao je samo u jednini (lat. *singularia tantum*), odražavajući ideju da se može imati samo jedan primarni fokus. Međutim, industrijski razvoj i dolazak Druge industrijske revolucije krajem 19. i početkom 20. stoljeća doveli su do pojave množinskog oblika (lat. *pluraia tantum*) „prioriteti“. Ova promjena, koja je rezultat masovne proizvodnje i specijalizacije rada, uzrokovala je fragmentaciju pažnje i percepciju da se više zadataka može jednako uspješno izvršiti istovremeno. McKeown (2014) ukazuje na to da upravo ovaj pomak u poimanju prioriteta uzrokuje preopterećenost radnika i dovodi do smanjenja njihove produktivnosti i zadovoljstva.

McKeownov pristup temelji se na tri osnovna načela – *istražuj, eliminiraj i izvrši* – koja pružaju okvir za donošenje odluka i upravljanje zadacima.

1. Istražuj:

Ovo načelo potiče pojedince da detaljno procijene svoje ciljeve i aktivnosti kako bi prepoznali one koje donose najveću vrijednost. U sigurnosnim zanimanjima, poput rada policijskih službenika, ovo može značiti fokusiranje na zadatke koji direktno doprinose sigurnosti, kao što su preventivne patrole u rizičnim područjima. Očuvanje vlastitog mentalnog zdravlja još je jedan od najvažnijih ciljeva policijskih službenika i vatrogasaca pa bi se trebale održavati redovite edukacije iz navedenog područja. Redovite procjene mentalnog zdravlja, uključujući intervjue i upitnike, omogućuju pravovremeno prepoznavanje znakova sagorijevanja i prilagodbu radnih uvjeta. Uprave sigurnosnih organizacija mogu na temelju rezultata uspostaviti programe podrške, poput

psihološkog savjetovanja ili programa za upravljanje stresom. Prema istraživanju Henninga et al. (1997), organizacije koje redovito prate mentalno zdravlje svojih zaposlenika bilježe smanjenje razine stresa i veću angažiranost radnika.

2. Eliminiraj:

Drugo načelo podrazumijeva uklanjanje svih aktivnosti i zadataka koji nisu esencijalni. U kontekstu policijskih službenika, primjerice, to može uključivati delegiranje administrativnih poslova ili korištenje automatiziranih sustava za praćenje, čime se osigurava više vremena za ključne operativne zadatke. Vatrogasci bi mogli delegirati određene zadatke manjeg značaja na volontere i vatrogasce s manje iskustva kako bi se mogli u potpunosti orijentirati na one bitnije.

3. Izvrši:

Treće načelo naglašava važnost stvaranja sustava koji podržavaju učinkovitu provedbu esencijalnih zadataka. Primjerice, vatrogasne postrojbe mogu uvesti jasne protokole za raspodjelu resursa tijekom kriznih situacija, osiguravajući da timovi ostanu usredotočeni na svoje ključne odgovornosti. Bilo bi korisno poboljšati sustav prioritizacije uz pomoć digitalnih alata za upravljanje zadacima koji omogućuju rangiranje aktivnosti prema hitnosti i važnosti. Neki od dostupnih softvera za policijske službenike su Connecteam, ScheduleAnywhere i inTime, a za vatrogasce SafetyCulture i ESO Fire RMS koji su prilagođeni specifičnim potrebama tih zanimanja.

ZAKLJUČAK

Prevenција profesionalnog sagorijevanja ključan je izazov u sigurnosnim zanimanjima, gdje zaposlenici često balansiraju između visokog stresa, složenih

zadataka i velikih odgovornosti. U ovom radu integrirani su filozofski pristupi spore produktivnosti i esencijalizma s praktičnim smjernicama kako bi se pružio sveobuhvatan okvir za rješavanje ovog problema.

Spora produktivnost naglašava važnost prilagodbe prirodnom ritmu rada, smanjenja multitaskinga i prioritizacije kvalitete nad količinom. S druge strane, esencijalizam potiče fokusiranje na ključne zadatke i eliminaciju nebitnih aktivnosti, čime se povećava učinkovitost i zadovoljstvo na radnom mjestu. Praktične smjernice iznesene u radu prilagođene su specifičnim izazovima sigurnosnih zanimanja.

Ove strategije, podržane znanstvenim istraživanjima, pružaju zaposlenicima alate za očuvanje mentalnog zdravlja i smanjenje rizika od sagorijevanja, dok organizacijama omogućuju održavanje visoke razine produktivnosti i operativne učinkovitosti. Implementacijom predloženih mjera, sigurnosni sektor može stvoriti radno okruženje koje podržava dobrobit zaposlenika i osigurava dugoročnu održivost organizacija.

Zaključno, rad ističe potrebu za daljnjim istraživanjima i prilagodbom ovih mjera specifičnim okolnostima različitih sigurnosnih organizacija. Usvajanje ovih pristupa ne samo da osnažuje radnike, već i unaprjeđuje cjelokupnu otpornost sigurnosnih sustava.

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PREVENTION OF OCCUPATIONAL BURNOUT IN POLICE OFFICERS AND FIREFIGHTERS: PHILOSOPHICAL APPROACHES AND PRACTICAL GUIDELINES

Martina Matijevic

Abstract

This paper explores strategies for preventing burnout in police officers and firefighters, combining the philosophical approaches of slow productivity and essentialism with practical guidelines. Slow productivity emphasizes reducing multitasking and adapting to the natural pace of work, while essentialism encourages focusing on key tasks and eliminating less important work activities. The paper outlines specific measures such as automating administrative tasks, implementing a prioritization system, rotating shifts, emotional resilience training, and regular mental health assessments. Implementing these strategies reduces the risk of cognitive overload, increases efficiency, and contributes to the long-term preservation of employees' mental health. The guidelines provided are tailored to the specific challenges of security occupations and are supported by relevant scientific research, making the paper a useful resource for improving work practices in this sector.

Keywords: *prevention of professional burnout , slow productivity , essentialism, employee mental health*

INTRODUCTORY NOTES

The phenomenon of professional burnout *began* to be scientifically researched in the mid-1970s in the USA. American psychologist Herbert Freudenberger first used this term in his pioneering work *Staff Burn-Out* (1974), describing it as a state of emotional exhaustion, decreased motivation and increased apathy among volunteers at St. Brand in New York where he worked. The term "burnout" was previously associated with chronic drug abuse, and Freudenberger expanded it to include the effects of intense occupational stress.

Early symptoms of burnout include fatigue, loss of energy, pessimistic attitude toward work, and decreased professional productivity (Freudenberger, 1974). Freudenberger (1974) concluded that the first symptoms usually appear within one year of continuous stress. According to Alexander and Walker (2000), the most common stressors among police officers and firefighters are work overload, lack of recognition for work done, frustration with insignificant challenges, exposure to danger, and lack of work tasks.

Table 1: Comparison of policemen (PM) and firemen (FF) in relation to general work stressors in the previous four weeks

General work stressor	Not at all		Slightly		Considerably		Extremely	
	PM n (%)	FF n (%)	PM n (%)	FF n (%)	PM n (%)	FF n (%)	PM n (%)	FF n (%)
1. Being overworked*	266 (39)	82 (56)	249 (36)	42 (29)	148 (22)	17 (11)	19 (3)	6 (4)
2. Being underworked	522 (77)	112 (77)	107 (16)	23 (16)	37 (6)	11 (7)	10 (1)	0 (0)
3. Being exposed to danger	383 (56)	78 (53)	239 (35)	57 (39)	56 (8)	9 (6)	5 (1)	2 (2)
4. Lack of recognition at work	355 (52)	83 (64)	143 (21)	23 (16)	137 (20)	20 (13)	47 (7)	10 (7)
5. Frustrated by perceived unnecessary obstacles	229 (33)	64 (44)	234 (42)	49 (33)	136 (20)	26 (18)	34 (5)	7 (5)

Table 1. Comparison of policemen (abbreviation PM) and firefighters (abbreviation FF) in relation to stressors over a one-month period (Alexander and Walker, 2000).

Initial prevention programs focused on professions with high emotional involvement, such as lawyers, social workers, and medical personnel. However, burnout later spread to other professions, including those exposed to natural hazards and crisis situations, such as firefighters and police officers. The aim of this paper is to explore philosophical approaches such as slow productivity and essentialism, since the principles they guide are easily applicable in everyday work and are highly useful for combating major stressors. For each approach, practical ways of application in security professions will be suggested.

1. PHILOSOPHICAL APPROACHES USEFUL FOR PREVENTING BURNOUT IN POLICE OFFICERS AND FIREFIGHTERS

1.1. Application of slow productivity when performing the profession of police officer and firefighter

The term " *slow productivity* " represents a unique philosophical concept of a person's relationship to work, which was created by American university professor and publicist Cal Newport and presented in *Slow Productivity: The Lost Art of Accomplishment Without Burnout* , or *Slow Productivity* for short, from 2024.

The essence of slow productivity is to perform fewer tasks, but at a so-called natural pace that does not have a fixed definition because it depends on the individual and the profession they are engaged in. For example, in a particular fire department, firefighters will be busier during the fire season, and less during the winter periods. In order to ensure that completing fewer tasks does not result in a decrease in employee productivity, it is necessary to primarily care about the

quality of the work performed. In order for police officers and firefighters to fulfill their duties more efficiently, police stations and fire departments could introduce automation of administrative tasks. It allows employees more time to focus on key activities, reducing the risk of cognitive overload and professional burnout. According to Hryn et al. (2024), the implementation of AI systems to perform repetitive tasks, such as processing data and answering standard queries, leads to increased flexibility in the workplace, less stress, and better productivity. Police departments can use automation to analyze video surveillance materials and automatically send alerts in real time. This allows employees to focus on analytical and intervention tasks of critical importance. Although automation is sometimes associated with the risk of job losses, redirecting employees to more complex operational tasks ensures optimal utilization of their competencies.

Furthermore, Newport (2024) negatively defines the ideal amount of work as that which does not result in burnout. One of the primary factors in the occurrence of professional burnout among police officers is long working hours and insufficient sleep (Vila, 2006). Uneven working hours and one-day shifts lead not only to burnout, but also to an increased risk of developing heart disease among firefighters (Kaikkonen et al., 2017). As many as half of firefighter deaths over a one-year period are classified as a result of stress (Kaikkonen et al., 2017). In order to prevent the negative consequences of burnout and establish an ideal amount of work, it is necessary to provide police officers and firefighters with enough free time between two work shifts (Kaikkonen et al., 2017), which is enough for their psychophysiological functions and circadian rhythm to return to normal. . It is also important what part of the day they perform their work shift. According to Paley (1994), night shift workers have the shortest average sleep duration and the most pronounced negative effects such as depression and low mood. Regular breaks and shift rotation are key to reducing burnout symptoms

in employees in security occupations. According to Dababneh et al. (2001) and Henning et al. (1997), planned breaks improve concentration and reduce emotional strain. Shift rotation systems are particularly beneficial for firefighters and police officers, as they allow for physical recovery after demanding tasks. Viitasalo (2008) states that shift rotation can reduce sleepiness and blood pressure, which directly contributes to reducing stress and reducing the likelihood of developing heart disease. For example, a schedule that includes shorter but more frequent shifts could increase efficiency without compromising employee health.

It is of imperative importance to state that the time frame covered by Newport's first and fundamental principle of performing less work (2024) is simultaneity, and not a certain longer or shorter period of time, so it exclusively mandates that a smaller number of work tasks be performed at one time, and not by no means during, for example, a working day or week, which avoids its ambivalent and erroneous interpretation. It was established on the basis of the fact that the human brain does not have the capacity, when suddenly switching from one task to another, to be as focused as on the previous one. This can result in cognitive load. According to Bond et al. (2016) under cognitive load, officers rely more on automatic decision-making, which can affect key decisions, such as decisions to shoot. The problem is more pronounced in employees with low working memory capacity (Bond et al., 2016). Mindfulness training can be used to strengthen *working* memory and reduce the impact of stress on cognitive performance (Bond et al., 2016). Mindfulness training often focuses on developing emotional resilience. Weltman (2014) reports that police officers who participated in a six-week emotional resilience program experienced a 40% reduction in stress and a 25% increase in emotional vitality. Also, when applied to police officers, it was found to reduce tension, impatience, and irritability, and significantly reduce

physical stress (Hoeve et al., 2021). Practicing mindfulness helps reduce PTSD in police officers (Chopko & Schwartz, 2015). Given that is The police organization is the fundamental pillar of citizen security (Vencl et al., 2021), the mental state of police officers is also important for citizens themselves, because those who have problems with addiction, mental illness, or insomnia are more likely to make more mistakes at work and thus endanger citizens. Regarding firefighters, the application of mindfulness in everyday work is associated with fewer PTSD symptoms, depressive symptoms, and alcohol problems (Smith et al., 2011).

Then, Newport's second principle reads work at a natural pace (2024). Newport recommends that in order to avoid burnout, employees should balance periods of harder work with lighter work when they do not have large and important responsibilities, and he refers to this as a natural pace. During the period in which they are faced with fewer tasks, firefighters and police officers should use the additional free time they have available to improve sleep hygiene by using blackout curtains, comfortable mattresses and muting external noise, as well as emotional support from a life partner (Watkins et al., 2020; Cullen et al., 1985).

The third and final Newport principle, which implies that one should focus on the quality of the work performed, acts as a link between the first two principles, and by interpolating it, the author tried to avoid reducing the worker's productivity. Newport (2024) emphasizes that the core of this principle is that an individual should do what he is excellent at, what he has the will for and wants to become even better at. This actually achieves specialization of work. It has been shown to be one of the factors that positively influence the satisfaction of a police officer with his job, along with the size of the organization, better working conditions and opportunities for advancement (Johnson, 2012).

1.2. Essentialism: How to eliminate unnecessary tasks

The ancient philosophical concept of essentialism, adapted to modern working conditions, was elaborated in detail by British author Greg McKeown in *Essentialism: The Disciplined Quest for Less, But Better* (2014). The basic assumption of the concept is that a person must recognize and focus on what is truly essential, and thereby achieve success and personal satisfaction. His motto "Less, but better," was taken from the German industrial designer Dieter Rams, whose products for the German company Braun have become synonymous with functionality and quality. This philosophical approach finds its application in both business and private spheres of life, which is extremely important because a relatively large number of police officers and firefighters claim that their work affects their social life. In a study by Alexander (2000), 37% of police officers believed that their work significantly or extremely affected their social life, compared to 12% of firefighters.

McKeown developed the concept of essentialism because he believes that one of the primary reasons why so many people today feel unfulfilled in their lives is that they cannot single out their primary priority. The term "priority" originally appeared in English in the 13th century and existed only in the singular (Latin *singularia tantum*), reflecting the idea that one can have only one primary focus. However, industrial development and the advent of the Second Industrial Revolution in the late 19th and early 20th centuries led to the emergence of the plural form (Latin *pluraia tantum*) of "priorities". This change, which is a result of mass production and specialization of labor, caused fragmentation of attention and the perception that multiple tasks can be performed equally successfully simultaneously. McKeown (2014) suggests that it is this shift in the understanding of priorities that causes workers to become overloaded and leads to a decrease in their productivity and satisfaction.

McKeown's approach is based on three basic principles— *explore* , *eliminate*, and *execute* —that provide a framework for decision-making and task management.

1. Explore:

This principle encourages individuals to thoroughly evaluate their goals and activities to identify those that bring the greatest value. In security professions, such as police work, this may mean focusing on tasks that directly contribute to safety, such as preventive patrols in high-risk areas. Maintaining one's own mental health is another important goal for police officers and firefighters, and regular training in this area should be provided. Regular mental health assessments, including interviews and questionnaires, allow for early recognition of signs of burnout and adaptation of working conditions. Management of security organizations can establish support programs, such as psychological counseling or stress management programs, based on the results. According to research by Henning et al. (1997), organizations that regularly monitor the mental health of their employees report reduced stress levels and greater employee engagement.

2. Eliminate:

The second principle involves eliminating all activities and tasks that are not essential. In the context of police officers, for example, this might involve delegating administrative tasks or using automated tracking systems, freeing up time for key operational tasks. Firefighters could delegate certain non-essential tasks to volunteers and less experienced firefighters so they can focus on more essential ones.

3. Execute:

The third principle emphasizes the importance of creating systems that support the efficient execution of essential tasks. For example, fire departments can implement clear protocols for resource allocation during emergencies, ensuring that teams remain focused on their core responsibilities. It would be beneficial to improve prioritization systems with digital task management tools that allow activities to be ranked by urgency and importance. Some of the available software for police officers include Connecteam, ScheduleAnywhere, and inTime, while for firefighters, SafetyCulture and ESO Fire RMS are tailored to the specific needs of these professions.

CONCLUSION

Preventing burnout is a key challenge in security occupations, where employees often balance high stress, complex tasks, and heavy responsibilities. This paper integrates the philosophical approaches of slow productivity and essentialism with practical guidelines to provide a comprehensive framework for addressing this issue.

Slow productivity highlights the importance of adapting to the natural rhythm of work, reducing multitasking and prioritizing quality over quantity. On the other hand, essentialism encourages focusing on key tasks and eliminating non-essential activities, thus increasing efficiency and satisfaction in the workplace. The practical guidelines presented in the paper are adapted to the specific challenges of security professions.

These strategies, supported by scientific research, provide employees with tools to preserve their mental health and reduce the risk of burnout, while enabling

organizations to maintain high levels of productivity and operational efficiency. By implementing the proposed measures, the security sector can create a work environment that supports employee well-being and ensures the long-term sustainability of organizations.

In conclusion, the paper highlights the need for further research and adaptation of these measures to the specific circumstances of different security organizations. Adopting these approaches not only empowers workers, but also improves the overall resilience of security systems.

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MENADŽMENT ZATVORSKOG SUSTAVA

Dragutin Šimić

SAŽETAK

U članku je izvršeno kritičko promišljanje menadžmenta zatvorskog sustava Republike Hrvatske. Sukladno tome razmatraju se temeljni postulati njegovog određenja. Pri tome se polazi od temeljne teorijsko-hipotetske postavke da su Fayolovi stavovi o procesnim funkcijama menadžmenta značajno polazište za konstituiranje teorije menadžmenta zatvorskog sustava. Ukazano je i na potrebu afirmacije teorije i prakse menadžmenta zatvorskog sustava.

Ključne riječi: *menadžment, zatvorski sustav*

UVOD

Problemsko područje rada je, kao što sam naslov sugerira menadžment zatvorskog sustava. U teoriji i praksi, još od perioda bivše SFRJ, afirmirano je određenje pojma menadžmenta kao sinonima za upravljanje i rukovođenje. (Šimić, 2019: 59) Pored toga, sinonim je i za zapovijedanje. Ovo određenje je zadržano i u Republici Hrvatskoj (u daljem tekstu RH) u teorijskim načelima menadžmenta u svim područjima, pa tako i u zatvorskom sustavu. U našoj teoriji nisu razmatrana pitanja definiranja pojmova upravljanja, rukovođenja i zapovijedanja i njihovog odnosa. U teoriji i praksi ignorira se problem menadžmenta zatvorskog sustava sa aspekta razumijevanje njegovih sastavnica: upravljanja, rukovođenja i zapovijedanja. (Šimić, 2023: 96)

Upravljanje i rukovođenje su funkcije organizacije, pa je razumijevanje odnosa između upravljanja i rukovođenja temeljno pitanje kako za teoriju tako i za praksu upravljanja i rukovođenja. Upravljanjem se određuje ciljevi koje treba ostvariti u određenom vremenskom periodu, način ostvarenja ciljeva i druga bitna pitanja koja usmjeravaju funkcioniranje određenog sustava. Svi organizacijski propisi se donose funkcijom upravljanja. Tako primjerice, ministar pravosuđa donosi pravilnike¹ kojima se usmjerava funkcioniranje kaznenih tijela,² a ravnatelj Uprave za zatvorski sustav naputke i druge akte. (Šimić, 2019: 59)

Pojam upravljanja je širi pojam od rukovođenja. Upravljanjem se usmjerava sustav u cjelini a rukovođenjem djelatnost konkretne institucije. U tim

¹ „Ministar nadležan za poslove pravosuđa će u roku od šest mjeseci od dana stupanja na snagu ovoga Zakona donijeti pravilnike iz članka 8. stavka 7., članka 27. stavka 9., članka 30. stavka 4., članka 34. stavka 3., članka 36. stavka 14., članka 38. stavka 4., članka 41. stavka 11., članka 42. stavka 6., članka 45. stavka 6., članka 78. stavka 7., članka 84. stavka 9., članka 85. stavka 5., članka 88. stavka 2., članka 169. stavka 2. ovoga Zakona.“ (Članak 190. Zakona o izvršavanju kazne zatvora, Narodne novine, br.14/2021)

² Kaznena tijela su: kaznionice, zatvori, odgojni zavodi i Centar za dijagnostiku. (Članak 128. Uredba o unutarnjem ustrojstvu Ministarstva pravosuđa, Narodne novine, br.98/2017)

procesima rukovodeće osobe su u dvostrukoj ulozi rukovodećoj i upravljačkoj. Primjerice, ravnatelj Uprave za zatvorski sustav upravlja zatvorskim sustavom i rukovodi Upravom. Prema tome, to su paralelni procesi. Teorijska postuliranost pojma upravljanja kao šireg i u tom smislu nadređenog rukovođenju, u praksi je dokazana, te i provjerljiva. (Šimić, 2019: 59,60)

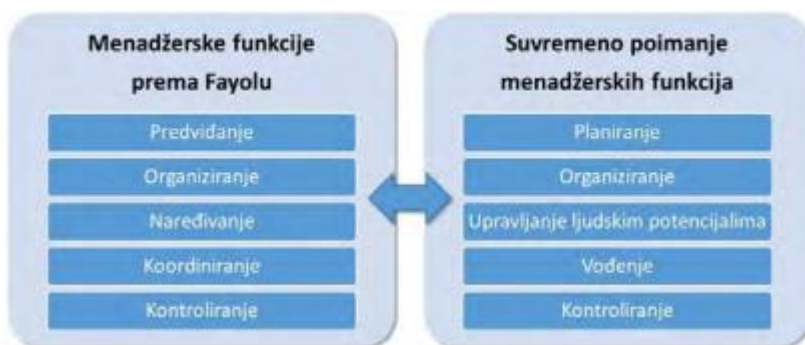
U teoriji i praksi zatvorski sustav se doživljava kao dio, segment pravosudnog sustava. Spomenuto teorijsko polazište je uvjetovalo zanemarivanje uloge zatvorskog sustava kao institucije sigurnosnog sustava. (Šimić, 2023: 103) Sukladno tome, zanemaruje se i polazište – da se menadžment zatvorskog sustava temelji i na postulatima menadžmenta sigurnosno-obrambenog sustava. Specifičnost ovog sustava (uključujući i zatvorski) je što se u njemu provode procesi upravljanja, rukovođenja i zapovijedanja. U području civilnog sektora provodi se samo upravljanje i rukovođenje.

Menadžment je univerzalna aktivnost prisutna u svim društvenim i gospodarskim oblastima. On je ugrađen u svaku organizaciju, odnosno organiziranje, pa tako i u organizacije u oblasti obrane i sigurnosti. Sigurnosni menadžment je disciplina sigurnosnih znanosti, ali i znanosti menadžmenta. Teorije organizacije su glavni teorijski izvor koji sigurnosni menadžment preuzima iz znanosti menadžmenta, dok sigurnosne znanosti daju osnovni teorijski koncept na kojem se zasnivaju sva istraživanja i praksa sigurnosnog menadžmenta. (Janković, 2008: 27) Svaka od organizacija obrambeno-sigurnosnog sektora ima svoj menadžment koji pored općih načela menadžmenta razvija i specijalizirani kao odgovor na specifičnosti date organizacije. Tako razlikujemo menadžment vojske, policije, obavještajnih i sigurnosnih službi. (Šimić, 2019: 63) Značajno je naglasiti i da je zatvorski sustav segment sigurnosnog. (Šimić, 2023: 110) Polazeći od navedenog postulata i menadžment zatvorskog sustava je dio sigurnosnog menadžmenta.

Općenito, kad se promatraju određenja menadžmenta, ona najčešće objašnjavaju menadžment kroz njegove funkcije. Teorija menadžmenta bogata je brojnim klasifikacijama funkcija menadžmenta. Prvu poznatu klasifikaciju menadžerskih funkcija dao je Henri Fayol, zbog čega ga se smatra pravim ocem teorije menadžmenta. (Dragić, 2019: 5) Francuski inženjer i teoretičar Henri Fayol (1841.-1925.) je utemeljio i razvio svoju teoriju i pristup menadžmentu na osnovu svog šezdesetogodišnjeg iskustva u rudarsko-metalurškom koncernu. Godine 1916. objavio je kraću knjigu pod naslovom *Administration Industrielle et Générale* (engl. *General and Industrial Management*) - Opći i industrijski menadžment. U spomenutoj knjizi Fayol promovira četrnaest općih principa menadžmenta: podjela rada, autoritet i odgovornost, disciplina, jedinstvo zapovijedanja, jedinstvo usmjeravanja,

podređivanje individualnih interesa, nagrada, centralizacija i decentralizacija, skalarni lanac, red, pravda, stabilnost osoblja, inicijativa i grupni osjećaj. Navedeni opći principi nisu problemsko područje članka.

U spomenutoj knjizi u razmatranju upravljanja poduzećem Fayol polazi od potreba grupiranja osnovnih poslova poduzeća u šest osnovnih funkcija: 1) tehničke 2) komercijalne, 3) financijske, 4) sigurnosti, 5) računovodstvene i 6) administrativna. Među njima Fayol posebno naglašava značaj administrativne funkciju, odnosno menadžerske i konstatira da je bez nje nemoguće funkcioniranje poduzeća. (Živković, Jelić, Popović, 2005:50) Fayol je definirao pet ključnih točaka, procesnih funkcija potrebnih za uspješno funkcioniranje menadžerske (administrativne) funkcije: planiranje, organiziranje, naređivanje, koordiniranje, upravljanje i kontrola. Posebno je važno istaknuti da Fayol navodi da su spomenute procesne funkcije univerzalno primjenjive. I pored toga što su kasniji teoretičari menadžmenta definirali manji ili veći broj (četiri ili pet) menadžerskih funkcija, uz određene različitosti u pogledu njihovog sadržaja, koncept menadžerskih funkcija koji je Henry Fayol i danas predstavlja polazište za njihovu klasifikaciju, kao što se vidi na shemi 1.



Shema 1. Usporedba menadžerskih funkcija prema Fayolu i suvremenog poimanja menadžerskih funkcija (Izvor: Rupčić, 2018:32)

U aktualnoj teoriji menadžmenta opće prihvaćeno stajalište je da su za menadžment sigurnosno-obrambenog sustava i dalje aktualne menadžerske funkcije koje formulirao početkom 20. stoljeća Henri Fayol. Za područje civilnog sektora, u teoriji i praksi, ova menadžerske funkcije su više modernizirane u odnosu na sigurnosno-obrambeni. Problemsko područje ovog članka je aktualizacija Fayolovih menadžerskih funkcija u menadžmentu zatvorskog sustava. Značajno je naglasiti da se pri tome ne želi isključiti i

aktualnost i značaj ostalih moderniziranih funkcija, kao što je prije svega, upravljanje ljudskim potencijalima, u zatvorskom, kao i u sigurnosnom menadžmentu u cjelini. Obuhvat i ove tematike nije moguć u opsegu ovoga članka te i nije, kao što je već navedeno, u okviru njegovog problemskog okvira.

Odabrana problematika rada određuje njegov predmetni okvir – elemente koji upućuju na zaključivanje, davanje odgovora na pitanja koja su formulirana problemom istraživanja. Sukladno tomu razmatraju se Fayolove procesne funkcije u menadžmentu zatvorskog sustava. Teorijsko-hipotetski okvir članka zasniva se na postulatu da se funkcioniranje menadžmenta zatvorskog sustava temelji na procesnim funkcijama koje je definirao Henri Fayol, neporecivi velikan teorije menadžmenta.

Postavljeni teorijsko-hipotetski okvir upućuje na teorijski cilj rada - davanje elementa za teorijsko utemeljenje menadžmenta zatvorskog sustava. Glavno pitanje rada je dokazivanje značaja procesnih funkcija menadžmenta koje je formulirao Henri Fayol za teoriju i praksu menadžmenta zatvorskog sustava. U literaturi ne postoji ni jedno relevantno djelo koje razmatra ovu tematiku. U relativnom malom teorijskom opusu dominiraju radovi o pravnoj regulativi menadžmenta zatvorskog sustava. Može se konstatirati da je teorija menadžmenta zatvorskog sustava u fazi nastajanja, profiliranja te nije ni afirmirana kao područje menadžmenta prema lokaciji svoje primjene.

Praktični cilj je afirmacija teorije u praksi menadžmenta zatvorskog sustava. Također, cilj je i poticanje djelatnika ovog sustava na proučavanje teorije u smislu njihove kontinuirane edukacije i profesionalnog razvoja. U najširem smislu praktični cilj je i naglašavanje značaja teorije menadžmenta zatvorskog sustava.

Članak se zasniva na analizi sadržaja procesnih funkcija menadžmenta. U popisu literature navode se i djela koja se izravno ne spominju u članku. Time se omogućuje zainteresiranim čitateljima da ostvare širi, potpuniji uvid u teorijska izvorišta na kojima se temelji članak. Strukturu članka čine: Uvod, 1. Planiranje, 2. Organiziranje, 3. Naređivanje, 4. Koordiniranje, 5. Kontroliranje i Zaključna razmatranja.

1. PLANIRANJE

U teoriji i praksi, opće prihvaćeni stav je da planiranje predstavlja jednu od najvažnijih aktivnosti menadžmenta. Dobrim planiranjem može se povećati vjerojatnost ostvarivanja zacrtanih ciljeva. Njime je također moguće izbjeći ili minimalizirati negativne događaje, odnosno štetu do koje može doći u

određenim situacijama. Osim toga, planiranje je temelj za sve druge menadžerske funkcije. Nakon određivanja ciljeva utvrđuje se kakve organizacijske pretpostavke su potrebne kako bi se ostvarili, koja znanja i vještine su potrebne, kako upravljati ljudskim potencijalima i motivirati ih, te kako kontrolirati stupanj ostvarenja ciljeva. Funkcija kontroliranja se stoga smatra zrcalnom slikom funkcije planiranja. Planiranje je potrebno za uspješno djelovanje bilo koje organizacije. Suština planiranja se odnosi na odabir između alternativnih pravaca djelovanja te definiranje aktivnosti i resursa potrebnih za njihovo ostvarivanje. (Rupčić, 2018: 155, 156)

Planiranje je najosnovnija menadžerska funkcija i ona uključuje izbor misije, ciljeva i akcija za njihovo ostvarivanje, te usmjerava organizaciju prema budućnosti. Proces planiranja sastoji se od 5 faza, i to definiranja ciljeva, određivanja stvarnog položaja organizacije, predviđanja budućih ciljeva, izrade planova za ostvarivanje ciljeva, te implementacije plana i ostvarivanja rezultata. (Stojanović, 2015: 18)

U menadžment procesu planiranje ima karakteristike bazičnog procesa. Planiranjem se određuju ciljevi organizacije i načini njihovog ostvarivanja, odnosno utvrđuju planovi za dostizanje ovih ciljeva. Organiziranje, kadroviranje, vođenje i kontrola proizlaze iz planiranja, pošto ove funkcije, faktički, sprovode planske odluke. (Živković, Jelić, Popović, 2005:65)

Planiranje obavljaju menadžeri na svim nivoima u organizaciji. Kroz planove menadžeri iznose što bi trebalo da se uradi da bi organizacija bila djelotvorna. Planovi se mogu razlikovati po svom sadržaju, opsegu i formi ali se u svakom slučaju bave ostvarivanjem ciljeva organizacije u kraćem ili u dužem vremenskom periodu.

Planiranje obavljaju svi menadžeri, pa tako i u zatvorskom sustavu. Značajno je uočiti da vrijeme trajanja i intenzitet aktivnosti ovog procesa ovisi od razine menadžmenta. Tako, primjerice, menadžeri srednje i najniže razine zatvorskog sustava provode manje vremena na planiranju u odnosu na menadžere najviše razine.

Menadžeri na nižoj razini obično provode manje vremena u planiranju u odnosu na vrhovne menadžere. Međutim, oni znatni dio vremena i napora usmjeravaju na vođenje i kontrolu. Na višim razinama u organizaciji, daleko se više vremena posvećuje planiranju. Menadžeri, posebno oni koji se bave planiranjem, moraju posjedovati stručnost, mnoga znanja i vještine koje se uče i razvijaju. Sa aspekta planiranja naročito su značajne tzv. konceptualne sposobnosti menadžera koje im omogućavaju da vide "veliku sliku", odnosno složenost organizacije kao cjeline i kako se pojedini dijelovi uklapaju zajedno. Menadžer koji posjeduje konceptualne sposobnosti je u stanju da razumije na koji način se različite

funkcije organizacije međusobno dopunjuju, kakav je odnos organizacije prema okruženju i kako promjene u jednom dijelu organizacije utječe na ostale dijelove. Također je značajno i analitičko umijeće. To je vještina da se identificiraju ključni faktori, razumije njihov međusobni odnos, kao i uloga koju imaju u konkretnoj situaciji. Analitičko umijeće je sposobnost dijagnoze i procjene. (Živković, , Jelić, Popović, 2005:66)

Planiranje je moguće razmatrati sa više aspekata, među kojima su najvažniji: a) organizaciona struktura (planiranje za zatvorski sustav u cjelini, za određenu organizacijsku jedinicu, usuglašavanje planova kaznenih tijela, temeljnih organizacijskih jedinica zatvorskog sustava). b) sadržaj (planiranje po pojedinim djelatnostima, funkcijama sustava, primjerice, planiranje poboljšanja sigurnosti kaznenih tijela, planiranje održavanja objekata ...) i c) vremenska dimenzija planiranja (dugoročno, srednjoročno, kratkoročno planiranje).

2. ORGANIZIRANJE

Organiziranje je funkcija menadžmenta koja slijedi nakon planiranja i čiji je zadatak uspostaviti i klasificirati sve potrebne aktivnosti, grupirati aktivnosti na jednom od načela izgradnje organizacijske strukture, dodjeljivati aktivnosti pojedinim organizacijskim jedinicama, menadžerima i zaposlenima, te odrediti uloge ljudima koji zajedno rade i osigurati koordinaciju u strukturi organizacije. (Stojanović, 2015:18)

Na temelju Uredbe Vlade RH zatvorski sustav je dio Uprave za zatvorski sustav i probaciju koja je kao unutarnja ustrojstvena jedinica ustrojena u okviru Ministarstvu pravosuđa. (Članak 2. Uredbe o unutarnjem ustrojstvu Ministarstva pravosuđa, Narodne novine, br. 97/2020) Na shemi 2. se vidi grafička shema Uprave. U shemi se uočava organizacijska struktura zatvorskog sustava, njeni elementi: Središnji ured za zatvorski sustav, sedam kaznionica, četrnaest zatvora, dva odgojna zavoda, Centar za dijagnostiku i Centar za izobrazbu. Odjel za psihološku potporu službenicima zatvorskog sustava, Središnji ured za probaciju i probacijski uredi nisu elementi zatvorskog sustava. Grafički prikaz organizacijske strukture sustava, kao i pojedinačnih institucija, u literaturi se najčešće naziva organigram ili organizacijska shema.



Shema 2. Uprava za zatvorski sustav i probacija (Izvor: <https://mpu.gov.hr/o-ministarstvu/ustrojstvo/uprava-za-zatvorski-sustav-i-probaciju/6307>)

U literaturi se navodi da su menadžeri odgovorni za dizajniranje strukture organizacije. Ovakvo određenje se ne odnosi na zatvorski sustav. Već je spomenuto da je Uredbom Vlade RH (u daljem tekstu Uredba) određeno da je zatvorski sustav ustrojen kao organizacijska jedinica ranga Uprave u Ministarstvu pravosuđa i uprave. Također, tom Uredbom je određeno koji se organizacijski dijelovi zatvorskog sustava ustrojavaju u okviru Uprave za zatvorski sustav, kao što se vidi na shemi 2. Pored toga, Uredbom su određeni svi organizacijski dijelovi dijelova, elemenata zatvorskog sustava (Središnjeg ureda, kaznionica, zatvora, odgojnih zavoda i centara). Može se jasno uočiti da menadžeri zatvorskog sustava (ravnatelji, upravitelji) ne donose, ne odlučuju o organizacijskoj strukturi tijela kojima upravljaju ili rukovode. Organizacijsku strukturu donosi Vlada RH, tijelo koje upravlja zatvorskim sustavom. Navedeno ukazuje da postoji razlika između upravljanja zatvorskim sustavom u odnosu na ono koje se provodi u njemu.

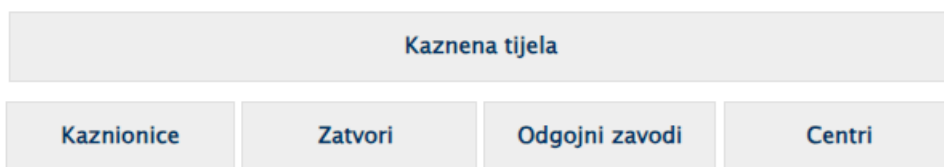
Prikazana organizacijska shema na slici je načelnog karaktera, odnosi se na prikaz osnovnih dijelova sustava. Shema pojedinačnih dijelova, primjerice, kaznionica i zatvora, je drugačija. Može se zaključiti da ovisi o hijerarhijskoj razini. Pored toga, ovisi najviše o tipu menadžmenta. Kao što je poznato, postoje klasični tipovi – linijski, funkcijski i linijsko-funkcionalni. Ostali moderniji tipovi, kao što su: mrežni, matrični i drugi nisu relevantni za ovo razmatranje. U zatvorskom sustavu provodi se linijsko-funkcijski.

U zatvorskom sustavu linijska komponenta se ogleda u tome što se odlučivanje, naredbodavne funkcije i informacije jednosmjerno i kreću se od vrha ravnatelja

Uprave ka kaznionicama, zatvorima, odgojnim zavodima i centrima. Taj segment se odnosi na razinu upravljanja sustavom. Na razini Središnjeg ureda provodi se na liniji ravnatelj → načelnici sektora → voditelji odjela → voditelji odsjeka. Na razini institucija sustava na liniji (upravitelj, ravnatelj) → voditelji odjela → voditelji odsjeka → voditelji pododsjeka.

Funkcijska nadležnost je pozicionirana na najvišoj razini, u Središnjem uredu. Ona ima ulogu potpore linijskoj komponenti organizacije menadžmenta. Osnovna organizacija menadžmenta je linijska. Načelnici sektora Središnjeg ureda kao stručnjaci za određena područja savjetodavno-stručno pomažu ravnatelju Uprave u provođenju njegove linijske nadležnosti prema kaznionicama, zatvorima, odgojnim zavodima i centrima. Primjerice, načelnik Sektora tretmana daje naputke, preporuke voditeljima odjela tretmana u kaznenim tijelima.

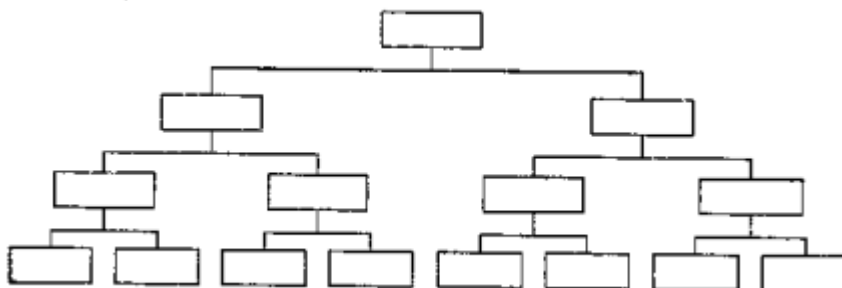
Iz navedenog prikaza linijsko-funkcijskog tipa menadžmenta zatvorskog sustava proizlazi da je iznimno zahtjevno jednom organizacijskom shemom prikazati njegovu cjelovitu organizacijsku strukturu koja bi obuhvatila sve linijske i funkcijske relacije. Zbog toga se u praksi primjenjuju sheme kojima se prikazuju segmenti zatvorskog sustava, kao primjerice, na shemi 3.



Shema 3. Kaznena tijela (Izvor: <https://mpu.gov.hr/zatvorski-sustav/6150>)

Razmatrana linijska komponenta zatvorskog sustava omogućava lakše određivanje raspona rukovođenja (upravljanja) zatvorskog sustava. Raspon rukovođenja (upravljanja) se može razmatrati sa aspekta raspona kontrole i odgovornosti rukovoditelja. Često se naziva raspon kontrole. U teoriji ovaj pojam se odnosi na broj podređenih (djelatnika, izvršitelja) kojima rukovodi. On se dijeli na už i širi, už je ako rukovodi manjim brojem djelatnika, u širem rasponu rukovodi većim brojem djelatnika.

Uži raspon rukovođenja je ako menadžer rukovodi radom dva ili tri djelatnika i rezultira dubokom organizacijskom strukturom, kao što je prikazano na shemi 4.



Shema 4. Duboka organizacijska struktura (Izvor: Dujanić, 2019)

U širem rasponu rukovođenja menadžer rukovodi većim djelatnika (10-15) koji rezultira u plitkoj organizacijskoj strukturi, kao što je prikazano na shemi 5.



Shema 5. Plitka organizacijska struktura (Izvor: Dujanić, 2019)

U teorijskim razmatranjima se zapostavlja raspon rukovođenja koji se odnosi na broj organizacijskih dijelova kojima menadžeri rukovode, kao i na broj organizacija kojima upravljaju. Predmet razmatranja članka je ovaj aspekt raspona upravljanja i rukovođenja. Opus teorijskih objašnjenja raspona rukovođenja je impozantan i relevantan za njegovo razumijevanje u zatvorskom sustavu.

Razmatranje raspona upravljanja i rukovođenja organizacijskih elemenata zatvorskog sustava se uglavnom temelji na navedenim postulatima koji se odnose na raspon rukovođenja djelatnicima. Međutim, postoje i specifičnosti koje ukazuju na razlike između ova dva aspekta raspona rukovođenja. Osnovna razlika je što raspon rukovođenja djelatnicima postoji na svim razinama menadžmenta (najvišoj, srednjoj i nižoj). Na nižoj razini menadžmenta (first management) menadžeri prve linije rukovode isključivo djelatnicima za razliku u odnosu na najvišu i srednju razinu na kojoj se odnosi na rukovođenja organizacijskim elementima (odjelima, odsjecima, pododsjecima) zatvorskog sustava. Također, i na razini upravljanja raspon upravljanja se odnosi samo na organizacijske elemente, ne odnosi se na djelatnike.

U literaturi se sa aspekta rukovođenja djelatnika se obrazlaže da bi na višim organizacijskim razinama ovaj raspon trebao biti uži, a na nižim širi. (Dujanić, 2019)

Pri tome se ne pravi razlika između raspona rukovođenja djelatnicima u odnosu na organizacijske jedinice, kao ni razlika ovog raspona na razini upravljanja u odnosu na razinu rukovođenja. Na primjeru raspona upravljanja i rukovođenja organizacijskim jedinicama u zatvorskom sustavu može se uočiti odstupanje od spomenutog teorijskog postulata. On je primjenjiv samo na razini raspona rukovođenja djelatnicima zatvorskog sustava. Na razini raspona upravljanja organizacijskim jedinicama u zatvorskom sustavu on je širi, a na razini rukovođenja uži, kako na najvišoj i srednjoj razini menadžmenta. Najniža razina menadžmenta nije predmet razmatranja, obzirom da se na ovoj razini ne rukovodi organizacijskim jedinicama već izravno djelatnicima.

Kao što je naglašeno, raspon upravljanja u zatvorskom sustavu je širi. Ravnatelj Uprave za zatvorski sustav i probaciju (koji je i ravnatelj Središnjeg ureda za zatvorski sustav) upravlja radom 24 organizacijskih jedinica (7 kaznionica, 14 zatvora, 2 odgojna zavoda i Centrom za dijagnostiku). Pored toga, i Središnjim uredom za probaciju i sa 14 probacijskih ureda, kao i Odjelom za psihološku potporu službenicima zatvorskog sustava i probacije i Centrom za izobrazbu koji predstavljaju zajedničke organizacijske jedinice za zatvorski i probacijski sustav. Iz navedenih podataka jasno je da se radi o širem rasponu upravljanja u plitkoj organizacijskoj strukturi.

Međutim, ravnatelj Uprave u rukovoditeljskoj ulozi u zatvorskom sustavu rukovodi sa radom 5 podređenih (voditeljem službe za unutarnju kontrolu i načelnicima 4 sektora u Središnjem uredu za zatvorski sustav). I na ovoj razini se uočava širi raspon u plitkoj organizacijskoj strukturi.

U razmatranju primjene podjele na spomenutu plitku i duboku organizacijske strukture u zatvorskom sustavu se može uočiti ograničenje te podjele, da je načelnog karaktera te da nije dovoljno jasna. Već razmatrani raspon upravljanja ukazuje da ravnatelj Uprave upravlja sa 24 organizacijske jedinice zatvorskog sustava u okviru plitke organizacijske strukture koja se može nazvati, obzirom da ima samo jedan stupanj, kao jednostupanjski. Hipotetski ukoliko bi ravnatelj Središnjeg ureda za probaciju imao ovlasti da upravlja sa 14 probacijskih ureda (vidi shemu 2.) tada bi bila uspostavljena dvostupanjska organizacijska struktura koja se prema postojećoj klasifikaciji naziva plitkom. Na razini većih, složenijih sustava ona može i sa tri i više stupnjeva te se prema postojećoj klasifikaciji naziva kao duboka.

Raspon rukovođenja u zatvorskom sustavu je uži na najvišoj i srednjoj razini. Tako na najvišoj razini (top management) je uži, što se može vidjeti na već navedenom primjeru Središnjeg ureda (shema 2.) u kome ravnatelj rukovodi sa 5 organizacijskih jedinica (jednom službom i 4 sektora). Načelnici sektora Središnjeg ureda, kao viša srednja razina menadžmenta rukovode sa najviše 2 službe, a voditelji službi kao niša srednja razina menadžmenta rukovode sa najviše 2 odjela. Gotovo je isti slučaj na razini kaznenih tijela (kaznionica, zatvora i Centra za dijagnostiku) i Centra za izobrazbu. Jedina je razlika što na ovoj razini pomoćnici upravitelja kao viša srednja razina menadžmenta ne rukovode ni jednom organizacijskom jedinicom. Rukovoditelji navedenih tijela kao najviša razina menadžmenta rukovode sa najviše 6 odjela, a na srednjoj razini voditelji odjela sa najviše sa 3 odsjeka i na nižoj razini voditelji odsjeka sa nekoliko pododsjeka.

Na temelju navedenog može se konstatirati da se raspon rukovođenja odnosi i na broj djelatnika, kao i na broj organizacijskih jedinica kojima rukovodi menadžer. Primjerice, postoji razlika između hipotetske situacije u kojoj voditelj odjela kaznenog tijela rukovodi sa 20 djelatnika u odjelu bez odsjeka u odnosu na slučaj da rukovodi istim brojem djelatnika u odjelu u kome su ustrojena dva odsjeka. Potpuno je jasno da je u drugom slučaju raspon rukovođenja povoljniji.

Karakteristika raspona rukovođenja i upravljanja u zatvorskom sustavu je da je optimalan sa organizacijskog aspekta. Međutim, sa aspekta raspona rukovođenja koji se odnosi na optimalan broj djelatnika kojima može rukovoditi menadžer je otvoreno pitanje. U literaturi ova problematika se odnosi težišno na optimalni broj djelatnika u industriji i uslužnim djelatnostima kojima uspješno može rukovoditi menadžer. Obzirom na specifičnosti zatvorskog sustava koje se odnose na vrstu djelatnosti i obrazovni profil djelatnika spomenuta teorijska polazišta nisu primjenjiva. Ovo pitanje nije do sada razmatrano.

3. NAREĐIVANJE

Treća procesna funkcija se odnosi na naređivanje (izdavanje naredbi, zapovijedi, naputaka, smjernica). Ona se provodi u pisanoj ili usmenoj formi, u praksi dominira usmena. U svakom sustavu, pa tako i zatvorskom, ona je najviše uvjetovana uspostavljenom organizacijskom strukturom i tipom menadžmenta. U prethodnom poglavlju je obrazložena organizacijska struktura zatvorskog sustava, kao i da je u njemu uspostavljen linijsko- funkcijski tip menadžmenta.

Ova procesna nije ista na razini upravljanja i rukovođenja u zatvorskom sustavu. Jedino se na razini upravljanja linijsko naređivanje koje provodi ravnatelj Središnjeg ureda prema rukovoditeljima prema rukovoditeljima 24 organizacijske jedinice. Funkcijsku ulogu provode voditelj službe za unutarnju kontrolu i načelnici 4 sektora u Središnjem ureda prema voditeljima odjela svih 24 organizacijskih jedinica. Primjerice, načelnik sektora osiguranja prema voditeljima odjela osiguranja kaznionica i zatvora. Ova funkcijska uloga je najviše savjetodavno-stručnog karaktera ali može ima i formu odluka i zapovijedi, naredbi. Ova funkcija ne dovodi u pitanja načelo jednočelnništva (načela koje je promovirao Fayol, jedno od 14 koje je formulirao, ovo načelo se smatra iznimno u hijerarhijskim sustavima kao što su vojska, policija) načela da podređenima rukovodi samo jedna osoba.

Na razini rukovođenja organizacijskim jedinicama zatvorskog sustava ovo načelo u procesu naređivanja prati organizacijsku strukturu na liniji upravitelj → voditelji odjela → voditelji odsjeka → voditelji pododsjeka (ukoliko su ustrojeni, na razini manjih kaznenih tijela po pravilu nisu) → djelatnici (podređeni). Najmanje je upitna na relaciji najviše razine upravitelj → voditelji odjela. Iznimno su rijetke situacije u kojima upravitelji izravno izdaju naredbe djelatnicima. Već na razini voditelja odjela praksa postupanja je potpuno različita, ustaljena je praksa da oni u većini slučajeva izravno izdaju naredbe, naputke djelatnicima, a manjoj mjeri putem voditelja odsjeka. Na razini voditelja odsjeka u kojima su ustrojeni pododsjeci (ili slične organizacijske jedinice) je ova praksa još više zastupljena.

Navedeno ukazuje da se ne može govoriti o primjeni načela jednočelnništva u zatvorskom sustavu na svim razinama. Kao što je obrazloženo ovo načelo je neupitno na razini upravljanja, međutim na srednjoj i još više na nižoj razini rukovođenja je neusporedivo manje zastupljeno. Do sada ovo pitanje nije razmatrano na teorijskoj razini te ne postoji određenje koje bi upućivalo da li je potrebno inzistiranje na primjeni ovog načela u procesu rukovođenja na srednjoj i nižoj razini menadžmenta ili ono nije potrebno. Značajno je naglasiti i da je gotovo nemoguće donijeti normativni akt koji bi regulirao ovo pitanje. Praksa postupanja ukazuje da od umijeća menadžera spomenute srednje i niže razine ovisi kako će postići ravnotežu između potrebe uvažavanja načela jednočelnništva (da djelatnici primaju naređenja samo od jedne nadređene osobe) i realnosti koja nameće ograničenja njegove primjene. I ovaj primjer afirmira postulat da je menadžerska uspješnost uvjetovana, između ostalog, i od njihovog umijeća snalaženja u situacijama, kao što je navedena, u kojima ne postoji teorijsko i normativno usmjerenje na način postupanja

Donošenje odluka i njihovo prenošenje na podređene je također dio procesne funkcije naređivanja. Pojedini autori smatraju da je odlučivanje jedna od funkcija menadžmenta. Oni je ne definiraju kao dio, element procesne funkcije naređivanja već kao posebnu funkciju. Većina autora ne naglašava pozicioniranje odlučivanja kao posebne funkcije ili kao dijela funkcije naređivanja. Po pravilu, samo se naglašava da je odlučivanje bit, suština menadžmenta. Ova problematika je u literaturi iznimno zastupljena. Proces odlučivanja u zatvorskom sustavu je važan dio ove procesne funkcije. Ne razmatra se u ovom članku zbog njegovog ograničenog opsega.

U teorijskim razmatranjima, kao i u praksi, afirmiran je *mainstream*, po kome se izostavlja naređivanje kao procesna funkcija, a umjesto nje promovira vođenje (engleski *leading*). *Leading* je stalna i u novije vrijeme sve značajnija menadžment funkcija.

„U svom radu Sikavica i Bahtijarević-Šiber (2004) nisu pretjerali kada su vođenje označili najvažnijom funkcijom menadžmenta budući da uspješnost ne ovisi u tolikoj mjeri niti o jednoj drugoj funkciji.“ (<http://hrcak.srce.hr/file/118114>) U pojednostavljenom značenju to je proces motivacije članova organizacije za ostvarenje definiranih ciljeva organizacije. Zbog naglašenog značaja motivacije ova funkcija se naziva i vođenje i motiviranje. *Leading* nalazi temelje u međuljudskim odnosima. To je proces utjecanja usmjeren na oblikovanje ponašanja drugih. Vođenje je obavljanje točno poslova i zadataka po zamisli menadžera. U proces *leadinga* uključeno je komuniciranje i motiviranje. To je umijeće, sposobnost menadžera da uvjere podređene da rade s entuzijazmom. Predstavlja kohezioni faktor organizacije koji motivira djelatnike da predano izvršavaju svoje radne obveze. (Šimić, 2019: 62)

Prijevod *leadinga* na termin vođenje izaziva u teoriji i praksi konfuziju i zbog česte zamjene rukovođenja riječju vođenje, te dovodi do dileme da li se misli na *leading* ili rukovođenje. Ova tendencija je prouzrokovana opravdanim stavom da je riječ vođenje primjerenija hrvatskom jeziku u odnosu na rukovođenje. Pored toga, određene nejasnoće i pojam *leadership* koji se često koristi bez prijevoda. Ova engleska riječ se najčešće prevodi kao poslovno vođenje ili liderstvo. Najprimjerenije je da se koristi u izvornom obliku. Osnovna, suštinska razlika između ova dva pojma je što je pri korištenju pojma *leading* misli na procesnu funkciju vođenja, a kada se koristi *leadership* naglasak je razmatranju uloge vođe (lidera) u tom procesu.

Vođenje je integralni dio procesne funkcije naređivanja i kao što je već naglašeno ne može biti ovaj dio zamjena za njenu cjelinu. Ovaj stav se najviše očituje u sagledavanju povezanosti odnosa funkcija naređivanja i kontrole.

Najkonkretnije se može uočiti na primjeru menadžerske odgovornosti (zapovjedne u vojsci i policiji). Nije dovoljno samo izdati radni nalog, naredbu. Potrebno je pratiti njenu realizaciju na više načina koji ovise o konkretnoj situaciji. Ti načini mogu biti traženje izvješća, neposredni uvid, traženje informacija od kako podređenih tako i od nadređenih menadžeru koji se kontrolira, nadzire i drugi.

Rukovoditeljska odgovornost nije vezana za odgovornost menadžera za provođenja podfunkcije vođenja. U zatvorskom sustavu, kao i u drugim, ona se najčešće aktualizira i biva dostupna javnosti u slučajevima većih zlouporaba ovlasti djelatnika, bijega zatvorenika u kaznenim tijelima i sl. Tada se preispituje odgovornost upravitelja i voditelja da li su pratili realizaciju svojih odluka, radnih naloga, naputaka od strane podređenog menadžera ili djelatnika koji su neposredno odgovorni za konkretni događaj (bijeg zatvorenika i sl.).

Navedeno kritičko promišljanja i propitivanja vođenja (*leading, leadership*) nema za cilj ignoriranje teorijskih radova o vođenju. Naprotiv, potrebno ih je studiozno proučavati i uvažavati s ciljem razumijevanja vođenja kao potfunkciji, integralnom dijelu procesne funkcije naređivanja.

Specifičnost zatvorskog sustava se ogleda u tome što se u njemu ne provodi samo motiviranje i poticanje zaposlenika da rade najbolje u interesu sustava. Ono se i odnosi i na zatvorenike u smislu njihovog poticanja i motiviranja ne samo da se trude da poštuju odredbe kućnog reda kaznenih tijela i da sa što više entuzijazma sudjeluju u resocijalizacijskim programima već i da u određenoj mjeri čak i participiraju u donošenju odluka za određena pitanja.

4. KOORDINIRANJE

U svezi koordiniranja kao procesne funkcije u teorijskim razmatranjima stavovi su podijeljeni na njeno prihvaćanje ili negiranje. Autori koji je negiraju smatraju da se ona ne može smatrati posebnom funkcijom obzirom na to da je koordiniranje potrebno u cjelokupnom menadžerskom procesu. (Stojanović, 2015: 18) Ovakvo stajalište je neodrživo, primjerice, isto tako je i kontrola potrebna u cjelokupnom menadžerskom procesu ali se ne dovodi u pitanje njeno negiranje.

Koordinacija se sastoji od međusobnog povezivanja, usklađivanja svih aktivnosti i napora u organizaciji. Autori koji je smatraju zasebnom funkcijom naglašavaju da predstavlja bit, suštinu menadžmenta. Ova funkcija je posebno važna u menadžmentu sigurnosnog sustava koji se prema lokaciji primjene klasificira na vojni, policijski, sigurnosnih službi, zaštitarske djelatnosti, kao i

zatvorskog sustava. U uvodnom dijelu članka je već spomenuto da je i zatvorski sustav institucija sigurnosnog sustava.

Među autorima koji su naglasili značaj koordinacije izdvaja se Oliver Bakreski. Spomenuti autor je neporecivo jasno prezentirao analizu ove značajne funkcije sigurnosnog menadžmenta. (Bakreski, 2008) U toj analizi objašnjeno je da koordinacija omogućava dinamičku ravnotežu između subjekata sigurnosnog sektora kroz uzajamne odnose njihovih komponenti i da je sprovode odvojeni dijelovi ili pojedinci kroz svoje aktivnosti. Također, autor navodi i da U većini slučajeva uloga koordinacije pripada vrhu uprave u nekoj instituciji i da predstavlja jednu od najvažnijih menadžerskih funkcija.

Koordinacija predstavlja važnu dimenziju menadžmenta, pojedini autori smatraju je i njenom suštinom, biti čija je svrha postizanje sklada između pojedinačnih aktivnosti kako bi se postigli ciljevi organizacija i sustava. Svaka od menadžerskih funkcija pridonosi koordiniranju. Ove funkcije su međusobno uvjetovane i povezane da je gotovo nemoguće izvršiti jasnu diferencijaciju između pojedinih menadžerskih funkcija, kao što je u odnosu koordiniranja prema ostalim procesnim funkcijama. Spomenuta uvjetovanost i povezanost afirmira stajalište da grupiranje srodnih aktivnosti u zasebne menadžerske funkcije prvenstveno ima za cilj razumijevanje sadržaja menadžerskih funkcija.

Uspostavljanje mehanizma koordinacije je moguće postići na više načina, među kojima, se izdvaja koordinacija putem: hijerarhije; pravila, programa i procedure; slobode odlučivanja dirigitirane planiranjem ili profesionalnom etikom; smanjenjem raspona upravljanja i rukovođenja ... Može se konstatirati da su načini uspostavljanja koordinacije brojni. U opsegu ovog članka nije moguće razmatrati ovo kompleksno pitanje.

Koordinaciju obavljaju menadžeri na svim razinama. Osnovna podjela koordinacije je dvije: prvu, na razini upravljanja i drugu, na razini rukovođenja. Tako i u zatvorskom sustavu se razlikuje, kao prva, koordinacija na razini upravljanja. Polazeći od stava da postoje razlika između upravljanja zatvorskim sustavom u odnosu na ono koje se provodi u samom sustavu (Šimić: 2023: 108) ona se može podijeliti na dvije podvrste: razini upravljanja sustavom i na onu koja se provodi u sustavu. Kao druga, je na razini rukovođenja koja se provodi na razini rukovođenja institucija zatvorskog sustava.

U literaturi postoje različita mišljenja o tome koliko vrsta koordinacija je danas prisutno. Najčešće, identificiraju se tri osnovne vrste koordinacija: 1. vertikalna, 2. horizontalna i 3. lateralna (pobočna) koordinacija. (Sandić, 2019: 15) Vertikalna dimenzija koordinacije je karakteristična za razmjenu informacija između različitih hijerarhijskih razina. Horizontalna dimenzija koordinacije je karakteristična za razmjenu informacija između subjekata koji se nalaze na istoj hijerarhijskoj razini. (Janković, 2018: 13) Oliver Bakreski lateralnu

koordinaciju naziva dijagonalnom. Ona se po njegovom stajalištu javlja i provodi između različitih razina funkcije ustanove. Ta se koordinacija više odnosi na informiranje, davanje podrške, sugeriranje ideja ili suradnju među različitim dijelovima organizacije koji nisu horizontalno ili vertikalno povezani, već su u funkcionalnim odnosima. (Bakreski, 2008: 63, 64)

Koordinacija se može podijeliti i prema organizacijskim i formalnim karakteristikama. U organizacijskom smislu može biti interna i eksterna. (Janković, 2018: 13) Prema formalnim karakteristikama ona se može pojaviti kao: usmjeravanje rada, suradnja, objedinjavanje rada, zajednički rad, ispomoć i sadejstvo (usklađeno, usuglašeno djelovanje). Prema određenim karakteristikama, ona se može podijeliti i na koordinaciju prema mjestu, vremenu i zadatku. (Sandić, 2019: 22) Prema procesu u kome se može izvršiti, postoji koordinacija: unutar institucije, sa društvenim okruženjem, nadređenim organima i institucijama, sa sličnim institucijama iz inozemstva. (Bakreski, 2008: 64)

Od navedenih vrsta koordinacija za zatvorski sustav najvažnije su: vertikalna, horizontalna, dijagonalna, interna i eksterna i sa društvenim okruženjem. Bit vertikalne koordinacije je usklađivanje zadataka i ciljeva između viših i nižih organizacijskih razina, primjerice, između odjela i odsjeka u kaznenim tijelima zatvorskog sustava. U njoj menadžer više razine objedinjuje poslove na nižim razinama unutar jedne organizacijske jedinice. Time se ostvaruje integriranje ciljeva između nadređenih – voditelja odjela i podređenih – voditelja odsjeka.

Horizontalna koordinacija podrazumijeva sinkronizaciju aktivnosti na istoj organizacijskoj razini. Primjerice, u kaznenim tijelima zatvorskog sustava, ona se očituje sinkronizacijom između voditelja odjela, kao i odsjeka. Praksa je ukazala da je najznačajnija između čelnika odjela osiguranja i tretmana. Veći broj autora smatra da je prava horizontalna koordinacija ona koja je uspostavljena u vojnoj organizaciji. U njoj, izvršitelji iste razine ili zvanja (čina) sinkroniziraju zajedničke aktivnosti putem međusobne komunikacije. Polazište je stav da zapovjednika ne treba opteretiti svim problemima funkcioniranja nekog dijela vojne organizacije, posebno ako se oni mogu riješiti na istoj hijerarhijskoj razini. (Bakreski, 2008: 63).

Kao je već navedeno dijagonalna (lateralna) koordinacija se ostvaruje među različitim dijelovima organizacije koji nisu horizontalno ili vertikalno povezani, već su funkcionalno povezani. U zatvorskom sustavu ona se provodi funkcionalnim odnosima koji se uspostavljaju između načelnika sektora Središnjeg ureda sa voditeljima odjela kaznenih tijela. Primjerice, načelnik Sektora tretmana putem usmenih i pisanih naputaka usmjerava rad voditelja odjela tretmana kaznenih tijela. Koja će od ove tri vrste koordinacije biti

dominantna u zatvorskom sustavu, ovisi od same potrebe za koordinacijom. Razmatranje ostalih vrsta koordinacija nadilazi opseg ovog članka.

5. KONTROLIRANJE

Kontroliranje se nadovezuje na prethodne funkcije. Zadatak ove funkcije je provjera obavljenih aktivnosti, kako bi se utvrdilo da li su se odvijale u skladu s planovima. Ako je došlo do određenih odstupanja, potrebno je ispraviti greške kako bi se ispunili željeni ciljevi. Može se reći da funkcija kontrole mjeri i ispravlja ali izvršene aktivnosti. Iako je kontroliranje zadnja funkcija menadžmenta, to ne znači da je manje važna od prethodnih. Ona se ne smije izostaviti, a kako bi sve na kraju uspješno funkcioniralo, menadžer mora pravovremeno kontrolirati izvršene aktivnosti. Cilj ove funkcije je osigurati da sve funkcionira prema planu, a započinje onog trenutka kada je plan dovršen, jer tek tada nastupa kontrola obavljenih aktivnosti. (Brčić, 2020: 16)

Funkcija kontroliranja odnosi se na utvrđivanje realizacije ciljeva. U okviru ovoga procesa ostvareni rezultati se uspoređuju s obzirom na prethodno definirane planove koji služe kao standardi za mjerenje stupnja njihove realizacije. Pritom se mogu utvrditi odstupanja realizacije od planova, što podrazumijeva dizajniranje korektivnih aktivnosti. (Rupčić, 2018: 4)

Kontroliranje je mjerenje i ispravljanje pojedinačnog i organizacijskog djelovanja kako bi se osiguralo da događaji teku prema planu. Za to je potrebno mjeriti uspješnost s obzirom na ciljeve i planove, pokazati gdje dolazi do odstupanja od standarda i pomagati u ispravljanju odstupanja. Ukratko, kontroliranje olakšava ispunjenje planova. Jako planiranje mora prethoditi kontroliranju, planovi se ne ispunjavaju sami od sebe. Menadžeri se rukovode planovima u korištenju resursa kako bi se ispunili specifični ciljevi. Tada se aktivnosti provjeravaju da se ustanovi odgovaraju li planovima. Kontrolne aktivnosti uglavnom uključuju mjerenje postignuća. Sredstva kontroliranja, općenito su poznata. Svako od tih sredstava mjeri i pokazuje da li se planovi ispunjavaju. Ako se odstupanja nastave, potrebne se korekcije. No, što se korigira? Aktivnosti, putem osoba.³

³ http://www.fkn.unsa.ba/Portals/0/Nastavnici-dokumenti/Ahic/SIGURNOSNE_STUDIJE_I_SIGURNOSNI_MENADŽMNET_1.pdf, str. 285

⁴ <https://www.mojposao.ba/#!/home;postId=1201> MojPosao.ba - Funkcije menadžmenta

U literaturi se ova funkcija naziva i nadzor. „Zadnja funkcija koju menadžeri obavljaju je nadzor. Da bi osigurali da se sve stvari odvijaju kako treba, menadžeri moraju pratiti performansu organizacije. Stvarna performansa zatim se uspoređuje s prethodno postavljenim ciljevima. Ako postoje značajna odstupanja, posao je menadžmenta vratiti organizaciju na pravi put. To praćenje, uspoređivanje i eventualno ispravljanje rada, jest ono što se shvaća kao funkcija nadzora.“⁴

Kontrola je posljednja menadžerska funkcija i ona je nadzor nad djelovanjem organizacije sa svrhom da ona ostane na pravom putu radi ostvarivanja ciljeva. Uključuje tri koraka, i to određivanje standarda, mjerenje ostvarenih rezultata i otklanjanje odstupanja. Najpoželjnija je preventivna kontrola, zatim tekuća, a najmanje učinkovita je naknadna kontrola. (Stojanović, 2015: 19)

Kontrola se sastoji od provjeravanja da se sve odvija prema zacrtanom planu, danim uputama i postavljenim standardima. Postupak kontrole prati učinkovitost procesa organizacije što omogućava pravodobno reagiranje. U prošlosti je prevlast imala vanjska, dok je danas više zastupljeno unutarnja kontrola (unutar same organizacije). Zaposlenici danas sami popravljaju vlastite postupke da bi se što uspješnije ostvarili ciljevi organizacije. Kontrolom se analiziraju odstupanja od zacrtanog plana i omogućava se uvid ista, kao i u slabe strane djelovanja organizacije. Kontrola mora biti pokretačka snaga zaposlenih na važnim problemima, kako na onima koji trenutno ometaju izvršenje plana, tako i na one u budućnosti. Kontrola je završna funkcija koja nastupa tek kada se odrade prve četiri funkcije, a obavlja se na svim razinama menadžmenta u svim tipovima organizacija. Planiranje i kontrola dvije su nerazdvojne funkcije menadžmenta. Bez planiranja kontrola je besmislena, i obrnuto, bez kontroliranja, planiranje je beskorisno. Također, bez funkcije kontrole posao menadžmenta bi bio neučinkovit. (Dragić: 2019: 7, 8)

Kontrola omogućava efikasno funkcioniranje bilo koje organizacije preko usporedbe planiranog i ostvarenog. Kontrolni sistem mora usko biti povezan i sa elementima planske funkcije u organizaciji. Od kontrole kao procesa se zahtjeva da neprekidno funkcionira, obzirom da ona određuje valjanost postignutih izlaznih rezultata procesa planiranja. Osnovni smisao kontrole jeste da se po utvrđenim, dopuštenim ili nedopuštenim odstupanjima od plana, intervencijom menadžmenta, preko funkcije rukovođenja, aktivnosti dovedu u

granice plana, polazeći od raspoloživih snaga i sredstava. (Cogoljević, Andrejić, Gligić Savić, 2017: 412)

Kontrola se sastoji iz uvida u stanje i stalnog nadzora da se sve izvršava u skladu sa postavljenim planom i nalogima i uputama nadređenih u organizaciji. Funkcija kontrole sastoji se od aktivnosti i standarda za uredno izvršavanje posla, mjerenje rezultata i ocjene izvršenih poslova. Ona znači mjerenje i korigiranje akcije podređenih, kako bi se osiguralo realiziranje planova. Kontrola mora biti standardizirana, efikasna i koordinirana.

Kontrolni sistemi imaju smisla samo ukoliko potiču menadžere i druge zaposlene na željeno ponašanje, odnosno na poduzimanje korektivnih akcija. Činjenica da ljudi u principu ne vole kontrolu za menadžere predstavlja problem sa kojim se treba suočiti, i od čijeg rješenja u mnogo čemu ovisi uspješnost cijelog procesa kontrole. (Cogoljević, Andrejić, Gligić Savić, 2017: 423)

Već je spomenuto da kontroliranje može biti vanjsko, eksterno i unutarnje, interno. Ove dvije vrste kontrole su posebno važne za zatvorski sustav. Eksterna kontrola je važna, prema pojedinim autorima je od temeljnog značaja. Sve institucije kojima upravlja država, ili kojima se upravlja u ime države, moraju biti predmetom javne kontrole. To je posebice važno u slučaju zatvora zbog njihove prisilne prirode. Obzirom da obični članovi građanskog društva ne mogu sami tako lako otkriti što se dešava iza visokih zidova i ograde zatvora, treba postojati sustav nadzora koji će provjeriti da je sve onako kako bi trebalo biti. (Coyle, 2002: 142)

Eksternu kontrolu zatvorskog sustava koju provodi Sabor RH, Pučki pravobranitelj i sudovi ne predstavlja kontrolu kao procesnu funkciju menadžmenta zatvorskog sustava već onu koju provodi Središnji ureda nad radom kaznenih tijela i centra za dijagnostiku. Interna kontrola se provodi u okviru svih pojedinačnih institucija zatvorskog sustava, počevši od Uprave za zatvorski sustav pa do Središnjeg ureda, kaznenih tijela i centra za dijagnostiku. Nedvosmisleno jasno se može uočiti da se eksterna procesna funkcija kontrole u menadžmentu zatvorskog sustava provodi na razini upravljanja sustavom, a interna na razini rukovođenja institucija zatvorskog sustava.

Pravilnikom o stručnom nadzoru u zatvorskom sustavu (Narodne novine, br. 137/2021) propisuje se način provođenja stručnog nadzora u zatvorskom sustavu (kaznionicama, zatvorima i centrima), osobe ovlaštene za provođenje stručnog nadzora, vrste i sadržaj stručnog nadzora. Prema članku 2. Ovog Pravilnika „Osnovni cilj stručnog nadzora je osiguranje: zakonitog i pravilnog obavljanja poslova izvršavanja kazne zatvora i drugih kaznenopravnih mjera i

sankcija, te drugih poslova koje kaznionice, zatvori i centri obavljaju, pravilne primjene Zakona o izvršavanju kazne zatvora i podzakonskih propisa donesenih temeljem njega, te drugih propisa koje kaznionice, zatvori i centri primjenjuju u svom radu i postupanju, unaprijeđenja obavljanja poslova kaznionica, zatvora i centara te povećanja djelotvornosti i ujednačavanja njihovog rada i postupanja.“ Spomenutim Pravilnikom se provodi eksterna procesna funkcija kontrole u menadžmentu zatvorskog sustava. Već je navedeno da se interna kontrola provodi u okviru svih pojedinačnih institucija zatvorskog sustava. Na razini tih institucija njihovi čelnici su najodgovornije osobe za provođenje kontrole u njima. Pored njih, provode je i rukovoditelji organizacijskih dijelova institucija zatvorskog sustava.

ZAKLJUČNA RAZMATRANJA

Može se zaključiti da je ostvaren teorijski i praktični cilj članka. S teorijskog aspekta dati su elementi koji reafirmiraju procesne funkcije menadžmenta koje je definirao Henri Fayol. Neupitan je značaj pokrenutog pitanja za profilaciju teorije menadžmenta zatvorskog sustava. Obzirom na kompleksnost i značaj razmatrane tematike članak ima za cilj da inicira raspravu i dalja potpunija istraživanja. Praktični cilj je afirmacija teorije u praksi menadžmenta zatvorskog sustava. Također, cilj je i poticanje djelatnika ovog sustava na proučavanje teorije u smislu njihove kontinuirane edukacije i profesionalnog razvoja. U najširem smislu praktični cilj je i naglašavanje značaja teorije menadžmenta zatvorskog sustava.

Izloženi stavovi ukazuju na širinu obuhvata pitanja koja se otvaraju pri razmatranju procesnih funkcija koje je definirao Fayol. Ukazano je na njihovu povezanost. Članak je fokusiran na razmatranje primjene tih procesnih funkcija u zatvorskom sustavu. Ne postoji ni jedan teorijski izvor koji se može prepoznati kao mainstream u kome je razmatrano ovo pitanje. Osnovni cilj članka je iniciranje rasprave, daljih kompleksnijih i studioznijih istraživanja ove tematike koja bi rezultirala prihvatanjem, korigiranjem ili odbacivanjem predložene reafirmacije Fayolovog definiranja procesnih funkcija. Pretenzije autora članka nisu u davanju potpunih odgovora na ovo iznimno značajno pitanje, već kao što je već naglašeno, iniciranje šire rasprave i istraživanja ove tematike koja može dati elemente za dogradnju teorije i prakse menadžmenta ne samo zatvorskog sustava već i sigurnosnog.

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PRISON SYSTEM MANAGEMENT

Dragutin Šimić

ABSTRACT

The article critically examines the management of the prison system of the Republic of Croatia. Accordingly, the basic postulates of its definition are considered. The starting point is the fundamental theoretical-hypothetical premise that Fayol's views on the process functions of management are a significant starting point for constituting the theory of prison system management. The need to affirm the theory and practice of prison system management is also pointed out.

Keywords : *management, prison system*

INTRODUCTION

The problem area of the work, as the title suggests, is the management of the prison system. In theory and practice, since the period of the former SFRY, the definition of the term management has been affirmed as a synonym for management and leadership. (Šimić, 2019: 59) In addition, it is also a synonym for command. This definition has been retained in the Republic of Croatia (hereinafter referred to as the Republic of Croatia) in the theoretical principles of management in all areas, including the prison system. Our theory does not consider the issues of defining the terms management, leadership and command and their relationship. In theory and practice, the problem of prison system management is ignored from the aspect of understanding its components: management, leadership and command. (Šimić, 2023: 96)

Management and leadership are functions of an organization, so understanding the relationship between management and leadership is a fundamental issue for both the theory and practice of management and leadership. Management determines the goals that need to be achieved in a certain period of time, the method of achieving goals, and other important issues that guide the functioning of a certain system. All organizational regulations are adopted by the management function. For example, the Minister of Justice adopts regulations¹ that guide the functioning of penal institutions, ²and the Director of the Prison System Administration issues instructions and other acts. (Šimić, 2019: 59)

¹"The Minister responsible for justice shall, within six months from the date of entry into force of this Act, issue ordinances referred to in Article 8, paragraph 7, Article 27, paragraph 9, Article 30, paragraph 4, Article 34, paragraph 3, Article 36, paragraph 14, Article 38, paragraph 4, Article 41, paragraph 11, Article 42, paragraph 6, Article 45, paragraph 6, Article 78, paragraph 7, Article 84, paragraph 9, Article 85, paragraph 5, Article 88, paragraph 2, Article 169, paragraph 2 of this Act." (Article 190 of the Act on the Execution of Prison Sentences, Official Gazette, No. 14/2021)

² Penal bodies are: penitentiaries, prisons, correctional institutions and the Diagnostic Center. (Article 128. Regulation on the internal organization of the Ministry of Justice, Official Gazette, No. 98/2017)

The term management is a broader term than leadership. Management directs the system as a whole, while management directs the activity of a specific institution. In these processes, managers have a dual role of management and management. For example, the director of the Prison System Administration manages the prison system and manages the Administration. Therefore, they are parallel processes. The theoretical postulation of the concept of management as broader and, in that sense, superior to management, has been proven in practice and is also verifiable. (Šimić, 2019: 59,60)

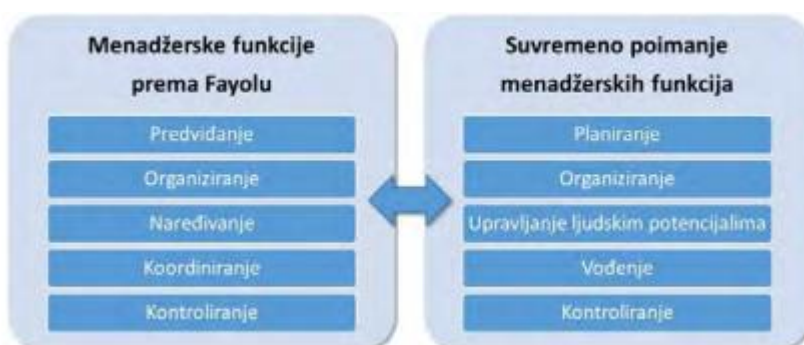
In theory and practice, the prison system is perceived as a part, a segment of the judicial system. The aforementioned theoretical starting point has conditioned the neglect of the role of the prison system as an institution of the security system. (Šimić, 2023: 103) Accordingly, the starting point is also ignored - that the management of the prison system is also based on the postulates of the management of the security-defense system. The specificity of this system (including the prison system) is that it carries out the processes of management, leadership and command. In the field of the civil sector, only management and leadership are carried out.

Management is a universal activity present in all social and economic areas. It is embedded in every organization, or organizing, including organizations in the field of defense and security. Security management is a discipline of security sciences, but also management sciences. Organizational theories are the main theoretical source that security management takes from management science, while security sciences provide the basic theoretical concept on which all research and practice of security management are based. (Janković, 2008: 27) Each of the organizations of the defense and security sector has its own management that, in addition to general management principles, also develops specialized ones in response to the specificities of a given organization. Thus, we distinguish between the management of the army, police, intelligence and security services. (Šimić, 2019: 63) It is also important to emphasize that the prison system is a segment of security. (Šimić, 2023: 110) Starting from the above postulate, the management of the prison system is also part of security management.

In general, when looking at the definitions of management, they most often explain management through its functions. Management theory is rich in numerous classifications of management functions. The first known classification of managerial functions was given by Henri Fayol, which is why he is considered the true father of management theory. (Dragić, 2019: 5) French engineer and theorist Henri Fayol (1841-1925) founded and developed his theory and approach to management based on his sixty years of experience in mining

and metallurgy concern. In 1916, he published a shorter book entitled *Administration Industrielle et Générale* (General and Industrial Management) . In the aforementioned book, Fayol promotes fourteen general principles of management: division of labor, authority and responsibility, discipline, unity of command, unity of direction, subordination of individual interests, reward, centralization and decentralization, scalar chain, order, justice, stability of personnel, initiative and group feeling. The above general principles are not the problem area of the article.

In the aforementioned book, in considering company management, Fayol starts from the needs of grouping the company's basic operations into six basic functions: :1)technical, 2)commercial, 3)financial, 4)security, 5)accounting and 6)administrative. Among them, Fayol especially emphasizes the importance of the administrative function, that is, the managerial function, and states that without it, the functioning of the company is impossible. (Živković, Jelić, Popović, 2005:50) Fayol defined five key points, process functions necessary for the successful functioning of the managerial (administrative) function: planning, organizing, ordering, coordinating, managing and controlling. It is especially important to point out that Fayol states that the mentioned process functions are universally applicable. Despite the fact that later management theorists defined a smaller or larger number (four or five) of managerial functions, with certain differences in terms of their content, the concept of managerial functions by Henry Fayol still represents the starting point for their classification, as can be seen in the diagram 1.



Scheme 1. Comparison of managerial functions according to Fayol and the modern understanding of managerial functions (Source: Rupčić, 2018:32)

In current management theory, the generally accepted view is that the management functions formulated by Henri Fayol at the beginning of the 20th century are still relevant for the management of the security and defense system. In the area of the civil sector, in theory and practice, these management functions are more modernized compared to the security -defense. The problem area of this article is the actualization of Fayol's managerial functions in the management of the prison system. It is important to emphasize that this does not mean excluding the actuality and significance of other modernized functions, such as, first of all, human resources management, in prison, as well as in security management as a whole. Coverage of this topic is not possible within the scope of this article and, as already stated, is not within its problem framework.

The chosen issue of the paper determines its subject framework – elements that point to conclusions, providing answers to the questions formulated by the research problem. Accordingly, Fayol's process functions in prison system management are considered. The theoretical-hypothetical framework of the article is based on the postulate that the functioning of prison system management is based on the process functions defined by Henri Fayol, an undeniable giant of management theory.

The theoretical and hypothetical framework set out points to the theoretical goal of the paper - providing an element for the theoretical foundation of prison system management. The main question of the paper is to prove the significance of the process functions of management formulated by Henri Fayol for the theory and practice of prison system management. There is no relevant work in the literature that discusses this topic. In the relatively small theoretical opus, works on legal regulations of prison system management dominate. It can be stated that the theory of prison system management is in the phase of emergence, profiling and has not yet been affirmed as an area of management according to the location of its application.

The practical goal is to affirm the theory in the practice of prison system management. The goal is also to encourage employees of this system to study the theory in terms of their continuous education and professional development. In the broadest sense, the practical goal is to emphasize the importance of the theory of prison system management.

The article is based on the analysis of the content of the process functions of management. The list of references also includes works that are not directly mentioned in the article. This enables interested readers to gain a broader, more complete insight into the theoretical sources on which the article is based. The structure of the article consists of: Introduction, 1. Planning, 2. Organizing, 3. Ordering, 4. Coordinating, 5. Controlling and Concluding considerations.

1. PLANNING

In theory and practice, it is generally accepted that planning is one of the most important management activities. Good planning can increase the likelihood of achieving set goals. It can also help to avoid or minimize negative events, or damage that may occur in certain situations. In addition, planning is the foundation for all other management functions. After setting goals, it is determined what organizational assumptions are needed to achieve them, what knowledge and skills are needed, how to manage human resources and motivate them, and how to control the degree of goal achievement. The controlling function is therefore considered a mirror image of the planning function. Planning is necessary for the successful operation of any organization. The essence of planning refers to choosing between alternative courses of action and defining the activities and resources needed to achieve them. (Rupčić, 2018: 155, 156)

Planning is the most basic managerial function and it includes the choice of mission, goals and actions for their realization, and directs the organization towards the future. The planning process consists of 5 phases, namely defining goals, determining the actual position of the organization, predicting future goals, creating plans for achieving goals, and implementing the plan and achieving results. (Stojanović, 2015: 18)

In the management process, planning has the characteristics of a basic process. Planning determines the goals of the organization and the ways to achieve them, i.e. plans for achieving these goals are determined. Organizing, staffing, leading and controlling derive from planning, since these functions, in fact, implement planning decisions. (Živković, Jelić, Popović, 2005:65)

Planning is carried out by managers at all levels of the organization. Through plans, managers outline what needs to be done to make the organization effective. Plans may vary in content, scope, and form, but they are all concerned with achieving the organization's goals in the short or long term.

Planning is carried out by all managers, including in the prison system. It is important to note that the duration and intensity of this process depends on the level of management. For example, middle and lower level managers in the prison system spend less time on planning than top level managers.

Lower-level managers usually spend less time planning than top managers. However, they focus a significant amount of time and effort on leadership and control. At higher levels in the organization, far more time is devoted to planning. Managers, especially those involved in planning, must possess expertise, a lot of

knowledge and skills that are learned and developed. From the planning aspect, the so-called conceptual abilities of managers are particularly important, which enable them to see "the big picture", i.e. the complexity of the organization as a whole and how individual parts fit together. A manager who possesses conceptual abilities is able to understand how different functions of the organization complement each other, what is the relationship of the organization to the environment and how changes in one part of the organization affect other parts. Analytical skills are also important. This is the skill of identifying key factors, understanding their mutual relationship, as well as the role they play in a specific situation. Analytical skills are the ability to diagnose and assess. (Živković, Jelić, Popović, 2005:66)

Planning can be considered from several aspects, the most important of which are :a) organizational structure ((planning for the prison system as a whole, for a specific organizational unit, harmonization of plans of penal bodies, basic organizational units of the prison system). b) content ((planning for individual activities, system functions, for example, planning to improve the security of penal bodies, planning for facility maintenance, etc.) and c) time dimension of planning ((long-term, medium-term, short-term planning).

2. ORGANIZATION

Organizing is a management function that follows planning and whose task is to establish and classify all necessary activities, group activities according to one of the principles of building an organizational structure, assign activities to individual organizational units, managers and employees, and determine the roles of people working together and ensure coordination in the organizational structure. (Stojanović, 2015:18)

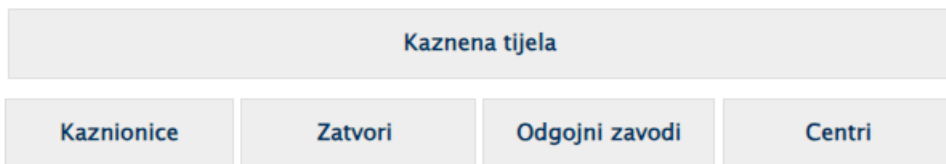
Based on the Decree of the Government of the Republic of Croatia, the prison system is part of the Directorate for the Prison System and Probation, which is an internal organizational unit established within the Ministry of Justice. (Article 2 of the Decree on the Internal Organization of the Ministry of Justice, Official Gazette, No. 97/2020) Figure 2 shows a graphic diagram of the Directorate. The diagram shows the organizational structure of the prison system, its elements: the Central Office for the Prison System, seven penitentiaries, fourteen prisons, two correctional institutions, the Diagnostic Center and the Training Center. The Department for Psychological Support for Prison System Officers, the Central Probation Office and probation offices are not elements of the prison system. A graphic representation of the organizational structure of the system, as well as individual institutions, is most often called an organizational chart or organizational chart in the literature.

relevant for this consideration. In the prison system, line-functional is implemented.

In the prison system, the line component is reflected in the fact that decision-making, command functions and information are unidirectional and move from the top of the Directorate's director to penitentiaries, prisons, correctional institutions and centers. This segment refers to the level of system management. At the level of the Central Office, it is implemented along the line director → heads of sectors → heads of departments → heads of departments. At the level of the system institutions along the line (director, director) → heads of departments → heads of departments → heads of subsections.

Functional authority is positioned at the highest level, in the Central Office. It has the role of supporting the line component of the management organization. The basic management organization is line. The heads of the sectors of the Central Office, as experts in certain areas, provide advisory and professional assistance to the Director of the Directorate in implementing his line authority towards penitentiaries, prisons, correctional institutions and centers. For example, the head of the Treatment Sector gives instructions and recommendations to the heads of treatment departments in penal institutions.

From the above description of the line-functional type of management of the prison system, it follows that it is extremely demanding to present its complete organizational structure in a single organizational chart that would encompass all line and functional relations. Therefore, in practice, charts are used that show segments of the prison system, such as, for example, in chart 3.

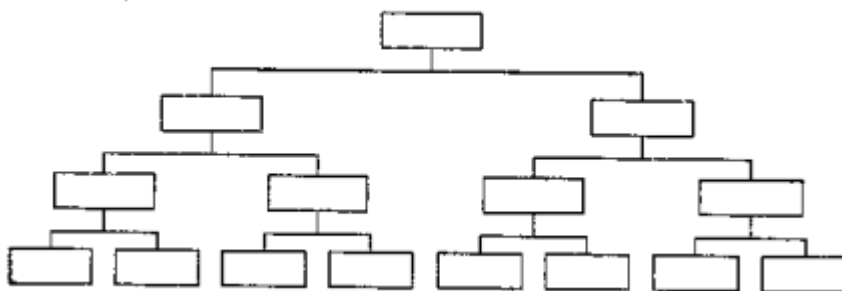


Scheme 3. Penal bodies (Source: <https://mpu.gov.hr/zatvorski-sustav/6150>)

The considered linear component of the prison system makes it easier to determine the span of management (management) of the prison system. The span of management (management) can be considered from the aspect of the span of control and responsibility of the manager. It is often called the span of control. In theory, this term refers to the number of subordinates (employees, executors) whom he manages. It is divided into narrow and wide, narrow is if he manages a

smaller number of employees, in a wider range he manages a larger number of employees.

A narrower span of management is when a manager manages the work of two or three employees and results in a deep organizational structure, as shown in Figure 4.



Scheme 4. Deep organizational structure (Source: Dujanić, 2019)

In a broader management scope, a manager manages a larger group of employees (10-15) resulting in a shallow organizational structure, as shown in Figure 5.



Scheme 5. Shallow organizational structure (Source: Dujanić, 2019)

In theoretical considerations, the management range is neglected, which refers to the number of organizational parts that managers manage, as well as the number of organizations they manage. The subject of the article is this aspect of the range of management and leadership. The opus of theoretical explanations of the range of leadership is impressive and relevant for its understanding in the prison system. The consideration of the scope of management and leadership of the organizational elements of the prison system is mainly based on the above-mentioned postulates relating to the scope of management of employees. However, there are also specificities that indicate differences between these two aspects of the scope of management. The main difference is that the scope of management of employees exists at all levels of management (highest, middle and lower). At the lower level of management (first management), first-line managers manage exclusively employees, in contrast to the highest and middle levels where it refers to the management of organizational elements (departments,

sections, subsections) of the prison system. Also, at the management level, the scope of management refers only to organizational elements, not to employees. In the literature, from the aspect of employee management, it is argued that this range should be narrower at higher organizational levels, and wider at lower ones. (Dujanić, 2019)

There is no distinction made between the span of management of employees in relation to organizational units, nor is there a difference between this span at the management level in relation to the management level. In the example of the span of management and management of organizational units in the prison system, a deviation from the aforementioned theoretical postulate can be observed. It is applicable only at the level of the span of management of employees in the prison system. At the level of the span of management of organizational units in the prison system, it is wider, and at the management level it is narrower, both at the highest and middle management levels. The lowest level of management is not the subject of consideration, since at this level organizational units are not managed, but directly employees.

As has been emphasized, the scope of management in the prison system is broader. The Director of the Prison and Probation Administration (who is also the Director of the Central Office for the Prison System) manages the work of 24 organizational units (7 penitentiaries, 14 prisons, 2 correctional institutions and the Diagnostic Center). In addition, the Central Office for Probation and 14 probation offices, as well as the Department for Psychological Support for Prison and Probation Officers and the Training Center, which represent common organizational units for the prison and probation system. From the above data, it is clear that this is a broader scope of management in a shallow organizational structure.

However, the Director of the Directorate, in his managerial role in the prison system, manages the work of 5 subordinates (the Head of the Internal Control Service and the Heads of 4 Sectors in the Central Office for the Prison System). Even at this level, a wider range in the shallow organizational structure is observed.

When considering the application of the division into the aforementioned shallow and deep organizational structures in the prison system, one can notice the limitation of this division, that it is of a principled nature and that it is not sufficiently clear. The already considered range of management indicates that the Director of the Directorate manages 24 organizational units of the prison system within the framework of a shallow organizational structure which can be called, since it has only one level, as a single-level. Hypothetically, if the Director of the

Central Probation Office had the authority to manage 14 probation offices (see Scheme 2), then a two-level organizational structure would be established, which according to the existing classification is called shallow. At the level of larger, more complex systems, it can also have three or more levels and is called deep according to the existing classification.

The range of management in the prison system is narrower at the highest and middle levels. Thus, at the highest level (top management) it is narrower, which can be seen in the already mentioned example of the Central Office (scheme 2) in which the director manages 5 organizational units (one service and 4 sectors). The heads of sectors of the Central Office, as a higher middle level of management, manage a maximum of 2 services, and the heads of departments, as a lower middle level of management, manage a maximum of 2 departments. The case is almost the same at the level of penal institutions (penalties, prisons and the Diagnostic Center) and the Training Center. The only difference is that at this level, assistant directors, as a higher middle level of management, do not manage a single organizational unit. The managers of the aforementioned bodies, as the highest level of management, manage a maximum of 6 departments, and at the middle level, department heads, with a maximum of 3 departments, and at the lower level, department heads with several sub-departments.

Based on the above, it can be concluded that the span of management refers to both the number of employees and the number of organizational units managed by the manager. For example, there is a difference between a hypothetical situation in which the head of a department of a penal institution manages 20 employees in a department without departments compared to the case of managing the same number of employees in a department in which two departments are established. It is quite clear that in the second case the span of management is more favorable.

The characteristic of the span of management and administration in the prison system is that it is optimal from an organizational perspective. However, from the perspective of the span of management, which refers to the optimal number of employees that a manager can manage, it is an open question. In the literature, this issue mainly relates to the optimal number of employees in industry and service industries that a manager can successfully manage. Given the specifics of the prison system that relate to the type of activity and the educational profile of employees, the aforementioned theoretical starting points are not applicable. This issue has not been considered so far.

3. ORDERING

The third process function refers to ordering (issuing orders, commands, instructions, guidelines). It is carried out in written or oral form, with oral form

dominating in practice. In every system, including prison systems, it is mostly conditioned by the established organizational structure and type of management. The previous chapter explained the organizational structure of the prison system, as well as the fact that a line-functional type of management has been established in it.

This process is not the same at the level of management and leadership in the prison system. Only at the management level is there a line order carried out by the Director of the Central Office to the managers to the managers of the 24 organizational units. The functional role is carried out by the Head of the Internal Control Service and the heads of the 4 sectors in the Central Office to the heads of departments of all 24 organizational units. For example, the head of the security sector to the heads of the security departments of penitentiaries and prisons. This functional role is mostly of an advisory and professional nature, but it can also take the form of decisions and orders, commands. This function does not call into question the principle of single leadership (the principles promoted by Fayol, one of the 14 he formulated, this principle is considered exceptional in hierarchical systems such as the army, police) the principle that only one person manages subordinates.

At the level of management of organizational units of the prison system, this principle in the ordering process follows the organizational structure along the lines of director → department heads → department heads → sub-department heads (if they are established, at the level of smaller penal institutions they are not as a rule) → employees (subordinates). The least questionable relationship is at the highest level, director → department heads. Situations in which directors directly issue orders to employees are extremely rare. At the level of department heads, the practice of acting is completely different; it is the established practice that in most cases they directly issue orders and instructions to employees, and to a lesser extent through the department head. At the level of department heads in which sub-departments (or similar organizational units) are established, this practice is even more prevalent.

The above indicates that one cannot speak of the application of the principle of single leadership in the prison system at all levels. As explained, this principle is unquestionable at the management level, however, at the middle and even more so at the lower management level it is incomparably less represented. So far, this issue has not been considered at the theoretical level and there is no definition that would indicate whether it is necessary to insist on the application of this principle in the management process at the middle and lower management levels or not. It is also important to emphasize that it is almost impossible to adopt a normative act that would regulate this issue. The practice of acting shows that it depends on the skill of managers at the aforementioned middle and lower levels

to achieve a balance between the need to respect the principle of single leadership (that employees receive orders from only one superior person) and the reality that imposes limitations on its application. This example also affirms the postulate that managerial success is conditioned, among other things, by their skill in navigating situations, as mentioned, in which there is no theoretical and normative orientation on the manner of acting.

Making decisions and communicating them to subordinates is also part of the process function of command. Some authors believe that decision-making is one of the functions of management. They do not define it as a part, an element of the ordering process function, but as a separate function. Most authors do not emphasize positioning decision-making as a separate function or as part of the command function. As a rule, it is only emphasized that decision-making is the essence of management. This issue is extremely common in the literature. The decision-making process in the prison system is an important part of this procedural function. It is not considered in this article due to its limited scope.

In theoretical considerations, as well as in practice, *the mainstream is affirmed*, which omits ordering as a process function, and instead promotes leading (English leading). Leading is a permanent and recently increasingly important management function.

"In their work, Sikavica and Bahtijarević-Šiber (2004) did not exaggerate when they called leadership the most important function of management, since success does not depend to such an extent on any other function." (<http://hrcak.srce.hr/file/118114>) In a simplified sense, it is the process of motivating members of an organization to achieve defined organizational goals. Due to the emphasized importance of motivation, this function is also called leading and motivating. Leading is based on interpersonal relationships. It is a process of influencing others to shape their behavior. Leading is the performance of tasks and tasks exactly as planned by the manager. The process of leading includes communication and motivation. It is the skill, the ability of managers to convince subordinates to work with enthusiasm. It represents a cohesive factor of the organization that motivates employees to perform their work duties with dedication. (Šimić, 2019: 62)

The translation of leading to the term leadership causes confusion in theory and practice due to the frequent replacement of leadership with the word leadership, and leads to a dilemma as to whether one means leading or management. This tendency is caused by the justified attitude that the word "management" is more suitable for the Croatian language in relation to management. In addition, there are certain ambiguities and the term *leadership*, which is often used without

translation. This English word is most often translated as business management or leadership. It is best to use it in its original form. The basic, essential difference between these two terms is that when using the term *leading*, it refers to the process function of leadership, and when using *leadership*, the emphasis is on considering the role of the leader in that process.

Guidance is an integral part of the process function of ordering and, as already emphasized, this part cannot be a substitute for its entirety. This attitude is most evident in looking at the connection between the functions of command and control. It can be seen most concretely on the example of managerial responsibility (commanders in the army and police). It is not enough just to issue a work order, an order. It is necessary to monitor its implementation in several ways that depend on the specific situation. These ways can be asking for reports, direct insight, asking for information from both subordinates and superiors to the manager being controlled, supervised and others.

Managerial responsibility is not related to the responsibility of managers for implementing the sub-function of leadership. In the prison system, as in others, it is most often actualized and becomes available to the public in cases of major abuse of authority by employees, prisoner escapes from penal institutions, etc. In such cases, the responsibility of administrators and managers is reviewed as to whether they monitored the implementation of their decisions, work orders, and instructions by subordinate managers or employees who are directly responsible for a specific event (prisoner escape, etc.).

The aforementioned critical reflection and questioning of *leadership* it is not intended to ignore theoretical works on leadership. On the contrary, they need to be studiously studied and respected with the aim of understanding leadership as a sub-function, an integral part of the process function of ordering.

The specificity of the prison system is reflected in the fact that it not only motivates and encourages employees to do their best in the interests of the system. It also applies to prisoners in terms of encouraging and motivating them not only to try to comply with the provisions of the penal institutions' house rules and to participate as enthusiastically as possible in resocialization programs, but also to a certain extent to participate in decision-making on certain issues.

4. COORDINATION

Regarding coordination as a process function in theoretical considerations, the views are divided on its acceptance or denial. Authors who deny it believe that it cannot be considered a special function considering that coordination is necessary

in the entire managerial process. (Stojanović, 2015: 18) This point of view is unsustainable, for example, control is also necessary in the entire managerial process, but its denial is not questioned.

Coordination consists of the interconnection, harmonization of all activities and efforts in an organization. Authors who consider it a separate function emphasize that it represents the essence, the essence of management. This function is especially important in the management of the security system, which is classified according to the location of application into military, police, security services, security activities, as well as the prison system. In the introductory part of the article, it was already mentioned that the prison system is also an institution of the security system.

Among the authors who emphasized the importance of coordination, Oliver Bakreski stands out. The mentioned author undeniably clearly presented the analysis of this important function of safety management. (Bakreski, 2008) In that analysis, it was explained that coordination enables a dynamic balance between subjects of the security sector through the mutual relations of their components and that it is carried out by separate parts or individuals through their activities. Also, the author states that in most cases the role of coordination belongs to the top management in an institution and that it represents one of the most important managerial functions.

Coordination represents an important dimension of management, some authors consider it to be its essence, being whose purpose is to achieve harmony between individual activities in order to achieve the goals of organizations and systems. Each of the managerial functions contributes to coordination. These functions are mutually conditioned and connected that it is almost impossible to make a clear differentiation between individual managerial functions, such as in the relation of coordination to other process functions. The aforementioned conditionality and connection affirms the point of view that the grouping of related activities into separate managerial functions is primarily aimed at understanding the content of managerial functions.

Establishing a coordination mechanism can be achieved in several ways, among which coordination is highlighted through: hierarchy; rules, programs and procedures; freedom of decision-making directed by planning or professional ethics; reducing the scope of management and leadership ... It can be stated that the ways of establishing coordination are numerous. It is not possible to consider this complex issue within the scope of this article.

Coordination is carried out by managers at all levels. There are two basic types of coordination: the first, at the management level, and the second, at the leadership level. In the prison system, there is also a distinction, as the first, between coordination at the management level. Starting from the position that

there is a difference between the management of the prison system and that which is carried out in the system itself (Šimić: 2023: 108), it can be divided into two subtypes: the system management level and that which is carried out in the system. The second is at the management level, which is carried out at the management level of the institutions of the prison system.

There are different opinions in the literature about how many types of coordination are present today. Most often, three basic types of coordination are identified: 1. vertical, 2. horizontal and 3. lateral (side) coordination. (Sandić, 2019: 15) The vertical dimension of coordination is characteristic of the exchange of information between different hierarchical levels. The horizontal dimension of coordination is characteristic of the exchange of information between entities that are at the same hierarchical level. (Janković, 2018: 13) Oliver Bakreski calls lateral coordination diagonal. In his view, it occurs and is carried out between different levels of the institution's function. This coordination refers more to informing, providing support, suggesting ideas or cooperation between different parts of the organization that are not horizontally or vertically connected, but are in functional relationships. (Bakreski, 2008: 63, 64)

Coordination can be divided according to organizational and formal characteristics. In the organizational sense, it can be internal or external. (Janković, 2018: 13) According to the formal characteristics, it can appear as: directing work, cooperation, unifying work, joint work, assistance and cooperation (coordinated, concerted action). According to certain characteristics, it can be divided into coordination according to place, time and task. (Sandić, 2019: 22) According to the process in which it can be carried out, there is coordination: within the institution, with the social environment, superior bodies and institutions, with similar institutions from abroad. (Bakreski, 2008: 64)

Of the above types of coordination for the prison system, the most important are: vertical, horizontal, diagonal, internal and external and with the social environment. The essence of vertical coordination is the harmonization of tasks and goals between higher and lower organizational levels, for example, between departments and sections in penal bodies of the prison system. In it, a higher-level manager unifies the tasks at lower levels within one organizational unit. This achieves the integration of goals between superiors - department heads and subordinates - section heads.

Horizontal coordination implies synchronization of activities at the same organizational level. For example, in penal institutions of the prison system, it is manifested by synchronization between heads of departments, as well as sections. Practice has shown that it is most significant between heads of security and treatment departments. A number of authors believe that true horizontal coordination is the one established in a military organization. In it, executives of

the same level or rank (rank) synchronize joint activities through mutual communication. The starting point is the position that the commander should not be burdened with all the problems of the functioning of a part of the military organization, especially if they can be solved at the same hierarchical level. (Bakreski, 2008: 63).

As already mentioned, diagonal (lateral) coordination is achieved between different parts of the organization that are not horizontally or vertically connected, but are functionally connected. In the prison system, it is implemented through functional relationships that are established between the heads of the Central Office sector and the heads of the departments of the penal institutions. For example, the head of the Treatment Sector directs the work of the heads of the treatment departments of the penal institutions through oral and written instructions. Which of these three types of coordination will be dominant in the prison system depends on the need for coordination itself. Consideration of other types of coordination goes beyond the scope of this article.

5. CONTROLLING

Controlling builds on the previous functions. The task of this function is to check the activities carried out, in order to determine whether they were carried out in accordance with the plans. If there are certain deviations, it is necessary to correct the errors in order to meet the desired goals. It can be said that the control function measures and corrects the activities carried out. Although controlling is the last function of management, this does not mean that it is less important than the

previous ones. It must not be omitted, and in order for everything to function successfully in the end, the manager must control the activities carried out in a timely manner. The goal of this function is to ensure that everything functions according to plan, and it begins the moment the plan is completed, because only then does the control of the activities carried out begin. (Brčić, 2020: 16)

The control function refers to determining the realization of goals. Within this process, the achieved results are compared with previously defined plans that serve as standards for measuring the degree of their realization. In doing so, deviations from the plans can be determined, which implies the design of corrective activities. (Rupčić, 2018: 4)

Controlling is the measurement and correction of individual and organizational performance to ensure that events are proceeding according to plan. This requires measuring performance against goals and plans, showing where deviations from standards occur, and helping to correct deviations. In short, controlling facilitates the fulfillment of plans. Strong planning must precede controlling; plans do not fulfill themselves. Managers are guided by plans in using resources to fulfill specific objectives. Activities are then checked to determine whether they are in accordance with plans. Control activities generally involve measuring achievement. The means of controlling are generally known. Each of these means measures and shows whether plans are being fulfilled. If deviations continue, corrections are needed. But what is being corrected? Activities, through people.³ In the literature, this function is also called supervision. "The last function that managers perform is supervision. To ensure that everything is going as it should, managers must monitor the performance of the organization. Actual performance is then compared with previously set goals. If there are significant deviations, it is the job of management to get the organization back on track. This monitoring, comparing, and possibly correcting the work is what is understood as the supervision function."⁴

Control is the last managerial function and it is the supervision of the activities of the organization with the purpose of keeping it on the right track in order to

³[http://www.fkn.unsa.ba/Portals/0/Nastavnici-dokumenti/Ahic/SIGURNOSNE STUDIJE I SIGURNOSNI MENADŽMNET 1.pdf](http://www.fkn.unsa.ba/Portals/0/Nastavnici-dokumenti/Ahic/SIGURNOSNE_STUDIJE_I_SIGURNOSNI_MENADŽMNET_1.pdf), p. 285

⁴<https://www.mojposao.ba/#!/home;postId=1201> MojPosao.ba - Management Functions

achieve its goals. It includes three steps, namely setting the standard, measuring the achieved results and eliminating deviations. The most desirable is preventive control, followed by ongoing control, and the least effective is subsequent control. (Stojanović, 2015: 19)

Control consists of checking that everything is proceeding according to the outlined plan, given instructions and set standards. The control procedure monitors the efficiency of the organization's processes, which allows for timely response. In the past, external control prevailed, while today internal control (within the organization itself) is more prevalent. Today, employees themselves improve their own procedures in order to achieve the organization's goals as successfully as possible. Control analyzes deviations from the outlined plan and provides insight into them, as well as into the weaknesses of the organization's operations. Control must be the driving force of employees on important problems, both those that currently hinder the execution of the plan and those in the future. Control is the final function that occurs only when the first four functions are completed, and is performed at all levels of management in all types of organizations. Planning and control are two inseparable functions of management. Without planning, control is meaningless, and vice versa, without controlling, planning is useless. Also, without the control function, the work of management would be ineffective. (Dragić: 2019: 7, 8)

Control enables the efficient functioning of any organization through the comparison of planned and realized. The control system must be closely connected with the elements of the planning function in the organization. Control as a process is required to function continuously, given that it determines the validity of the achieved output results of the planning process. The basic sense of control is to bring the activities within the limits of the plan, based on the available forces and resources, through the intervention of the management, through the management function, based on established, permitted or impermissible deviations from the plan. (Cogoljević, Andrejić, Gligić Savić, 2017: 412)

Control consists of insight into the situation and constant supervision that everything is executed in accordance with the set plan and the orders and instructions of superiors in the organization. The control function consists of activities and standards for orderly execution of work, measurement of results and evaluation of completed work. It means measuring and correcting the actions of subordinates, in order to ensure the realization of plans. Control must be standardized, efficient and coordinated.

Control systems only make sense if they encourage managers and other employees to behave the way they want, that is, to take corrective actions. The fact that people in principle do not like control represents a problem for managers to face, and the success of the entire control process largely depends on its solution. (Cogoljević, Andrejić, Gligić Savić, 2017: 423)

It has already been mentioned that control can be external, external, and internal, internal. These two types of control are particularly important for the prison system. External control is important, according to some authors it is of fundamental importance. All institutions managed by the state, or managed on behalf of the state, must be subject to public control. This is especially important in the case of prisons due to their coercive nature. Since ordinary members of civil society cannot easily discover what is happening behind the high walls and fences of a prison, there needs to be a system of supervision that will check that everything is as it should be. (Coyle, 2002: 142)

The external control of the prison system carried out by the Parliament of the Republic of Croatia, the Ombudsman and the courts is not represented by control as a process function of the prison system management, but rather by the Central Office over the work of penal bodies and the diagnostic centre. Internal control is carried out within all individual institutions of the prison system, starting from the Prison System Administration and ending with the Central Office, penal bodies and the diagnostic centre. It can be clearly seen that the external process function of control in the management of the prison system is carried out at the level of system management, and the internal one at the level of management of the prison system institutions.

The Ordinance on Professional Supervision in the Prison System (Official Gazette, No. 137/2021) prescribes the manner of conducting professional supervision in the prison system (penalties, prisons and centers), the persons authorized to conduct professional supervision, and the types and content of professional supervision. According to Article 2 of this Ordinance, "The main objective of professional supervision is to ensure: the legal and proper performance of the tasks of executing prison sentences and other criminal law measures and sanctions, and other tasks performed by penitentiaries, prisons and centers, the proper application of the Act on the Execution of Prison Sentences and the subordinate regulations adopted pursuant to it, and other regulations that penitentiaries, prisons and centers apply in their work and procedures, the improvement of the performance of the tasks of penitentiaries, prisons and centers, and the increase of the efficiency and uniformity of their work and procedures."

The aforementioned Ordinance implements the external process function of control in the management of the prison system. It has already been stated that

internal control is carried out within the framework of all individual institutions of the prison system. At the level of these institutions, their leaders are the most responsible persons for implementing control in them. In addition to them, it is also carried out by the managers of the organizational parts of the institutions of the prison system.

FINAL CONSIDERATIONS

It can be concluded that the theoretical and practical goal of the article has been achieved. From a theoretical perspective, elements are given that reaffirm the process functions of management defined by Henri Fayol. The significance of the raised question for profiling the theory of prison system management is unquestionable. Given the complexity and importance of the topic under consideration, the article aims to initiate discussion and further more complete research. The practical goal is to affirm the theory in the practice of prison system management. The goal is also to encourage employees of this system to study the theory in terms of their continuous education and professional development. In the broadest sense, the practical goal is to emphasize the significance of the theory of prison system management.

The presented positions indicate the breadth of the range of issues that arise when considering the process functions defined by Fayol. Their connection was pointed out. The article is focused on considering the application of these procedural functions in the prison system. There is not a single theoretical source that can be recognized as mainstream in which this question has been considered. The main goal of the article is to initiate a discussion, further more complex and studious research on this topic, which would result in acceptance, correction or rejection of the proposed reaffirmation of Fayol's definition of process functions. The pretensions of the author of the article are not to provide complete answers to this extremely important question, but, as already emphasized, to initiate a wider discussion and research on this topic that can provide elements for the development of the theory and practice of management not only of the prison system, but also of the security system.

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Operativna upotreba OSINT-a u istraživanju organiziranih kriminalnih grupa

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SAŽETAK

Organizirane kriminalne grupe (OKG) predstavljaju značajnu prijetnju nacionalnoj i međunarodnoj sigurnosti, zahtijevajući prilagodljive i inovativne pristupe u njihovom istraživanju. U ovom radu istražuje se uloga OSINT-a (Open Source Intelligence) kao ključne metode prikupljanja i analize podataka iz javno dostupnih izvora u kontekstu borbe protiv navedenih aktera. OSINT omogućava efikasno prikupljanje informacija o članovima OKG-a, njihovim aktivnostima i mrežama bez fizičkog izlaska na teren, čime se minimiziraju operativni rizici. Korištenjem društvenih mreža, digitalnih forenzičkih podataka i drugih otvorenih izvora, istražitelji mogu pratiti komunikacije, geolocirati aktere i analizirati obrasce ponašanja kriminalnih grupa. Kroz hipotetički primjer rad ukazuje na važnost OSINT-a u bržem donošenju operativnih odluka i razvoju strategija za neutralizaciju kriminalnih aktivnosti. Cilj istraživanja je razviti operativni model primjene OSINT-a u slučajevima organiziranog kriminala, uz isticanje njegovih prednosti i izazova. Zaključak naglašava važnost unapređenja vještina istražitelja u korištenju OSINT alata, kao i potrebu za jasnim okvirom za upotrebu.

Ključne riječi: OSINT, organizovane kriminalne grupe, digitalna forenzika, operativni modeli.

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UVOD

Istraživanje organiziranih kriminalnih grupa² je oduvijek predstavljalo značajan izazov i problematiku za državne agencije i službe za provedbu zakona. Evolucija i prilagodba organiziranih kriminalnih grupa (u nastavku teksta OKG) je usloвила i prilagodbu prethodno navedenih agencija i službi koje se u značajnoj mjeri oslanjaju na obavještajni rad. Također, značaj i uloga modernih tehnologija, kao i društvenih mreža koje su neizostavni dio čovjekovog života, omogućavaju efikasnije prikupljanje operativnih podataka koji služe kao podrška istragama. U tom kontekstu, OSINT (Open Source Intelligence) – prikupljanje obavještajnih informacija iz otvorenih, javno dostupnih izvora – postaje sve značajnije sredstvo. OSINT se ističe kao ključni segment savremenog obavještajnog rada zbog mogućnosti brzog, jeftinog i širokog pristupa informacijama koje su od kritične važnosti za identifikaciju i analizu bezbjednosno interesantnih aktera. Uloga OSINT-a u rješavanju cyber kriminala i organiziranog kriminala sve je više prepoznata u novijim istraživanjima (Kao, Chao, Tsai, & Huang, 2018). Na primjer, OSINT bi mogao povećati tačnost krivičnog gonjenja i hapšenja krivaca pomoću okvira poput onog koji su predložili Quick i Choo (Quick & Choo, 2018). Takvi okviri osiguravaju ne samo strukturiran pristup analizi, već i integraciju podataka koji dolaze iz različitih izvora, čime se omogućava sveobuhvatan pregled kriminalnih aktivnosti i povezivanje naizgled nepovezanih informacija. Konkretno, autori primjenjuju OSINT na digitalne forenzičke podatke raznih uređaja kako bi poboljšali analizu kriminalističko-obavještajnih podataka (J. Pastor-Galindo, 2020). Kako bi se riješile dileme u razumijevanju i prevođenju termina *intelligence* na B/H/S jezike, u ovom radu će on imati kontekst *obavještajne informacije* koju čini analitički obrađen podatak³ i informacija⁴ kako bi se osigurala precizna terminološka jasnoća. OSINT ima dugu historiju i njegov početak se veže za Drugi svjetski rat i evidentiranje

² OKG u ovom radu prate definiciju UNDOC-a koja glasi: „strukturirana grupa od tri ili više osoba koja postoji u određenom vremenskom periodu, čiji članovi zajednički djeluju u cilju izvršenja jednog ili više teških zločina ili krivičnih djela, u cilju sticanja direktne ili posredne finansijske ili druge materijalne koristi.“

³ Podatak je činjenica predočena u određenom formatu – riječ, slika, broj, znak, slovo i tako dalje.

⁴ Informacija je logički povezana skupina podataka koja ima određeno značenje.

protivničke propagande koja je dolazila iz tradicionalnih medija. Danas, OSINT ima značajnu primjenu u obavještajnom radu (vojnom, civilnom, cyber) i služi kao bitan element dolaska do informacija o stanju i procesima bitnih za nacionalnu sigurnost (DHS, 2022). Kompleksnost istraživanja i procesuiranja OKG nalaže i upotrebu adekvatnih obavještajnih metoda kao što su OSINT, HUMINT, SIGINT i tako dalje. OSINT za razliku od ostalih metoda omogućava dublju analizu digitalnog i društvenog okruženja bez nužnog oslanjanja na terenski rad i izlaganju opasnosti. Osim toga, OSINT kao metoda omogućava objektivno istraživanje bezbjednosno interesantnih aktera bez izlaska na teren jer se zasniva na verifikaciji i analizi podataka iz javno dostupnih izvora. U istraživanju OKG i njihovih članova koriste se otvoreni izvori kao što su društvene mreže na kojima akteri mogu ostaviti značajan broj podataka i informacija, kao što su fotografije, video snimke, objave i tako dalje. Predmet ovog istraživanja je analiza upotrebe OSINT-a kao obavještajne discipline u otkrivanju, identifikiranju, praćenju i dokumentovanju aktivnosti organiziranih kriminalnih grupa. Kao osnovni cilj rada se nameće razvoj operativnog modela plana primjene OSINT aktivnosti u slučajevima istraživanja organiziranih kriminalnih grupa i pojedinačnih bezbjednosno interesantnih aktera. Svrha ovog istraživanja se ogleda u nedovoljnoj istraženosti i marginalizaciji operativne primjene OSINT-a u istraživanju organiziranih kriminalnih grupa, jer su se dosadašnja istraživanja usmjeravala samo na definisanje pojma.

1. Teorijski i praktični koncept OSINT-a

Širenjem i razvojem cyber prostora kao nove domene ljudskog života, omogućeno je obavještajno djelovanje i prikupljanje podataka i informacija. Kada se govori o otvorenim izvorima, oni u tradicionalnom smislu obuhvataju bilo kojeg nosača informacije – audio, video, foto ili tekstualni zapis. Cyber prostor kao domena je omogućila jednostavniji pristup podacima i informacijama, pri čemu je provođenje istrage pojednostavljeno i olakšano. Definisanje OSINT-a se zasniva dolasku do traženih informacija iz javno dostupnih izvora, te s obzirom na mnoštvo definicija različitih državnih i nedržavnih aktera, kao osnova će se koristiti ona koju je dao Ured direktora nacionalne obavještajne službe (ODNI) Sjedinjenih Američkih Država. ODNI (2011) OSINT definiše kao *obavještajne podatke proizvedene iz javno dostupnih informacija koje se prikupljaju, iskorištavaju i blagovremeno distribuiraju odgovarajućoj publici u svrhu ispunjavanja specifičnih obavještajnih zahtjeva*. Kako navodi Baker (2023), javno dostupne informacije su bilo koji podatak koji je dostupan javnosti bez upotrebe tajne dozvole ili upada u sistem; međutim, može uključivati i podatke koji stoje iza paywall-a kao što je pretplata na novine. Ovi podaci se mogu prikupiti s interneta, društvenih medija, mainstream medija, publikacija i pretplata, audio zapisa, slika, video zapisa i geoprostornih/satelitskih informacija i tako dalje (Baker, 2023). Pored navedenog, ODNI (2011) navodi i

takozvanu „sivu literaturu”⁵ - materijal otvorenog izvora koji je obično dostupan putem kontroliranog pristupa za određenu publiku kao i promatranje i izvještavanje⁶. S obzirom na neke ulazne podatke, zajedno sa primjenom naprednih tehnika prikupljanja i analize, OSINT kontinuirano proširuje znanje o meti (J. Pastor-Galindo, 2020). Na taj način pronađene informacije ponovo hrane proces prikupljanja kako bi se približili konačnom cilju (Williams & Blum, 2018).

Osnovni princip OSINT-a je doći do podatka ili informacije iz već postojećeg sadržaja koji se nalazi u cyber ili fizičkom domenu bez nedozvoljenog ulaska u štićene sisteme i mreže. Dakle, OSINT je čisto pasivna metoda koja ne koristi penetraciju i aktivno izviđanje (Baker, 2023). Svaki drugi ulazak u sistem ili mrežu se smatra penetracijom u štićeni sistem i ne spada u OSINT metode. Iako se alati za OSINT prikupljanje razvijaju gotovo svakodnevno, metode koje koriste sami alati mijenjaju se manje dramatično. Većina alata koristi leksičku analizu, analizu mreže, geoprostornu analizu ili kombinaciju ovih metoda za izolaciju, opisivanje i analizu podataka (Williams & Blum, 2018). Sve tri metode postojale su mnogo prije njihove primjene na sadržaje zasnovane na Internetu, ali ogromna proliferacija platformi društvenih medija i sve veća lakoća s kojom pojedinci mogu pristupiti Internetu čine to okruženje bogatim za prikupljanje obavještajnih podataka (Williams & Blum, 2018). S obzirom na digitalizaciju materijalnog svijeta, izvori su najčešće na Internetu i zahtijevaju aktivno traganje, evidentiranje i obrađivanje. U navedenom koriste se različiti elementi nosioca tražene obavještajne informacije kao što su društvene mreže, blogovi, portali, web stranice i tako dalje, na kojima se primjenjuju metode, tehnike i alati pogodni za dolazak do traženog. OSINT nije striktno upotreba alata – softvera i hardvera, već se ogleda i u logičkom povezivanju podataka i informacija, kako bi se odgovorilo na obavještajni zahtjev nadređenog. Određene istrage ne zahtijevaju tehnička znanja, već samo niz logičkih i intuitivnih koraka, dok s druge strane postoje istrage koje nalažu poznavanje mrežnih i računarskih sistema, softvera, hardvera i tako dalje kako bi se ispunili obavještajni zahtjevi. Na primjer, nadređeni može dati zadatak da se prikupe osnovne informacije o bezbjednosno interesantnom licu za koje postoji osnovana sumnja da je pripadnik OKG. Pretragom društvenih mreža kao što su Facebook, Instagram ili TikTok, može se doći do osnovnih informacija – interesi (muzika, filmovi, video igre, sportovi i tako dalje), fizički izgled kroz duži vremenski period (može se koristiti za

⁵ Kao sivu literaturu ODNI (2011) navodi: izvještaji o istraživanju, tehnički izvještaji, ekonomski izvještaji, izvještaji o putovanjima, radni dokumenti, dokumenti za diskusiju, nezvanični vladini dokumenti, zbornici, preprinti, studije, disertacije i teze, trgovačka literatura, istraživanja tržišta i bilteni. Građa u sivoj literaturi pokriva naučne, političke, socioekonomske i vojne discipline.

⁶ Informacije od značaja, koje inače nisu dostupne, a koje daju, na primjer, amaterski posmatrači aviona, radio monitori i satelitski posmatrači (ODNI, 2011).

crossreferencing sa drugim slučajevima), informacije o putovanjima, način i stil života (luksuzan, umjeren, asketski) i tako dalje. Analizom naloga na društvenim mrežama mogu da se saznaju informacije o predmetnom licu. Ukoliko je obavještajni zahtjev izazovniji – određivanje *modus operandi* grupe, potrebne su određene vještine i znanja. Na primjer, identifikacija rute kretanja krijumčara zahtjeva prethodna saznanja o kretanjima grupe ili lica, geolokaciju podataka (javno dostupne fotografije ili video sadržaja) i potvrđivanje / odbacivanje prethodne rute kretanja, vrijeme i datum kretanja, interakcije drugih naloga sa sadržajem (like, share, comment) i tako dalje. Navedeni proces je zahtjevan, haotičan i nalaže kretavino i kritičko razmišljanje.

2. OSINT i obavještajni ciklus – usmjeravajuća poveznica

Prilikom obavljanja istraga, bilo onih od nacionalnih policijskih agencija, civilnih ili vojnih obavještajnih službi ili čak privatnih istražitelja, proces spoznaje se zasniva na obavještajnom ciklusu. Navedeni ciklus originalno potječe iz Obavještajne zajednice SAD-a i ima ulogu smjernice i upute za pouzdano i ponavljajuće prikupljanje i obradu informacija kako bi se ispunili obavještajni zahtjevi nadređenog aktera. Koraci obavještajnog ciklusa su najosnovnije radnje od početnog planiranja operacije do odgovaranja na obavještajni zahtjev⁷ i osiguravanja da je odgovor integriran u operaciju (Headquarters, Department of The Army, 2023). Kao što se aktivnosti operativnog procesa preklapaju i ponavljaju kako misija zahtijeva, tako se događaju i koraci obavještajnog procesa.

Ovaj ciklus je aktivnost razvoja sirovih informacija u gotove obavještajne podatke za korištenje od strane kreatora politike, vojnih zapovjednika i drugih korisnika u donošenju odluka (ODNI, 2011). On je vrlo dinamičan, kontinuiran i beskrajan, a sastoji se od sljedećih elemenata:

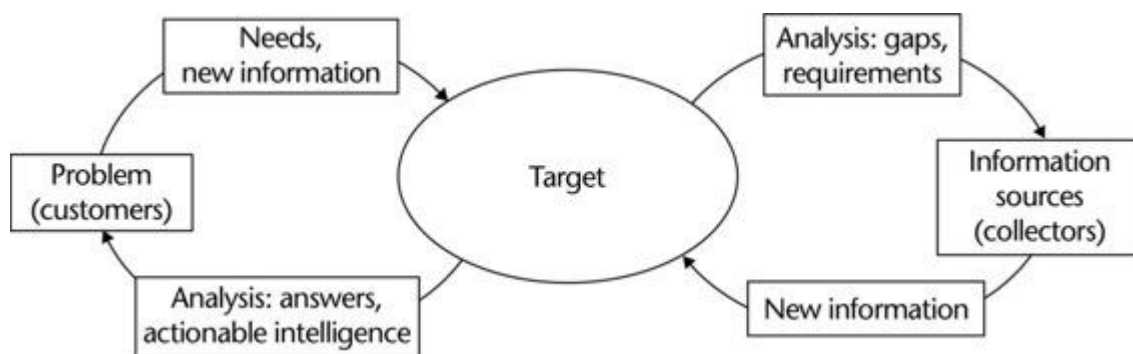
- Planiranje i usmjeravanje;
- Prikupljanje;
- Obrada i iskorištavanje;
- Analize i produkcije;
- Diseminacije;
- Evaluacije i povratne informacije.

Gotovo svi autori koji se bave obavještajnim studijama navode četiri ili više koraka, pri čemu dolazi do minornih razlika, i podkategorija u svakom koraku. Sagledavajući literaturu svaki ciklus započinje planiranjem i okončava se

⁷ Zahtjev za obavještajnim podacima je 1. Svaki predmet, opći ili specifičan, za koji postoji potreba za prikupljanjem informacija ili proizvodnjom obavještajnih podataka. 2. Zahtjev za obavještajnim podacima kako bi se popunila praznina u znanju ili razumijevanju komande o operativnom okruženju ili snagama prijetnje (JP 2-0).

diseminacijom ili povratnom informacijom u zavisnosti od autora. Na primjer obavještajni ciklus CIA-e opisuje ovaj proces kao planiranje i usmjeravanje, prikupljanje, obradu, analizu i proizvodnju i diseminaciju (CIA, 2024), dok Johnsonov Priručnik za obavještajne studije (Loch, 2006) opisuje ove faze kao prikupljanje, obradu, analizu i proizvodnju, klasifikaciju i diseminaciju. RAND također daje svoj obavještajni ciklus te ga definiše kroz 1. prikupljanje – akvizicija i zadržavanje, 2. obradu – prijevod i agregaciju, 3. iskorištavanje – autentifikaciju i kontekstualizaciju, i 4. produkciju – klasifikaciju i diseminaciju (Williams & Blum, 2018). Navedene stavke koreliraju sa pet glavnih procesa (identifikacija, prikupljanje, ispitivanje, analizu i prezentaciju, dati apstrakt) u digitalnoj forenzici koja je ključna u istraživanju organiziranih kriminalnih grupa (Kao, Chao, Tsai, & Huang, 2018).

Prilikom upotrebe OSINT-a za istraživanje specifičnog bezbjednosno interesantnog lica, potrebno je razviti model obavještajnog ciklusa koji u prvom planu ima metu – bezbjednosno intresantno lice. Obavještajna zajednica Sjedinjenih Američkih Država implementirala je koncept sličan pristupu usmjerenom na cilj. Taj koncept, nazvan "proizvodnja zasnovana na objektima" (engl. *object-based production* ili OBP), podrazumijeva organiziranje obavještajnih aktivnosti oko "objekata" (ciljeva) koji su od obavještajnog interesa (Clark, 2016). Ključna karakteristika ovog pristupa je dijeljenje ažuriranih saznanja o obavještajnom cilju putem platformi zasnovanih na oblaku. Clark (2016) je ponudio navedeni model (Ilustracija 1), pri čemu se kao osnovni elementi pojavljuju: meta, Potrebe, nove informacije, analiza: praznine, zahtjevi, izvori informacija (prikupljači), nove informacije, analiza: odgovori, upotrebljive obavještajne informacije, problem (korisnici).



Ilustracija 1 - Obavještajni ciklus fokusiran na metu (Clark, 2016)

Dijagram osigurava struktuiran i direktno orjentiran proces prikupljanja i analize informacija u vezi sa metom. Kontinuirano se daju zahtjevi, vrši provjera, verifikuje podatak / informacija. Na taj način se omogućava brzo odlučivanje na

osnovu direktnih promjena u materijalnom svijetu, kao i odgovaranje na obavještajne zahtjeve koji dolaze od donosioca odluka.

Obavještajni ciklus je bitan za aktivnosti koje se poduzimaju u OSINT-u zbog određivanja onoga šta je bitno za davatelja obavještajnog zahtjeva - subjekta koji traži informacije, te kreiranja produkta koji zadovoljava njegovu potrebu. Istraživanje organiziranih kriminalnih grupa započinje obavještajnim zahtjevom o relevantnim informacijama – kretanjima, imovini, aktivnostima, prostornoj lokaciji djelovanja, suradnicima i tako dalje. Kroz obavještajnih zahtjev postavljaju se okviri koji služe za fokusiranje istrage na određene relevantne informacije, što onemogućava besciljno lutanje ili proizvoljnost istražitelja koje kao posljedicu može imati prikupljanje podataka i informacija koje nisu od operativne važnosti. Dakle, obavještajni zahtjev će služiti istražitelju za definiranje onoga šta se treba saznati, dok obavještajni ciklus ukazuje na proces dolaska do informacija.

3. Operativna upotreba OSINT-a u istraživanju OKG

OSINT ima značajnu upotrebu u istraživanju OKG i drugih modaliteta koji ugrožavaju nacionalnu sigurnost. Iako je dugo vladalo mišljenje da OSINT nije posebna obavještajna disciplina kao što su HUMINT, SIGINT, ELITN i tako dalje, njegova primjena u istragama govori suprotno. Koncept obavještajnih podataka otvorenog koda (OSINT) je relativno nov za agencije za provođenje zakona i labavo je definiran kao obavještajni podaci prikupljeni iz javno dostupnih izvora koji ne zahtijevaju prikrivene ili tajne metode prikupljanja (Brunet & Claudon, 2015). Ovaj modalitet ima značajne operativne mogućnosti koje zavise od njegovog korisnika i aktera koji traži informaciju. Kako bi se adekvatnije razumjela operativna upotreba OSINT-a, neophodno je razumjeti upotrebne mogućnosti u različitim situacijama. Na primjer, svaka operacija u kojoj se nadzire bezbjednosno interesantno lice započinje prikupljanjem podataka o njemu, analizom navedenih podataka, te kreiranjem izvještaja. S obzirom na dinamičnost i promjenjivost situacije, javljaju se situacioni problemi i izazovi, čije je rješavanje prepušteno istražitelju. Shodno tome, upotreba OSINT-a u istraživanju OKG je dinamičan proces koji primarno zavisi od kreativnosti, sposobnosti i vještina analitičara, kao i njegovog fokusa na ispunjavanje obavještajnog zahtjeva.

3.1. Prikupljanje, kategorisanje i primarna obrada podataka bezbjednosno interesantnog lica

Društvene mreže u modernom vremenu su postale vrijedan izvor informacija i imaju operativnu primjenu u istragama OKG, naročito onih grupa koje posjeduju

veoma nisku ili nepostojeću OPSEC⁸ kulturu. Kao primjeri i vrste društvenih mreža mogu se navesti sljedeće: kolaborativni projekti (npr. Wikipedia); blogovi i mikroblogovi (npr. Twitter /X); zajednice sadržaja (npr. YouTube); stranice društvenih mreža (npr. Facebook); virtualni svijetovi igara (npr. World of Warcraft); i virtualni društveni svjetovi (npr. Second Life) (Kaplan & Haenlein, 2010). Određivanje koja će društvena mreža biti određena za prikupljanje podataka zavisi od lica koje ima otvoren nalog na navedenoj društvenoj mreži. Za neka krivična djela (kao što su prijetnje ili uvredljivi komentari,¹⁰ ili prijevara) materijal 'otvorenog koda' kao što je Twitter (druga vrsta društvenih medija (Kaplan & Haenlein, 2010)) može sam po sebi biti prima facie dokaz krivičnog djela (Sampson, 2016). Za druga krivična djela kao što je krijumčarenje ljudi, mogu se koristiti druge društvene mreže poput TikToka na kojima je evidentan broj krijumčara afro-azijskog porijekla koji promoviraju svoje usluge⁹. Druge društvene mreže, kao što je Instagram, mogu poslužiti za evidentiranje života – kretanja, boravka i drugih aktivnosti pripadnika organiziranih kriminalnih grupa koji često objavljuju sadržaj o svom luksuznom i raskošnom životu, što predstavlja važan izvor podataka i informacija.

Aktivnosti identifikacije bezbjednosno interesantnih lica započinje obavještajnim zahtjevom za identifikaciju i eventualno lociranje. U određenim slučajevima mogu postojati generalijski podaci lica, kao i njegova fotografija što značajno ubrzava istragu. U slučajevima kada postoji fotografija lica i indicije koje ukazuju na njegovo kretanje i geolokaciju, web pretraživači poput Google i Yandex-a, kao i mnogobrojni alati (Tabela 1) predstavljaju značajnu pomoć.

Tabela 1 - Lista alata za pretragu fotografija

Alat	Opis
Berify	Reverse image pretraga za pronalazak ukradenih slika i videozapisa.
Bing Image Search	Bingova stranica za reverse image pretragu.
Eagle Eye	Pregledava društvene mreže za postavljenu sliku.
Geospy	Pokušava locirati gdje je slika snimljena koristeći AI.
Google Image Search	Googleova stranica za reverse image pretragu.

⁸ Operativna sigurnost (OPSEC) predstavlja koncept zaštite vlastitih aktivnosti od protivnika. Nekada to označava neobjavljivanje sadržaja koji se može dovesti u vezu sa licem, dok u drugim slučajevima isto nalaže upotrebu kompleksnih sistema koji skrivaju identitet aktera i omogućavaju da aktivnosti, procesi i akteri ostanu neprimijećeni i neidentifikovani.

⁹ Navedeno je evidentno pretraživanjem društvenih mreže korištenjem različitih tagova kao što su migration, western balkan, refugees i tako dalje. Postoje i određene chat grupe na sms servisima poput WhatsAppa, Telegrama, Discorda, Vibera i ostalih. Razlozi za veliki influks migranata a-a porijekla je destabilizacija Bliskog istoka, naročito Levanta i Afganistana, što je povezano sa političkim previranjima u navedenom regionu.

Osint Combine	Alat za poboljšanu reverse image pretragu s tabelarnim rezultatima iz Googlea i Yandexa.
Tineye	Reverse image pretraga za pronalazak gdje se slike pojavljuju na internetu.
Yandex Image Search	Yandexova stranica za reverse image pretragu.

Navedeni alati nisu jedini i postoji mnoštvo drugih koji se koriste, neki su besplatni, a neki ne. Proces pretrage može započeti i na nalogu suradnika i fotografije na kojoj se nalazi lice od interesa. Daljim pretragama i dolaskom do profila lica od našeg interesa, započinje se proces prikupljanja podataka. Navedeni podaci se mogu svrstati u kategorije pogodne za daljnju analizu (Tabela 2).

Tabela 2 Kategorije podataka potrebnih za analizu – operativni karton

Kategorija	Detalji	Značaj
Podaci korisniku	- Zvanično ime i prezime - Korisničko ime na društvenoj mreži (@username) - URL profila - Datum rođenja - Mjesto rođenja - Obrazovanje - Zaposlenje/pozicija - Mjesta boravka - Kontakt informacije - Porodica/odnosi - Životni događaji - Biografija - Profilna fotografija - Ostale fotografije korisnika	Fokusira se na osnovne podatke dostupne na profilu potrebne za poduzimanje daljih radnji. Iz navedenog se kreira dosije lica te pronalaze elementi pogodni iskorištavanju.
Profilna slika	- Opis profilne slike (lica, simbol, objekt) - Identifikacija fizičkih karakteristika (boja kose, tetovaže, itd.) - Provjera autentičnosti (AI alati za analizu slika)	Analizira profilnu sliku za identifikaciju ili verifikaciju prethodno dobijenih podataka.
Veze korisnika	- Prijatelji - Porodica - Kolege - Članstva/grupe	Omogućavaju mapiranje društvene mreže subjekta, identifikaciju bliskih kontakata i potencijalnih saradnika ili članova OKG-a.

Interakcije korisnika	- Sviđanja - Emojiji - Komentari - Lista prijatelja/pratelja - Članstva u grupama ili stranicama - Često komentirani ili spominjani profili	Pruža uvid u društvenu mrežu i povezane osobe kako bi se razvila socijalna mapa.
Sadržaj objava	- Kontekst (posao, zabava, itd.) - Vrste sadržaja (tekst, slike, video) - Lokacije - Prijatelji/porodica - Lični podaci - Navike (pušenje, konzumacija alkohola, upotreba droga, fitness, video igre, sportovi) - Hobiji	Identificira teme interesa i moguće veze s određenim aktivnostima za dalje iskorištavanje i razvijanje toka akcije.
Medijski sadržaj	- Fotografije korisnika - Identifikacione karakteristike (boja kose, tetovaže) - Fotografije s identifikatorima lokacije - Navike (pušenje, konzumacija alkohola, upotreba droga) - Lokacija - Prijatelji/porodica - Hobiji	Pruža vizualne i geolokacijske informacije za fizičku identifikaciju, praćenje aktivnosti i analiza ponašanja subjekta.
Meta podaci	- Lokacije - Vrijeme - Datumi - Korištene platforme - Korišteni uređaji	Pomaže u praćenju vremena, lokacija i korištenja društvenih mreža.
Analiza tijela	- Rane na tijelu - Ožiljci - Tetovaže - Invaliditet - Bolesti - Promjene na koži	Navdene stavke pomažu u mogućem identificiranju lica ukoliko je učestvovalo u nekom za istražitelja intresantnom događaju. Rane na rukama mogu ukazivati na fizički sukob ili povredu nastalu udarcem u staklo i tako dalje. Specifične rane ili invaliditeti mogu ukazati na nestručno rukovanje priručnim sredstvima (detonatori, eksplozivi i tako dalje).

Nakon prikupljanja navedenih stavki, započinje se sa analiziranjem podataka i utvrđivanjem određenih veza koje ispunjavaju obavještajni zahtjev poput kretanja bezbjednosno interesantnog lica, uvida u suradničku mrežu, utvrđivanja imovine koju posjeduje, te informacija koje su potrebne za izvršenje određenih operativno – taktičkih radnji. Prema učestalosti posjećivanja određenih lokacija (metapodaci o lokaciji, vremenu i datumima), mogu se kreirati obrasci ponašanja i dati okviru za vođenje posebnih istražnih radnji. Zbog velikog broja podataka koji se nalaze na društvenim mrežama (pratitelji, prijatelji, lajkovi i tako dalje), poželjno je koristiti takozvane *data scrapere*¹⁰, naročito one razvijene u vlastitoj agenciji / službi.

Kada je obavljeno prikupljanje podataka, započinje se sa njihovom obradom i kreiranjem analize. U ovoj fazi, sirovi podaci poput generalijskih informacija, metapodataka, lokacija i drugog, dobijaju svoj značaj. Obrada se može promatrati kroz sljedeće stavke:

- verifikacija već dobijenih podataka (generalijski podaci, fizički izgled, lokacije, suradnici i tako dalje),
- kategorizacija podataka po njihovom značenju i operativnoj upotrebljivosti (generalijski podaci *versus* podaci o suradničkoj mreži),
- struktuiranje podataka kroz kreiranje veza, identifikacija učestalih obrazaca ponašanja (posjećene lokacije, vrijeme obavljanja aktivnosti, prisustvo događajima, osobe sa kojima se najčešće komunicira i tako dalje),
- razumijevanje konteksta (povezanost sa kriminogenim licima i događajima),
- svrha objave (šta želi da se postigne – prezentiranje luksuznog života, zastrašivanje, pronalazak saradnika),
- mjesta djelovanja i sastajanja sa drugim bezbjednosno interesantnim licima),
- identifikacija ključnih aktera – saradnici i ostali članovi,
- kreiranje izvještaja (odgovori na obavještajni zahtjev i usmjeravanje donosioca odluka prema novim tačkama interesa),
- poduzimanje operativno – taktičkih mjera i radnji (racija, nadzor telekomunikacija, praćenje, lišenje slobode i tako dalje).

Navedena obrada je potrebna zbog povezivanja nasumičnih podataka u jednu koherentnu cjelinu. Fotografija lica ne daje mnogo informacija, međutim, njeno povezivanje sa mjestom, datumom i vremenom fotografisanja, kontekstom i

¹⁰ Navedeno su programi i skripte koje izdvajaju određenu vrstu podataka sa web izvora.

moćnim predmetima /osobama na njoj, usmjerava istragu. U toku navedenog postupka, potreban je fokus na detalje koji mogu ukazati na naizgled nepostojeće veze i odnose.

3.2. Analiza naloga na društvenim mrežama članova OKG i izvođenje zaključaka

Nakon što su prikupljeni i kategorisani podaci, te obavljena primarna obrada podataka u koherentnu cjelinu, potrebno je započeti sa analizom naloga. Društvene mreže su značajan pokazatelj života određene osobe i kao takve se trebaju u potpunosti iskoristiti. Posljednjih godina, sa napretkom velikih podataka i tehnika rudarenja podataka, istraživačka zajednica je primetila da otvoreni podaci predstavljaju moćan izvor analize društvenog ponašanja i dobijanja relevantnih informacija (Chen, Chiang, & Storey, 2012). Uvid u naloge na društvenim mrežama istražitelju može dati značajne informacije o predmetnom licu koje se mogu koristiti za dalje planiranje aktivnosti. Naravno, postoje izuzeci i outlieri koji navedenu tezu mogu osporiti, ali prosjek nalaže upotrebu analitičke matrice i zaključivanja. Također, varijable kao što su godine, spol, kulturološki i etnički faktor, hijerarhijski status u grupi, prethodno iskustvo, kognitivne sposobnosti, duševne bolesti i psihofizičko stanje mogu utjecati na prikupljanje informacija. Različiti tipovi ličnosti mogu utjecati na jednostavnost i brzinu prikupljanja podataka i informacija, te kreiranju analiza. Navedni tipovi nisu predmet razmatranja, te se u korist argumenta daje jednostavan primjer operativnog postupanja. Kao hipotetički primjer se može koristiti visokopozicionirani mladi pripadnik OKG koji na društvenim mrežama često prezentira svoj luksuzni život. Uvidom njegovog naloga na društvenoj mreži kao što je Instagram koju češće koriste milenijalci¹¹ i Gen Z¹² za razliku od generacije X ili baby boomera, mogu da se identificiraju sljedeće varijable:

- a) Način života – luksuzan, umjeren, asketski;
- b) Socijalna povezanost – velika, srednja, niska;
- c) Aktivnost na društvenoj mreži – velika, srednja, niska;
- d) Interesi i sviđanja;
- e) Direktne veze sa drugim bezbjednosno interesantnim licima;
- f) Mentalno stanje;

Navedeno predstavlja pojednostavljen proces prikupljanja informacija iz otvorenih izvora što služi za dubinsku analizu. Uvidom u stavke kao što je na

¹¹ Demografska skupina rođena od 1981. do 1996. godine, naslijedila demografsku skupinu Gen X. Nekada se naziva i Gen Y.

¹² Demografska skupina rođena od 1997. do 2012. godine, naslijedila demografsku skupinu Gen Z.

primjer luksuzan način života i značajna socijalna povezanost, mogu da se traže indicije o djelovanju grupe i uloge pojedinca u njoj.

a) Način života – različiti tipovi ličnosti nastoje da prezentiraju svoj relani život širem auditorijumu putem društvenih mreža. Za navedeno su najadekvatniji Instagram, TikTok i Facebook koji su zasnovani na upotrebi fotografija i video snimaka kao medijuma prenošenja informacija. Pripadnici OKG, odnosno općenito kriminogene osobe, često zbog potrebe za validacijom (Reid, 2023) nastoje da prikažu svoj raskošan i luksuzan život, kao i pristup resursima (novcu) ili kroz prezentaciju resursa nastoje da ostvare socijalne veze. Prikupljanjem i analizom fotografija sa društvenih mreža, primarno Instagrama koji je popularan kod Gen Y i Z, mogu da se uvide sljedeće stavke koje život mogu klasificirati kao luksuzan, umjeren ili asketski:

- Odjeća – da li su u fokusu skupi brendovi ili odjeća nove mode. Pažnja se treba usmjeriti i prema specifično namjenjenoj odjeći – odjeća za planinarenje, taktička odjeća, sportska odjeća;
- Uređaji – da li lice koristi najnoviji model telefona prilikom slikanja (selfie pred ogledalom) ili je u pitanju stariji ili flagship model. Fotografiranje igračih konzola, *high spec* računara i slično ukazuje i na mogućnost ulaganja novca u sisteme za zabavu i njihov značaj kao sredstva zabave;
- Nakit – može ukazati na pristup resursima ili nedostatak isti ukoliko se koriste replike ili plagijati luksuznih brendova.
- Prevozna sredstva – da li se lice slika u automobilima visoke vrijednosti, ima li pristup drugim prevoznim sredstvima koja signaliziraju pristup resursima – avioni, helikopteri, jahte;
- Putovanja – da li lice često putuje, na koje destinacije, koliko dugo i gdje tačno boravi – hoteli i drugi smještaji. Zaključuje se na osnovu tagova i datuma objave. Može da se koristi za crossreferencing za određene događaje – nesuspješne atentate, sastanke sa drugim bezbjednosno interesantnim licima i tako dalje;

Uvidom u navedene stavke, moguće je doći do zaključka da li je način života predmetnog lica luksuzan ili ne. Ukoliko lice prezentuje luksuzan život, istraga se usmjerava u legalne izvore primanja, što može ukazati na povezanost sa OKG i činjenje krivičnih djela.

b) Socijalna povezanost predmetnog lica ukazuje na njegovo mjesto u hijerarhiji i u široj zajednici. Uvid u odnos naloga koje lice prati i koji njega prate ukazuje na popularnost ili prezentnost, kao i težnje koje lice ima, na primjer privlačenje pažnje suprotnog pola. Fotografije sa drugim osobama – porodica, prijatelji, druga bezbjednosno interesantna lica mogu da posluže za usmjeravanje istrage i

povezivanje sa drugim događajima, procesima, stanjima i dešavanjima. Velika socijalna povezanost ili njeno fiktivno prezenotovanje može da se iskoristi za operacije infiltracije i evidencije ključnih tačaka u kriminalnoj mreži.

c) Aktivnost na društvenoj mreži kao što je kontinuirano objavljivanje sadržaja ili komunikacija sa *sockpuppet* nalogima, može ukazati na dostupnost lica, njegov hijerarhijski status, način života, povezanost sa drugim bezbjednosno interesantnim licima. Također, periodi bez objavljivanja sadržaja i komunikacije se mogu interpretirati kao faze planiranja ili izvođenja krivičnih djela, ili skrivanja nakon izvršenja. Upotrebom određenih alata prilikom komunikacije, moguće je odrediti geolokaciju preko IP-a¹³. Različiti nivoi aktivnosti se mogu interpretirati u skladu sa prethodno dobijenim saznanjima ili razvojem novih verzija.

d) Interesi i sviđanja ukazuju na interene osobnosti lica. Uvidom u *following/followers* listu i *lajkovane* i komentirane objave, mogu se kreirati modeli ličnosti. Pa tako, praćenje ili lajkovanje velikog broja sadržaja o određenom modelu automobila, nakita, odjeće ukazuje na preference lica o luksuzu ili težnji ka luksuzu. Također, praćenje *softcore* poronografskih sadržaja na društvenim mrežama (OnlyFans modeli i tako dalje), ukazuje na mogući promiskuitet lica ili njegova interna stanja.

e) Veze sa drugim bezbjednosno interesantnim licima ukazuju na njegovu socijalnu povezanost, hijerarhiju u grupi, popularnost, veze i tako dalje. Podaci se mogu koristiti za identifikaciju suradničke mreže i povezivanje sa prethodnim krivičnim djelima ili pretpostavke na zajedničku suradnju u budućim kriminalnih aktivnostima.

f) Određivanje mentalnog stanja i intelektualnih kapaciteta se zasniva se na analizi sadržaja koji se objavljuje i tekstu – opisu sadržaja. Na primjer, velika količina ljubavnih objava može ukazati na to da lice pati ili je u sretnoj ljubavnoj vezi. Objave o lojalnosti, motivaciji i pripadnosti grupi mogu ukazati na unutargrupne probleme. Vulgarne i provokativne objave ukazuju na određene interne procese kroz koje lice prolazi. Potrebno je obratiti pažnju i na stil pisanja koji ukazuje na nivo obrazovanja i školovanja, što može poslužiti za planiranje i izvođenje drugih operativnih radnji.

Nakon izvršene analize naloga bezbjednosno interesantnog lica, potrebno je kreirati izvještaj kojim se odgovara na prvobitno dobijeni obavještajni zahtjev koji je započeo istragu. Odgovori mogu biti pozitivni - daju odgovor, negativni – ne daju traženu informaciju i neutralni - ostavljaju mogućnost za dalje istraživanje. Nakon što naručilac obavještajnog zahtjeva dobije odgovor

¹³ Internet protokol – mrežni protokol koji koriste uređaji za prenos podataka putem interenta.

(pozitivan, negativan, neutralan), on u skladu sa daje novi zahtjev, redefiniše ili precizira prethodni. Iako je istražitelj dostavio traženo, potrebna je kontinuirana verifikacija i ukazivanje na novitete – suradnici, aktivnosti, lokacije.

3.3. Operativni problemi i nemogućnost pristupa podacima

Prilikom aktivnosti prikupljanja podataka, značajan problem za istražitelja je sami početak. Pitanje *od čega početi* zavisi od obavještajnog zahtjeva, međutim u većini slučajeva, korištenje *search* opcije na društvenim mrežama predstavlja početni korak. Značajan problem za istragu jeste privatan nalog bezbjednosno interesantnog lica, koje ima srednji ili visok OPSEC. Navedeno zaustavlja istragu i zahtjeva kreativnost u rješavanju ovog izazova. Jedan od načina jeste upotreba *sockpuppet* naloga koji je prethodno kreiran, kultiviran i održavan za slučajeve nadzora, infiltracije, ostvarivanja kontakta i sličnog. Nalog treba da se održava kontinuirano i izgleda organski. Ukoliko je nalog zapostavljen i nije adekvatno kultivisan, predmetno lice može posumnjati u novog *pratitelja*, te ukloniti sadržaje koji ga kompromitiraju ili daju dovoljno informacija o njemu, te ukloniti novog *pratitelja*. Značajan problem je i nedostatak kreativnosti istražitelja kao i nepoznavanje određenih tehnika ili metoda dolaska do traženih podataka i informacija, kao i nepoznavanje upotrebe alata. Tehnička i kreativna nesposobnost ograničava istragu, te neadekvatno korištenje *sockpuppet* naloga može da upozori lice od interesa da je predmet istrage. Samokompromitacija može uzbuniti cijelu mrežu, koja će se povući i uspostaviti rigorozni OPSEC. U tom slučaju, istraživanje lica od interesa, saradnika i drugih bezbjednosno interesantnih subjekata se okončava, te je potrebno koristiti druge adekvatne i upotrebljive obavještajne metode osim OSINT-a (HUMINT, SIGINT, ELINT).

Naredni problem može biti nejasan i neadekvatan obavještajni zahtjev koji se može tumačiti na različite načine, ili je loše definiran. Široko definiran obavještajni zahtjev će onemogućiti istražitelju fokusiranje na ono što je bitno, te će nastojati da pribavi, obradi i analizira sve podatke i informacije, što zahtjeva mnogo vremena i može biti kontraproduktivno zbog dinamičnosti radnji koje poduzima lice od interesa. Na taj način će se izgubiti bitne informacije i istraga se može usmjeriti u krivi tok. Isto se može prevazići traženjem novog obavještajnog zahtjeva ili zahtjevom za redefiniranje ili preciziranje već dobijenog. Na primjer, nadređeni može zahtjevati da se prikupe podaci o bezbjednosno interesantnom licu, pri čemu nije precizirano sa koje mreže, koji podaci (foto, audio, video, tekst), suradničke veze, hijerarhijske veze i tako dalje. S druge strane, precizan i jasan obavještajni zahtjev bi glasio: *„Prikupiti informacije po bezbjednosno interesantnom licu Z kako bi se utvrdili identitet, posljednja lokacija, kretanje u zadnjih 60 dana na osnovu metapodataka, aktivnosti, kontakti i moguća povezanost sa organiziranim kriminalnim grupama. Istragu započeti obradom naloga na društvenoj mreži Instagram, gdje lice ima otvoren i javan profil*

@usernameZ.“ Na ovaj način se omogućava istražitelju da se fokusira na ispunjavanje zahtjeva, a ne na razmišljanje šta je potrebno donosiocu odluka. U određenim slučajevima, poželjno je da istražitelj nasluti šta je donositelj odluke želio, te da samostalno razvije istragu, međutim, ponekad navedeno može biti kontraproduktivno i bespotrebno.

S obzirom da društvene mreže često mogu biti sredstvo dezinformiranja i obmanjivanja šire publike, tako i istražitelji mogu da budu indirektna meta obmane. Clark (2016) navodi da su poricanje i obmana glavno oružje u kontraobavještajnom arsenalu jedne zemlje ili organizacije, pri čemu se navedeno može prenijeti i na pripadnike organiziranih kriminalnih grupa. Obmanjivanje, dezinformiranje i laganje zavisi od psihološkog profila i mentalnog stanja lica od interesa koje zbog internih procesa može da prikaže vlastiti život u superlativu. Dezinformisanje i obmana mogu biti i rezultat kompromitacije istražitelja koji su vlastitim nesmotrenim postupcima ukazali na aktivnosti prikupljanja podataka. Lice od interesa u tom trenutku može da započne sa vlastitim kontraobavještajnim postupcima, navodeći na krivi trag – na primjer objavljujući fotografije nakon nekoliko dana, označavanje na lokacijama na kojima nije i tako dalje. Nemogućnost brze verifikacije će značajno ugroziti istragu i omogućiti bezbjednosno interesantnom licu da sakrije prethodne tragove.

4. Hipotetički primjer istrage bezbjednosno interesantnog lica koje pripada OKG

U svrhu boljeg razumjevanja tematike upotrebe OSINT-a koja u određenim situacijama može biti nejasna i apstraktna, u nastavku će se dati hipotetički slučaj djelovanja bezbjednosno interesantnog lica koje je član organizirane kriminalne grupe. Ovaj hipotetički slučaj ima za cilj da ukaže na primjenu obavještajnog ciklusa koje usmjeravaju istragu nakon zaprimanja obavještajnog zahtjeva nadređenog / donosioca odluka, te poduzimanja radnja kojim se daje odgovor na njega. Kako bi se pojednostavile aktivnosti i problematika, koristiti će se trenutna migrantska kriza kojom je država Bosna i Hercegovina značajno ugrožena. Metodologija koja je korištena u primjeru je općenita i pojednostavljena, bez preciznih detalja poput vrste alata i njihove upotrebe. Različite sigurnosne službe i agencije imaju vlastite metodologije istraživanja, te one nisu predmet ovog rada. Primjer će biti prikazan kroz narativ kojim se omogućava korištenje OSINT-a, obavještajni zahtjev kojim se jasno definiše šta je potrebno saznati i razradu aktivnosti kojim će odgovoriti na obavještajni zahtjev. Svaka sličnost sa stvarnim situacijama je slučajna i služi za ilustrativni prikaz.

4.1. Narativ i hipotetičko činjenično stanje

Operativni podaci dobijeni od zapadnih strateških partnera ukazuju na djelovanje organizovane kriminalne grupe pod nazivom KLL. Navedena grupa broji oko 15 članova, koji su državljana Afganistana. Grupa kao glavnu djelatnost i izvor zarade ima krijumčarenjem migranata iz Turske prema zapadnoj Evropi. Glavni operativac koji djeluje na teritoriji Bosne i Hercegovine je Tom Sawyer, čija je uloga ključna u završnoj fazi krijumčarskog lanca. Prema dostupnim informacijama, Tom Sawyer ima vodeću ulogu u uspostavljanju kontakta s migrantima po njihovom dolasku u BiH i osiguravanju nesmetanog tranzita ka zapadnoj granici. Trenutna saznanja ukazuju na to da migranti započinju svoj put u Turskoj u nekom od migrantskih kampova, zatim prolaze kroz Bugarsku i Srbiju. Po dolasku do zapadne granice Srbije ulaze u slabo nadzirane šumske predjele, te ilegalno ulaze na teritorij Bosne i Hercegovine, aktivno izbjegavajući patrole Granične policije BiH. U Višegradu ih preuzima Tom Sawyer, koji dalje organizuje njihov transport do krajnje destinacije –Bihaća. Na osnovu prikupljenih podataka, utvrđeno je da migranti za ovu uslugu plaćaju značajne novčane iznose, što ukazuje na visok stepen finansijske koristi za grupu KLL.

Partneri su prosljedili informaciju da Tom Sawyer koristi društvene mreže Instagram i TikTok kao primarni kanal za promociju svojih ilegalnih aktivnosti. Njegova digitalna prisutnost omogućava ne samo oglašavanje „usluga“ već i povezivanje s potencijalnim klijentima, čime se zaobilaze klasični posrednici i osigurava cjelokupan novčani iznos koji se ne dijeli sa posrednikom. Na objavama jasno se mogu vidjeti:

- Izgled Tom Sawyera (fotografije i video sadržaji),
- Prepoznatljivi pejzaži i lokacije u BiH, kao što su most u Višegradu, kafići i nargilane u Sarajevu i putokazne table na kojima je jasno naznačen smjer i udaljenost prema Bihaću (npr. „Bihać 15 kilometara“).
- Interakcije u komentarima i lajkovima, koje pružaju dodatne tragove o njegovim vezama i saradnicima.

Dodatno, informacije dobijene putem HUMINT-a potvrđuju da Tom Sawyer trenutno boravi u Sarajevu, te da je čest gost u jednom kafiću na Baščaršiji. Njegov identitet je dodatno verifikovan putem broja telefona, koji je dostavljen službama. Pregledom aplikacije WhatsApp, koja je često korištena za komunikaciju među migrantima iz Afganistana, utvrđeno je da broj pripada Tomu Sawyeru, budući da isti koristi svoju profilnu sliku na aplikaciji. Navedeno služi da se poveže lice imena Tom Sawyer koji se oglašava na društvenim mrežama sa telefonskim brojem koji koristi za komunikaciju. Dalja analiza poruka ukazuje na mogućnost postojanja šifrovanih termina i fraza koje se koriste za koordinaciju aktivnosti. Učestale su poruke o lubenicama, cvjetovima i kuglanju. Do sada se nije uspjelo razjasniti šta navedeno označava.

Aktivnosti grupe KLL predstavljaju ozbiljnu prijetnju nacionalnoj sigurnosti, s obzirom na to da ilegalne migracije mogu biti povezane sa sekundarnim sigurnosnim rizicima, uključujući:

- Potencijalne veze sa drugim oblicima organizovanog kriminala (trgovina ljudima, drogom ili oružjem).
- Rizik od radikalizacije ili infiltracije ekstremističkih elemenata među migrantima uzrokovane nemirima na Bliskom istoku.
- Destabilizaciju lokalnih zajednica kroz povećani pritisak na resurse i sigurnosne kapacitete.

Tom Sawyer, kao ključni akter, trenutno predstavlja prioritet u zaustavljanju rada KLL grupe. Njegova digitalna prisutnost otvara prostor za OSINT operaciju, kojom bi se prikupile dodatne informacije o njegovim aktivnostima, vezama i metodama rada. Operativne praznine trenutno uključuju: detaljne podatke o njegovim saradnicima, precizne vremenske okvire krijumčarskih operacija i rute koje koristi u urbanim područjima. Cilj je stvoriti cjelovit profil Tom Sawyera i njegove kriminalne mreže, koristeći informacije iz digitalnih izvora, HUMINT-a i drugih obavještajnih disciplina, kako bi se olakšalo njihovo neutralisanje.

4.2. Obavještajni zahtjev nadređenog

Kako bi istražitelji mogli da započnu operaciju istrage, nadređeni im dostavlja obavještajni zahtjev. Obavještajni zahtjev treba da usmjeri istragu kroz definisanje nepoznanica.

U nastavku se nalazi hipotetički obavještajni zahtjev koji se se odnosi na djelovanje jednog od aktera iz organizirane kriminalne grupe. Hipotetički obavještajni zahtjev sadrži sljedeće pojedinosti

Predmet: Praćenje aktivnosti Toma Sawyera i grupe KLL na društvenim mrežama radi identifikacije krijumčarskih ruta i saradnika.

Cilj zahtjeva: Prikupiti i analizirati otvorene izvore informacija (OSINT).

Navedeno je potrebno za ostvarivanje sljedećeg:

- Utvrdio identitet, pravac kretanja i mjesta boravišta Toma Sawyera i ostalih članova kriminalne grupe KLL.
- Identifikovale tajne krijumčarske rute koje koriste migranati na teritoriji BiH.
- Prikupile informacije o potencijalnim saradnicima i kontaktima koji pružaju podršku OKG na ruti Turska-Bugarska-Srbija-BiH.
- Analizirao sadržaj sa društvenih mreža (Instagram, TikTok, WhatsApp) u svrhu mapiranja aktivnosti, geolociranja ruta i eventualnog otkrivanja šifrovanih poruka ili ključnih informacija.

Specifični zadaci:

- Detaljna analiza profila Toma Sawyera na Instagramu i TikToku (objave, komentari, lajkovi).
- Identifikacija osoba koje komuniciraju ili sarađuju sa Tomom Sawyerom (analiza interakcija na društvenim mrežama).
- Prikupljanje i geolociranje vizuelnih informacija sa objavljenih sadržaja (pejzaži, putokazi, lokacije).
- Proučavanje komunikacija na aplikaciji WhatsApp i analiza dostavljenog broja telefona kako bi se potvrdio identitet i aktivnosti.
- Mapiranje ruta kretanja (ceste, šumski i planinski putevi) migranata na osnovu prikupljenih podataka i HUMINT informacija.
- Utvrđivanje lokacije boravišta Toma Sawyera u Sarajevu i analiziranje njegovih dnevnih rutina, kretanja i navika.

Očekivani rezultati:

- Kompletan profil Toma Sawyera sa potvrđenim podacima o identitetu, lokaciji i aktivnostima.
- Detaljna mapa krijumčarskih ruta kroz teritoriju BiH, sa identifikovanim tačkama prelaska i lokacijama okupljanja migranata (Višegrad, Sarajevo, Bihać).
- Popis saradnika i lica koja učestvuju u krijumčarenju migranata.
- Prikupljeni dokazi sa društvenih mreža koji potvrđuju aktivnosti krijumčarenja i povezanost sa OKG KLL.

Rok za dostavu rezultata: 10 radnih dana od dana pokretanja zahtjeva.

4.3. Razrada aktivnosti koje se poduzimaju u svrhu odgovora na obavještajni zahtjev

Nakon što je dobijen obavještajni zahtjev, započinje se sa jasnim utvrđivanjem poznatih i nepoznatih informacija. Njihovim utvrđivanjem planiraju se i usmjeravaju aktivnosti istražitelja /tima, kako bi se izbjeglo traganje za informacijama koje već postije i verifikovane su. Utvrđivanjem nepoznanica započinje se istraga jer upravo nepoznanice predstavljaju usmjeravajući faktor. Nakon usmjeravanja, započinje se sa aktivnostima kao što su prikupljanje osnovnih podataka, Analiza društvenih mreža i digitalna forenzika sadržaja, saradnja sa jedinicama na terenu i kreiranje izvještaja na osnovu sprovedenih aktivnosti. Navedeni koraci se mogu prikazati na sljedeći način:

1. Jasno utvrđivanje poznatih informacija

Instražitelj ili tim kojem je dodjeljen navedeni obavještajni zadatak prvenstveno ima cilj da utvrdi šta posjeduju od podataka i informacija. Na osnovu prethodnog narativnog teksta, uviđa se sljedeće:

- Identitet lica: Lice koristi fiktivno ime Tom Sawyer, ali profilna slika i drugi sadržaji na društvenim mrežama ukazuju da je riječ o licu azijskog porijekla, koje odgovara fizičkim konstitucijama afganistanaca.
- Organizirana kriminalna grupa: Utvrđeno je da se grupa zove LLK, što može biti određena skraćenica ili kod koji je povezan sa kulturuom i jezikom Afganistana. Taokđer je utvrđen i broj lica – 15, ali nije utvrđena hijerarhijska struktura i vođa.
- Kriminalne aktivnosti: Krijumčarenje migranata od Turske, preko Bugarske i Srbije (nejasne rute kretanja), nakon čega ulaze na teritorij BiH i kreću se nepoznatim rutama od Višegrada do Bihaća.
- Sredstva komunikacije: WhatsApp broj sa profilnom slikom koji služi za ugovaranje krijumčarenja. Ne postoje informacije da li se broj koristi i za međugrupnu komunikaciju.
- Iskoristivi tragovi:
 - o Instagram i TikTok nalog na kojim je vidljiv sadržaj o uslugama krijumčarenja.
 - o Geolokacijski pejzaži u objavama – most u Višegradu, kafići u Sarajevu, putokaz „Bihać 15 kilometara“.
 - o Interakcije sa na objavama kao što su lajkovi, komentari i dijeljenja.
- Operativni HUMINT podaci:
 - o Lokacija spavanja u Sarajevu.
 - o Specifičnost korištenja aplikacije WhatsApp za komunikaciju.
 - o Kretanje kroz šumske puteve.

2. Utvrđivanje nepoznatih informacija

Istražitelji navode informacije koje su im nejasne ili ih nemaju na raspolaganju. Odgovori na njih su potrebni kako bi se kompletirala cjelokupna „slika“ o predmetnom licu i njegovom *modus operandi*. Nepoznanice su sljedeće:

- Identifikacija svih članova LLK grupe
 - o Imena članova grupe,
 - o Hijerarhija grupa,
 - o Njihovi nalozi na društvenim mrežama,
 - o Brojevi telefona,
 - o Zaduženja i specijalizacije (finansiranje, transport, regrutovanje i tako dalje).
- Preciznija analiza digitalnih tragova

- Dodatni profili Tom Sawyera na Facebooku, Telegramu, Viberu, Discordu ili drugoj aplikaciji.
- IP adrese uređaja i geolokacije sa kojih se prijavljuje.
- Ko su korisnici koji komentarišu i lajkiju sadržaje. Kojoj grupi pripadaju: migranti, pomagači ili potencijalni klijenit.
- Logistika krijumčarenja
 - Precizne rute kretanja nakon ulaska u BiH i na kojim mjestima prelaze na teritoriju BiH.
 - Na kojim lokacijama prelaze u Višegradu ili njegovoj okolini.
 - Gdje borave kada pređu u Višegrad, da li postoji neko zborna mjesto za odmor.
 - Gdje borave u Bihaću poslije transporta, da li postoje jasno određene lokacije ili su *ad hoc*.
- Da li imaju kontakta sa drugim grupama koje djeluju na teritoriji Turske, Bugarske i Srbije.
- Na koji nači se vrši plaćanje – gotivna, kritpovalute ili hawala sistem.
- Na osnovu čega se određuje ruta kretanja.

3. Poduzete aktivnosti za ispunjenje obavještajnog zahtjeva

Prikupljanje osnovnih podataka

Istražitelji započinju operaciju sa verifikacijom identiteta kroz provjere dostavljenog broja (predstavljanje kao potencijalni klijent) na razlučitim SMS servisima kao što je WhatsApp, Telegram, Viber i tako dalje. Downloaduje se fotografija sa WhatsAppa, te se vrši njena analiza i opis. Društvenim mrežama se posvećuje pažnja radi utvrđivanja osnovnih informacija, nakon čega se izvršava popunjavanje operativnog kartona iz tabele 2.

Analiza društvenih mreža i digitalna forenzika sadržaja

Istražitelj započinje pretragu profila i objava na njemu. Sve objave i sadržaji se preuzimaju uz pomoć *data scrapera* i kategorišu u tematske foldere – fotografije, video snimke, komentare, lajkove, pratitelje i praćene. Ukoliko objave imaju geotagove, nastoji se verifikovati njihova tačnost te pružiti precizne koordinate.

Digitalna analiza sadržaja (fotografije, video sadržaji) se vrše upotrebom alata za reverse search kao što su Google, Yandex i TinEye. Uporedo se vrši ekstrakcija EXIF¹⁴ metapodatka kao što su lokacija uređaja u trenutku snimanja, tehničke specifikacije i vrsta uređaja, format i datum /vrijeme snimanja. Ukoliko lice posjeduje tehnička znanja i ima visoku operativnu sigurnost, navedeno neće dati podatke, te se u tom slučaju započinje sa opisivanjem sadržaja – doba dana,

¹⁴ Izmjenjivi format slikovne datoteke je standard koji specificira formate za slike, zvuk i pomoćne oznake koje koriste digitalni fotoaparati (uključujući pametne telefone).

godišnje doba, broj lica i njihov izgled. Navedeno služi za dalje profiliranje i moguće povezivanje sa drugim akterima u krijumčarskoj mreži.

S obzirom da ruta kretanja predstavlja značajnu problematiku, potrebno je mapirati kretanje kroz prošlost na osnovu datuma objave, geolokacije i mogućeg doba dana i sata kada je fotografija / video učinjen. Za utvrđivanje tačne lokacije koristi se Google Earth, Geoguesser ili AI alat koji ima mogućnost geolociranja. Ova aktivnost služi za kreiranje obrasca ponašanja, odnosno utvrđivanja da li on postoji – objave svaka tri dana ili je raspored objava nasumičan. Postoji mogućnost da lice objavljuje sadržaj nekoliko dana nakon što je isti kreiran, čime se vrši direktna obmana, a isto se utvrđuje sa komparacijom EXIF metapodataka. Također, kroz obradu ovih podataka, dobija se jasnija informacija o korištenju ruta, pri čemu se za isto mogu koristiti Google maps i označiti dvije susekventne lokacije na sadržaju, pri čemu se pokazuje moguća ruta pješke ili prevoznim sredstvom.

Pored ruta kretanja, bitni su i kontakti koji su ostvareni na društvenim mrežama. Interakcije sa drugim nalogima ukazuju na moguće saradnike i klijente. Nalozi koji lajkaju ili komentarišu objavu predstavljaju bitne elemente mreže te se isti trebaju mapirati, pri čemu se za vizuelizaciju koristi Maltego ili neki drugi softver.

Saradnja sa jedinicama na terenu

Na osnovu organizacije službe / agencije i suradnje sa drugim partnerima, potrebno je ukazati na neštićene prelaze na granicama, što će poslužiti jedinicama na terenu da uspostave punktove za nadzor. Također, provjeravaju se baze podataka i utvrđuje da li ima pozitivnih nalaza, odnosno da li je neka od sigurnosnih agencija evidentirala Tom Sawyera – ilegalni prelazak, minorni prekršaj, krivično djelo, smještaj u prihvatnom centru i tako dalje. S obzirom na lokalitet djelovanja bezbjednosno interesantnog lica, utvrđuje se da li postoje informacije o njegovim aktivnostima u Višegradu, Sarajevu ili Bihaću. Potrebno je mapirati kretanja lica na mjestima gdje je često viđen – kafići i prenoćišta. Podaci i informacije o kretanju u Sarajevu se mogu iskoristiti za posebne istražne mjere i radnje kao što su praćenje i nadzor, te u posebnim slučajevima nadzor telekomunikacija zbog jasnog utvrđivanja veze između lica i telefonskog broja koji koristi.

Kreiranje izvještaja i odgovor na obavještajni zahtjev

Po isteku roka od 10 dana, potrebno je dostaviti izvještaj. U navedenom analitičkom izvještaju se jasno i koncizno daju nalazi, te ukazuje na nedostajuće informacije koje zahtjevaju dalje poduzimanje operativnih radnji. S obzirom na značajno veliku kriminalnu grupu i potencijalne klijente, može se predložiti

nastavak OSINT operacije u kojoj se nastoji doći do podataka i informacija o drugim članovima i hijerarhijskim postavkama grupe. Može se preporučiti djelovanje HUMINT elemenata i infiltracije u samu grupu pod legendom klijenta, kao i upotreba SIGINT-a, odnosno nadzora telekomunikacija, praćenje GPS-a uređaja i aktivnog presretanja interent saobraća i komunikacije.

Nakon izvještaja i odgovora, krajnji korisnik informacije može zahtijevati nova saznanja ili dati upute za izvođenje drugih radnji.

ZAKLJUČNA RAZMATRANJA

Upotreba OSINT-a kao obavještajne discipline u istraživanju organiziranih kriminalnih grupa postaje sve više i više zastupljena među agencijama za provedbu zakona. Iako postoje podijeljena mišljenja o navedenoj disciplini, njena oporetivna upotreba je kolosalna. OSINT omogućava efikasno, efektivno i ekonomično prikupljanje podataka koji se odnose na organizirane kriminalne grupe. Također, veliki je značaj smanjenja rizika izlaganju opasnosti na terenu, što je primjetno kod HUMINT-a. Međutim, upotrebom ove metode, postoje i izazovi poput fragmentacije podataka, dezinformacija, anomalija, tehničkih i personalnih ograničenja, što može značajno otežati ili zaustaviti u potpunosti istragu. Ukoliko se osmisle načini za prevazilaženje ograničenja, OSINT značajno može unaprijediti rad agencija za provedbu zakona u borbi protiv OKG, naročito ukoliko se sjedini sa drugim disciplinama poput HUMINT-a, SIGINT-a. Na ovaj način se omogućava potpuni nadzor nad kriminalnim grupama i pojedincima koje su predmet istrage. Kako bi se poboljšale aktivnosti borbe protiv organiziranog kriminaliteta koji značajno narušava nacionalnu sigurnost (ilegalne migracije, trgovina ljudima, krijumčarenje narkotika, proliferacija oružja), potrebno je uložiti sredstva u kreiranje alata i obuku istražitelja. Kroz obuku i razvoj novih alata, omogućava se potpuno iskorištavanje ove obavještajne discipline. Značajna je važnost razvijanja OSINT protokola i njihova aplikacija u istraživanju kriminalnih grupa i krivičnih djela kojima se značajno ugrožava nacionalna sigurnost. Hipotetički primjer je ukazao na kompleksnost istrage i različite varijable koje utječu na istragu. Upotrebom OSINT-a i koordinacijom sa jedinicama na terenu i drugim partnerskim agencijama / službama, omogućava se brzo i efikasno djelovanje, razbijanje kriminalnih grupa te njihovo procesuiranje. Veliku važnost treba pridodati kontinuiranom djelovanju i nadzoru na društvenim mrežama koje su pogodne za diseminaciju krijumčarskih ili drugih usluga koje pružaju organizirane kriminalne grupe. Dalja istraživanja na ovu tematiku trebaju biti usmjerena u razvoj metodologija istraživanja različitih kriminogenih grupa, kao i aktera koji ih provode. Na taj način će se obogatiti fond znanja i sredstava koja su državi dostupna u borbi protiv transnacionalnog kriminaliteta i prijetnji.

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DODATAK

Ilustracija 1 - Obavještajni ciklus fokusiran na metu (Clark, 2016)	319
Tabela 1 - Lista alata za pretragu fotografija	321
Tabela 2 Kategorije podataka potrebnih za analizu – operativni karton	322

Operational use of OSINT in the investigation of organized crime groups

Emir Muhić, MA¹

ABSTRACT

Organized criminal groups (OCGs) represent a significant threat to national and international security, requiring adaptive and innovative approaches in their investigation. This paper examines the role of OSINT (Open Source Intelligence) as a key method of collecting and analyzing data from publicly available sources in the context of the fight against the aforementioned actors. OSINT enables efficient collection of information about OKG members, their activities and networks without physically going out into the field, thereby minimizing operational risks. Using social networks, digital forensics data and other open sources, investigators can monitor communications, geolocate actors and analyze the behavior patterns of criminal groups. Through a hypothetical example, the paper points to the importance of OSINT in making operational decisions faster and developing strategies to neutralize criminal activities. The aim of the research is to develop an operational model for the application of OSINT in cases of organized crime, while highlighting its advantages and challenges. The conclusion emphasizes the importance of improving the skills of investigators in the use of OSINT tools, as well as the need for a clear framework for use .

Keywords : *OSINT, organized criminal groups, digital forensics, operational models.*

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INTRODUCTION

Investigating organized crime groups ²has always been a significant challenge and problem for state agencies and law enforcement agencies. The evolution and adaptation of organized criminal groups (in the following text OKG) also conditioned the adaptation of the previously mentioned agencies and services that rely to a significant extent on intelligence work. Also, the importance and role of modern technologies, as well as social networks, which are an indispensable part of human life, enable more efficient collection of operational data that serves to support investigations. In this context, OSINT (Open Source Intelligence) – gathering intelligence from open, publicly available sources – is becoming an increasingly important tool. OSINT stands out as a key segment of modern intelligence work due to the possibility of quick, cheap and broad access to information that is of critical importance for the identification and analysis of actors of security interest. The role of OSINT in solving cybercrime and organized crime is increasingly recognized in recent research (Kao, Chao, Tsai, & Huang, 2018). For example, OSINT could increase the accuracy of criminal prosecutions and arrests of criminals using a framework such as the one proposed by Quick and Choo (Quick & Choo, 2018). Such frameworks provide not only a structured approach to analysis, but also the integration of data coming from different sources, thus enabling a comprehensive overview of criminal activities and connecting seemingly unrelated information. Specifically, the authors apply OSINT to digital forensic data from a variety of devices to improve criminal intelligence analysis (J. Pastor-Galindo, 2020). In order to solve dilemmas in understanding and translating the term *intelligence* into B/H/S languages, in this paper it will have the context of *intelligence information*, which consists of analytically processed data ³and information ⁴in order to ensure precise terminological clarity. OSINT has a long history and its beginnings are linked to the Second World War and the recording of enemy propaganda that came from traditional media. Today, OSINT has a significant application in intelligence work (military, civil, cyber) and serves as an essential element of obtaining information about the state and processes essential for national security (DHS, 2022). The complexity of the investigation and processing of OKG requires the use of adequate intelligence methods such as OSINT, HUMINT, SIGINT and so on. Unlike other methods, OSINT enables a deeper analysis of the digital and social environment without necessarily relying on field work and exposure to danger. In addition, OSINT as a method enables objective research of actors of

²OKG in this work follow the definition of UNDOC which reads: " *a structured group of three or more persons that exists for a certain period of time, whose members act together with the aim of committing one or more serious crimes or criminal acts, with the aim of obtaining direct or indirect financial or other material benefits.* "

³Data is a fact presented in a certain format - word, image, number, character, letter and so on.

⁴Information is a logically connected group of data that has a specific meaning.

security interest without going out into the field because it is based on the verification and analysis of data from publicly available sources. In the research of OKG and their members, open sources such as social networks are used, where actors can leave a significant amount of data and information, such as photos, videos, publications and so on. The subject of this research is the analysis of the use of OSINT as an intelligence discipline in detecting, identifying, monitoring and documenting the activities of organized criminal groups. The main goal of the work is the development of an operational model of the plan for the application of OSINT activities in cases of investigation of organized criminal groups and individual actors of security interest. The purpose of this research is reflected in the insufficient research and marginalization of the operational application of OSINT in the research of organized criminal groups, because previous research was focused only on defining the term.

1. Theoretical and practical concept of OSINT

With the expansion and development of cyberspace as a new domain of human life, intelligence activities and the collection of data and information have been made possible. When we talk about open sources, in the traditional sense they include any carrier of information - audio, video, photo or text. Cyberspace as a domain has enabled simpler access to data and information, while conducting investigations has been simplified and facilitated. The definition of OSINT is based on obtaining the required information from publicly available sources, and given the multitude of definitions by various state and non-state actors, the one given by the Office of the Director of National Intelligence (ODNI) of the United States of America will be used as a basis. ODNI (2011) OSINT defines it as *intelligence data produced from publicly available information that is collected, exploited and timely distributed to the appropriate audience for the purpose of fulfilling specific intelligence requirements*. According to Baker (2023), publicly available information is any information that is available to the public without the use of a secret permit or breaking into the system; however, it may also include data behind a paywall such as a newspaper subscription. This data can be collected from the internet, social media, mainstream media, publications and subscriptions, audio recordings, images, videos and geospatial/satellite information (Baker, 2023), etc. In addition to the above, the ODNI (2011) also lists so-called “gray literature”⁵ - open source material that is usually available through controlled access for a specific audience as well as observation and

⁵ODNI (2011) lists as gray literature: research reports, technical reports, economic reports, travel reports, working documents, discussion documents, unofficial government documents, proceedings, preprints, studies, dissertations and theses, trade literature, market research and newsletters. Gray literature covers scientific, political, socioeconomic and military disciplines.

reporting ⁶. Given some input data, together with the application of advanced collection and analysis techniques, OSINT continuously expands knowledge about the target (J. Pastor-Galindo, 2020). In this way, the information found feeds back into the collection process to get closer to the final goal (Williams & Blum, 2018).

The basic principle of OSINT is to obtain data or information from already existing content located in the cyber or physical domain without unauthorized access to protected systems and networks. Therefore, OSINT is a purely passive method that does not use penetration and active reconnaissance (Baker, 2023). Any other entry into the system or network is considered penetration into the protected system and does not belong to OSINT methods. Although tools for OSINT collection evolve almost daily, the methods used by the tools themselves change less dramatically. Most tools use lexical analysis, network analysis, geospatial analysis, or a combination of these methods to isolate, describe, and analyze data (Williams & Blum, 2018). All three methods existed long before their application to Internet-based content, but the massive proliferation of social media platforms and the increasing ease with which individuals can access the Internet make it a rich environment for intelligence gathering (Williams & Blum, 2018). Considering the digitization of the material world, the sources are most often on the Internet and require active searching, recording and processing. In the aforementioned, various elements of the carrier of the requested intelligence information are used, such as social networks, blogs, portals, websites and so on, on which methods, techniques and tools suitable for reaching the requested information are applied. OSINT is not strictly the use of tools - software and hardware, but is also reflected in the logical connection of data and information, in order to respond to the intelligence request of the superior. Certain investigations do not require technical knowledge, but only a series of logical and intuitive steps, while on the other hand there are investigations that require knowledge of network and computer systems, software, hardware and so on to fulfill intelligence requirements. For example, a superior can give a task to collect basic information about a person of security interest who is reasonably suspected to be a member of the OKG. By searching social networks such as Facebook, Instagram or TikTok, basic information can be found - interests (music, movies, video games, sports and so on), physical appearance over a long period of time (can be used for cross-referencing with other cases), travel information, lifestyle (luxurious, moderate, ascetic) and so on. By analyzing orders on social networks, it is possible to find out information about the person in question. If the intelligence requirement is more challenging - determining the group's *modus operandi*, certain skills and knowledge are required. For example, the

⁶Information of importance, which is not otherwise available, and which is provided by, for example, amateur plane spotters, radio monitors and satellite observers (ODNI, 2011).

identification of a smuggler's movement route requires prior knowledge of the movements of a group or person, geolocation of data (publicly available photos or video content) and confirmation / rejection of the previous movement route, time and date of movement, interactions of other accounts with the content (like, share, comment) and so on. The mentioned process is demanding, chaotic and requires movement and critical thinking.

2. OSINT and the intelligence cycle – a guiding link

When conducting investigations, whether by national police agencies, civilian or military intelligence services, or even private investigators, the process of knowing is based on the intelligence cycle. The stated cycle originally originates from the US Intelligence Community and serves as guidelines and instructions for the reliable and repeatable collection and processing of information to meet the intelligence requirements of a superior actor. The steps of the intelligence cycle are the most basic actions from initial planning of an operation to responding to an intelligence request ⁷and ensuring that the response is integrated into the operation (Headquarters, Department of The Army, 2023). Just as the activities of the operations process overlap and repeat as the mission requires, so do the steps of the intelligence process.

This cycle is the activity of developing raw information into finished intelligence for use by policymakers, military commanders, and other decision-making users (ODNI, 2011). It is highly dynamic, continuous, and never-ending, and consists of the following elements:

- Planning and directing;
- Gathering;
- Processing and exploitation;
- Analyses and productions;
- Disseminations;
- Evaluations and feedback.

Almost all intelligence studies authors list four or more steps, with minor differences, and subcategories within each step. Looking at the literature, each cycle begins with planning and ends with dissemination or feedback, depending on the author. For example, the CIA's intelligence cycle describes this process as planning and directing, collection, processing, analysis, and production and dissemination (CIA, 2024), while Johnson's Handbook of Intelligence Studies (Loch, 2006) describes these stages as collection, processing, analysis and

⁷An intelligence requirement is 1. Any subject, general or specific, for which there is a need to gather information or produce intelligence. 2. A request for intelligence to fill a gap in the command's knowledge or understanding of the operational environment or threat forces (JP 2-0).

production, classification, and dissemination. RAND also gives its intelligence cycle and defines it through 1. collection - acquisition and retention, 2. processing - translation and aggregation, 3. exploitation - authentication and contextualization, and 4. production - classification and dissemination (Williams & Blum, 2018). The listed items correlate with five main processes (identification, collection, examination, analysis and presentation, give an abstract) in digital forensics, which is crucial in the investigation of organized criminal groups (Kao, Chao, Tsai, & Huang, 2018).

When using OSINT to investigate a specific person of security interest, it is necessary to develop a model of the intelligence cycle that has a target in the foreground - a person of security interest. The United States intelligence community has implemented a concept similar to the target-oriented approach. This concept, called "object-based production" (English: *object-based production* or OBP), implies organizing intelligence activities around "objects" (targets) that are of intelligence interest (Clark, 2016). A key feature of this approach is the sharing of up-to-date knowledge of an intelligence target via cloud-based platforms. Clark (2016) offered the above model (Illustration 1), where the basic elements appear: target, Needs, new information, analysis: gaps, requirements, sources of information (collectors), new information, analysis: answers, usable intelligence, problem (users).

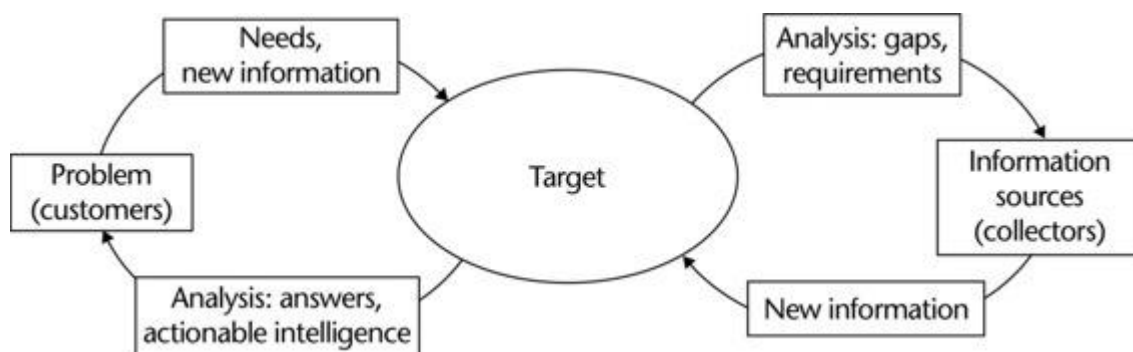


Illustration 1- Target Focused Intelligence Cycle (Clark, 2016)

The diagram ensures a structured and directly oriented process of gathering and analyzing information related to the target. Requests are continuously given, checks are made, data / information is verified. In this way, it is possible to make quick decisions based on direct changes in the material world, as well as to respond to intelligence requests coming from decision makers.

The intelligence cycle is essential for the activities undertaken in OSINT because it determines what is important for the provider of the intelligence request - the entity seeking information, and creates a product that meets their needs. The investigation of organized crime groups begins with an intelligence request on

relevant information - movements, assets, activities, spatial location of operations, associates, and so on. Through the intelligence request, frameworks are set that serve to focus the investigation on certain relevant information, which prevents aimless wandering or arbitrariness of the investigator, which can result in the collection of data and information that is not of operational importance. Therefore, the intelligence request will serve the investigator to define what needs to be found out, while the intelligence cycle indicates the process of obtaining information.

3. Operational use of OSINT in OKG research

OSINT has significant use in the investigation of OCG and other modalities that threaten national security. Although it has long been thought that OSINT is not a separate intelligence discipline like HUMINT, SIGINT, ELITN and so on, its application in investigations speaks to the contrary. The concept of open source intelligence (OSINT) is relatively new to law enforcement agencies and is loosely defined as intelligence gathered from publicly available sources that do not require covert or covert collection methods (Brunet & Claudon, 2015). This modality has significant operational possibilities that depend on its user and the actor seeking the information. In order to more adequately understand the operational use of OSINT, it is necessary to understand the possibilities of use in different situations. For example, every operation in which a security interested person is monitored begins with the collection of data about him, the analysis of said data, and the creation of a report. Considering the dynamism and variability of the situation, situational problems and challenges arise, the resolution of which is left to the investigator. Accordingly, the use of OSINT in the investigation of the OCG is a dynamic process that primarily depends on the creativity, abilities and skills of the analyst, as well as his focus on fulfilling the intelligence requirement.

3.1 . Collection, categorization and primary processing of data of a person of security interest

Social networks in modern times have become a valuable source of information and have an operational application in OKG investigations, especially those groups that have a very low or non-existent OPSEC⁸ culture. Examples and types of social networks include the following: collaborative projects (eg Wikipedia); blogs and microblogs (eg Twitter /X); content communities (eg YouTube); social networking sites (eg Facebook); virtual game worlds (eg World of Warcraft); and virtual social worlds (eg Second Life) (Kaplan & Haenlein, 2010). The

⁸Operational security (OPSEC) represents the concept of protecting one's own activities from adversaries. Sometimes this means not publishing content that can be linked to a person, while in other cases it also requires the use of complex systems that hide the identity of actors and enable activities, processes and actors to remain unnoticed and unidentified.

determination of which social network will be designated for data collection depends on the person who has an open account on the specified social network. For some crimes (such as threats or offensive comments,¹⁰ or fraud) 'open source' material such as Twitter (another type of social media (Kaplan & Haenlein, 2010)) can itself be *prima facie* evidence of a crime (Sampson, 2016). For other crimes such as human trafficking, other social networks such as TikTok can be used, where there is an evident number of smugglers of Afro-Asian origin promoting their services⁹. Other social networks, such as Instagram, can be used to record the life - movements, whereabouts and other activities of members of organized criminal groups who often publish content about their luxurious and opulent lives, which represents an important source of data and information.

Identification activities of persons of security interest begin with an intelligence request for identification and possible location. In certain cases, there may be general information about the person, as well as his photo, which significantly speeds up the investigation. In cases where there is a photo of a face and clues indicating its movement and geolocation, web browsers such as Google and Yandex, as well as numerous tools (Table 1), are a significant help.

Table 1- List of photo search tools

Tools	Description
Beify	Reverse image search to find stolen images and videos.
Bing Image Search	Bing's reverse image search page.
Eagle Eye	He scans social media for the uploaded image.
Geospy	It tries to locate where the image was taken using AI.
Google Image Search	Google's reverse image search page.
Osint Combine	Tool for improved reverse image search with tabular results from Google and Yandex.
Tineye	Reverse image search to find where images appear on the internet.
Yandex Image Search	Yandex reverse image search page.

The above tools are not the only ones and there are many others that are used, some are free and some are not. The search process can also start on the associate's account and the photo of the person of interest. With further searches and reaching the profile of the person of our interest, the data collection process

⁹This is evident by searching social networks using different tags such as migration, western Balkans, refugees and so on. There are also certain chat groups on sms services such as WhatsApp, Telegram, Discord, Viber and others. The reasons for the large influx of migrants of AA origin is the destabilization of the Middle East, especially the Levant and Afghanistan, which is connected with the political turmoil in the said region.

begins. The above data can be classified into categories suitable for further analysis (Table 2).

Table 2 Categories of data required for analysis - operational record

Category	Details	Importance
User data	- Official name and surname - Username on the social network (@username) - Profile URL - Date of birth - Place of birth - Education - Employment/position - Places of residence - Contact information - Family/relationships - Life events - Biography - Profile photo - Other user photos	It focuses on the basic information available on the profile needed to take further actions. From the above, a file of persons is created and elements suitable for exploitation are found.
Profile picture	- Profile picture description (face, symbol, object) - Identification of physical characteristics (hair color, tattoos, etc.) - Authentication (AI image analysis tools)	Analyzes profile picture for identification or verification of previously obtained data.
User connections	- Friends - Family - Colleagues - Memberships/groups	They enable mapping of the subject's social network, identification of close contacts and potential collaborators or members of OKG.
User interactions	- Likes - Emojis - Comments - Friends/followers list - Memberships in groups or pages - Frequently commented or mentioned profiles	It provides insight into the social network and connected people to develop a social map.
Post content	- Context (work, entertainment, etc.) - Content types (text, images, video) - Locations - Friends/family	Identifies topics of interest and possible links to specific activities for further exploitation and

	- Personal data - Habits (smoking, alcohol consumption, drug use, fitness, video games, sports) - Hobbies	development of the course of action.
Media content	- User photos - Identification characteristics (hair color, tattoos) - Photos with location identifiers - Habits (smoking, alcohol consumption, drug use) - Location - Friends/family - Hobbies	Provides visual and geolocation information for physical identification, activity tracking and subject behavior analysis.
Metadata	- Locations - Weather - Dates - Platforms used -Used devices	It helps track time, locations and social media usage.
Body analysis	-Wounds on the body -Scars -Tattoos -Disability -Diseases -Skin changes	The listed items help in the possible identification of a person if he participated in an event of interest to the investigator. Wounds on the hands may indicate a physical conflict or an injury caused by hitting glass and so on. Specific wounds or disabilities may indicate unprofessional handling of improvised means (detonators, explosives, and so on).

After the collection of the mentioned items, the analysis of the data and the determination of certain connections that meet the intelligence requirement, such as the movement of a person of security interest, an insight into the network of associates, the determination of the assets he owns, and the information necessary for the execution of certain operational-tactical actions, are started. According to the frequency of visits to certain locations (metadata about location, time and dates), patterns of behavior can be created and frameworks for conducting special investigative actions can be provided. Due to the large amount of data found on

social networks (followers, friends, likes and so on), it is advisable to use so-called *data scrapers* ¹⁰, especially those developed in your own agency/service.

When the data collection is done, they start processing and creating an analysis. In this phase, raw data such as general information, metadata, locations and others gain their importance. The processing can be observed through the following items:

- verification of already obtained data (general data, physical appearance, locations, co-workers and so on),
- categorization of data according to their meaning and operational usability (general data *versus* data on the collaborative network),
- structuring data through creating connections, identifying frequent behavior patterns (locations visited, time of activity, attendance at events, people most frequently communicated with, and so on),
- understanding the context (connection with criminogenic persons and events,
- the purpose of the post (what it wants to achieve – presenting a luxurious life, intimidation, finding collaborators),
- places of activity and meeting with other persons of security interest),
- identification of key actors - associates and other members,
- creation of reports (answers to intelligence requests and directing decision-makers towards new points of interest),
- undertaking operational-tactical measures and actions (raids, surveillance of telecommunications, monitoring, deprivation of liberty and so on).

The mentioned processing is necessary due to the connection of random data into one coherent whole. A photograph of a face does not provide much information, however, its association with the place, date and time of photographing, context and possible objects/persons on it directs the investigation. In the course of the mentioned procedure, it is necessary to focus on details that may point to seemingly non-existent connections and relationships.

3.2. Analysis of OKG members' social media accounts and drawing conclusions

After the data has been collected and categorized, and the primary processing of the data into a coherent whole has been carried out, it is necessary to start with the analysis of the order. Social networks are a significant indicator of a certain person's life and as such should be fully utilized. In recent years, with the advancement of big data and data mining techniques, the research community has noticed that open data represents a powerful source of analyzing social behavior

¹⁰Listed are programs and scripts that extract a certain type of data from web sources.

and obtaining relevant information (Chen, Chiang, & Storey, 2012). Insight into social media accounts can provide the investigator with significant information about the subject that can be used to further plan activities. Of course, there are exceptions and outliers that can challenge the stated thesis, but the average dictates the use of an analytical matrix and conclusions. Also, variables such as age, gender, cultural and ethnic factors, hierarchical status in the group, previous experience, cognitive abilities, mental illness and psychophysical condition can affect the collection of information. Different personality types can affect the ease and speed of collecting data and information, as well as the creation of analyses. The mentioned types are not considered, so a simple example of operational procedure is given for the benefit of the argument. A high-ranking young member of OKG who often presents his luxurious life on social networks can be used as a hypothetical example. By looking at his account on a social network such as Instagram, which is more often used by millennials ¹¹and Gen Z ¹²as opposed to Gen X or baby boomers, the following variables can be identified:

- a) Lifestyle – luxurious, moderate, ascetic;
- b) Social connectedness – high, medium, low;
- c) Social network activity – high, medium, low;
- d) Interests and likes;
- e) Direct connections with other persons of security interest;
- f) Mental state;

The above represents a simplified process of collecting information from open sources, which serves for in-depth analysis. By looking at items such as, for example, a luxurious lifestyle and significant social connection, clues can be sought about the group's activities and the individual's role in it.

a) Lifestyle - different types of personalities try to present their real life to a wider audience through social networks. For the above, Instagram, TikTok and Facebook are the most adequate, which are based on the use of photos and videos as a medium for transmitting information. OKG members, or generally criminogenic persons, often due to the need for validation, (Reid, 2023) try to show their lavish and luxurious life, as well as access to resources (money) or through the presentation of resources, they try to achieve social ties. By collecting and analyzing photos from social networks, primarily Instagram, which is popular with Gen Y and Z, the following items can be seen that can classify life as luxurious, moderate or ascetic:

¹¹The demographic group born from 1981 to 1996, succeeding the Gen X demographic. Sometimes called Gen Y.

¹²The demographic group born from 1997 to 2012, succeeded the Gen Z demographic.

- Clothing – whether the focus is on expensive brands or new fashion clothing. Attention should also be paid to specifically intended clothing – hiking clothing, tactical clothing, sportswear;
- Devices - is the person using the latest phone model when taking pictures (selfie in front of the mirror) or is it an older or flagship model. Photographing game consoles, *high-spec* computers and the like indicates the possibility of investing money in entertainment systems and their importance as a means of entertainment;
- Jewelry – can indicate access to resources or lack thereof if replicas or plagiarisms of luxury brands are used.
- Means of transportation – is the person photographed in high-value cars, does he have access to other means of transportation that signal access to resources – planes, helicopters, yachts;
- Travels - does the person travel often, to which destinations, for how long and where exactly does he stay - hotels and other accommodations. It is concluded based on tags and publication date. It can be used for cross-referencing for certain events - unsuccessful assassinations, meetings with other persons of security interest and so on;

By looking at the mentioned items, it is possible to come to the conclusion whether the lifestyle of the person in question is luxurious or not. If the person presents a luxurious life, the investigation is focused on legal sources of income, which may indicate a connection with OKG and the commission of criminal acts.

b) The social connection of the person in question indicates his place in the hierarchy and in the wider community. An insight into the relationship between the accounts that a person follows and those who follow him indicates popularity or presence, as well as aspirations that the person has, for example attracting the attention of the opposite sex. Photos with other people - family, friends, other persons of security interest can serve to direct the investigation and connect it with other events, processes, situations and happenings. A large social connection or its fictitious representation can be used for infiltration operations and records of key points in a criminal network.

c) Activity on a social network, such as continuous publication of content or communication with *sockpuppet* accounts, may indicate the availability of a person, his hierarchical status, lifestyle, connection with other persons of security interest. Also, periods without publication of content and communication can be interpreted as phases of planning or execution of criminal acts, or hiding after execution. Using certain tools during communication, it is possible to determine

geolocation via IP ¹³. Different levels of activity can be interpreted in accordance with previously acquired knowledge or the development of new versions.

d) Interests and likes indicate the internal personality of the person. By looking at *the following/followers* list and *liked* and commented posts, personality models can be created. So, following or liking a large amount of content about a certain model of car, jewelry, or clothing indicates a person's preferences for luxury or the pursuit of luxury. Also, monitoring of *softcore* pornographic content on social networks (OnlyFans models and so on) indicates possible promiscuity of the person or his internal conditions.

e) Connections with other persons of security interest indicate his social connection, hierarchy in the group, popularity, connections and so on. The data can be used to identify a collaborative network and link it to previous criminal acts or presumption of joint cooperation in future criminal activities.

f) The determination of mental state and intellectual capacity is based on the analysis of the published content and the text - description of the content. For example, a large amount of love posts may indicate that the person is suffering or is in a happy love relationship. Posts about loyalty, motivation and group affiliation can indicate intragroup problems. Vulgar and provocative posts indicate certain internal processes that a person is going through. It is also necessary to pay attention to the writing style that indicates the level of education and schooling, which can be used for planning and performing other operational actions.

After the analysis of the order of the person of security interest, it is necessary to create a report responding to the initially received intelligence request that started the investigation. The answers can be positive - they provide an answer, negative - they do not provide the requested information, and neutral - they leave the possibility for further research. After the client of the intelligence request receives a response (positive, negative, neutral), he accordingly makes a new request, redefines or specifies the previous one. Although the investigator has submitted what was requested, continuous verification and pointing out of novelties is necessary - collaborators, activities, locations.

3.3. Operational problems and inability to access data

During data collection activities, a significant problem for the researcher is the very beginning. The question of *where to start* depends on the intelligence request, however, in most cases, using *the search* option on social networks is the initial step. A significant problem for the investigation is the private order of a person of security interest, who has medium or high OPSEC. The aforementioned

¹³Internet protocol - network protocol used by devices for data transmission via the Internet.

stops the investigation and requires creativity in solving this challenge. One of the ways is to use a *sockpuppet* account that was previously created, cultivated and maintained for cases of surveillance, infiltration, making contact and the like. The account should be maintained continuously and look organic. If the account is neglected and not adequately cultivated, the person in question may suspect a new *follower*, and remove contents that compromise him or provide enough information about him, and remove the new *follower*. A significant problem is the lack of creativity of the investigators, as well as the lack of knowledge of certain techniques or methods of reaching the required data and information, as well as the lack of knowledge of the use of tools. Technical and creative incompetence limits the investigation, and inadequate use of *sockpuppet* accounts can alert a person of interest that he is the subject of an investigation. Self-compromise can alert the entire network, which will step back and institute rigorous OPSEC. In this case, the investigation of persons of interest, collaborators and other security-interested subjects ends, and it is necessary to use other adequate and usable intelligence methods besides OSINT (HUMINT, SIGINT, ELINT).

A further problem can be a vague and inadequate intelligence requirement that can be interpreted in different ways, or is poorly defined. A broadly defined intelligence requirement will make it impossible for the investigator to focus on what is important, and will try to obtain, process and analyze all data and information, which requires a lot of time and can be counterproductive due to the dynamic nature of the actions taken by the person of interest. In this way, important information will be lost and the investigation can be directed in the wrong direction. The same can be overcome by requesting a new intelligence request or a request to redefine or refine the one already received. For example, a superior may request that data be collected about a person of security interest, where it is not specified from which network, which data (photo, audio, video, text), collaborative links, hierarchical links and so on. On the other hand, a precise and clear intelligence request would read: "*Collect information on a person of security interest Z in order to determine the identity, last location, movement in the last 60 days based on metadata, activities, contacts and possible connection with organized criminal groups.*" *Start the investigation by processing an order on the social network Instagram, where the person has an open and public profile @usernameZ.*" This way, the investigator is enabled to focus on fulfilling the request, and not on thinking about what the decision maker needs. In certain cases, it is desirable for the investigator to guess what the decision-maker wanted, and to independently develop the investigation, however, sometimes this can be counterproductive and unnecessary.

Given that social networks can often be a means of misinforming and deceiving a wider audience, investigators can also be an indirect target of deception. Clark

(2016) states that denial and deception are the main weapons in the counterintelligence arsenal of a country or organization, and the aforementioned can also be transferred to members of organized crime groups. Deceiving, deciphering and lying depends on the psychological profile and mental state of the person of interest who, due to internal processes, can present his own life in a superlative. Disinformation and deception can also be the result of the compromise of investigators who, through their own reckless actions, pointed to data collection activities. A person of interest can then start their own counterintelligence procedures, leading to false leads - for example, posting photos after a few days, tagging in locations where they are not, and so on. The impossibility of quick verification will significantly jeopardize the investigation and enable the security of the person of interest to hide previous traces.

4. Hypothetical example of an investigation of a person of security interest belonging to OKG

In order to better understand the topic of the use of OSINT, which in certain situations can be vague and abstract, below will be given a hypothetical case of the actions of a person of security interest who is a member of an organized criminal group. This hypothetical case is intended to demonstrate the application of the intelligence cycle that guides the investigation after receiving an intelligence request from a superior/decision maker, and taking action to respond to it. In order to simplify the activities and problems, the current migrant crisis, which significantly threatens the state of Bosnia and Herzegovina, will be used. The methodology used in the example is general and simplified, without precise details such as the type of tools and their use. Different security services and agencies have their own research methodologies, and they are not the subject of this paper. An example will be presented through a narrative that enables the use of OSINT, an intelligence request that clearly defines what needs to be found out, and the elaboration of activities that will respond to the intelligence request. Any resemblance to real situations is coincidental and serves for illustrative purposes only.

4.1. Narrative and hypothetical factual situation

Operational data obtained from Western strategic partners indicate the activities of an organized criminal group called KLL. The aforementioned group has about 15 members, who are citizens of Afghanistan. The group's main activity and source of income is the smuggling of migrants from Turkey to Western Europe. The main operative operating on the territory of Bosnia and Herzegovina is Tom Sawyer, whose role is crucial in the final stage of the smuggling chain. According to available information, Tom Sawyer plays a leading role in establishing contact with migrants upon their arrival in BiH and ensuring smooth transit to the western

border. Current knowledge indicates that migrants start their journey in Turkey in one of the migrant camps, then pass through Bulgaria and Serbia. After reaching the western border of Serbia, they enter poorly monitored forest areas, and illegally enter the territory of Bosnia and Herzegovina, actively avoiding the patrols of the Border Police of BiH. Tom Sawyer picks them up in Visegrad, who further organizes their transport to the final destination - Bihać. Based on the collected data, it was determined that migrants pay significant sums of money for this service, which indicates a high degree of financial benefit for the KLL group.

Partners have forwarded information that Tom Sawyer uses social media platforms Instagram and TikTok as a primary channel for promoting his illegal activities. His digital presence allows him to not only advertise his "services" but also connect with potential clients, bypassing traditional intermediaries and ensuring that the entire amount of money is not shared with the intermediary. The posts clearly show:

- Tom Sawyer's appearance (photos and video content),
- Recognizable landscapes and locations in BiH, such as the bridge in Višegrad, cafes and hookahs in Sarajevo, and signposts that clearly indicate the direction and distance to Bihać (e.g. "Bihać 15 kilometers").
- Interactions in comments and likes, which provide additional clues about his connections and collaborators.

Additionally, information obtained through HUMINT confirms that Tom Sawyer is currently staying in Sarajevo, and that he is a frequent guest in a cafe in Baščaršija. His identity was additionally verified through a phone number, which was provided to the services. A review of the WhatsApp application, which is often used to communicate among migrants from Afghanistan, revealed that the number belonged to Tom Sawyer, as he uses his profile picture on the application. The aforementioned serves to connect the face of the name Tom Sawyer, which is advertised on social networks, with the phone number he uses for communication. Further analysis of the messages indicates the possibility of the existence of coded terms and phrases used to coordinate activities. There were frequent messages about watermelons, flowers and bowling. So far, it has not been possible to clarify what this means.

The activities of the KLL group pose a serious threat to national security, given that illegal migration can be linked to secondary security risks, including:

- Potential links with other forms of organized crime (trafficking in people, drugs or weapons).
- The risk of radicalization or infiltration of extremist elements among migrants caused by unrest in the Middle East.

- Destabilization of local communities through increased pressure on resources and security capacities.

Tom Sawyer, as a key actor, is currently a priority in stopping the work of the KLL group. His digital presence opens up space for an OSINT operation, which would gather additional information about his activities, connections and working methods. Operational gaps currently include: detailed information on his associates, precise timelines of smuggling operations and the routes he uses in urban areas. The goal is to create a complete profile of Tom Sawyer and his criminal network, using information from digital sources, HUMINT and other intelligence disciplines, to facilitate their neutralization.

4.2. Intelligence request from superior

In order for the investigators to start the investigation operation, the superior sends them an intelligence request. The intelligence request should guide the investigation by defining the unknowns.

Below is a hypothetical intelligence request related to the activities of one of the actors from an organized criminal group. A hypothetical intelligence request contains the following details

Subject: Monitoring the activities of Tom Sawyer and the KLL group on social networks in order to identify smuggling routes and collaborators.

Request Objective: Collect and analyze open source intelligence (OSINT).

The above is necessary to achieve the following:

- Determined the identity, direction of movement and whereabouts of Tom Sawyer and other members of the KLL criminal group.
- Identified secret smuggling routes used by migrants on the territory of Bosnia and Herzegovina.
- Collected information about potential collaborators and contacts who provide support to OKG on the Turkey-Bulgaria-Serbia-BiH route.
- Analyzed content from social networks (Instagram, TikTok, WhatsApp) for the purpose of mapping activities, geolocating routes and possibly revealing encrypted messages or key information.

Specific tasks:

- Detailed analysis of Tom Sawyer's Instagram and TikTok profiles (posts, comments, likes).
- Identification of persons who communicate or cooperate with Tom Sawyer (analysis of interactions on social networks).
- Collection and geolocation of visual information from published content (landscapes, road signs, locations).

- Study of communications on the WhatsApp application and analysis of the provided phone number to confirm identity and activity.
- Mapping of movement routes (roads, forest and mountain roads) of migrants based on collected data and HUMINT information.
- Determining the location of Tom Sawyer's residence in Sarajevo and analyzing his daily routines, movements and habits.

Expected results:

- Complete profile of Tom Sawyer with confirmed identity, location and activities.
- Detailed map of smuggling routes through the territory of Bosnia and Herzegovina, with identified crossing points and migrant gathering locations (Višegrad, Sarajevo, Bihać).
- List of collaborators and persons participating in the smuggling of migrants.
- Collected evidence from social networks confirming smuggling activities and connection with OKG KLL.

Deadline for delivery of results: 10 working days from the date of initiating the request.

4.3. Elaboration of activities undertaken to respond to an intelligence request

After receiving an intelligence request, a clear identification of known and unknown information begins. By identifying them, the activities of the investigator/team are planned and directed, in order to avoid searching for information that already exists and has been verified. By identifying the unknowns, the investigation begins, because it is the unknowns that represent the directing factor. After directing, activities such as collecting basic data, social network analysis and digital forensics of content, cooperation with units in the field, and creating reports based on the activities carried out begin. The above steps can be presented as follows:

1. Clearly identifying known information

The investigator or team assigned to the said intelligence task primarily aims to determine what data and information they have. Based on the previous narrative text, the following can be seen:

- Facial identity: The face uses the fictitious name Tom Sawyer, but the profile picture and other content on social media indicate that the face is of Asian origin, matching the physical constitution of Afghans.

- Organized Crime Group: The group has been identified as LLK, which may be a specific abbreviation or code associated with the culture and language of Afghanistan. The number of people has also been determined - 15, but the hierarchical structure and leader have not been determined.
- Criminal activities: Smuggling of migrants from Turkey, through Bulgaria and Serbia (unclear movement routes), after which they enter the territory of BiH and move along unknown routes from Višegrad to Bihać.
- Means of communication: WhatsApp number with a profile picture used for contracting smuggling. There is no information whether the number is also used for intergroup communication.
- Usable clues:
 - o An Instagram and TikTok account displaying content about smuggling services.
 - o Geolocation landscapes in announcements - bridge in Višegrad, cafes in Sarajevo, road sign "Bihać 15 kilometers".
 - o Interactions with on posts such as likes, comments and shares.
- Operational HUMINT data:
 - o Sleeping location in Sarajevo.
 - o The specificity of using the WhatsApp application for communication.
 - o Moving through forest paths.

2. Determining unknown information

Investigators cite information that is unclear to them or not available. The answers to these are needed to complete the overall "picture" of the person in question and their *modus operandi*. The unknowns are as follows:

- Identification of all members of the LLK group
 - o Names of group members,
 - o Group hierarchy,
 - o Their social media accounts,
 - o Phone numbers,
 - o Debts and specializations (financing, transport, recruitment and so on).
- More precise analysis of digital traces
 - o Additional Tom Sawyer profiles on Facebook, Telegram, Viber, Discord or another app.
 - o IP addresses of devices and geolocations from which they are logged in.
 - o Who are the users who comment and like content. Which group do they belong to: migrants, helpers or potential clients.
- Smuggling logistics

- Precise movement routes after entering BiH and at which places they cross into the territory of BiH.
- At what locations do they cross in Višegrad or its surroundings?
- Where do they stay when they move to Višegrad, is there a gathering place for rest?
- Where do they stay in Bihać after transport, are there clearly defined locations or are they *ad hoc* ?
- Do they have contact with other groups operating on the territory of Turkey, Bulgaria and Serbia.
- How is payment made – bitcoin, cryptocurrency or hawala system.
- On the basis of which the movement route is determined.

3. Activities undertaken to fulfill the intelligence request

Basic data collection

Investigators begin the operation with identity verification through verification of the provided number (presentation as a potential client) on different SMS services such as WhatsApp, Telegram, Viber and so on. A photo is downloaded from WhatsApp, and its analysis and description is carried out. Attention is paid to social networks in order to determine basic information, after which the operative card from table 2 is completed.

Social network analysis and digital content forensics

The investigator starts searching the profile and posts on it. All posts and content are downloaded with the help of *a data scraper* and categorized into thematic folders - photos, videos, comments, likes, followers and followed. If the posts have geotags, we try to verify their accuracy and provide precise coordinates.

Digital content analysis (photos, video content) is performed using reverse search tools such as Google, Yandex and TinEye. At the same time, extraction of EXIF metadata is performed, ¹⁴such as the location of the device at the time of recording, technical specifications and type of device, format and date/time of recording. If the person possesses technical knowledge and has a high level of operational security, the aforementioned will not provide data, and in that case it begins with describing the content - time of day, season, number of persons and their appearance. The above serves for further profiling and possible connection with other actors in the smuggling network.

Given that the route of movement represents a significant problem, it is necessary to map the movement through the past based on the date of publication,

¹⁴The Interchangeable Image File Format is a standard that specifies formats for images, audio, and auxiliary tags used by digital cameras (including smartphones).

geolocation and possible time of day and hour when the photo / video was taken. To determine the exact location, Google Earth, Geoguesser or an AI tool that has the ability to geolocate is used. This activity serves to create a pattern of behavior, that is, to determine whether it exists - posts every three days or the schedule of posts is random. There is a possibility that a person publishes content a few days after it was created, which is a direct deception, and the same is determined by comparing the EXIF metadata. Also, through the processing of this data, clearer information is obtained about the use of routes, whereby Google maps can be used for the same and two consecutive locations can be marked on the content, showing a possible route on foot or by means of transport.

In addition to movement routes, contacts made on social networks are also important. Interactions with other accounts indicate possible collaborators and clients. Accounts that like or comment on a post represent essential elements of the network and should be mapped, whereby Maltego or another software is used for visualization.

Cooperation with units in the field

Based on the organization of the service / agency and cooperation with other partners, it is necessary to point out unprotected border crossings, which will help the units in the field to establish monitoring points. Also, the databases are checked and it is determined whether there are any positive findings, that is, whether any of the security agencies registered Tom Sawyer - illegal crossing, minor offense, criminal offense, accommodation in a reception center and so on. With regard to the locality of activities of a person of security interest, it is determined whether there is information about his activities in Višegrad, Sarajevo or Bihać. It is necessary to map the movements of the face in places where it is often seen - cafes and lodgings. Data and information about movement in Sarajevo can be used for special investigative measures and actions such as monitoring and surveillance, and in special cases telecommunications surveillance due to the clear establishment of the connection between the person and the telephone number he uses.

Creating reports and responding to intelligence requests

At the end of the 10-day period, a report must be submitted. The aforementioned analytical report clearly and concisely presents the findings, and points to missing information that requires further operational actions. In view of the significantly large criminal group and potential clients, it can be suggested to continue the OSINT operation, which seeks to obtain data and information about other members and hierarchical settings of the group. It is possible to recommend the operation of HUMINT elements and infiltration into the group itself under the client's legend, as well as the use of SIGINT, that is, telecommunications

surveillance, GPS tracking of devices and active interception of internet traffic and communications.

After the report and response, the end user of the information can request new information or give instructions for performing other actions.

FINAL CONSIDERATIONS

The use of OSINT as an intelligence discipline in the investigation of organized crime groups is becoming more and more prevalent among law enforcement agencies. Although there are divided opinions about the mentioned discipline, its operative use is colossal. OSINT enables efficient, effective and economical collection of data related to organized criminal groups. Also, the importance of reducing the risk of exposure to dangers in the field is great, which is noticeable in HUMINT. However, using this method, there are also challenges such as data fragmentation, misinformation, anomalies, technical and personal limitations, which can significantly complicate or stop the investigation altogether. If ways to overcome limitations are devised, OSINT can significantly improve the work of law enforcement agencies in the fight against OKG, especially if it is combined with other disciplines such as HUMINT, SIGINT. In this way, it is possible to fully monitor criminal groups and individuals who are the subject of the investigation. In order to improve the activities of the fight against organized crime that significantly undermines national security (illegal migration, human trafficking, drug smuggling, proliferation of weapons), it is necessary to invest funds in the creation of tools and the training of investigators. Through training and the development of new tools, it is possible to fully exploit this intelligence discipline. The importance of developing OSINT protocols and their application in the investigation of criminal groups and crimes that significantly threaten national security is significant. The hypothetical example indicated the complexity of the investigation and the various variables that affect the investigation. The use of OSINT and coordination with units in the field and other partner agencies/services enables quick and efficient action, the breaking up of criminal groups and their prosecution. Great importance should be attached to continuous action and monitoring on social networks that are suitable for the dissemination of smuggling or other services provided by organized criminal groups. Further research on this topic should be focused on the development of research methodologies for different criminogenic groups, as well as the actors who carry them out. In this way, the pool of knowledge and resources available to the state in the fight against transnational crime and threats will be enriched.

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ADDITION

Illustration 1 - Target Focused Intelligence Cycle (Clark, 2016)	344
Table 1 - List of photo search tools	346
Table 2 Categories of data required for analysis - operational card	347