

**3<sup>rd</sup>**

**International  
Scientific  
Conference**

**31 May - 2 June, 2018  
Vrnjačka Banja, Serbia**

**2018**

**TOURISM  
IN FUNCTION OF DEVELOPMENT  
OF THE REPUBLIC OF SERBIA**

**Tourism in the Era of Digital Transformation**



**THEMATIC  
PROCEEDINGS  
II**



**UNIVERSITY OF KRAGUJEVAC  
FACULTY OF HOTEL MANAGEMENT  
AND TOURISM IN VRNJAČKA BANJA**



# ENVIRONMENTAL POLLUTION AS AN OBSTACLE TO TOURISM DEVELOPMENT

*Nedo Danilović<sup>1</sup>; Dragana Lazić<sup>2</sup>;*

## **Abstract**

*In the light of global trends in the transformation of tourism that suggest the number of tourists will grow in the next 12 years by 3.3% or 43 million per year, and by the end of 2030 the figure will reach 1.8 billion tourists or 1/4 of overall world population, it is realistic to assume that the estimated growth will mostly be affected by shortages in natural resources, environmental pollution and other factors. The subject of this paper is focused on studying the implications of environmental pollution on tourism development in the Republic of Serbia. On one hand, the paper is aimed at examining the development of tourism capacities in the Republic of Serbia and its possible growth directions, and on the other hand at exploring the factors that might lead to a decrease in the number of tourists due to the pollution and damaging of the environment caused by various illegal actions. A significant part of the paper is focused on the legal and regulatory framework governing this field and its critical analysis and possible adjustments in current situations.*

**Key Words:** *tourism, the environment, environmental pollution.*

**JEL classification:** *K14*

## **Introduction**

Like other branches of economics, tourism also affects the quality of the environment both in a positive and negative way. The positive effects of tourism on the environment are observed in the fact that it is an activity which tends to use natural resources properly, improve landscapes and maintain ecological, economic, social and cultural values of the state.

---

<sup>1</sup> Nedo Danilović, PhD, prof., a full professor, Union University, Faculty of Business and Law, Knez Mihajlova 33, 063/241-761, danilovic.nedjo@gmail.com

<sup>2</sup> Dragana Lazić, PhD, an assistant professor, Faculty of Law, Megatrend University, Bulevar umetnosti 29, 064-00-574-22, dragana1908@yahoo.com

Until recently, the advantages of tourism were available only to a narrow circle of wealthy people, whereas today the circle is widening. According to some studies, today, more than a million people are estimated to take part in tourist migrations annually (Danilović, Lazić, 2016). In the light of global trends in tourism, the number of tourist arrivals is forecast to grow in the next 12 years by 3.3% or 43 million a year, and by the end of 2030, it will reach the figure of 1.8 billion tourist arrivals or  $\frac{1}{4}$  of the overall world's population. The reason behind this is definitely to be found in the tendencies of the globalisation, industrial, transportation, technological and information revolution. Today, tourism accounts for 9% of the total world gross domestic product, and every 11th employee is engaged in the tourism industry and its related activities.

The advantages of the development of this branch of economics are in generating new jobs and enhancing every country's economic policy. National revenues generated by tourism have positive flows reflected in the fact that a tourist who pays for a service enables a service provider to pay for a tax, salaries of employees, spend the income on their or their children's education, pay for medical examinations, cinema tickets and similar things. It all points to the clear conclusion that the money earned from tourism is injected in every segment of both local and national economies.

In addition to directly financing hospitality industry, traffic, trade and similar, tourism also provides direct funds for agriculture, industry, energetics, education, health care system, culture... Unfortunately, neither tourism industry in the Republic of Serbia has been fully developed yet, nor the natural resources in Serbia are adjusted to the users of tourism services. The amount of money that Serbian people spend abroad is still higher than the amount of money that foreign tourists bring into the Republic of Serbia. However, as time goes by, this ratio is changing more and more in favour of the Republic of Serbia.

Still, it should be noted that tourism development will not necessarily bring about social and economic development of a community. The major problem in developing countries, such as Serbia, is a development policy which either lacks a strategy for tourism development or such a strategy is not sector-oriented and thus not completely applicable. The Republic of Serbia has the Strategy for Tourism Development for the period 2016-2025. The specific features of Serbia and its neighbouring countries are increasing the number of foreign hotels and other tourism capacities that

do not leave their profits in the Republic of Serbia, but send the profits back to their mother countries. The only benefit that our country might gain from such business is low salaries of employees, paid income tax, paid charges for energy, water, sewerage and other utility services.

The special importance of tourism for the development of the Republic of Serbia is reflected in its impact on political and ethnical (in) stability of the state and its wider surroundings. Led by economic interests, countries and nations may achieve good cooperation and provide stability to attract more tourists. There are a lot of similar examples, and one of the best is definitely Jerusalem, where three biggest world religions coexist, and which is visited by huge number of tourists every year. By meeting different people, cultures, religions and races it is easier to overcome mutual differences, and in turn tolerance of differences leads to higher respect and better understanding among nations and countries.

Besides, tourism is often said to be the main factor in environmental preservation. If a destination attracts more tourists and provides revenues to a local community, local authorities will not allow environmental degradation, but they will protect it from changes and preserve its peculiarity that attracts domestic and foreign tourists. Therefore, it is necessary to provide protection of tourist attractions in every sense of the word and to work on its promotion.

Sustainable tourism implies a branch of economics that has minimal impact on the environment and local culture, and at the same time, it contributes to creating new jobs, making profits and protecting local ecosystem. Thus, responsible authorities in every country should support every aspect of tourism that contributes to environmental protection, the protection of the social and economic integrity and improvement of natural, cultural and created values on a permanent basis.

Adverse environmental implications, particularly those that uncontrolled tourism development has, are manifested in the depletion of natural and other resources such as land, water, fuel, electricity and similar, but also in producing large quantities of waste. The negative effects of tourism on the environment are observed in putting pressure on natural resources, biodiversity (animals and plants), and in all sorts of pollution.

The negative impact of the modern tourism industry on the environment is the consequence of a weak legal and regulatory framework governing

this field, poorly implemented planned regulations, lack of adequate infrastructure, particularly for wastewater treatment and disposal of hazardous waste, as well as inefficient management of protected resources. The environmental threats posed by tourism industry are numerous. For the purpose of the paper, the key threats are selected:

- weak legal and regulatory framework governing this field on one hand, and the lack of its enforcement on the other;
- selective enforcement of spatial and urban plans;
- uncontrolled exploitation of natural resources;
- incompetent management of protected resources;
- inadequate utility, transportation and tourism infrastructures;
- insufficient and inappropriate inter-divisional cooperation in tourism and environmental protection;

If these threats are not addressed in the long term, they leave inconceivable negative impact on the environment, primarily through:

- strong pressure on the environment, available natural resources and biodiversity that is reflected in inappropriately located and illegally constructed tourist facilities;
- uncontrolled and unpunished discharge of wastewater and illegal dumping of harmful waste;
- illegal emissions of harmful gases into eco space from vehicles and non-standard boiler-rooms;
- illegal emissions of traffic noise, noise from catering facilities and other group and mass events;
- uncontrolled and illegal, ecologically unacceptable tourism development in protected areas and other valuable natural resources;
- habitat destruction and disturbing wildlife by tourists.

### **Ecological delicts**

With the development of tourism, the number of injurious behaviours that lead to criminal liability for offences committed in this field is growing. Therefore, it is no wonder that this field has been incriminated in the Republic of Serbia since 1977. In addition, it should be noted that the issue of environmental pollution and the need to tackle this issue has been regulated by a special law since 2004 (Law on Environmental Protection, 2004).

The most common name referring to a group of offences against this field is ecological delicts. The fact that this subject matter has been growing in importance in recent years and that the Republic of Serbia has to undertake more and more measures against them is reflected in establishing a scientific discipline in law - Ecological Law. To make it clear what the paper is about let us start from the conceptual definition of the term delict. Lexically, the word delict is derived from the Latin word *delinquere*, i.e. delictum, meaning an act against the law, an offence, crime (Vujaklija, 1980). Legally, it means a criminal offence which under the substantive law denotes a formal and objective-subjective concept, i.e. the stipulation of the offence under the law, its unlawfulness and incrimination (Lazarević, 2006). As per criminological aspect, its meaning is based on a multitude of terms used to designate an unlawful conduct that is the subject of criminological research, wherein the term delict is equated with the terms crime and offence, being interpreted as a single criminal behaviour (Ignjatović, 2007).

The criminal legislature of the Republic of Serbia comprises 22 groups of criminal offences, which are classified under different chapters of the Law. Environmental offences are stipulated by the codified Criminal Code that has been in effect since 2006 in Chapter 24, i.e. from Article 260 to Article 278 (Criminal Code, 2005). The protection of the environment through criminal law is based on the concept of bio centric views of the environment, whereby the environment is perceived to be of key importance for life, and hence the environment is considered to be protected per se, as opposed to the anthropocentric views that treat the environment as a resource subordinated to human needs (Lilić, Drenovak, 2010). Environmental offences are characterized by their multiplicity, mutual diversity and distinctiveness of the modern crime and therefore they are classified in the theory of criminal law into four categories: 1) general environmental offences 2) criminal offences pertaining to dangerous substances; 3) criminal offences against the wildlife and plants; 4) criminal offences pertaining to poaching game and poaching fish (Bošković, 1996).

From the point of view of this paper, it is necessary to point that in the practice of tourism development in Serbia, and this applies even to sustainable tourism, against our will various offences are committed, wherein ecological delicts occupy a significant place, i.e. in all of the four categories of criminal offences. Ecological delicts committed intentionally or unintentionally have an adverse impact both on the

environment and tourism development as well. Thus, the subject of further study in this paper addresses environmental offences, with the focus on the criminal offence of environmental pollution and concrete statistical data acquired by the empirical research on the number of committed environmental offences in the period from 2007 to 2016, and specifically the number of committed pollution offences in a five-year period, from 2012 to 2016. The paper elaborates on the data about the number of registered, indicted, convicted adults as well as the type and severity of the pronounced criminal sanctions.

### **Environmental offences and their specific features**

In order to protect the environment the legislator has stipulated the behaviours that are deemed a criminal offence against this protected object. The criminal offences are: 1) environmental pollution; 2) failure to undertake environmental protection measures; 3) illegal construction and operation of facilities and installations polluting the environment; 4) damaging environmental protection facilities and installations; 5) damaging the environment; 6) destruction, damage, transfer into a foreign country or into Serbia of a protected natural resource; 7) bringing dangerous substances into Serbia and unlawful processing, depositing and storing of dangerous substances; 8) illegal construction of nuclear plants; 9) violation of the right to be informed on the state of the environment; 10) killing and wanton harming of animals; 11) transmitting of contagious plant and animal diseases; 12) malpractice in veterinary services; 13) producing harmful products for treating animals; 14) pollution of livestock fodder and water; 15) devastation of forests; 16) forest theft, poaching game and poaching fish.

Unlike the criminal offence of environmental pollution, which can be committed by any person, the environmental offence of failing to undertake environmental protection measures can be committed solely by an official or responsible officers, by failing to implement the protection measures that are stipulated by the law or imposed by the decision of a competent body. The consequence of this criminal offence can be abstract hazard, i.e. the offence is committed once the offender fails to undertake the protection measures regardless of the fact that the offence has not resulted in a consequence. The penalty for this offence is a fine or imprisonment up to three years if the offence is committed with premeditation or alternatively a fine or imprisonment up to one year if the offence is committed from negligence.

The criminal offence of *illegal construction and operation of facilities and installations polluting the environment* is committed by virtue of acting or failure to act by an official or a responsible person. Acting means allowing i.e. issuing an approval for construction, operation or use of facilities and installations or implementation of technological processes, contrary to the legislation on environmental protection, preservation and improvement, that to a larger extent and over a wider area pollute the environment. Failure to act means failure to carry out legally stipulated obligations that most often refer to inspectional supervision. The basic form of the criminal offence, which can be committed only with premeditation, implies environmental pollution to a larger extent and over a wider area, and the penalty prescribed for the offence is imprisonment of six months to five years.

The next criminal offence from this group is *damaging environmental protection facilities and installations*. The criminal offence, which can be committed by any person, includes damage (partial destruction which reduces operability of facilities or installations), destruction (complete destruction which makes inoperable facilities or installations), removal or otherwise making inoperable facilities or installations for environmental protection. The penalty for the basic form of the criminal offence committed with premeditation is imprisonment up to three years, or alternatively a fine or imprisonment up to one year if the offence is committed from negligence.

*The criminal offence of damaging the environment* encompasses exploitation of natural resources (exploitation of minerals, forests, water, and similar things), construction of buildings (construction of dams and similar), executing certain works (ploughing the soil, watercourse diversion, illegal mine waste disposal) or otherwise inflicting damage to the environment. Thus, this criminal offence, which can be committed by any person, does not result in environmental pollution, unlike the previous criminal offences, but in causing damage to the environment, including natural habitat degradation. The law stipulates only the basic form of the criminal offence, which entails the damage to the environment on a large scale and over a wider area. The penalty prescribed for the offence is imprisonment up to three years if the offence is committed with premeditation, i.e. a fine or imprisonment up to one year if the offence is committed from negligence.



To understand the criminal offence of *destruction, damage, transfer into a foreign country of a protected natural resource* firstly it has to be defined what a protected natural resource denotes. This is given by the Rulebook on declaration and protection of protected and strictly protected species of plants, animals and fungi. The object of legal protection against this criminal offence is a natural resource that is considered to be a preserved part of nature with special values and qualities, which has a permanent ecological, scientific, cultural, educational, recreational, tourism and other importance, and therefore enjoys special protection as a natural resource of general interest. The penalty for the basic form of the criminal offence is imprisonment of six months to five years, if the offence is committed with premeditation, or alternatively a fine or imprisonment up to six months if the offence is committed from negligence.

*Bringing dangerous substances into Serbia and unlawful processing, depositing and storing of dangerous substances* is a criminal offence which entails unlawful bringing into Serbia radioactive or other hazardous materials or hazardous waste, and their transport, processing, disposal, collecting or storing, i.e. allowing or facilitating by malfeasance or abuse of power, bringing into Serbia of those materials, their transport, processing, disposal, collecting or storing. The penalty prescribed for this form of criminal offence, is imprisonment of six months to five years and a fine. If an official or a responsible person by malfeasance or abuse of power allows or facilitates some of the mentioned unlawful activities the prescribed penalty for that is imprisonment of one to eight years and a fine. The aggravated forms of the offence entail destruction of flora and fauna on a large scale as a consequence of bringing into or transporting, processing, collecting or storing of dangerous substances, for which the penalty is imprisonment of two to ten years and a fine, i.e. the offences committed in an organised way will be punished by imprisonment of three to ten years and a fine.

*The criminal offence of illegal construction of nuclear plants* provides for criminal justice in the event of a ban on the construction of a nuclear power plant or a processing plant for used nuclear fuel. The offence entails construction or permitting the construction of a nuclear power plant or a nuclear fuel production plant, or a processing plant for used nuclear fuel, for which the prescribed penalty is imprisonment of six months to five years. The offender of this crime can be any person, but

given the nature of this matter, the offenders are usually officials responsible for issuing construction permits for such objects.

The substance of the criminal offence *violation of the right to be informed on the state of the environment* is provided for in Article 268 of the RS Criminal Code which stipulates that the offender is every person who contrary to legislation withholds information or provides false information on the state of the environment and events required for environmental threat assessment and employment of protective measure. The penalty alternatively prescribed for this criminal offence, which can be committed solely by an official or a responsible officer and with premeditation, includes a fine or imprisonment up to one year.

A part of the Criminal Code provides for the protection of plants and animals. *Killing and wanton harming of animals* is defined as a criminal offence. The basic form of the criminal offence entails killing, injuring, torturing or otherwise animal abuse. The penalty for this offence is a fine or imprisonment up to one year. The aggravated forms of the offence entail killing, injuring or torturing a number of animals or if the offence is committed against animals that belong to specially protected species, for which the penalty is alternatively a fine or imprisonment up to three years, i.e. organization or financing of animal fights between animals of the same or different species for personal gain is punished cumulatively with imprisonment up to three years and a fine. However, it should be noted that this criminal offence has always drawn and still draws enormous attention, as law theorists have quite divided opinions on the matter of this criminal offence and its object of protection. The object of protection primarily entails human feelings towards certain animal species, thus killing and torturing of just those animals that provoke pity with most people are not allowed. If this criminal offence were interpreted very strictly, some services would not be allowed to spray some animal species (mosquitoes, different sorts of insects).

The criminal offence of *transmitting of contagious plant and animal diseases* entails failing to observe legislation, decisions or orders issued by a competent body on the employment of measures during an epidemic of livestock disease that may endanger cattle breeding, i.e. during the threat of a disease or pests that may endanger plant life. The penalty for committing the basic forms of this criminal offence is a fine or imprisonment up to two years. The aggravated form of the offence is committed if it results in death of animals, destruction of plants or other

considerable damage due to the failure to act, for which the penalty is imprisonment up to three years.

The criminal offence of *malpractice in veterinary services* can be committed only by a veterinarian or a licensed veterinary technician, and it entails application of obviously inadequate means or methods of treatment of animals, thereby causing the death of animals or other considerable damage. The penalty for the criminal offence is a fine or imprisonment up to two years if the offence is committed with premeditation, i.e. a fine or imprisonment up to six months if the offence is committed from negligence.

*Producing harmful products for treating animals* is a criminal offence that entails production for sale or placing on the market of the products for treatment or prevention of animal diseases, which can jeopardise life and health of animals, for which the penalty is a fine or imprisonment up to one year. The penalty for the basic and aggravated forms of the offence committed from negligence is a fine or imprisonment up to six months.

An environmental offence is also pollution of livestock fodder and water. A basic offence entails contamination of livestock fodder and water, by using a harmful substance, i.e. contamination of water in a fish-pond, lake, river or canal, thereby causing danger to the survival of fish or other aquatic animals, for which the penalty is a fine or imprisonment up to two years. If the contamination results in death of animals, the offence is considered to be aggravated, for which the penalty is a fine or imprisonment up to three years. In addition, the penalty for the basic or aggravated forms of the offence committed from negligence is a fine or imprisonment up to six months.

*Devastation of forests* as a criminal offence entails unlawful cutting and clearing of forests or damaging trunks, or cutting down one or more trees in a park, tree avenue or elsewhere where cutting down of trees is prohibited. The penalty for that offence is a fine or imprisonment up to one year. The aggravated form entails committing the offense in a protected forest, national park or other special-purpose forest, for which the penalty is imprisonment of three months to three years.

In addition to devastation of forests, another offence is *forest theft*. The basic form of the criminal offence entails felling one or more trees in a forest, park or tree avenue with intent to commit a theft, provided that the

quantity of timber doesn't exceed one cubic meter, for which the penalty is a fine or imprisonment up to one year. If the quantity of felled timber intended to be sold exceeds five cubic meters or if the offence is committed in a protected forest, national park or other special-purpose forest, the offence is considered to be aggravated for which the penalty is a fine or imprisonment up to three years.

This Chapter of criminal offences provides for protection of both plants and animals, therefore it encompasses the offences of *poaching game and poaching fish*. The basic form of poaching game entails hunting game during closed season or in the territory where hunting is prohibited, for which the penalty is a fine or imprisonment up to six months. The aggravated form of the offence is considered to be committed against big game (bear, deer and similar), for which the penalty is a fine or imprisonment up to two years, i.e. hunting game that is prohibited or hunting particular game without a license when such license is required or hunting with an equipment which destroys game in large numbers, for which the penalty is imprisonment up to three years.

It is the object of protection that makes difference between the criminal offence of poaching game and the criminal offence of poaching fish. In the case of poaching fish, the object of protection is fish stock and other aquatic animals. The offence can be committed by any person who fishes or catches aquatic resources during a closed season and in closed waters where fishing is forbidden. The penalty for this offence is a fine or imprisonment of up to six months. When it comes to the method of fishing, if explosive, electricity, poisonous, dazing substances are employed or some other techniques harmful to fish stock reproduction or causing their massive destruction, i.e. fishing outside safe biological limits and overfishing), an aggravated offence is considered to be committed for which the penalty is imprisonment of up to three years.

### **Environmental pollution as a criminal offence**

Environmental pollution is defined as a distinct criminal offence stipulated by the provisions of Article 260 of the RS Criminal Code. The global object of protection is the environment as an imperative that provides vital conditions for the survival of the mankind through joint protection of air, water and soil (Klaus, 1991).

The object of protection against this offence is a basic human right to healthy and relatively preserved natural environment (Stojanović, 2009). A further reason for this object of protection to be singled out is the fact that a right to healthy environment is set forth in the RS Constitution (RS Constitution, 2006).

The commission of the basic offence implies the pollution of air, water, or soil on a larger scale or in a larger area by violating the rules on the environment protection, preservation and development. Under the positive-law legislation environment, pollution implies an act of contaminating the environment with polluting substances or energy, which is a result of some human activity or natural processes that have or may have detrimental consequences on the quality of the environment and human health (Law on Environmental Protection, 2004). Pollution, for example, may be caused by burning dangerous substances that pollute air, discharging wastewater into a receiving water or soil, releasing or disposal of dangerous chemicals, etc.

The elements of a criminal offence that are necessary for determining whether a basic or an aggravated form of the offence is committed, which are not precisely stipulated by the law (larger scale, wider territory, longer time, high expenses), as a rule, are established in every individual case on the basis of the opinion of an expert in the relevant field, accredited by a competent judicial authority, or on the basis of judicial practice. Therefore, it is an imprecise and widely formulated rule that is also called a general clause in criminal law.

The aggravated form of this criminal offence occurs when the pollution of air, water or soil has resulted in an extensive destruction of the flora and fauna, i.e. has resulted in such extensive environment pollution that the removal of its consequences will take a long period of time and incur substantial costs. Also in the stipulation of this offence it remains unclear what is meant by the long period and the substantial costs.

The legislator has stipulated the sanctions in accordance with the form of the committed offence. For a basic offence committed with premeditation, the prescribed penalty is imprisonment of six months to five years and a fine, whereas an act of negligence is sanctioned by a fine or imprisonment of up to two years. For an aggravated offence committed with premeditation, the prescribed penalty is imprisonment of one to eight

years and a fine, whereas an act of negligence is sanctioned by a fine and imprisonment of six months to five years.

### Empirical research on environmental offences

The empirical research that is presented in the paper comprises the study of the number of committed environmental offences in a ten-year period, i.e. from 2007 to 2016 on the territory of the Republic of Serbia, as well as environmental pollution offences in a five-year period, i.e. from 2012 to 2016. The analysed data refer to the number of registered adults, indicted adults, convicted adults, as well as the type and the severity of the pronounced sentence.

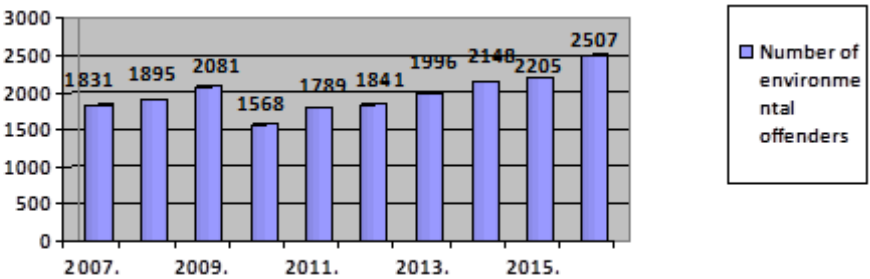
One of the reasons why the number of the registered persons is so low, and the same goes for the number of detected criminal offences in this area, definitely lies in the fact that the manner of collecting evidence in this area is quite specific and is usually based on experts' opinions. For that purpose, according to experts and scholars, it would be advisable to set up teams of environmental forensics experts (Čavoški, 2011).

Table 1: *The number of committed environmental offences in the period 2007-2016*

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
1831	1895	2081	1568	1789	1841	1996	2148	2205	2507

Source: *Bulletin of adult offenders in the Republic of Serbia, 2016*

Figure 1: *The number of committed environmental offences in the period 2007-2016*



Source: *Bulletin of adult offenders in the Republic of Serbia, 2016*

According to the above given table and figure it can be concluded that most of the environmental offences in the observed ten-year period were committed in the last observed year, i.e. in 2016. The lowest number of environmental offences was committed in 2010. Also, it can be concluded that an annual average in the observed period was 1986 offences of this type.

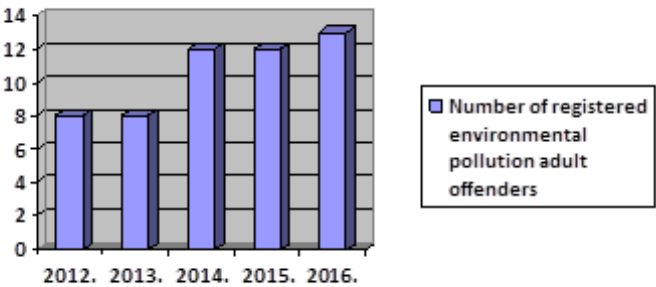
Table 2: *The number of registered environmental pollution offenders in the period 2012-2016*

2012	2013	2014	2015	2016
8	8	12	12	13

Source: *Bulletin of adult offenders in the Republic of Serbia, 2012-2016*

To gain a complete picture on the analysed criminal offence, further research is focused on the environmental pollution offence by analysing the number of registered, indicted and convicted offenders for the period 2012-2016.

Figure 2: *The number of registered environmental pollution offenders in the period 2012-2016*



Source: *Bulletin of adult offenders in the Republic of Serbia, 2012-2016*

An average number of registered adult offenders who committed environmental pollution in the observed period is 11 per year (Table 2). In 2012 eight adult offenders were registered, out of which five were known to the police and three were not. Out of eight adult persons, seven were males, and one female. Indictment was filed against three offenders, while charges were dismissed against two offenders. The same number of offenders was registered in the following year, therewith the seven persons were known to the police, while one was not. Out of eight

registered adult offenders, seven were males and one female. In 2013, charges were dismissed against even five offenders, while prosecution was suspended against one person, and charges were pressed against one person. In 2014 twelve offenders were registered, out of which two females. Nine offenders were known to the police, charges were dismissed against eight offenders, while indictment or criminal complaint was filed against one person. Out of total twelve offenders of environmental pollution in 2015, eleven charges were dismissed, and indictment was filed against just one person. All twelve registered offenders were known to the police, and one female was among them. The biggest number of registered offenders was in 2016, out of which ten were known to the police and three were not. In the year nine charges were dismissed and one indictment was filed. The next stage in criminal proceedings is the stage of filing indictment that is also observed and analysed for the mentioned five-year period.

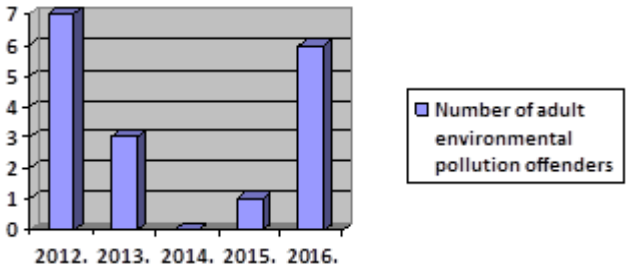
Table 3: *Number of indicted environmental pollution offenders in the period 2012-2016*

2012	2013	2014	2015	2016
7	3	0	1	6

Source: *Bulletin of adult offenders in the Republic of Serbia, 2012-2016*

The biggest number of persons indicted for environmental pollution offence was in 2012, wherein private charges were dismissed against seven persons, four persons were acquitted due to the lack of evidence, a security measure was imposed upon one person and indictment was dismissed against one person. Only one indicted person was female.

Figure 3: *Number of the indicted for environmental pollution offence in the period 2012-2016*



Source: *Bulletin of adult offenders in the Republic of Serbia, 2012-2016*



In the following year, the number of the indicted was lower, thus the research suggests that private charges were dismissed against one person, while two persons were declared guilty. In this year as well as in the previous out of three indicted persons, one person was female. In 2014, no indictment for this offence was filed, while in the following year one male person was indicted for environmental pollution. Finally, in 2016, six male persons were indicted for committing this offence, whereof three persons were acquitted due to the lack of evidence.

Table 4: *Number of the convicted for environmental pollution in the period, 2012- 2016*

2012	2013	2014	2015	2016
0	2	0	0	1

Source: *Bulletin of adult offenders in the Republic of Serbia, 2012-2016*

Every judicial proceedings end either in conviction or acquittal, thus the next part of the paper is devoted to this stage. Further to the table and graphic display of the data on adults convicted for environmental pollution it can be concluded that in 2012, 2014, 2015 nobody was convicted on this grounds. In 2013 one male and one female were convicted for environmental pollution and received suspended sentence. (On the nature and types of punishment: Danilović, Đurić Lazić (2015)) One male was fined with the amount from RSD 100 000 to RSD 200 000 in 2016.

## **Conclusion**

The mankind and their everyday activities endanger nature and its survival to a large extent. Overall environmental protection, conservation and improvement particularly gained importance by the end of the last and at the beginning of this century when some studies suggested inconceivable consequences of an uncontrolled human impact on the environment. Water, air, soil, food pollution, i.e. the pollution of the whole environment emerges as a global problem. Human harmful impacts on the environment are even more destructive because of the existing scale and intensity of environmental pollution, as the nature cannot recover or renew on its own, or the process takes a lot of time.

Certain human activities have devastated forests and agricultural land, while industrial plants and inadequate dumps affect the environment and

its looks. Thus, it is not surprising that countries conduct different environmental actions and programmes aimed at raising people's awareness about the importance and significance of the environment. It is estimated that the forthcoming period will be characterised by tackling not only the existent, inherited but also new problems pertaining to environmental pollution that will have a negative impact on tourism development in the future.

The problems of environmental pollution are evident with every step. The particles of dust and char, volcano eruption, burning of oil, petroleum, timber add largely to air pollution. In addition, neither water nor soil is protected from this problem. Industrialisation and urbanisation processes bring about climate changes, ozone layer destruction, acid rains which result in environmental pollution. In addition, noise and vibrations are also pollutants that cause anxiety and aggression in people, which altogether have a significant impact on tourism development.

The tendency of the mankind to bring human impacts on the natural environment under control is best seen in adopting international legal standards in environmental protection. Following this trend, the Republic of Serbia has envisaged within its criminal legislation some behaviours that are deemed criminal acts against environment. From the aspect of formal law, environment protection through criminal law is appropriate. However, in the view of a factual aspect, on the basis of the empirical research there is a discrepancy between normative behaviour and real state of affairs which might have negative impact on tourism development unless some concrete measures are undertaken.

The research presented in the final part of the paper suggests a low percentage of the convicted for environmental pollution offences in comparison with the number of the registered and indicted. At the end of the paper, we express the hope that this field will develop more, more studies on ecological delicts will be done, and people's awareness about harmful effects of their behaviour on one hand, and the importance of nature and its benefits, on the other hand, will increase in time.

Since modern tourists are more and more opting to visit those destinations where they feel close to nature, every tourist destination in the Republic of Serbia which wants to attract domestic and foreign tourists has to protect its natural and cultural resources, in addition to newly-created values, in close cooperation with a local community and regional

authorities. Naturally, the state has the most important role in this process, primarily in creating an efficient legislative framework for tourism development and environment protection, then planning, creating and designing policies and preventing uncontrolled and illegal construction, particularly in protected areas. The state is the most responsible for waste management, environmental pollution, water supply construction and ecological processing of waste, as well as for energy supply from renewable sources.

Because of the importance of the environment conservation and the need to protect it, legal experts have unanimous opinion on the matter of stiffening criminal sanctions for environmental offences. Tightening of the criminal penalties for these criminal offences in the Criminal Code of the Republic of Serbia will serve the purpose of general and special prevention. The general purpose of stiffening the criminal sanctions will be to contribute to the prevention of criminal offences against the environment and will have deterrent effect on offenders and preventive effect on others not to offend against the environment (Danilović, Đurić Lazić, 2015).

Efficient and tightened criminal protection of the environment will definitely contribute to sanctioning failures in the planning and construction of eco-destinations, those who endanger sensitive ecosystems, natural and cultural environmental elements, and punishing all individuals and groups who do not protect the environment and do not use alternative and sustainable resources in water consumption and alternative energy sources during the construction of tourist and other facilities, who do not duly dispose of waste, wastewater and other harmful materials, and all those who do not contribute to sustainable tourism development.

## **References**

1. Bilten punoletnih učinilaca krivičnih dela u Republici Srbiji – prijave, optuženja i osude u 2016. godini, Republički zavod za statistiku, Beograd, 2017.
2. Bilten punoletnih učinilaca krivičnih dela u Republici Srbiji – prijave, optuženja i osude u 2015. godini, Republički zavod za statistiku, Beograd, 2016.

3. Bilten punoletnih učinilaca krivičnih dela u Republici Srbiji – prijave, optuženja i osude u 2014. godini, Republički zavod za statistiku, Beograd, 2015.
4. Bilten punoletnih učinilaca krivičnih dela u Republici Srbiji – prijave, optuženja i osude u 2013. godini, Republički zavod za statistiku, Beograd, 2014.
5. Bilten punoletnih učinilaca krivičnih dela u Republici Srbiji – prijave, optuženja i osude u 2012. godini, Republički zavod za statistiku, Beograd, 2013.
6. Bošković M., (1996), *Kriminalistička metodika*, Policijska akademija, Beograd.
7. Čavoški A., (2011), *Analiza prikupljene statistike o postupanju tužilaštva u oblasti životne sredine, Priručnik za zaštitu životne sredine*, Udruženje tužilaca i zamenika javnih tužilaca Srbije, Beograd.
8. Danilović N., Đurić Lazić D., (2015), The penalty and alternatives in the Western Balkans, *Seventh Session of the International Forum on Crime and Criminal Law in the Global Era, „Theory and Practice of Punishment in the Era of Globalization“*. In: *Paper Collection*. (Ur. Bisung He). Bejing, China, pp. 189-205.
9. Danilović N., Đurić Lazić D., (2016), Prinudne migracije – uzroci i posledice, *Migracije u 21. veku: uzroci i posledice, prvi tom*, Evropski univerzitet Distrikt Brčko i Evropski univerzitet „KALOS“ Tuzla, Banja Luka, Markos design & print studio, Brčko. str.: 45-57.
10. Ignjatović Đ., (2007), *Kriminologija*, Dosije, Beograd.
11. Kraus B., (1991), *Komentar Krivičnog zakona Republike Srbije*, Savremena administracija, Beograd.
12. Krivični zakonik, Sl. glasnik RS, br. 85/2005, 88/2005 - ispr. 107/2005 - ispr. 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 i 94/2016.
13. Lazarević Lj., (2006), *Komentar Krivičnog zakonika Republike Srbije*, Savremena administracija, Beograd.

14. Lilić S., Drenovak M., (2010), *Ekološko pravo*, Pravni fakultet u Beogradu.
15. Stojanović Z., (2009), *Komentar Krivičnog zakonika*, Službeni glasnik, Beograd.
16. Strategija razvoja turizma Republike Srbije u periodu od 2016-2025 godine, Ministarstvo trgovine, turizma i telekomunikacija, novembar 2016., <http://mtt.gov.rs/download/3/strategija.pdf> (07. februar 2018.)
17. Ustav Republike Srbije, Sl. glasnik RS, br. 98/2006.
18. Vujaklija M., (1980), *Leksikon stranih reči i izraza*, Prosveta, Beograd, 1980.
19. Zakon o zaštiti životne sredine, Službeni glasnik RS, br. 135/2004, 36/2009, 36/2009 - dr. zakon, 72/2009 - dr. zakon, 43/2011 - odluka US i 14/2016.