

CORRUPTION AND CORRUPTION OFFENCES IN TOURISM

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Abstract

Tourism as a service sector consists not of one but of several, mutually connected, equally important elements, such as the construction of tourist facilities, all modes of transport, accommodation, tourist transfers, banking, safety and security of passengers. Accordingly, an important research question in this paper relates to the forms of corruption manifestation that occur in all tourism activities, with an emphasis on the corruption that mostly occur in relation to the privatization of tourist facilities, issuing permits for the construction of tourist facilities and employment of staff in those facilities and accompanying services (giving a bribe, taking a bribe and trading in influence). Being an economic branch which is rapidly growing and employs more and more people, its side effect is corruption which has specific forms of manifestation in tourism. Therefore the main research subject in the paper is to describe, classify and give scientific explanation of specific aspects of corruption and corruption offences in tourism and related to tourism.

Key Words: *tourism, corruption, corruption offences, giving a bribe, taking a bribe and trading in influence*

JEL classification: *K14*

Introduction

Corruption is not a product of the modern era. It is almost as old as human society. It is a permanent phenomenon interwoven in the milieu of every society.

Originally, the term corruption comes from a Latin word *corrumpo* meaning perversity, depravity, subornation, bribery, decay, rotteness,

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decomposition, falsifying (Lazić, 2014). Not even today do we have a more precise definition of the concept of corruption than the Latin. In the Dictionary of the Matica Srpska, bribe is defined as a pecuniary or another valuable gift, inducement given to persuade someone to act in one's favor (mostly dishonestly or illegally). There is an older term than corruption that is *diškrecija*³, which means bribe, bribery. A common belief in our culture is that every gift is not considered a bribe, therefore in ordinary and everyday life there is a difference between a bribe and a gift, giving a gift and giving a bribe.

Corruption in tourism is a specific form of manifestation of this negative social occurrence and differs from other forms of corruption in the public sector. Only in recent years has it started to attract the attention of scientists and the general public. So far, in Serbia mostly nongovernmental organizations, and media in some cases, have dealt with the problems of corruption in tourism. Therefore, there is little available literature that comprehensively and in methodologically acceptable manner analyzes specific aspects of corruption in tourism.

Given this notion, the paper has ensued from an ad-hoc research of a corruption-in-tourism phenomenon. In addition to giving a theoretical definition of corruption in general, the paper also defines corruption in tourism in particular and identifies corrupt behaviors in the tourism industry and tourism-related activities.

Theoretical and normative approach to the concept of corruption and corruption offences

When conducting research on former, current and future occurrences the first mental activity is to define the meaning of key concepts. The concept of corruption in tourism has not been clearly defined in recent history. There were only some single attempts to define this notion, thus in contemporary sociological and criminological, political, economic, legal and security theories several working definitions of the concept of corruption in tourism appeared, derived from the categorical concept of corruption in general. In a multitude of different meanings of the term "corruption", a question is always where to start. In order to provide a proper answer to such a question it is not possible in a limited space to identify all the definitions of corruption, but it is necessary to start from a

³ An archaic Serbian word, no longer in use, meaning bribe, corruption, TN

so-called typical definition of this concept (Danilović & Blagojević, 2014).

This means that the definition, apprehension and meaning of the concept "corruption in tourism" depend on the definition of the concept of *corruption* in general. Hence, it is necessary to formulate a synthetic definition of corruption in general and here from deriving the definition of the concept "corruption in tourism".

In domestic and world sociological and criminological, political and legal, economic and security theories the term corruption has different meanings. Synthesizing all those meanings this term may be expressed by a common denominator which indicates that corruption is fundamentally an abuse of office or abuse of official power for private gain for oneself or another person (Danilović & Blagojević, 2014).

Although there is no single, comprehensive and generally accepted definition of the term corruption in the legislature of the Republic of Serbia, corruption usually implies achieving gain by abuse of official power. In the case-law, pursuant to the RS Criminal Code, the following criminal offences are deemed corruption offences: criminal offence of giving a bribe, criminal offence of taking a bribe, offence of trading in influence and offence of abuse of office (Kolarić, 2011).

The basic form of the criminal offence of giving a bribe is committed by anyone who makes, offers or promises a gift or other benefit to an official or another person, to within his official competence or in relation to his/her official powers perform an official act that should not be performed or refrain from performing an official act that should be performed, or who acts as intermediary in such bribing of an official (Criminal Code, 2016).

The basic form of the criminal offence of accepting a bribe is committed by an official who directly or indirectly solicits or accepts a gift or other benefit, or promise of a gift or other benefit for himself or another person to perform an official act within his competence or in relation to his/her official powers that should not be performed or refrain from performing an official act that should be performed (Criminal Code, 2016).

The basic form of the criminal offence of trading in influence is committed by anyone who solicits or accepts either directly or through a

third party a reward or any other benefit for himself or another person in order to use his official or social position or his real or assumed influence to intercede for the performance or non-performance of an official act (Criminal Code, 2016). Therefore, corruption encompasses acts of active and passive bribery, trading in influence, as well as any abuse of official power committed by an official, a responsible person or a person who performs work in the public interest.

From a legal aspect, corruption also implies an offer or acceptance of any undeserved benefit for oneself or another person. In the broadest sense, corruption is understood as any behavior which implies avoiding regular paths for solving personal and social issues, detrimental to other persons or communities (bribery, nepotism and similar). In a frequently quoted definition in foreign literature, corruption is behavior which deviates from the formal duties of a public role because of private-regarding motives...for the purpose of achieving pecuniary or status gains, or violates rules against the exercise of certain types of private-regarding influence (Amundsen, 1999). Some foreign authors define corruption as a deviant behavior associated with a specific motive, namely that of private gain at public expense (Friedrich, 1989). One of the best-known works in this field is "Corruption and the Decline of Roman Empire" by a British historian Gibbon who defines corruption as an unmistakable symptom of constitutional freedom - an attitude totally contrary to the generally accepted perception of corruption as a pathological occurrence (Knežević, Lukić, 2009). Machiavelli thinks that corruption is a normal stage in the development of a political organism which requires political change and restoring political order to original principles. Freedom and common welfare result from corruption control, whereas political power is used as a control mechanism, and not as a tool of the tyranny of absolute power. Thus, corruption is basically abuse of power (Bonadeo, 1973). Corruption is bribery or some other act towards persons who are, with certain responsibilities, entrusted power in the public or private sector, and who do not carry out duties ensuing from their status of public officials, private-sector officers, independent agents or other similar appointments, for the purpose of achieving any kind of benefit in an inappropriate manner for themselves or somebody else (Bocz, 1995). Corruption is a process of illicit exchange between perpetrators in the public sector and perpetrators in the private, particularly economic sector, with a tendency to establish structured networks, planning or excluding "third" (common interests or private competition) interests for private gain (Queloz, 1996). Corruption is an adverse social phenomenon that ever since the beginning

of human society and the introduction of the rule of law has been present, developing and appearing in different forms, depending on historically given social, economic, political and other conditions, inflicting by its immoral, antisocial and illicit nature detrimental consequences upon society (Jelačić, 1996). Corruption implies different kinds of behavior with a common denominator which is a failure of democratic process in making decisions. Corruption also occurs when a natural person does a favor for another person or for his/her relatives. (Vander Zwalman, 1995).

As there is no internationally recognized scientific definition of corruption in general and corruption in tourism in particular, the operational definition of corruption in tourism in this paper is violation of law by public officials entrusted with power in order to provide some benefit for another person, inflict some damage on another person, adopt an illicit act or in some other way break the law, as well as abuse of power by public officials in the positions closely connected with: privatization of tourist facilities and institutions (public spas, hotels, health and recreation centers...); full-time and seasonal employment in the tourism industry; tax evasion on renting tourist facilities to domestic and foreign tourists; issuing location conditions for building tourist facilities; issuing construction and exploitation permits for tourist facilities, especially in the process of obtaining approval for design (Law on Planning and Construction, 2018)

International legislation and corruption and corruption offences

The fact that corruption has spread in almost all the countries both in the region and wider is proven by the existence of several international documents aimed at explaining and defining closer corruption, combating it and finally rooting it out. The United Nations and other international regional organizations were forced to adopt through a number of pieces of legislation initial legislative basis and instruments for organized joint action on uncovering, criminal prosecution, adjudication and suppression of corrupt behaviors.

The UN Convention against Corruption specially affirms the models of preventive policies, such as establishing anti-corruption bodies and strengthening transparency in the financing of political parties and election campaigns. Its special feature is criminalizing illicit enrichment, which has proved to be useful in a lot of legal systems. This offence is important because of difficulties which appear in criminal proceedings

when it is necessary to prove that a public official solicited or accepted bribe in the cases when the increase in the assets of the public official is in significant disproportion to his or her lawful income, so it gives rise to reasonable suspicion of having the offence of corruption been committed. Article 1 of the UN Convention against Corruption provides for each Member State to make commission of the following offences liable to sanctions: 1) the offering, promise, or giving any pecuniary benefits, gifts or non-pecuniary benefits, to or in favor of a public official, by any legal or physical entity, as illegal influence on the official to act or refrain from acting in the exercise of his or her official duties; 2) direct or indirect solicitation, demand, acceptance or receiving any pecuniary benefits, gifts or non-pecuniary benefits by a public official, in order that the official act illegally or refrain from acting in the exercise of his or her official duties (Law on Ratification of the UN Convention against Corruption, 2005).

Similarly to the UN Convention against Corruption (UNCAC), the Council of Europe adopted the Criminal Law Convention on Corruption. The Convention aimed at fostering international cooperation and developing common anti-corruption standards in the States signatories. The Convention defines what is encompassed by the mentioned criminal offences pertaining to active and passive bribery of domestic public officials; bribery of members of domestic and foreign public assemblies; active and passive bribery in the private sector; bribery of officials of international organizations; bribery of members of international parliamentary assemblies; bribery of judges and officials of international courts; trading in influence; money laundering of proceeds from corruption offences; account offences (Criminal Law Convention on Corruption, 2005).

Under Article 2 of the Civil Law Convention on Corruption of the Council of Europe corruption is defined as "requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behavior required of the recipient of the bribe, the undue advantage or the prospect thereof (Danilović & Blagojević, 2014).

In order to have fighting against corruption really integrated into everyday activities of all democratic member states of the Council of Europe, the Committee of Ministers adopted the Resolution 98 whereby establishing the "Group of States Against Corruption" – called GRECO. The newly established body was not closed and limited only to member

states, but all states, both member states of the Council of Europe and non-member states were invited to join GRECO, as a body that would supervise the process of joint action in practical implementation and realization of twenty guiding principles for the fight against corruption, as well as the implementation of international legislative instruments introduced through the adoption of the Action plan against corruption (European Council, Twenty guiding principles for the fight against corruption).

Legislative regulation of corruption and corruption offences in the countries surrounding the Republic of Serbia

In the criminal legislation of Bosnia and Herzegovina, the criminal offences of corruption are provided for in a chapter called "Criminal offences of corruption and criminal offences against official or other responsible duty" (BiH Criminal Code, 2004). These offences are actually different ways and forms of abuse of office and abuse of public power in the discharge of official duties by official or responsible persons as holders of those public authorities (Šaković, 2003). The criminal offences of corruption are provided for in chapter nineteen of the BiH Criminal Code and in chapter thirty-one of the FBiH Criminal Code (Criminal Code of the Federation of Bosnia and Herzegovina, 2003), as well as in chapter twenty-seven of the RS Criminal Code (Criminal Code of the Republic of Srpska, 2004). All of these pieces of legislation provide for two criminal offences of corruption: accepting gifts and other types of benefits and giving gifts and other types of benefits.

The Criminal Code of the Republic of Montenegro in chapter thirty-four on criminal offences against official duty provides for two criminal offences of corruption: accepting a bribe and giving a bribe (Lazarević-Vučković, et al., 2004).

The Criminal Code of the Republic of Croatia in chapter twenty-five provides for two criminal offences of corruption: accepting a bribe and giving a bribe (Derenčinović, 2004).

The Criminal Code of the Republic of Macedonia adopted in 1996 in chapter thirty (criminal offences against official duty) provides for two criminal offences of corruption i.e. its forms of accepting a bribe and giving a bribe (Criminal Code of the Republic of Macedonia, 1996).

The Criminal Code of the Republic of Slovenia in chapter twenty-six on criminal offences against official duty and public authorities, provides for "classical" criminal offences of corruption: accepting a bribe and giving a bribe (Criminal Code of the Republic of Slovenia, 2004).

The Criminal Code of the Republic of Albania in the group of criminal offences against the activity of the state authority provides for the criminal offence of accepting a bribe which has only one form, i.e. passive bribery. The Albanian Criminal Code does not recognize the criminal offence of giving a bribe (Criminal Code of the Republic of Albania, 1995).

The Criminal Code of the Russian Federation in chapter thirty on criminal offences against the state power, the interests of the civil service and the service of local self-government bodies provides for two criminal offences of corruption i.e. accepting a bribe and giving a bribe (Criminal Code of the Russian Federation, 1996).

The Criminal Code of the Republic of Belarus in chapter twelve on criminal offences against official duty provides for several corruption offences (Criminal Code of the Republic of Belarus, 1995). The basic form of receiving a bribe is committed by an official who intentionally accepts an illicit gift, or other valuable item, or other benefit offered to him to issue a decision within his competence, or by exercising his official duties or refraining from acting in the exercise of his official duties, or in order to act or refrain from acting in the exercise of his official duties in favor of a person who gave bribe. The Criminal Code of the Republic of Belarus provides for intermediation in bribery. The offence implies the act of directly connecting a bribe-giver with a bribe-taker. The criminal offence of corruption is also giving a bribe which occurs in case of giving a gift, an award or another benefit to any person in any amount or with any purpose.

German Criminal Code in chapter twenty-nine provides for several criminal offences of corruption which actually represent different forms and ways of abuse of office i.e.: receiving benefit (Article 331), taking a bribe and bribery (Article 332), giving benefit (Article 333) and giving a bribe and bribery (Article 334) (Jürgen *Fatkinhauer*, 1995).

Greek Penal Code provides for three criminal offences of corruption. Corruption in public office is an act committed by an official who

demands, accepts or allows himself to be promised a gift or benefit of any nature or accepts a promise thereof in order to act or refrain from acting in the exercise of his official duties. Giving a bribe is also punishable. Bribery of a judge in Greek Penal Code represents a special form of giving and taking bribe. This offence is committed by a judge who demands or accepts gifts or other benefits he is not entitled to or the promise that he will receive [such gifts or other benefits] with the intent to act or adjudicate on a case assigned to him in favor of or against someone (Mangakis, 1973).

The chapter on criminal offences against the public authority in the Penal Code of Finland systematically sets forth the criminal offence of giving bribe (Penal Code of Finland, 1996). The Penal Code of Finland under its chapter on offences in office and offences by an employee of a public corporation provides for the criminal offence of taking a bribe. Also, the Code distinguishes between unreal passive bribery and true passive bribery which occurs when an official accepts pecuniary gain or other benefit for his unlawful actions while in service.

The Penal Code of Israel under Criminal Offences of Corruption provides for several corruption offences: the criminal offence of taking a bribe and the criminal offence of giving a bribe or active bribery (Laws of State of Israel, 1977). An interesting fact is that the penalty for giving a bribe is half the penalty for taking a bribe. In addition to the mentioned corruption offences, in Israel bribery in connection with contest is also deemed an act of corruption. Another special feature of the Penal Code of Israel is the provision of the methods of bribery, whereby a bribe is considered to be: whether in cash or in kind, a service or any other benefit; whether it was given for an act or an omission, or for a delay, acceleration or impediment, for preference or for discrimination of other person, whether it was for a specific act or to obtain preferential treatment in general, whether it was for an act of the person who took it or for his influence on the act of another person, whether it was given by the person himself or through another person, whether it was given directly to the person who took it or to another for him, whether in advance or after the event.

Potential abuse in tourism

Tourism is estimated to generate more than 9% of the total world gross domestic product, and every 11th employee in the world is engaged in tourism-related activities. The advantages of the development of this

branch of economics are in generating new jobs and enhancing a 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 (Danilović & Lazić, 2018).

According to the official records of the Ministry of Trade, Tourism and Telecommunications, the total tourist arrivals in 2018 were 3,430,522 (an increase of 11.2% in comparison to the same period in 2017) out of which domestic tourists accounted for 1,720,008 arrivals (an increase of 8.3%), i.e. their share in overall arrivals was 50.1%. The number of foreign tourist arrivals was 1,710,514 (an increase of 14.12% in comparison to 2017), which represents the share of 49.9% in overall arrivals.

A big number of people are employed to provide the services of transportation, accommodation, food and other to tourists. It is exactly the employment sector where plenty of wrongdoings may occur. This has been suggested by some empirical studies confirming that corruption offences in the Republic of Serbia (taking and giving a bribe, and trading in influence) occur more often than not when employing people in the tourism sector.

An increase in tourist arrivals result in higher demand for the expansion of tourist capacities, thus a growing trend may be observed in the construction of tourist facilities. On the other hand, touristy places have introduced stricter regulations for granting construction permits due to the growing urbanization of tourist destinations. Given the circumstances, corruption has found fertile land in the field of tourism for spreading. Connections and money enable faster privatization of public tourist facilities and institutions, primarily spas and spa treatment centers, sports facilities, as well as easier and faster acquisition of construction permits for tourist facilities, and represent an excellent basis for gaining benefit by committing corruption offences. The fact that the state itself has been coping with this issue in the last ten years by amending a number of pieces of legislation in order to prevent corruption and corruption offences in tourism confirms that this is a real situation in the construction of tourist facilities. The primary law that governs the field of construction is the Law on Construction and Planning which has been amended several

times in order to solve the mentioned issues and prevent corruption in planning and construction in general, and in planning and construction of tourist facilities, in particular. The latest amendments to this Law were adopted by the end of 2018.

The Ministry of Trade, Tourism and Telecommunications is a competent authority in the area of tourism. In addition to other things, the Ministry has adjusted its organizational structure to meet society's tourist needs. Smaller organizational units set up within its Sector for Tourism are: Department for Market Research and Development of Tourist Products, Department for Competition in Tourism, Planning and Analysis Department, Department for Quality Management in Tourism. Apart from this Sector, there is also Sector for Tourist Inspection. This Sector also encompasses some internal units such as Department for Inspectorial Work Supervision and Department for Coordination, Analytical and Legal Affairs. In so dispersed and decentralized organizational structure of the authorities competent for planning, organization, managing and supervising tourism activities, different forms of corruption may occur, which indicates to the need of establishing tighter state control over this sector. However, such a decentralized organizational structure is at the same time a good preventive measure against corruption and corruption offences in tourism.

Most frequently corruption offences in tourism are committed by administrative, public, central, regional and local bodies competent for the privatization of tourist facilities and institutions (spas, spa treatment centers, sports and recreational facilities), as well as for construction affairs, in the process of an integrated procedure for: issuing location conditions for the construction of tourist facilities; issuing construction and exploitation permits; registration of works; especially in the process of obtaining approval for a design, i.e. connection of tourist facilities to infrastructure network; obtaining permits and other documents issued by holders of public authorities that are required for building tourist facilities, i.e. for issuing location conditions, construction and exploitation permits within their competences, as well as for providing conditions for connection to infrastructure network and for the registration of title to the built tourist facilities.

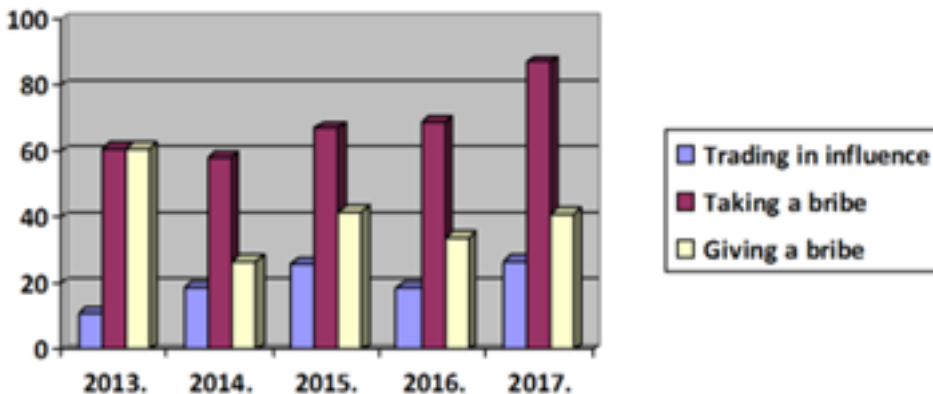
More often than not, corruption in tourism occurs in the process of unlawful employment of full-time and seasonal workers in the tourism industry, particularly in the process of classification of tourist facilities,

and in the process of conducting tenders for building and furnishing tourist facilities and procurement of goods and services demanded by domestic and foreign tourists. Also, one more problem with tourism and abuse correlated with tourism is money laundering (Lazić & Danilović, 2018).

Results of the empirical research on corruption

The empirical section of the paper analyzes corruption offences of taking a bribe, giving a bribe and trading in influence from the aspect of their frequency on the territory of the Republic of Serbia in a five-year period (2013-2017). The analysis in the observed period encompasses the number and structure of crimes, and the number of registered, indicted and convicted persons for corruption offences. Unfortunately, due to the inadequate statistical recording of corruption offences in certain economic and social activities, it was not possible to analyze separately only corruption offences in tourism, as those offences are not separately recorded in the existing classifications of the Statistical Office of the Republic of Serbia.

Figure 1: *The number of registered corruption offenders on the territory of the Republic of Serbia by years*



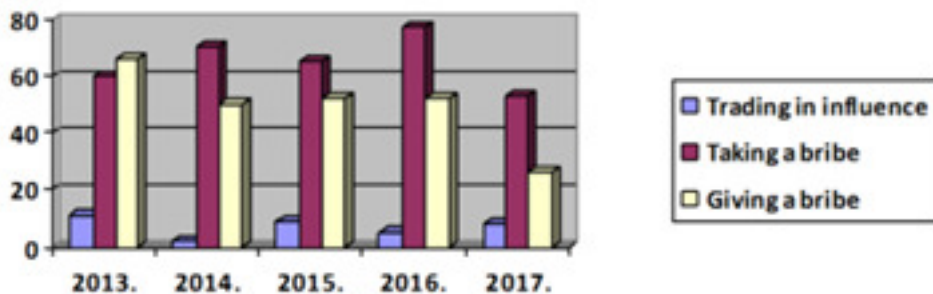
Source: <http://data.stat.gov.rs/?caller=SDDB>

Figure 1 shows the number of persons registered for the criminal offence of corruption on the territory of the Republic of Serbia from 2013 to 2017. It is noticeable, according to the Figure 1, that most frequently charges are filed against the offence of taking a bribe. Thus, in 2017, 87 charges were filed against this criminal offence, while in 2016, 69

charges, in 2015, almost the same number of charges i.e. 67, and in 2014, 58 charges. Having analyzed the number of persons registered for the criminal offence of taking a bribe, by years, it can be concluded that the number of persons registered for the criminal offence of corruption was constantly growing from year to year in the previous five years.

Figure 2 shows the number of persons indicted for the criminal offences of corruption.

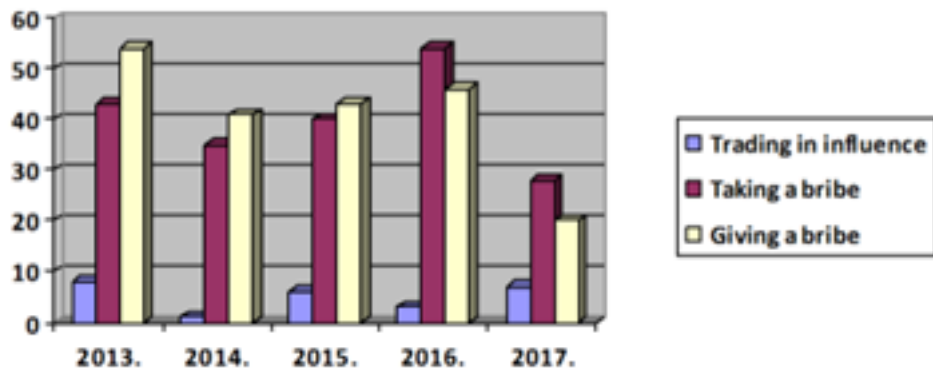
Figure 2: *The number of indicted corruption offenders on the territory of the Republic of Serbia by years*



Source: <http://data.stat.gov.rs/?caller=SDDB>

Among the indicted corruption offenders there were most persons who were indicted for the criminal offence of taking a bribe. In 2017, an indictment was filed against 53 persons, in 2016 against 77 persons, in 2015 against 60 persons, in 2014 against 70 persons and in 2013 against 66 persons.

Figure 3: *The number of convicted corruption offenders on the territory of the Republic of Serbia by years*



Source: <http://data.stat.gov.rs/?caller=SDDB>

In order to have a full picture of the state of corruption in the Republic of Serbia, this occurrence, detrimental to every society, was analyzed until the end. Figure 3 provides the facts on the number of persons convicted for corruption offences in the observed five-year period.

In the first three years of the observed period, most convictions were pronounced for the criminal offence of giving a bribe, i.e.: 54 in 2013, 41 in 2014, and 43 in 2015. However, the situation changed in the last two years of the observed period. In 2016 the biggest number of persons were convicted for the criminal offence of taking a bribe, i.e. 54, while a fall in the number of convictions in 2017 is evident and drastic, with 28 convictions pronounced for the criminal offence of taking a bribe.

The research has shown a disproportion between the numbers of registered, indicted and convicted corruption offenders in the previous five years, which indicates to a rather mild penal policy for these offences as well as on the problem of police behavior and practices during a criminal investigation in Serbia (Danilović & Manojlović et al., 2013). Thus, in 2017 only 4 imprisonment sentences were pronounced for the offence of trading in influence, 12 imprisonment sentences for the offence of taking a bribe and only 2 imprisonment sentences for giving a bribe. All the pronounced imprisonment sentences were short-term, of three to five years in prison.

These criminal offences were not sanctioned by fine. Most of the pronounced sentences were release on parole and home imprisonment. (Danilović & Lazić, 2015) Also, we notice, that for this type of crime, our justice system doesn't use a suspended sentence with protective custody, for which we consider it has the potential. (Lazić & Danilović, 2017). Most of the offences of giving a bribe, i.e. 15, were sanctioned by release on parole, while most of the offences of taking a bribe, i.e. 14 were sanctioned by home imprisonment.

Conclusion

In the era we live in, when the core values are losing meaning, the awareness of the consequences that may ensue from committing the criminal offence of corruption is weaker and weaker in our society. Accepting the principle that everything will be easier if you bribe somebody, brings about a change not only in the meaning of legal but also common customary norms. Lack of generally accepted definition of

this detrimental social occurrence significantly hinders uncovering, proving but also suppressing corruption. On an international scale there have been several endeavors at giving a unique definition of corruption and its forms, yet each endeavor failed. The comparative legal analysis of this offence in fourteen countries including the Republic of Serbia suggested that almost all analyzed countries in a roughly similar or similar way define this occurrence in their legislation, but there are some minor differences in each observed legislation. This research and plenty of other studies showed that the number of corruption offences is much higher than the number of the uncovered and prosecuted by public authorities, which indicates that many countries still do not have adequate mechanisms for combating corruption in general and corruption in tourism in particular. The general conclusion resulting from this and other studies on similar topics is that the increasing of living standard, on one hand, and compliance with a penal policy, on the other hand, would yield better results in fighting corruption. The paper encompasses a research of all recorded corruption cases in the case-law over a five-year period on the whole territory of the Republic of Serbia, but it was not possible to single out the acts of corruption committed in the tourism sector, as the methodology of data collection conducted by public bodies did not allow to distinguish between corruption offences in health, tourism, education and similar.

The Ministry competent for tourism in the Republic of Serbia has adopted a number of legal acts and conducted numerous activities for the improvement of this field, which is shown by the results that are better with every year. Nevertheless, non-transparency in the work of public authorities, especially of the prosecution, represents a major flaw in all the analyzed states. As a matter of fact, official online presentations of the Ministry and its organizational units contain work reports and information about conducted activities that are more than five years older. Fight against corruption cannot be successful if it is partial, isolated, unless it is a part of a developed strategy, if it is not supported by society and state commitment to implement it in reality. In order to have effective an fight against corruption which yields visible results, it has to be founded on social consensus and development of anti-corruption culture, adequate institutional and legal framework for political actions and political will transformed into concrete actions starting from a local self-government to the highest central authority. That precious social support can be provided by nongovernmental organizations, unions, professional associations and media. All of them should act as a corrective agent of the authorities,

constantly urge that public interest has to be before any individual interest and defending the public good must be in the interest of every individual and society as a whole.

References

1. Amundsen, I. (1999). *Political Corruption: An Introduction to the Issues*, Chr. Michelsen Institute, Bergen.
2. Bocz, E. (1995). Property declaration and discovering and prevention of corruption, *Seventh International Anti-corruption Conference*, Beijing.
3. Bonadeo, A. (1973). *Corruption, Conflict and Power in the Works and Times of Niccolo Machiavelli*, Berkeley.
4. Criminal Code of the Republic of Montenegro, Official Gazette, No. 70/2003 and 47/2006.
5. Criminal Code of the Bosnia and Herzegovina, Official Gazette, No. 3/2003, 32/2003, 37/2003, 54/2004 and 61/2004.
6. Criminal Code of the Federation Bosnia and Herzegovina, Official Gazette No. 36/2003, 37/2003, 21/2004, and 69/2004.
7. Criminal code of the Republic of Albania. (1995). Official text, Tirana.
8. Criminal Code of the Republic of Belarus. (1995). Minsk.
9. Criminal Code of the Republic of Croatia, Official Gazette No.:110/97, 27/98, 50/2000, 129/2000 and 105/2004.
10. Criminal Code of the Republic of Macedonia, Official Gazette No. 37/96.
11. Criminal Code of the Republic of Serbia, Official Gazette, No. 85/2005, 88/2005 -107/2005 - 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 and 94/2016.
12. Criminal Code of the Republic of Slovenia, Official Gazette, No. 63/94, 23/99, 40/2004 and 95/2004.

13. Criminal Code of the Republic of Srpska, Official Gazette No. 49/2003 and 108/2004.
14. Criminal Code of the Russian Federation. (1996). Moscow.
15. *Criminal Law Convention on Corruption*, https://www.paragraf.rs/propisi/zakon_o_potvrđivanju_krivicnopravne_konvencije_o_korupciji.html (13. February 2019).
16. Danilović N., Lazić D. (2015). The penalty and alternatives in the Western Balkans, The 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. (Ed. Bingsong He). Beijing, China, 2015.10.25-28., pp. 189-205., ISBN 978 – 7 – 5162 – 0193 – 7.
17. Danilović, N. Blagojević, S. (2014). Korupcija u obrazovanju u zemljama zapadnog Balkana, *Međunarodna tematska naučna konferencija "Pravo i izazovi 21. Veka"*, Brčko, I tom, 78-92.
18. Danilović, N., Lazić, D. (2018). Environmental pollution as an obstacle to tourism development, *Tourism in function of development of the Republic of Serbia*, Vrnjačka Banja, p. 452-471.
19. Danilović, N., Manojlović, D., Minić, M. i Nogo, S. (2013). Suspension of the presumption of Innocence and Violation of Civil Liberties in Serbia. *Scientific Journal, Themes*, Niš, Vol. 4, 1719-1730.
20. Derenčinović, D. (2004). Usklađivanje hrvatskog zakonodavstva sa Konvencijom UN protiv korupcije, *Pravo i porezi*, Zagreb, br. 11/2004.
21. Finnish Penal code. (1996). Finnish Ministry of Justice, Helsinki.
22. Fridrih, C. (1989). *Corruption concept in Historical Perspective*, News Brunswick.
23. Jelačić, M.. (1996). *Korupcija – društveno–pravni aspekti i metodi suprostavljanja*, Beograd.
24. Jiirgen *Fatkinhauer* H. (1995). Korupcija u Nemačkoj, *Izbor*, br. 2-3, Zagreb.

25. Knežević, S., Lukić, T. (2009). Međunarodno pravni standardi primene raster potrage u rasvetljavanju krivičnih dela korupcije. *Naučni skup sa međunarodnim učešćem "Korupcija i ljudske slobode"*, Tara, strana 388.
26. Kolarić, D. (2011). Krivično pravno reagovanje na korupciju, *Pravni informator*, broj 12, Beograd.
27. Law on Planning and Construction, Official Gazette, No. 72/2009, 81/2009 - 64/2010, 24/2011, 121/2012, 42/2013, 50/2013, 98/2013, 132/2014, 145/2014 and 83/2018.
28. *Law on Ratification of the UN Convention against Corruption* (https://www.paragraf.rs/propisi/zakon_o_ratifikaciji_konvencije_ujedinjenih_nacija_protiv_korupcije.html) (15. February 2019).
29. Laws of State of Israel. (1977). Special volume, Penal law, Jerusalem.
30. Lazarević Lj. Vučković, B. Vučković V. (2004). *Komentar Krivičnog zakonika Crne Gore*, Cetinje.
31. Lazić (Đurić), D. (2014). Korupcija – kamen spoticanja svakog društva, "*Pravo i izazovi 21. Vjeka*", 107-120, Brčko.
32. Lazić D., Danilović N., (2017), Suspendid sentence wiht protective custody, 21th International Scientific Conference on Economic and Social Development, Varazdin Development and Entrepreneurship Agency, Varazdin, Croatia; John Naisbitt University, Belgrade, Serbia; University North, Koprivnica, Croatia; Faculty of Management University of Warsaw, Warsaw, Poland, ISSN 1849-6903, p. 254-264.
33. Lazić D., Danilović N., (2018), Money laundering as avoiding the development of a legal business, Economic and Social Development - 30th International Scientific Conference on Economic and Social Development – Belgrade, Varazdin Development and Entrepreneurship Agency in cooperation with Megatrend University, Serbia University North, Croatia Faculty of Management University of Warsaw, Poland Faculty of Law, Economics and Social Sciences Sale - Mohammed V University in Rabat, p. 98 – 110, ISSN 1849-7535.
34. Mangakis L. (1973). *The Greek penal code*, London.

35. Queloz, N. (1996). Kriza vrednosti i proces korupcije, vankaznena strategija, *Simpozijum međunarodnog udruženja kriminalista*, Atina.
36. *European Council*: Twenty guiding principles for the fight against corruption, <http://www.antikorupcija-savet.gov.rs/sr-Cyrl-CS/biblioteka/cid1058-1051/savet-evrope-dvadeset-vodecih-principa-u-borbi-protiv-korupcije>, (12. February 2019).
37. Šaković, A. (2003). Organizovani ekonomski kriminal u odnosu na korupciju i pranje novca u Bosni i Hercegovini, *Kriminalističke teme*, Sarajevo, br. 3-4.
38. Vander Zwalman, A. (1995). Evolution of corruption in Belgian Law, *Seventh International Anticorruption Conference*, Beijing.