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SOME OF THE POSSIBLE MISCONCEPTIONS REGARDING HUMAN RIGHTS

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Abstract: *The paper presents a review of human rights in the past with the aim of pointing out common misconceptions and prejudices. The author tries to prove with arguments that: 1) it is not true that human rights did not exist in the past; 2) human rights have not developed constantly and uniformly; 3) human rights did not appear and develop only in Western Europe, in order to spread from there to the whole world; 4) the homeland of human rights is everywhere; 5) developed countries i.e. political, economic and other powers have never really been real champions of human rights. His conclusion is that the acquis of human rights has always existed more or less developed, and that human rights will always exist, in one form or another, while at the same time there has also always been and will be their denial and violation. The question of the degree of their development, protection and respect is always a problem in itself and can be answered only on the occasion of a specific case, after a thorough study of not only legal regulations but also the practice of the respective society.*

Keywords: *Human Rights, International Law, Human Rights Law, History, Serbian Legal Tradition*

JEL classification: *K12, K21.*

1. INTRODUCTION

This paper presents a review of human rights in the past with the aim of pointing out several major misconceptions that we believe are more or less widespread. Although they appear primarily among lay people, some of them are sometimes found or implied in professional and scientific literature, and even more so among politicians, social activists, journalists, etc. We have already dealt with various aspects of these issues in three papers, one of which aimed to show that, in a sense, the first human rights and their legal guarantee can be discussed in the distant past, the other to provide evidence of certain forms of recognition and protection of special rights of members of religious and ethnic minorities in ancient and feudal societies, while the third tried to point out that the position of women was not always and everywhere as bad as it is generally considered, and that sometimes it was not significantly worse than the status of men. In other words, the mentioned articles were in the function of proving that the state of human rights in general and the human rights of the mentioned categories of people in certain societies were better than it is usually

thought. (Krivokapić 2006, 13-31; Krivokapić 2014, 3-34; Krivokapić 2017, 97-114).

In this regard, this text is in a sense, an extension of these researches and analyzes, but from different positions. In an effort to see the problems raised as comprehensively and accurately as possible, the goal is to dispel, as far as possible, certain fairly common misconceptions and prejudices. In that sense, we will try to prove that: 1) it is not true that human rights did not exist in the past; 2) human rights have not developed constantly and uniformly; 3) human rights did not appear and develop only in Western Europe, in order to spread from there to the whole world; 4) the homeland of human rights is everywhere; 5) developed countries or the economic, political and other forces have never really been champions of human rights. On that basis, we will try to defend the thesis that human rights are a universal heritage in various ways.

2. THE HISTORY OF HUMAN RIGHTS IS LONG AND COMPLEX

2.1. The Emergence of Human Rights

Human rights are commonly thought to be a modern phenomenon, that we can talk about them from the end of the XVIII century, but that they really developed only after the Second World War. Admittedly, this is not far from the truth. By far the largest part of history is characterized by legalized inequality as a basic principle of social and legal order. Not only were societies divided into classes with different legal positions, but inequality also existed within these categories, as exemplified by the unequal position of men and women or different ethnic groups within the same class.

Relying in large part on such reasoning, many are of the opinion that in previous periods of history, especially in the epochs of slavery and feudalism, there is nothing that comes close to human rights.

Indeed, although there have always been philosophical and literal works on the equality of people, their brotherhood and the like, in the past there was no such awareness among the wider social strata (Krivokapic, 2012, 215-228). People were born and died with a certain ideology that more or less precisely defined their place in society, and on the other hand, the place of their ethnic, religious and other community in the whole world. In class societies, based on the legally formed stratification and exploitation of subordinate masses (slaves, serfs, etc.) but also other parts of society (e.g. women), the idea of all belonging to equal human rights could not come to life. After all, the first step towards adopting any concept of human rights is the rule of equality of all people and the prohibition of discrimination. And the mentioned societies are an example of the complete opposite.

Therefore, even when certain basic rights are legally and in practice protected, it was generally limited in three ways, in terms of: 1) the subjects to whom those rights were recognized (their beneficiaries), 2) the range of recognized rights, and 3) the reasons due to which the rights were recognized.

In short, in its full capacity (whatever it was in a given society), human rights were recognized only to domestic citizens - free people, and sometimes only to a part of them. In many societies, a certain circle of rights belonged also to some other categories of people, but those rights were much narrower and conditioned and constrained in various ways.

Of particular interest are the reasons why the respective rights were recognized. Even when the right to life, the right to property, etc. were legally recognized and in practice protected also with tespect to social strata that are not in power, this was most often not to ensure the freedom and integrity of each individual from unjustified state interventions (as seen today), but primarily to ensure public order and peace, i.e. conditions for the normal course of life, and thus the maintenance of the power and privileges of those who govern society. This is self-evident, and if any argument is needed to confirm this, then it is enough to remind us that although it is praised as a shining example of citizens' decision-making on the

most important issues, the famous Athenian democracy was limited at least in three directions: 1) it was not completely democratic at all, because only free male adult citizens had the right to vote, 2) participation in the assembly was not considered as a right, but as a duty; and 3) this decision-making was not perceived as a manifestation of human (in today's terminology: political) rights but as a form of protection from possible dictatorship and tyranny (Paunović et.al., 2021).

Nevertheless, it is true that certain more or less developed human rights can be traced throughout history, at least in Egypt, ancient India, some Greek polis (city-states), Rome, and other developed slave-owning societies (Shelton, 2007; Ishay, 2008, 15-62; Singh, 2016, 145-182; Deretić, 2011, 469-496; Lauren, 2013, 165-193; Krivokapić, The Position of People in the Slave Owning and Feudal Societies – the First Human Rights?, Megatrend Review, No. 2, 2014, 3-34; Madan, 2017, 1-6). Somewhere they were part of a tradition that dates back to time immemorial, and somewhere they spontaneously emerged in the face of everyday challenges.

Since we have dealt with the problem of human rights in the distant and somewhat recent past in sufficient detail in the three articles already mentioned, there is no need to repeat. However, a very brief reminder of some of the most interesting moments is inevitable, but it will be given in a slightly different way, based on some subsequent knowledge and with the use of new arguments. The reason for this brief review is that it is needed for easier and more complete understanding of further presentation, because it allows it to be viewed in the light of historical knowledge.

2.2. Reasons for formulating and recognizing human rights

Some rights have always been recognized for certain groups and individuals. This fact is somewhat understandable in itself, and it is, after all, confirmed by historical material. This does not mean personal inviolability and privileges and immunities, such as, for example, enjoyed by foreign diplomatic representatives, or high-ranking domestic state and religious officials, which were strictly tied to the function of the person concerned, but to the rights given to people and groups as such. This was usually done for practical reasons. Free people, later nobles, and other privileged classes were given certain rights in order to strengthen their position, to be with the government, to help it manage society. When certain rights were given to the oppressed strata, it was in order to calm them down, not to rise up in revolt and the like.

An example is a non-violent struggle, a kind of blackmail, by which the Roman plebeians managed to improve their position, and then achieve equality in rights with the patricians. Namely, when, after the overthrow of the last Roman king (*Lucius Tarquinius Superbus*) in 509 BC, the patricians seized power, secured great privileges and increasingly abused it, such a situation caused a natural effort of the plebeians to improve their social position. For that purpose, they used *secession* as the strongest weapon, that is. leaving the city en masse, leaving it not only without the vast majority of service providers but also essentially without defense against external enemies. Three such secessions are known, each of which was successful. After the first, in 494 BC, the patricians freed the plebeians of debts and allowed them to elect their representatives, the people's tribunes. The second, also in 494 BC. forced the patricians to agree to the codification of customary legal rules and the regulation of basic relations in society, which led to the emergence of the *Laws of the Twelve Tables*. However, full equality of patricians and plebeians was achieved only in 287 BC, after the third secession, which resulted in the adoption of the *Lex Hortensia,* which equated the legal force of decisions of the Senate and tribute assemblies (lat. *comitia tributa*), abolished debt bondage, and allowed plebeians to occupy state positions, be elected to priestly colleges, and marry patricians.

In recent history, examples are employment rights (e.g. restrictions on working days and working hours) that came as the result of workers' struggle during the XIX century; the rights of women that women on a wider scale won

only in the XX century; the rights of ethnic minorities and indigenous peoples, which are the result of their justified demands; etc.

The opposite is also true - some revolutionary breakthroughs in this matter occurred as a result of an armed uprising or revolution and the victory of those who fought for new relations in society. History is full of examples that the oppressed masses were at one time so indignant that they took up arms against their oppressors. If they did not succeed in that, they would be severely punished, for which the Spartacist uprising of slaves in 73-71 BC is illustrative for - after barely quelling the uprising, the Romans crucified 6,000 prisoners along the Appian Way from Capua to Rome.

Sometimes the oppressed manage to gain freedom, drive out the invaders, take power, change the regime, and the like. An example is the French Bourgeois Revolution (1789), with its ideas of national sovereignty and, in particular, of freedom, equality, and fraternity. It abolished feudal relations, and its Declaration of the Rights of Man and of the Citizen (1789) represents a historical turning point in the development of human rights not only in France, but also in the world in general.

The development of certain rights was influenced by other moments. Thus, throughout history, many countries have given special privileges to foreigners, sometimes including greater or lesser exemption from the jurisdiction of local authorities, the right to regulate mutual relations under their own (national) law, the right to resolve mutual relations by their own chosen court. resp. consul) etc. This seemed to ensure reciprocity (such rights of one's own citizens in a foreign country) or, more often, to encourage foreign merchanst to come and develop trade, which, of course, was in the interest of the territorial state.

2.3. The First Concrete Human Rights

Evidence of certain human rights can be found already in the Vedas, the Bible, the Koran, and other ancient cultural and historical monuments.

The rights in question were varied. They differed from each other in what relations they were concerned with, to whom they belonged, to what extent they were protected, who was their guarantor, etc.

An important point is the fact that these rights were recognized by the applicable legal norms. Without that, we could not talk about human rights. A closer look, they received confirmation not only in customary law, but also in a number of written legal sources - laws and international treaties that guaranteed legality, independence of the judiciary, the rights of the accused, the rights of religious minorities, etc.

Many consider the oldest legal act on human rights to be the clay Cyrus roller, which was created in 539 BC, after Cyrus' conquest of Babylon. It contains a cuneiform text proclaiming the freedom of religion and, most interestingly, the abolition of slavery! Although there are opinions that it was not a matter of recognizing human rights, but propaganda with the aim of winning over the inhabitants of conquered Babylon, this cannot be accepted in light of the fact that some other steps have been mentioned, such as the return and care of refugees, which other historical sources confirm. After all, although it was the age of the slave-owning social order, all the palaces of the Persian emperors were built by hired workers, not slaves.

Taking a closer look, we find provisions on or in connection with human rights in a number of other Old Age codes, such as in the Sumerian Code of Ur-Nammu (c. 2100 BC), the Code of Lipit-ishtar (c. 1870 BC), the Laws of Eshunna (c. 1720 BC), the Code of Hammurabi (c. 1770 BC), the Assyrian Code (c. 1075 BC), Roman Law of the Twelve tables (451-449 BC), Indian Laws of Manu (IV-II century BC), etc. and later in important medieval codes, such as: Theodosian Code (438), Code of Justinian (529-534), Russian Justice (XI century), Vinodol Statute (1288), Dušan's Code (1349-1354), etc.

Although dealing primarily with civil or criminal law, they also contain provisions that can be understood as a guarantee of certain human rights - that no one can be punished

without reason and without trial; that the defendant has the right to defense and other rights in court proceedings, etc. Here are just a few examples, some of which indirectly indicate respect for the rule of law and at least basic human rights, while others are relatively precise in guaranteeing specific rights.

After emphasizing in its introduction the legislator's determination to cleanse the country of kidnappers, deceivers, and bribe-takers, to ensure justice and prevent the poor from falling victim to the rich, the Code of Ur Nammu provides for property sanctions in case God's court finds the accusations of witchcraft and adultery (Articles 1 and 14).

The Code of Hammurabi, which was valid in the whole of Mesopotamia even after the collapse of Hammurabi's empire, contains norms that at least indirectly deal with the matter of certain human rights. After all, its introduction says that the gods sent Hammurabi to earth to establish law and order.

Although known as a source of Roman private law, the Laws of the Twelve Tablets also states that if sikness or age is an impediment he who summons the defendant to court shall grant him a vehicle (Table I / 3); that there shall be the same right of bond and of conveyance with the Roman people for a steadfast person and for a person restored to allegiance (Table I / 5); that if both parties are present sunset shall be the time limit of the proceedings (Table I / 9); that the trial will not take place on the day when the judge or defendant is seriously ill (Table II / 2); that the one who keeps the debtor chained and the debtor does not live at his own expense, must give him at least a measure (327 g) of bread every day (Table III / 4); that if a father thrice surrenders a son for sale the son shall be free from the father (Table IV / 2b); that the right to bequeath by will is recognized (Table V / 3); that laws concerning capital punishment of a citizen shall not be passed except by the Greatest Assembly (Table IX / 2); that no one can be killed without a verdict („For anyone whomsoever to be put to death without a trial and unconvicted... is forbidden", Table IX / 6); that a dead person's bones shall not be collected that one may make a second funeral (Table X / 5a), etc.

Although essentially dealing with private law, the Code of Justinian insists on justice, law and equality. Among other matters, it contains the following ideas and legal rules: "By the law of nature, all men from the beginning were born free" (*Institutes*, I, Tit. 2/2); "Is it a statement worthy of the majesty of a reigning prince for him to profess to be subject to the laws: for Our authority is dependent upon that of the law" (*Code*, I, Tit. 14/4); that every individual's house is a safe haven and shelter for him (*Digesta*, II, 4/18), etc.

The Vinodol Statute, one of the oldest preserved monuments of Slavic customary law, established the rights and obligations of serfs and feudal lords, but also women, who were in principle equal before the law with men. Most of the provisions refer to criminal law, with the death penalty provided for in only two cases - for witchcraft and for those caught again in arson.

Some of the mentioned codes emphasize the principles of legality and independence of the judiciary, which we are inclined to believe are the heritage of modern society.

Thus, Serbian Dušan's Code, passed almost 7 centuries ago, in Art. 171. insists on legality even when the ruler is inclined to punish or reward someone outside the law: "If the Tsar writes a writ, either from anger or from love or by grace for someone and that writ transgresses the Code, and be not according the right and the law as written in the Code, the judges shall not obey the writ but shall adjudge according to justice." Even clearer is Art. 172: "Every judge shall judge according to the Code, justly, as written in the Code, and shall not judge by fear of me, the Tsar."

Speaking of legality and courts, in many countries courts were also available to the unfree or semi-free population, which is a very important right, and which, in addition, is a prerequisite for protecting a number of other rights.

Thus, e.g. although in medieval Serbia, like in all feudal societies, serfs were forcibly tied to the land, Dušan's Code in Art. 139 guarantees

them the right to, if something illegal is done to them, sue in court with their master, lords, and even the emperor and the church, provided that if they win the dispute, the verdict must be executed and no harm may be inflicted on them.

According to the words of Dušan's Code, this rule reads: „No master may do to a serf within the territories of my Empire aught that is contrary to the law, save only what I have written in the Code. That shall they do and give. And if he do aught to him against the law I enact, every serf is free to lay plaint against his master, be it I the Tsar, or the Lady Tsarina, or the Church, or my lords or any man. No man is free to withhold a serf from my imperial Court, only the judges shall judge him according to rights. And if the serf win against his master, let my judge give warranty that his master pay all to the villein at the appointed time, and that his master will do no evil to the villein after the sentence."

These and other documents guarantee certain individual human rights. At least conditionally, this can be said in all those cases in which there was a legal rule that stipulates that no one can be punished without reason and, especially, without trial, that the defendant has certain rights in court proceedings and the like. And such solutions can be traced throughout history. After all, even the infamous Inquisition recognized the defendant's right to defense.

No matter how caricatured they may look today, certain forms of rights of defense, can also be found in God's court, i.e. try by ordeal - a legal institute spread among many nations. It was about the right of the accused to prove his innocence by undergoing certain actions dangerous to life and body, provided that if he survives or his wounds heal within the prescribed period, it is proof that he is not guilty. One of the ways was the right of the accused to prove his innocence in a duel with the one who accused him. Although it is clear that only a miracle, luck, good doctor, skill and experience (in case of a duel) and similar moments that have nothing to do with truth and justice could help the accused, it should not be disputed that this was a recognition of the defendant's rights. on defense. The fact that the proof of his innocence was sought in barbaric and even unreasonable tests by modern standards, was a consequence of the then religious fanaticism, the belief that, if he is innocent, the accused are under the protection of God, who will help him stay unharmed and thus make justice triumph.

From ancient times, we can talk about the first political rights, especially in those communities where citizens directly and on the basis of equal voting rights decided on the election of the most important officials and other important issues.

In ancient city-states, in a kind of national assembly on the main square (Greeks called it and the place where it was held *agora*, while the Romans used the word *forum*), citizens gathered to discuss important issues and make decisions - elect government officials, pass laws, decide on war and peace, conclusion of international agreements, punishing individuals, etc.

However, for the sake of the truth, it should be reminded that the famous Athenian democracy (around 594 to 321 BC) had a different face in different periods, and especially that equality and the right to vote belonged only to male adult Athenian citizens, and that they were deprived of all others - underage men, women, foreigners (citizens of other Greek polises), slaves and barbarians (those who did not belong to the Greek world). It is estimated that out of some 325,000 inhabitants of Athens in the V century BC only 30,000-60,000 (10-17%) of them had the right to vote, but in practice only about 6,000 of them really participated in the work of the assembly, meaning just 10-20% of voters or 1.8% of all residents.

Speaking about political rights, those that come down to participation in the management of society, it should be mentioned that the oldest and still existing parliament in the world is the Icelandic *Althing*, which held its first session in 930, almost 1,100 years ago! But it is not the only one like that! The Parliament of the Isle of Man, called *Tynwald*, has been around for almost as long - since 979!

Historical documents testify that there was an asylum institution in ancient societies as well. Although it was primarily about the right of various refugees to receive protection in temples, there was also an asylum in the modern sense of the institute, which in some cases was provided by international agreements and was reflected in providing refuge to foreigners (Krivokapic, 2006, 24-25).

In a similar way, other individual rights can be identified in different societies. Among other things, from the first days of the law and the state, the right to property of at least free citizens, i.e. the ruling class, has been recognized and protected.

One of the widespread beliefs is that women have been completely disenfranchised in the past. Although in many cases, such a conclusion is not far from the truth, it would be wrong to assume that the position of women has always been bad everywhere.

We know for sure that women were valued in Egypt, where they were engaged in trade and other professions. Also, although they do not provide them with full equality, even the very first codes, recognized certain special rights and legal protection for women.

Thus, the Code of Hammurabi (c. 1770 BC) under certain conditions allows a married woman to not be considered married (Art. 128), to return home (Art. 131, 134, 136, 142, 149), provides for compensation for a wife expelled by her husband. (Articles 138-140), specifies that if he brings a concubine into the house (because the wife did not give birth to children), the husband cannot equate the concubine with his wife (Art. 145), prescribes that if the wife falls ill and the husband takes another, he must not drive away a sick woman - she stays in the house and the husband is obliged to support her until her death (Art. 148), etc.

It is especially interesting to note that women had equality and, in general, a very good position among the Vikings, butchers, rapists and robbers from whom the whole of Europe was afraid. We find a similar picture in some other communities.

Thus, e.g. although the Vinodol Statute (1288) does not equate women in everything with men, in several places it defines the same solution for men and women - the same amounts of compensation in case of violation, the same rules regarding testimony, the same punishment for witchcraft, etc. (Articles 18, 28, 56, 59).

After all, throughout history, female rulers have appeared, in different epochs, in different cultures, whereby in some societies there were series of female rulers who replaced each other on the throne.

Some of the famous queens from the distant past are (in parentheses are the years of rule): Egyptian women-pharaohs Hatshepsup (1479-1458 BC) and Cleopatra (51-30 BC); the Jewish empresses Athaliah (842-837 BC) and Salome Alexandra (76-67 BC); Illyrian Queen Teuta (231-227 BC).

Regarding the I-XIX century, in the already mentioned paper we have listed an extensive list of more than 50 female rulers, with their titles, states they ruled, and periods of rule (Krivokapić 2017, 108-109). Therefore, it is sufficient here to summarize the countries ruled by women, with an indication in parentheses of the number of rulers, when there were several. In chronological order, women ruled: British tribes; the Korean kingdom of Sheila (3 queens); Mercy; Leon and Castile; Jerusalem (5 queens); Aragon; Aquitaine; Georgia (2 empresses); Sicily; Brittany; a number of Indian states (at least 3 rulers); Navarre (3 queens); Denmark, Norway, and Sweden; Poland; Luxembourg; Naples; Cyprus; Scotland; English and Ireland (2 queens); England, Ireland and Scotland (2 queens); Sweden; Madagascar (4 queens); Brazil; Hawaii, etc. There were also women who ruled some of the largest and most powerful states of their time: the Palmyra Empire; China (2 empresses); Byzantium (2 empresses); Spain; Portugal (2 queens); Austro-Hungary; Great Britain (2 queens); Russia (2 empresses), etc.

Therefore, the problem of the legal and real position of women i.e. their rights and roles in society should be approached with caution, taking into account the specifics of a particular

community and historical circumstances and not only negative but also positive moments (Robins, 1993; Fanthaim, 1994; Evans, 2002; Johnson, 2002; Pomeroy, 2002; Graves-Brown, 2010; O'Pry, 2012, 7-14; Watterson, 2013; Khalil, 2916; Rout, 2016, 42-47; Kapur, 2019; Pal, 2019, 180-184).

Although the attitude towards various ethnic and religious minorities was often unfavorable, history records many bright examples, where these collectives and their members were guaranteed and provided with special rights and, above all, the right to survival and non-discrimination, with public expression and preservation of their religious, cultural, and other peculiarities. Thus, for example. Alexander the Great showed great tolerance towards the peoples he ruled, so, among other things, he allowed the Jews to live according to their own laws (Krivokapić, 2006, 13-31).

Although foreigners have often been disenfranchised and despised and even exposed to open persecution, we know of many examples where they have been guaranteed not only protection but also special rights. Evidence of this can be found in ancient countries - in Egypt, among the Jews, in Greece, Rome, and elsewhere.

One of the examples is the solution from Art. 153 of the Dušan's Code, according to which: „Juries for foreigners and merchants shall be made half of Serbas and half of their fellow-countrymen".

Certain human rights have always continued to apply in war, with the addition of the outbreak of armed conflict implying the application of the norms of war and humanitarian law, i.e. activating special rules for the protection of certain categories of people - priests, pilgrims, women, children, the elderly, peasants, travelers, merchants, etc (Krivokapić, 2017[1], 540-544, 863-869). They meant an obligation not to touch these people and their property; that those who surrender or pray for mercy must be spared; that the wounded must not be killed; that prisoners must be treated humanely; etc.

Thus, for example. more than 2,000 years ago, the Indian Manu Code prescribed that arrows with serrated tips or poison arrows and fire projectiles should not be used (this speaks of an effort to prevent imminent death and unnecessary suffering); that farmers, those who beg for mercy and opponents who are wounded, exhausted, asleep or surrendered must be spared; etc. It was not just about legal norms, but also about such a practice - the ancient Greeks left testimonies that the wars in India concerned only warrior castes, that farmers in the immediate vicinity of the battle peacefully cultivated the land, that Hindus saved inhabitants in war, did not destroy cities, use dishonorable weapons, and the like (Стояновъ, 1875, 41-43; Manoj, 2005, 291-293).

Of course, there were countless cases of horrible cruelty and atrocities, turning the war into a slaughterhouse without any restrictions or mercy for anyone. However, it is also a fact that in most cases the mentioned rules were mostly respected. If it were not so, it would have disappeared a long time ago, and the opposite happened - not only have they been preserved, but they have been constantly developed, and more recently codified by a series of multilateral international agreements. Therefore, since ancient times there has been an awareness of the necessity, but also the duty of a certain protection of the persons concerned, which, seen from another angle, implies the recognition and respect of their most important rights.

After all, although a huge number of criminals escaped punishment for various reasons, history has also noted cases in which national courts of states tried individuals for what we now call war crimes or crimes against humanity, and even such jurisdiction was exercised by certain ad hoc international criminal courts.

The trial before one of the first ad hoc international criminal courts is especially well known. In 1474, a court of 28 judges from Alsace, Germany and Switzerland tried Peter von Hagenbach, governor of the occupied city of Breisach, for violating "God's and human laws" - murder, rape, abuse, perjury, illegal confiscations of private property and other

atrocities committed on his orders by persons under his command at a time when there was no hostility. He was found guilty, deprived of nobility, sentenced to death and beheaded (Schwarzenberger, 1968, 462-466; Gordon 2013, 13-49). Although the trial was relatively fair at the time (the accused was tried by a jury and the trial was public, the accused had a lawyer and could examine witnesses), it should be noted that Hagenbach was terribly tortured for days before the trial. He did not have time to talk to a lawyer before appearing before the judges, the procedure was held on the market, in a circus atmosphere and was completed in just a few hours, etc (Gordon 2013, 47-48). The case is an example of proceedings before the international criminal court for acts that essentially amounted to grave human rights violations, while, on the other hand, it is proof that, even if it was far from perfect, certain defense rights were respected.

According to the above, although human rights are something that is characteristic of the time in which we live, they did not appear all at once, out of nothing. Even in the distant past, evidence can be found that at least basic human rights have been recognized and protected, some of them even by oppressed social strata (Krivokapić, 2014, 3-34). In other words, the fallacy is that human rights are something that suddenly emerged in the modern world, especially after World War II.

This, of course, does not mean that human rights in those ancient times existed as a firmly formed and sufficiently rounded concept, that they belonged to everyone in full capacity, implied really effective legal protection mechanisms, etc. The fact that some rights have been recognized somewhere does not mean that it has been the case elsewhere, and in particular, we cannot talk about any generally accepted or international legal standards in this matter. However, it is also undeniable that there have practically always been solutions and practices that we can identify as guaranteeing and respecting human rights.

Viewed from a purely legal point of view, the development of human rights protection can be monitored both domestically (nationally) and internationally. States have always guaranteed certain rights, among other things, to their own codes.

When it comes to the international plan, the proclamation and protection of human rights have long been found in the relevant norms of customary war and humanitarian law, and then in various international agreements, especially those on the protection of religious minorities (XV-XVIII centuries), guaranteeing workers' rights (XIX - beginning of XX century), etc. and only after that in modern international treaties concluded after the Second World War.

3. HUMAN RIGHTS ARE NOT DEVELOPED CONSTANTLY AND UNIFORMLY

Often things are simplified so that, at least unconsciously, the image of a gradual, sometimes faster, sometimes slower, but therefore continuous development of human rights is created. About the fact that after centuries of no human rights, they came into being at one point, and have been on the rise ever since. In other words, that, along with economic, scientific-technological, cultural, educational, informational and other development, people are increasingly enlightened and tolerant, which results in the constant improvement of the legal and real position of individuals and groups. leads to better and more advanced solutions and practices. That seems nice, and even logical, and in part it is true, but it does not correspond to the truth.

First of all, it must always be borne in mind that the history of the human race abounds in examples of every kind. Each phenomenon, in addition to time (state of things at a certain moment or period), has a spatial (state of things at the same time, but in different parts of the world) as well as a subjective dimension (influence of certain individuals or groups on social relations).

Even today, human rights are not equally recognized and developed in all countries. Somewhere they are guaranteed by a number

of international treaties that bind the country concerned and by fairly good domestic laws and are mostly implemented in practice; elsewhere it is all at a much lower level. In addition, in some societies more developed are some rights (e.g. civil and political) and in others countries - another rights (e.g. economic, social and cultural). Also, whether, to what extent and in what way human rights are recognized and respected, is influenced by the human factor - who is in power in a given state, rights of which social groups or categories are in question, etc.

The subjective moment was especially pronounced in the distant past, when the enlightenment, reason, the kindness or cruelty of the ruler, or even only his current mood, depended on not only how and but whether at all would live not only individuals but also the entire masses of the population.

Thus, for example. it depended on who was in power whether a certain ethnic, religious or other minority would live relatively normally, with its uniqueness and tradition, or it would persecuted, assimilated or simply wiped out. For example, after the victory in the war between Wei and Jie, led in 350-351 in northern China, Ran Min, the emperor of the state of Ran Wei, ordered the killing of all members of the Jie people (they looked different from the rest of the population and were not difficult to identify). Some believe this was one of the first documented genocides.

This was especially present when a country was occupied by invaders. Although there are many equally horrific examples, suffice it to cite just a few, implying that they are only illustrations intended to remind us of such events.

Coming in front of a foreign city, the Assyrian emperor Ashurnasirpal II (IX century BC) used to call it to open its gates without a fight. Then his soldiers would kill the mayor, cut off the legs of military commanders, and enslave the rest of the population. If the city did not surrender, the soldiers would gather the inhabitants after its conquest, cut off their fists and feet and throw them on a pile in the center of the city to bleed to death there (Cooper, 2009, 128). After the conquest of certain cities, this cruel ruler ordered the skin of the enemy leaders to be skinned alive, and the other prisoners to be burned; to take adults into slavery and burn children; that hundreds of prisoners be impaled on stakes in front of city gates or around city walls; to cut off the prisoners' nose, ears, lips and fingers, i.e. dig out the eyes; to make pyramids from the heads of slain people at the entrance to the conquered city; etc.

Although in the minds of many they are a kind of synonym for the ancient enlightened democrats, as opposed to the rigid, militaristic Spartans, the Athenians often did not show any mercy. Thus, when in 416 BC conquered Milos, they killed all the men and sold women and children into slavery (Cooper, 2009, 128-130).

In that respect, Alexander the Great was not very much better either. When in 332 BC, after a seven-month siege, he managed to conquer city of Tire, he destroyed it, killed about 2,000 men, and sold the rest of the population, about 30,000, into slavery.

One of the greatest conquerors of all time - Genghis Khan, was especially remembered for his evil. Since during the conquest of Nishapur in 1221, an arrow from the walls killed his son-in-law, on his orders, all the inhabitants were slaughtered, including women and children, and their heads were folded into pyramids. As many as 1.7 million people were reportedly killed at the time (Cooper, 2009, 133; Rummel, 2009, 46-47). That year, other Persian, Afghani and Indian cities with all their inhabitants were destroyed as well: about a million people were killed in Merv, about 1.5 million in Herat and 1.6 million in Ravi. After the conquest of Urgench, 1.2 million people were slaughtered - each of the 50,000 soldiers was given the order of killing 24 inhabitants.

However, there were the opposite examples. One of them is Ashoka the Great, the Emperor of the Maurya Dinasty, who ruled almost all of the Indian subcontinent.

In 261 BC, with 400,000 troops Ashoka attacked the much weaker state of Kalinga, defeated and annexed it to his empire. However, after facing bitter resistance, he did so at the

cost of terrible bloodshed - allegedly, more than 150,000 warriors and civilians were killed on the Kalinga side, with 70,000 casualties in the ranks of the attackers. Seeing many corpses of people and animals, helpless wounded and orphans, the terrible destruction and suffering he caused; Ashoka experienced a sincere remorse. He began to propagate peace, help the poor and do other good deeds and for the rest of his life, the next 30 years, he never again wage a war of conquest.

After all, even in our XXI century, different communities have different understandings of what constitutes basic human rights, which are special human rights, how to ensure the realization of guaranteed human rights, and so on. Everything becomes clearer if we take into account a few concrete examples.

For decades, the world trend has been the abolition of the death penalty. However, there are still states that, adhering to their traditional rules, impose the death penalty for what in the rest of the world not only does not represent a serious crime, but is not a crime at all, such as the case of adultery. Moreover, executions are carried out publicly and in ways that are prohibited in other countries as being too inhumane - stoning, beheading, and the like.

Even in such a developed country, long turned to Western values and way of life, such as South Korea, adultery stopped being a crime only in 2015. Only then did the constitutional court of that country repeal the law from 1953, according to which adultery could be punished by imprisonment for up to 2 years (Park, 2015).

In some cultures, same-sex relationships are tolerated and, to some extent, propagated, same-sex marriages are recognized, and sometimes such spouses are even allowed to adopt children. And this is perceived as important human rights. On the contrary, in other countries, homosexuality is understood as a disease, as a type of social pathology, and in some countries, it is a crime punishable by imprisonment, sometimes even by the death penalty.

In most countries, bigamy is banned and is a crime for which one goes to prison. However, in some cultures, a man traditionally has the legal right to several women - someshere to 4 at most, and somewhere even more. Thus, polygamy is perceived as one of the important human rights.

The fact is that in many modern countries it is forbidden to carry a firearm, and in some it is forbidden or very limited to own it. However, in the USA, the right to have and bear arms is not only guaranteed by the constitution (Second Amendment to the Constitution, adopted in 1791), but is still understood as one of the important civil rights.

Although we deal with human rights from the past, here we have, exceptionally, cited several examples from modern life. This was done because these and similar examples are closer and therefore more understandable to our contemporaries. Another, no less important reason is the intention to point out with reference to concrete facts that even in our time, when, conditionally speaking, human rights are flourishing, not everything is resolved in a unique, non-contradictory and generally accepted way, with differences becoming even greater if taken into account. consideration practice.

It is self-evident that the differences between the rights and practices of different societies have been even greater in the past. This was a natural consequence of the fact that laws, beliefs, customs, etc. differed more than today. various wider or narrower communities; that religion was a great influence everywhere, and it was different and often hostile to other religions and beliefs; that there was no connection and interdependence of the various parts of the world we are witnessing today; that international law was not sufficiently developed, and in particular there was no universal or regional human rights law, relevant international institutions, etc.

In addition, in each particular society, things do not always go only forward, to the better. Occasionally, there are periods of stagnation, and even the introduction of worse solutions and worse practices, in terms of non-recognition and trampling of rights that were enjoyed in the earlier period. The reasons for that can

be different: coming to power of an undemocratic (totalitarian) regime, falling under the rule of another state, state of war, etc.

This phenomenon can be monitored not only in specific countries but also on a wider scale. Thus e.g. to the change of religious tolerance, which was quite widespread in the ancient world (even foreign conquerors mostly avoided imposing their faith on conquered peoples), the Middle Ages were marked by many religious wars.

Examples are the Crusades, which in a broader sense refer to all religiously justified conflicts between Christian states and those of other faiths: the Byzantine wars with its non-Christian neighbors, the German wars against the Eastern Slavs, the Albigensian (1209-1229) and other wars of Catholics against heretics, etc. In a narrower sense, it is the name of eight (according to some opinions, more) military campaigns that took place in the XI-XIII centuries, initiated by popes and European rulers to take over the Holy Land from the Muslims.

The most terrible religious war was the Thirty Years' War (1618-1648) between a large number of Western European countries. Led mostly due to religious intolerance between Catholics and Protestants, it took about 10 million lives, and it was. The war took place mainly in the territory of today's Germany and the Czech Republic, with between one-third and one-half of the inhabitants of those areas being killed.

We should also remind ourselves of the many horrible crimes committed in the name of faith in peace - burning at the stake "heretics" and "witches", forcible baptism of entire nations, torture and murder (especially the practice of the Inquisition), etc.

In Europe alone, in the XVI-XVIII centuries, about 60,000 unfortunates accused of being witches were killed (mostly burned at the stake, and partly hanged). About 40% of them were executed on the territory of today's Germany.

Regarding the crimes that affected entire nations, suffice it to recall the violent baptism of Russian lands in the X century, the violent baptism of Jews and Muslims in Spain and Portugal in the XV century, the cruel practice of Spanish invaders in Latin America, where part of the indigenous population was killed. and some forcibly converted to Catholicism; etc.

Racial intolerance also prevailed in various societies, leading not only to racial discrimination and segregation but also to violence that was sometimes planned and massive. The most impressive example in recent history is Germany, which under Hitler's rule in 1935 introduced the so-called "Racial laws", which deprived Jews of German citizenship, forbade them to participate in social life and forbade marriage between them and Germans, and then moved on to the persecution and extermination of the so-called non-Aryans. This culminated in the Holocaust, in which 5 to 6 million Jews and a large number of Slavs and Roma were systematically killed in concentration camps and in other ways.

After all, it was so in all fields of social life. Suffice it to recall that after the ancient world, which gave many examples of unexpectedly great enlightenment, the rise of science and art, came the Dark Middle Ages with its dullness, closedness, and religious exclusivity.

One example is the fact that throughout history there have been many attempts to abolish the disgusting and shameful practice of slavery, but these attempts have often been doomed to a short life.

The Persian emperor Cyrus the Great still in the VI century BC forbade slavery, but such a solution did not last long; the already mentioned Indian ruler Ashoka in the III century before our era, forbade the slave trade (though not slavery itself) and demanded good treatment of slaves, but after him this was abandoned; the rulers of the Chinese Qin dynasty in the III century BC banned slavery, but later dynasties lifted the ban; Wang Mang, the founder of the Chinese Xin dynasty in the XVII century abolished slavery, but it was returned after his murder, etc.

After all, if we move closer to us in time and space, France in 1791 proclaimed liberation in the colonies of the second generation of slaves,

and then in 1794 the abolition of slavery in all French territories and estates, but in 1802 Napoleon reintroduced slavery in the colonies. which grow sugar cane.

So, human rights are indeed constantly evolving, but they are always in danger of being ignored, violated, and even in some societies and times, abolished or at least illegally suspended.

4. THE HOMELAND OF HUMAN RIGHTS IS EVERYWHERE

It is often pointed out that the roots of human rights are in Western culture, that the first legal act to guarantee human rights was the English Great Charter of Freedoms (Magna Carta Libertatum, 1215), that the American Declaration of Independence (1776) and the French Declaration of the Rights of Man and of the Citizen (1789) were crucial. for the development of human rights). The practice of these countries as leaders of the "free world" who developed human rights and extended them to others is also pointed out. Still, it's not quite like that.

An example is the Great Charter of Freedoms (1215). It has been changed and supplemented several times so that today it means the text from 1297. Although it is glorified as the first legal act that guaranteed the most important human rights, things are different. First of all, this was not the first such document. In confirmation of that, it is enough to remind that the first document on human rights is considered to be the already mentioned Cyrus roller from 539 BC, which is older than the Charter by more than 1750 years. In addition, while Cyrus passed his act at free will, the Charter was signed by King John of England (aka John Lackland) only because he was forced to do so by the threat of weapons by the barons. Although it recognized some of the most basic rights of free people (to trial and justice), the Charter is in fact only a constitutional pact between the ruler and the high nobility, which limits the king's arbitrariness and guarantees certain rights of the nobility, but, strictly speaking, does not guarantee equality, nor the right to life, while, on the other hand, discrimination, torture, corporal punishment, etc. were not prohibited.

Things are not simple even if we take into account the other two mentioned famous acts - the American Declaration of 1776 and the French Declaration of 1789. Their significance is great, but sometimes it is forgotten that they also have important limitations. These are not comprehensive concepts of human rights, nor did they, originally, apply to all men, not to mention that they did not apply to women at all.

Since the Declaration of the Rights of Man and of the Citizen did not solve the issue of women's rights, the French writer and revolutionary Olympe de Gouges changed the document, replacing the words *man* and *citizen* with the words *woman* and *female citizen*, and published it in 1791 as the Declaration of the Rights of Woman and of the Female Citizen. Although her endeavors resonated beyond the borders of France, she ended up on the guillotine in 1793, among other things, because of the fight for women's rights.

When it comes to women's rights, compared to being respected and enjoying equality with men in some states, women were at the same time disenfranchised in other societies. In particular, in addition to the multitude of powerful female rulers it is the fact that in most countries, even the most developed ones, women gained the right to vote only in the twentieth century. Also regarding women's rights, especially their right to vote, two other problems can be noticed.

The first is that this right is recognized in some societies within certain frameworks (on certain islands, in certain provinces etc.) but not in the whole country. An example is the British Isle of Man, which was granted self-government in 1866. In 1881, it recognized women's right to vote in local elections, provided they were 21 years old and owned property of established value. Then the conditions were changed (in one period it was requested that it was an unmarried woman) until in 1918 the general suffrage of men and women under the same conditions was recognized.

The first countries in which women permanently acquired the right to vote were New Zealand, which at the time of the recognition of that right (1893) was only a colony of Great Britain with a certain dose of self-government, and Finland, which when recognized that right (1906) was only the Grand Duchy of Russia.

Although in the entire United States women gained the right to vote only in 1920, in some federal states or territories, as some of them were once called, women were given this right much earlier - in Wyoming in 1869, Colorado in 1893, Idaho in 1986, Utah in 1896, Washington in 1910, California in 1911, Arizona in 1912, Kansas in 1912, Oregon in 1912, etc.

A case from the recent past is Switzerland, which many point to as an orderly and exemplary society. In it, women won the right to vote in federal elections only in 1971, but gained the right to vote at the cantonal level (depending on the canton) between 1959 and 1991, which means that in some cantons they started enjoying it much after its recognition at the national level. The last to equal men and women in terms of the right to vote was the canton of Appenzell Ineroden, which did so only on February 7, 1991.

The second problem is the fact that there have been many cases where women have been granted the right to vote, at least to some extent, but it was soon abolished and re-recognized only after several decades. Thus, e.g. to all or at least certain categories of women (sufficiently wealthy, educated, unmarried, etc.) this right was recognized, but then abolished for various reasons in Sweden (1718-1771), Corsica (1755-1769), New Jersey (1776-1807), Utah (1870-1887), France (1871), Franceville (1889) etc.

Although women in Germany gained the right to vote in 1918, when Hitler came to power, it was taken away from them in 1933 and returned only after WW II - in West Germany in 1948 and East Germany in 1949.

A similar thing happened in Spain. Women were given the right to vote in 1931, but during the Francoist dictatorship (1939-1975) it was very limited (recognized only to women considered the head of the family) and was not restored in full until 1976.

In some even more drastic cases, women in the XX century gained principled equality with men and important rights in their respective communities and enjoyed them in practice, but later social changes led to the reintroduction of the previous order based on old religious and customary canons, which in some cases meant returning women to the status they had in the Middle Ages. This, among other things, manifested itself in the return of family law from the jurisdiction of secular courts to the jurisdiction of religious elders; denying women the right to higher education, freedom of movement, freedom of choice of work, freedom of dress (women's obligation to be veiled in public or at least to wear headscarves), etc.

Iran can serve as an example. We take the practice of this country only as an illustration, without the intention of subjecting that state, its social order, religion, and people to any judgment, disparagement or stigmatization. This, after all, applies to all other examples mentioned in this paper.

Reza Shah Pahlavi (reigned 1925-1941) took steps to bring the position of Iranian women closer to that of women in the developed countries of the West. Among other things, in the 1930s. he forbade women to cover their faces and ordered police to remove their headscarves. For all its flaws, the regime of his son and successor, Mohammad Reza Pahlavi (reigned 1941-1979), continued in the same direction, so that Iranian women gained the right to vote in 1963, which means before women in e.g. Switzerland (1971). Just before the fall of that government, there were 22 female deputies in the Iranian parliament, a third of the students were women, and so on.

After the Islamic Revolution that overthrew the pro-Western government of Pahlavi in 1979, women were left without many of their former rights or faced various limitations. They have lost a large part of their business ability, freedom of movement, right to divorce, etc. The age limit for marriage has been lowered from 18 to 9 years (in 2002 this limit

was increased to 13 years); the punishment of stoning a woman guilty of adultery was introduced; many old solutions have been returned, including that a man may have 4 wives, but a wife only one husband, that marrying a woman requires the consent of a male guardian (father or paternal grandfather), that a woman cannot travel abroad without a male escort and with husband's consent, that the wife inherits only one-eighth of the husband's property while he inherits all the wife's property, that the son inherits twice as much as the daughter, that women have limited access to higher education, that women are discriminated in terms of access to employment (husband has the right to refuse wife to work if he considers that it is contrary to the interests of the family or the dignity of the woman), etc. In addition, in 1983, the Criminal Code stipulated that a woman who refused to wear the hijab (veil or headscarf) was punished with a beating of up to 74 blows, which in in the mid-1990s was changed to a prison sentence of 10 to 60 days or a fine (Fedrows, 1983, 283-298; Kousha, 1992, 25-37; Derayeh, 2006; Mohammadi, 2007, 1-21; Janghorban, 2014, 226-235; Justice for Iran, 2015; Alikarami, 2018, 138-155; Sukic, 2019).

The given examples related to women's rights and, in particular, their right to vote are given only as an illustration. Similar problems can be identified in relation to other rights or special rights of other categories of people e.g. ethnic minorities.

In short, the following can be concluded:

- Like everything else, human rights have not developed evenly in all parts of the world, which is actually logical in itself;
- The fact that certain rights are recognized in some societies does not mean that they are recognized in those societies as a whole, i.e. they happened to be valid in some parts of the country, but not in others. In addition to the already given examples of women's suffrage in Switzerland and elsewhere, suffice it to say that before the American Civil War (1861-1865) slavery was abolished in some US states, but not in others and that even today the situation in various states of the USA is different on many issues, so in some of them the death penalty has been abolished, and in others, it has not;
- The development of human rights did not go only up. Once the rather high level was reached, it was sometimes abandoned in favor of returning to the worse, less humane solutions.

All that has been said means that even today it is possible that for some reasons in some societies, and even on a wider scale, there is relativization, cessation of protection, and even denial, i.e. the abolition of certain recognized human rights. That would not be good, but it is possible in principle. And unfortunately, sometimes, it does happen.

5. DEVELOPED COUNTRIES HAVE NEVER REALLY BEEN CHAMPIONS OF HUMAN RIGHTS

If we start from the attitude that human rights originated in Western Europe and the USA, it is easy to come to the conclusion that in these countries they have the greatest tradition, the most established and most efficient institutes and practices, i.e. that in this countries they are legally and really the most developed and best protected. And that it has always been so.

At first glance, such an approach is logical. These societies have the most developed institutions, financial resources, and other preconditions for ensuring consistent respect for human rights.

However, practice shows that things are not as they seem. This is easy to prove by referring to the reality of the most developed countries, both in the past and in our time. Since we are dealing with the distant and somewhat recent past here, we will stick to it, but we will give a brief overview of some important moments from the time after the World War II, in order to better understand some issues.

In the last few centuries, Great Britain is undoubtedly one of the most developed countries in the world in terms of economy, military, politics etc. It is therefore no wonder

that the legal and philosophical traditions of that country, whose representatives were exceptional minds and humanists of the XVI-XIX centuries. such as Thomas More, Thomas Hobbes, John Milton, John Locke and John Stuart Mill rightly cite as something we owe today's current development of human rights.

When it comes to the contribution of the English legal tradition to the development of the concept of human rights, its legal monuments, such as the Great Charter of Freedoms (1215), the Habeas Corps Act (1679) and the Rights Act (1689) are especially important.

The Habeas Corpus Act of 1679. is considered part of the uncodified British Constitution, and has influenced the rights of other states. It guaranteed protection from arbitrary deprivation of liberty by placing the executive under the control of the judiciary in that regard, and gave the citizens the right to demand that control. In addition to proclaiming the basic principle of habeas corpus, which refers to the legal requirement that a person deprived of liberty be immediately brought before a court to decide whether detention is lawful, it forbade illegal arrest without a court order, long-term detention without valid evidence of guilt, harassment in the investigation and extortion of evidence, and specified some other rights of the defendant.

The Bill of Rights (1689), also known as the English Charter of Rights, set out certain restrictions on the rulers' powers and specified the rights of subjects - freedom to have weapons for personal protection, freedom to petition the king, freedom from fines and confiscation of property without a court decision, freedom from harsh and unusual punishments and excessive fines, freedom of speech and debate in parliament, and freedom of election to parliament without interference by the king.

These documents and their advanced solutions are all the more important because they have influenced other countries and peoples. This, after all, should not be surprising, because, on the one hand, these were really advanced principles that must be embraced by any society that claims to be free and democratic, and on the other hand, behind them stood a state that was the world's leader at the time. or at least one of the most developed and powerful countries in the world.

However, in the same country one could follow some legal frameworks and practices that have little in common with the idea of human rights. Here are just a few examples.

Many do not know that Great Britain was the last European country to abolish corporal punishment - it happened only in 1948. For comparison, little Serbia, then still only a semi-sovereign country (gained sovereignty only in 1876), abolished corporal punishment by law back in 1873 (Dragičević et.al., 2011).

Even worse, in England in 1810, there were as many as 222 crimes punishable by death! One could end up on the gallows for forgery, pickpocketing, deforestation, homosexuality (sodomy), wandering, and even - for stealing bread! Thus, in England and Wales, in just 70 years (1760-1830), about 35,000 people were sentenced to death. Although most of them were commuted to prison, about 7,000 (including 14-year-olds) were publicly hanged, which means, about 100 a year or one every 3 days. Since the executions were prepared sloppily (without calculating the weight of the convict's body), the agony of the hanged man lasted up to 20 minutes, to the delight of the gathered crowd (Sherwin, 1946, 169-199; Hay, 1980, 45-84; McLynn, 1989; King & Ward, 2015, 159-205; White, 2009).

It is interesting to make a comparison here. The fact that at the beginning of the XIX century. in England, the death penalty was threatened for 222 crimes, seems even more horrible compared to the fact that e.g. the Vinodol Statute (1288), which was in force 6 centuries before, in the "Dark Middle Ages" provided for the death penalty for only 2 acts!

One should compare not only the legislation but also the practice. During the 37 years of rule (1547–1584) of the Russian Tsar Ivan IV („Ivan the Terrible"), a total of about 4,000 people were executed, which means an average of 108 a year. At the same time, under the English King Henry VIII, who ruled at about

the same time and for the same length of time, in just a little over 37 years (1509-1547), between 57,000 and 72,000 people were executed i.e. about 1,540-1,946 per year!

Can we then claim that English human rights law and practice were much more advanced than in other countries? And on that basis, should we draw the conclusion that those other countries should have emulated them? At the same time, with all due respect to the undoubted contribution of England in developing the concept of human rights, the right to life is a basic, most important human right, without which all others lose their significance.

After all, if we leave aside the practice of only one country, even if it was the then England or today's Great Britain, and focus our attention on concrete solutions and institutes, we can notice that the most developed countries have not always been the leaders when it comes to human rights.

It is so interesting to note that the infamous Inquisition, a kind of criminal court of the church that existed in the Catholic countries of Europe since the XII century, and which had the right to investigate, interrogate, prosecute, establish guilt and punish, and which used horrible methods (torture, burning at the stake, etc.) was finally abolished in in so many way developed Spain only in 1834! At a time that is for many reasons often perceived as the age of the modern world.

The first inquisitorial commissions were established to interrogate and punish heretics. Later, their jurisdiction was expanded to include all forms of magic, sacrilege, and immoral life (concubinage, usury) and the persecution of all those who were not to the liking of the Catholic Church or secular authorities. Many religious reformers and scholars were burned or otherwise executed for disagreement with certain elements of the papal interpretation of Christianity or the world, including the Englishmen William Sawtrey (1401), John Cobham (1417), John Fritt (1533) and William Tyndale (1536); Czech Jan Hus (1415); the Italians Girolamo Savonarola (1498) and Giordano Bruno (1600) and many others.

At the Congress of Vienna in 1815, under the strong influence of the then leading states, the slave trade (blacks) was condemned and then banned. Since it flowed by sea, it has since been viewed in the same way as piracy, which means that the commander and crew of a ship transporting slaves had to reckon that if they were caught by a warship, they would end up on the gallows. However, that did not forbid the institution of slavery itself, which means that where they existed, slaves were not freed from that. On the contrary, they remained in that position, and their children became slaves by birth.

In that respect, the best example is the then USA. Although in the second half of the XIX century it was in many ways one of the most advanced states in the world, that country still knew the institution and practice of slavery.

The first slaves were imported by English colonists from Africa to Virginia as early as 1619. There were about 460,000 in the territory of today's USA in 1776, and already in 1865, meaning only 90 years later, more than 4 million slaves. There is the opinion that slavery was the key driver of the American economy and wealth. Although the import of slaves from abroad was banned in 1808, and although slavery was gradually abolished, it existed in 1860 in 15 American states, in which 4 million of the 19 million inhabitants were slaves. Slavery was finally abolished in the entire United States only after the Civil War, with the XIII Amendment to the US Constitution (1865).

However, at the same time as it existed in the USA, slavery was long ago abolished in many countries, even those small and underdeveloped. Somewhere, it has not existed as suchf or a long time when it comes to domestic citizens, but it has been legally abolished, in order to clarify that slavery of foreigners over foreigners is not tolerated on the territory of the respective country. In that sense, it is interesting to note that slavery was abolished in Serbia in 1805-1813, during the First Serbian Uprising. Additionaly, Serbia, then still a vassal of Turkey, officially abolished slavery three decades earlier then the USA. This was done by the Constitution of the Principality of Serbia

(1835), which in Art. 118 prescribed that every slave who entered Serbian soil be permanently freed from slavery.

After all, it is not just about Serbia. Many years before the USA, slavery was abolished by other countries in various parts of the world: the Philippine state of Tondo (900), Venice (960), France (1315), Poland (1347), Dubrovnik (1416), the Philippines (1574), Lithuania (1588), Japan (1590), etc. Only in the XIX century, in addition to Serbia, slavery was abolished before the USA in: Haiti (1804), Chile (1823), Central America (1824), Uruguay (1830), Bolivia (1831), Greece (1832), Trinidad and Tobago (1838), Jamaica (1838), Barbados (1838), Argentina (1853), Venezuela (1854), Moldova (1855), Wallachia (1856), etc.

In order not to think that the USA was the only great Western power late in abolishing slavery, it is enough to note that Great Britain did it in 1838, many years after a whole series of small, incomparably less developed countries.

By the way, slavery is one example of human rights not developing in a straight line, with a constant rise. Although there is no classical slavery today, it is estimated that there are about 40.3 million modern slaves in the world, of whom 24.9 million are in forced labor and 15.4 million are in forced marriage. About 71% of them are women, and a significant number of them are children. It is claimed that the value of goods produced in developed countries reaches several hundred billion US dollars a year - in 2018, the five most important products that were the result of slave or quasi-European labor, and imported into the G20, reached 354 billion dollars, including laptops, computers and mobile phones - 200.1 billion, clothing - 127.7 billion, fish - 12.9 billion, cocoa - 3.6 billion and sugar cane - 2.1 billion dollars. In this regard: 1) the above data refer only to goods imported into the 20 largest economies in the world, which means that, if other countries are taken into account, the situation is even worse; 2) slave labor produces also other goods such as sports equipment, fishing nets, etc.; 3) from 2018 until today, the situation could only get worse; 4) there are other estimates, among them those that indicate that every year a huge income of over 100 billion dollars falls on services that are reduced to forced sexual exploitation. It is claimed that in the USA alone in 2018, there were 403,000 people in modern slavery or 13 for every 1,000 inhabitants, which is 2.4 times more than the world average (United States, 2018; Global estimates of modern slavery: Forced labour and forced marriage, 2017, 5).

It is also interesting to note that, contrary to what might be expected, women have found it harder to win equality in developed countries than in some other countries. A good example is the right to vote, which is one of the indicators of the general attitude of those who govern society towards those to whom that right is recognized, while, on the other hand, it includes many other rights, such as equality and non-discrimination, personal freedom, freedom of thought, freedom of expression, freedom to participate in the management of the community, etc.

Women did not gain the right to vote first in the richest and most developed countries, and only then in other parts of the world. On the contrary. This right was first granted in New Zealand (1893) and then in Australia (1902), Finland (1906), Norway (1913), Denmark (1915), Russia (1917), Austria (1918), Poland (1918), the Netherlands (1919), Sweden (1919), etc. and only after them in the USA (1920), Great Britain (1929), France (1944), Italy (1946), Belgium (1948), etc.

Another fact that may surprise many: many developed Western countries, have recognized women's right to vote only relatively recently - Monaco in 1962, Switzerland in 1971, Portugal in 1974, Spain in 1976, Liechtenstein in 1984, etc.

Truth be told, it can be noticed that some other rich and economically advanced countries from other areas of the world, which, accordingly, have all the prerequisites to develop human rights more than others, have given women the right to vote only recently – i.e. Qatar in 1999 and Saudi Arabia only in 2015.

It should also be remembered that the most developed countries of the XIX and XX centuries owed their prosperity mostly to colonial conquests, which meant oppression, exploitation and ruthless plunder of other peoples. Therefore, when assessing the human rights situation in the respective countries at that time, one should take into account also what was happening in their colonies, where indigenous peoples were considered "savages", "semi-animals", "lower beings" and the like and therefore were deprived of liberty, self-government and often basic rights, they were even held in chains, forced to work, tortured and killed.

In 1900, out of a total of 132.8 million km^2, which was the area of the known world, the colonies occupied 79.2 million km^2 or as much as 59.4%. The United Kingdom had the largest holdings - 32.7 million. km^2, France - 11.0 million km^2, Germany - 2.6 million km^2, Belgium - 2.4 million km^2, etc. As early as 1923, the colonies of the UK were 9.2 times larger than their metropolis in terms of population, and 176 times larger in area! Immediately before the World War II, various colonial estates made up 1/3 of the planet, with about 1/4 of the world's population, and in 1945, 675 million people lived in the colonies. It is not just about numbers, it is about relationships, which have been characterized by racial and other discrimination, cruel exploitation, unpunished violence, etc.

In order to get an approximate picture, it is enough to recall that in the period 1885-1908. Congo, a country 76 times larger than Belgium, was a private colony of King Leopold II of Belgium. Determined to get rich as soon as possible, he introduced a colonial administration that was nothing but a terrible terror and exploitation, accompanied by terrible crimes, such as mutilation, torture, beating, kidnapping, etc. About 10 million people died from slave labor, violence and diseases caused by terrible living conditions.

Although this was not classical colonialism, it is well known that at a time when the USA has already drawn attention to itself as a free-spirited, progressive part of humanity, one in which everyone supposedly has the same rights and opportunities. the indigenous Indian population was persecuted, killed, forcibly relocated and largely exterminated in various ways. It is estimated that about 15 million North American Indians died in the United States as a result of their killing and various forms of persecution.

Other world leading powers took similar steps against the natives at the turn of the XIX and XX centuries. Thus, in 1804-1907. in Southwest Africa Germans tried to exterminate the peoples of Herero and Nama by deserting and using methods of starvation and poisoning of wells, as a result of which 65,000 Herero (80% of that people) and 10,000 Nama (50% of their total number) perished.

Similar steps were taken by some other countries, such as the genocide of Turks against Armenians and Greeks in 1915-1923, when more than 1.5 million Armenians and about 300,000 Greeks were killed to create an ethnically pure state. However, that does not justify anyone at all, not even the Western countries, especially since we are wondering here whether they have the moral right to pass on human rights violations to others, when they themselves did or even today sometimes do the same or worse.

After all, until relatively recently, some of the most developed countries in the West were characterized by institutionalized forms of racism, that did not occur in other countries or at least were not observed in them in approximately the same form and intensity. Thus, in the USA in the 1960s, the principle of racial dichotomy prevailed so that "purity of race would not interfere". Among other things, the Pentagon, the headquarters of the US Department of Defense, which was completed in 1943, was built with twice as many toilets as needed because the Racial Segregation Act was in force at the time, requiring separate toilets for whites and blacks. It was not until 1964 that the Civil Rights Act was passed, which put an end to racial segregation and discrimination in the United States.

The years before and during WW II offered plenty of examples of drastic human

rights violations in the most developed countries. The first thing that came to mind was the persecution of the so-called non-Aryans in Hitler's pre-war Germany, and then the German genocide of Jews, Slavs, and Roma; grave atrocities against civilians and prisoners of war during the war; or the horrific crimes of the Japanese in China and other occupied territories. However, humanitarian law and human rights were massively violated by all, including the Italians, Soviets, etc., but also the British, Americans, and French, who before and after World War II largely managed to impose themselves as all-around world leaders. Here are just two examples.

Immediately after entering World War II, the United States, a country that at the time was seen as a champion of democracy, under Presidential Executive Order 9066 (February 19, 1942) sent 120,000 of its Japanese-born population to concentration camps. In most cases, they were given only 48 hours to pack the most necessary things and leave their homes. Although the reason was the fear that these people were spying for Japan, the fact remains that 2/3 of them were US citizens (domestic citizens) and that about half of them were children! At the same time, none of them showed any sign of disloyalty towards the USA - during the entire war, only 10 people were convicted of espionage in favor of Japan, and none of them was of Japanese origin. Still, entire families were sent to the camps. It was not until 1945 that they were allowed to return home.

Before and after the end of World War II, the Americans placed 3.5-5.2 million German prisoners in about 20 camps. In order to avoid obligations under the Prisoner of War Convention (1929), US forces denied POW status to imprisoned Germans and treated them as "disarmed enemy forces", a category that does not exist in international law. With such coverage, these people were exposed to ill-treatment, which has meant a serious violation of the basic rights of prisoners of war, established by the Convention. They were kept in the open (not even tents were set up), densely packed in sectors separated by barbed wire, without toilets, exposed to the sun, rain, wind, and cold, and forced to sleep in holes dug in the ground with their bare hands, they were deliberately starving, etc. According to one Canadian author, between 800,000 and more than 1 million German prisoners died in American camps because of hunger, thirst, dysentery, pneumonia, tuberculosis, and other diseases caused by poor living and sanitary conditions. Referring to historical documents, statistics and testimonies, he claims that, contrary to the norms of international humanitarian law, journalists, charities, and even the Red Cross were not allowed to visit these camps; that any form of assistance to prisoners was prevented; that food aid sent by the Red Cross was returned on the grounds that supplies were sufficient or simply not distributed; that it was explained to American officers that the goal was to exterminate as many German prisoners as possible; etc. He also printed a facsimile of the order of May 9, 1945, stating that the local population was strictly forbidden to give food to prisoners under threat of execution (Bacque, 1989, 30, 52-53, 61, 69, 76, 109, 166; Bacque., 1997, 42-44, 59, 61). Regardless of the evidence offered, these allegations might be understood as an exaggeration. However, there are the affirmative prefaces to author's two books, claiming that everything in them is true, and these prefaces were written by eminent personalities whose expertise and objectivity should not be disputed. The preface for the first book was the work of Ernest F. Fischer, a retired U.S. colonel who was involved in internal U.S. investigations in 1945 in regard to U.S. military crimes in Germany and later became a prominent expert at the U.S. Army Center for Military History in Washington. The foreword to the second book was written by Alfred-Maurice de Zayas, doctor of history, professor of International Law, distinguished human rights expert, and former UN senior officer.

Considering that there is no need to recall many well-known events from the World War II, such as the dropping of atomic bombs on Hiroshima and Nagasaki (according to many, the most serious crimes against humanity in history), the unnecessary and indiscriminate

bombardment of Hamburg and Dresden, etc., we will mention just another type of war crime, which also means violations of relevant human rights, which fall on the soul of the Western Allies.

The British, French, Norwegians, and Danes used German prisoners of war to clear minefields. When the Germans invoked Art. 32 of the Convention on the Treatment of Prisoners of War (1929), which prohibits the use of prisoners in hazardous and unhealthy work, they were told that the Convention did not apply to them, as they were not prisoners of war but "members of unarmed forces who surrendered unconditionally." In other words, in order to avoid recognizing the prisoners' rights under international law, the British resorted to the same trick as the Americans, only they came up with a different term.

The British, under the command of General E. Thorne, forced more than 5,000 captured Germans in Norway to pass through minefields holding hands, with the idea of encountering a landmine and activating it. Thus, by the end of August 1945, 275 German prisoners of war had been killed and 392 maimed. A similar thing happened in Denmark. This tactic was mostly used by the French. They sought and obtained from the USA and Britain about 50,000 German prisoners and then used them to clear mines, with at least 1,800 of them killed by September 1945, and at least as many more maimed. It should not be explained that all these cases were war crimes. However, no one was declared responsible for that.

After all, if we leave aside what is related to the war and the post-war period, the fact is that many human rights have been violated or denied in peace, even in the most developed Western countries.

Good examples are employment rights or labor rights. They are still being violated in some places today, but they are guaranteed, of course. It is the result of a long struggle and the contribution of the International Labor Organization, founded in 1919. Only in the second half of the XIX century were there many large-scale strikes and protests by workers (in the UK - 9, in the US - 28, etc.) demanding recognition of basic rights, such as an eight-hour day, the right to rest, etc. Many of them were suffocated by brutal violence, often in blood, the most famous example of which was the events that took place in Chicago in early May 1886.

The American labor unions demanded the adoption of a law that would introduce an eight-hour working day (instead of 12-15 hours a day, as was the practice at the time). When that regulation was not, as promised, adopted, on May 1, 1886, about 350,000 workers took to the streets of American cities and protested peacefully. In Chicago, where there were about 40,000 of them, the demonstrations were initially peaceful, but clashes with police broke out on May 3 and 4, with a dozen dead and about 200 injured on both sides. The development of events led to the adoption of the eight-hour working day, and May 1, in memory of what happened in Chicago, is celebrated as International Labor Day.

We will remind you once again that the examples given on the previous pages are given only as an illustration, in order to point out that the countries that have had the main say in international relations, the economy, culture, education, science, etc. in fact, have never been immune to denial or human rights violations. In other words, neither human rights in these countries have always been the most developed in everything, nor the situation in other countries has always been worse in every respect.

It is important to note another point that does not concern practice, but legal regulations. When the internal acts of the leading countries of the West were imposed and accepted as role models for others, it was not always because of the real, essential quality of those documents. Often, it was just a matter of the world power behind them. Substantially better regulations of small and medium-sized states were not taken as an example, and sometimes external pressures were exerted to withdraw these regulations, precisely because of their open-mindedness and progress.

A sufficient example is the Constitution of the Principality of Serbia (1835), which

declared that every slave who enters the territory of Serbia becomes free. It also had other important solutions, many of which mean guaranteeing basic human rights, such as equality of citizens and equality before the law, the independence of the judiciary, the right to a lawful trial and the prohibition of retroactive effect of the law. Besides, it also contained rules according to which: detention can last a maximum of 3 days, after which an indictment must be filed or detainees must be released; no one can be prosecuted or punished except by law and by the judgment of the competent court; retrial for the same act is prohibited; and many other rights and freedoms are guaranteed - freedom of movement and residence, inviolability of the apartment, right to choose an occupation, freedom to dispose of land, etc. Thus, Serbia became the second European country (the first was France), to abolish feudalism with the highest legal act and embrace advanced ideas and principles.

However, the consequence was that Russia and Austria, two great feudal powers, stated that this was an act that was too liberal and as such endangered their interests, and with the support of Turkey, they exerted strong pressure to withdraw the Constitution. As a result, the Constitution, undoubtedly very good and progressive, lasted only 55 days - adopted on February 15 and suspended on April 11, 1835.

6. CONCLUSION

Human rights are a universal heritage in two basic ways.

On the one hand, they are a civilizational achievement, a common good, a common moral, legal, and other value of the entire human race, of all peoples and states. In other words, they are a system of rules and principles that, as a product of the human spirit, are available to all people and all communities to embrace, respect, and further promote them.

On the other hand, human rights are (and this is sometimes forgotten) the result of centuries of action in the respective directions of all human communities, some of which in certain periods had more or less influence than others, but in fact altogether, throughout history slowly but certainly led to the notion that certain human rights exist, that they must be recognized, respected and protected.

Everything that was discussed in this paper should be sufficient proof that human rights have been denied but also recognized at different times, in different areas, and that in the history of every state and every nation can be found evidence of consistent respect and promotion of these rights, and examples of their denial and gross violation.

On that basis, it must be assessed as a simplified and one-sided image of the fact that human rights are the product of the spiritual, moral, cultural and other superiority of the West in relation to other parts of the world.

It is largely a consequence of the fact that the history we know was written by European and American authorities, who knew and glorified the experiences and practices of their countries, i.e. the religions and cultures to which they belonged. That history, whether one likes it or not, is Eurocentric, with its recognition of the special role of the USA. This is part of the approach that stands on the view that everything valuable in recent history originated in Western Europe and the United States.

Among other things, it is still believed that Columbus discovered America in 1492, although there is growing evidence to suggest that this was done long before him by the Vikings, and before them at least by the Phoenicians and Chinese.

In the same way, some theorists still hold the view that international law itself originated in Europe, at the time of the transition from feudalism to capitalism, although there is much evidence of this, important norms and principles of international law have emerged throughout history. We find them in antiquity and in Mesopotamia, Egypt, China, India and others (Krivokapić, 2017[2], 46-57).

The truth is different, much more complex and richer than is sometimes thought. People all over the planet are essentially the same; they have the same or similar basic needs, the same

interests, and the same things that make them happy or sad. It is enough to remind us that although there are different cuisines (ways of preparing food), all people like to eat healthy, fragrant and tasty food. On different continents, people came up with the same weapons on their own - spears, arrows, swords, etc., learnt to build buildings, developed means of transport, medicine, letters, states, etc.

It is the same with other phenomena, among them the law, and human rights, as a part of it. To a certain extent, throughout history, they have legally and really existed in various societies all over the planet.

Indeed, it is difficult to deny that in various communities, even those we consider primitive, there were certain rules that meant recognizing equality, guaranteeing freedom of religion, respecting the elderly, women, non-combatants, etc. This approach was very different from what we have today, but it cannot be denied. Human rights have always been and always will be, just as they have been and will always be more or less challenged and violated.

It is not disputed that Western countries have made a special contribution to the development and protection of human rights in the last few centuries. The rest of humanity should not question that, as it should be sincerely grateful to those individuals from Western countries who contributed to that and to those authorities of those countries who, by adopting advanced regulations, at the same time lit the way for others.

However, those same countries have also left testimonies of the gravest violations of human rights, a practice that cannot be honored. That has already been discussed.

Within this framework, one will not be mistaken if it is noticed that the excessive raising of the importance of legal documents of the Western world which guarantee the respective human rights is not justified. Neither of these documents were flawless, nor were the guaranteed rights valid for all.

The idea that human rights have spread from leading Western countries should also be objectively valued. Those who see the educational mission in the footsteps of those countries start from the fact that other societies were underdeveloped. In other words (although no one will say it out loud today) - uncultured, savage, primitive. But - not so!

Certain human rights have existed both legally and factually in various parts of the world, even in the distant past. In addition, even when new knowledge and technologies were really spread, as well as advanced ideas (including human rights), Western countries did not do it to improve the lives of people around the planet, but as an incidental phenomenon in colonial and other conquests and thus connected by imposing on others their system of values and way of life. It is enough to remember how the indigenous peoples of America and other continents were forcibly baptized.

Finally, we must be aware that when we talk about human rights in our time, we often have in mind the highest standards achieved, sometimes forgetting that even today there is the death penalty in many countries, that even today parts of the state apparatus sometimes resort to torture. slavery and practices and institutions similar to slavery, that even today women in many societies are disenfranchised and discriminated against, etc.

All this in addition to numerous international and national legal documents that regulate human rights. In this regard, we must be honest and ask ourselves whether it is more important that human rights are guaranteed by international and domestic regulations, and in practice they are denied or disrespected, or better when they are based on customary law or underdeveloped regulations, but are realized. It would be ideal to have a perfect legal regulation and its perfect application in practice, but since that is not possible, what would we opt for if we were forced to make the mentioned choice?

In short: human rights have always been and always will be, just as there have always been and will always be their disputes, denials, and violations. The question of the degree of their development, protection and respect is a

problem in itself and can be answered only on the occasion of a specific case, after a thorough study of not only legal regulations but also the practice of each concrete society and the international community as a whole.

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NEW PRODUCT DESIGN AS PART OF THE DIGITAL FACTORY CONCEPT

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Apstract: *The concept of digital production represents the basis for the development of a digital production system, i.e. a digital factory. The digital factory represents the integration of the virtual and real factory. Inside the virtual factory, products, processes and resources are modeled on the basis of real data, which are then tested, improved and optimized through the application of digital production tools. Finally, when the results of the virtual factory are verified and all possible irregularities are removed, they can be applied in the real factory.*
The primary goal of this paper is to present the process of designing a new product. The design process is an integral part of the modern digital factory concept. The concept requires full integration of product data, as well as systems for design, planning and production, including the design of technological processes.
The aim of this paper is to solve the problem of the budget coefficient of aerodynamic drag force of axisymmetric aircraft without wings. The problem is interesting because it provides a simple calculation of the axial aerodynamic coefficient of drag force for different airspeed. Ruling allows for easier comparison of the components of aerodynamic force coefficient of drag when changing airspeed and experimental values from wind tunnel. The dependences of aerodynamic coefficients of aerodynamic parameters and shape aerodynamic configuration.The application of the proposed solutions will accelerate the flow of information theoretical researches aerodynamics of the aircraft. The accuracy in determining the values of aerodynamic coefficients is one of the key factors for the assessment of flight "rapidly rotating" axisymmetric bodyes.

Keywords: *aerodynamic, force, moment, coefficients, rotat, body.*

JEL classification: *L15, M15, D47.*

INTRODUCTION

Digital manufacturing can be defined as a network of digital models and methods that define all phases of the product life cycle. It represents the integration of various tools for planning, designing, optimizing products and processes, such as tools for:

- Product design,
- Engineering analysis,
- Designing technological processes,

- Projecting and simulation of management information,
- Time management and business applications,
- Planning the layout of production systems,
- Ergonomics,
- Process simulation,
- Product life cycle management, etc.

The aerodynamic coefficients are dimensionless size of the components of the aerodynamic forces and moments. Determination of aerodynamic coefficients depending on the structural parameters of the missile is based on a theoretical approach to the equations of fluid mechanics. In the numerical solution of systems of partial differential equations, it is necessary to know the boundary conditions and the experimental results of wind tunnel and measure the parameters during the flight.

Modern display systems aerodynamic forces and moments acting on axisymmetric shells come from Fowler, Gallop, Lock and Richmond, 1920. year. Nielsen and Synge supplement the required forces and moments adjusting Fowler system into a logical whole.

Kent, Kelley and McShane build on the system of aerodynamic forces and moments, and to define two criteria of stability. Maple and Synge have examined the effects of aerodynamic force and moment on the rotational symmetric missiles.

The effect of air on the aircraft during its motion is tending in the aerodynamic force that creates the aerodynamic moment to the selected point. Aerodynamic force and moment, as the vector values, can be displayed with the components in one of the inserted coordinate systems.

Motion of axisymmetrical aircraft in space is consists of translation of mass center and rotation around its mass center. The flight of these aircrafts characterize conditions of small disturbations, whereby is presumed that angles of incidence not going over a few degrees. This fact enables the application of linear aerodynamic in calculation of aerodynamic characteristics or theirs derivatives.

For the aircraft which external surface of axisymmetrical shape, every area is, at the same time, the simmetry area of external surface. Because of this for a defining of aerodynamic coefficients is applied circuit coordinate system, because the circuit area is the singular special area through the axis of symmetry:

$$R^S = \begin{bmatrix} X \\ \bar{Y} \\ \bar{Z} \end{bmatrix} = q_\infty S \begin{bmatrix} C_X \\ C_{\bar{Y}} \\ C_{\bar{Z}} \end{bmatrix} \text{ and}$$

$$M^S = \begin{bmatrix} L \\ \bar{M} \\ \bar{N} \end{bmatrix} = q_\infty Sd \begin{bmatrix} C_\ell \\ C_{\bar{m}} \\ C_{\bar{n}} \end{bmatrix} \qquad (1.1)$$

Components of aerodynamic force and moment are proportional to dynamic pressure $q_\infty = \frac{\rho_\infty V_\infty^2}{2}$ and they initially depend on square of aerodynamic velocity, caliber, air density, and then of the aerodynamic coefficients. In changing of aircraft height the aerodynamic components are smaller intensity because of reducing of air density.

Aerodynamic coefficients present dimensionless values of components of aerodyanamic forces and moments. Thez are obtained when we divide the real components of aerodynamic forces and moments with reference force and reference moment. This force and moment have different values for different types of aircrafts. Reference force is product of reference pressure and reference surface, while the reference moment is product of reference force and reference length. Reference pressure is dynamic value:

$$q_\infty = \frac{\rho_\infty V_\infty^2}{2}.$$

For reference surface is taken the circle of diameter of one nominal projectile caliber:

$$S_{ref} = \frac{\pi d^2}{4}.$$

For refernece length is accepted the value of nominal caliber "*d*", except for angular velocity around the longitudinal axis, when is taken half of caliber. As the components of aerodynamic forces and moments correspond to some coordinate system, as that will the aerodynamic coefficients also will correspond to certain coordinate system.

Components along he axises of dynamic coordinate system, the aircrafts have not particular marks. Aerodynamic coefficients for components of aerodynamic force in the dynamic coordinate system are marking with C_x, C_y and C_z, and they are got when the components of aerodynamic force divide with dynamic pressure q_x and reference surface S_{ref}.

Aerodynamic coefficients for components of moment are marking with C_ℓ, C_m and C_n, and they are got when the components of aerodynamic momenta along the certain axises divide with dynamic pressure q_∞, reference surface and nominal length d (for rolling $d/2$). In the table 1. are defined the aerodynamic coefficients for three mostly used coordinate systems.

Aerodynamic coefficients are functiones:

1. of aerodynamic parameters:

- Mach's number $Ma = \frac{V}{a}$,

- Raynold's number $\mathrm{Re} = \frac{V\ell}{\nu}$ (ℓ is length of fluid flow, ν is kinematic coefficient of viscosity);

2. of position of aerodynamic velocity in reation to the aircraft:
   angles α and β or $\tilde{\alpha}$ and $\tilde{\beta}$ or φ and σ;
3. of dimensionless angular velocity change of position of aerodynamic velocity in relation to the aircraft:

- $\dot{\alpha}^*$ and $\dot{\beta}^*$ or $\dot{\tilde{\alpha}}^*$ and $\dot{\tilde{\beta}}^*$ or $\dot{\varphi}^*$ and $\dot{\sigma}^*$;

4. of dimensionless angular velocity of the aircraft:

- p^*, q^*, r^* ili $p^*, \tilde{q}^*, \tilde{r}^*$ ili $p^*, \bar{q}^*, \bar{r}^*$;
- p^*, q^*, r^* or $p^*, \tilde{q}^*, \tilde{r}^*$ or $p^*, \bar{q}^*, \bar{r}^*$;

5. for aerodynamic controllable aircrafts, except that parameters, we have and drifts of controlling surfaces, and that:

Table 1.

Name of coefficient \ Coordinate system		Dynamic coordinate system	Aeroballistic coordinate system	Circuit coordinate system
Aerodynamic coeff. of forces	Axial forces	$C_X = \frac{X}{q_\infty S_{ref}}$	$C_X = \frac{X}{q_\infty S_{ref}}$	$C_{\bar{X}} = \frac{\bar{X}}{q_\infty S_{ref}}$
	Lateral forces	$C_Y = \frac{Y}{q_\infty S_{ref}}$	$C_{\tilde{Y}} = \frac{\tilde{Y}}{q_\infty S_{ref}}$	$C_{\bar{Y}} = \frac{\bar{Y}}{q_\infty S_{ref}}$
	Normal forces	$C_Z = \frac{Z}{q_\infty S_{ref}}$	$C_{\tilde{Z}} = \frac{\tilde{Z}}{q_\infty S_{ref}}$	$C_{\bar{Z}} = \frac{\bar{Z}}{q_\infty S_{ref}}$
Aerodynamic coeff. of moment	Momen t of rolling	$C_\ell = \frac{L}{q_\infty S_{ref}\, d/}$	$C_\ell = \frac{L}{q_\infty S_{ref}}$	$C_{\bar{\ell}} = \frac{\bar{L}}{q_\infty S_{ref}\, d/2}$
	Momen t of prance	$C_m = \frac{M}{q_\infty S_{ref} d}$	$C_{\tilde{m}} = \frac{\tilde{M}}{q_\infty S_{ref}}$	$C_{\bar{m}} = \frac{\bar{M}}{q_\infty S_{ref} d}$
	Momen t of aberrati on	$C_n = \frac{N}{q_\infty S_{ref} d}$	$C_{\tilde{n}} = \frac{\tilde{N}}{q_\infty S_{ref}}$	$C_{\bar{n}} = \frac{\bar{N}}{q_\infty S_{ref} d}$

δ_ℓ - drift of flaps,

δ_m - drift around the axis y of aircraft (elevator),

δ_n - drift around the axis z of aircraft, and

δ_t - drift of wing flat (flaps).

1.1. Axial force

Aerodynamic coefficient of axial force X is marked with C_X. Axial force is opposite sense of direction from the axis x, value C_X is negative. Positive value is marked with C_A, i.e. $C_X = -C_A$. In the matching of external surface axis with main axis of inertia, there is no difference between $C_{\bar{X}}$ and C_X.

Researches are shown that this coefficient depends on:

- Mach's number M_a,
- resultant angle of incidence σ and
- Raynold's number R_e.

Factor of dimensionless velocity of rolling $p^* = \frac{p\, d/2}{V}$ is usually ignored because of datas deficiency.

Dependancy $C_X(-\sigma) = C_X(\sigma)$ is even function of angle. With amplification in the order of that even function there is got:

$$C_X = C_{X0}(Ma) + C_{X\sigma^2}(Ma)\sigma^2 + \ldots$$

whereby is:

$$C_{X\sigma^2} = \frac{1}{2}\left(\frac{\partial^2 C_X}{\partial \sigma^2}\right)_{\sigma=0}$$

For praxis we satisfy with second rate element. With σ^2 first element $C_{X0}(Ma)$ presents the value of coefficient of axial force when the aerodynamic velocity is in the direction of symmetry axis of rotary surface.

Aerodynamic coefficient has three parts:

$$C_X = C_{Xp} + C_{Xf} + C_{Xb}$$

First element C_{Xp} is result of factor of normal pressure on the exernal surface and it is called wave drag. It depends on the shape of surface, and for certain shape of surface function is Mach's number. Wave drag C_{Xp} consists of:

- coefficient of top of projectile resistance C_{X1},
- coefficient of back wing resistance C_{X3} and
- coefficient of rotating band resistance C_{XVP}.

Second element C_{Xf} is result of air friction on the external surface,so on it affect the regularity of surface and its roughness, and it is called friction coefficient. It depends on Raynold's number, but that effect is small during the flight, because friction coefficient depends on Raynold's number, and changes of aerodynamic velocity during the flight are not so huge that Raynold's number logarithm to be essentially changed.

Third part is resistance because of underpressure behind aircraft, which we call the resistance of bottom, and it usually depends on Mach's number. Because of that, in all flight analyses (no matter it is calculation of trajectories, analysis of stability or projecting of autopilot) we do not take into consideration the dependancy of axial force coefficients from the Raynold's number. Though, in the comparing of axial force coefficients $C_X(M_a)$ of two aircrafts similar to shape, but of very different sizes (different length of fluid flow), Raynold's number can cause essential differences, especially in transonici. For example, artillery projectile and the gun projectile of same shapes, and in the same velocities, have Raynold's number 20 times different. In that cases, we can not say that those two projectiles, though they have the same shape, they have the same function $C_X(M_a)$.

Coefficient of resistance of the bottom C_{XD} could be redused by effusion of certain gas on the projectile bottom. That mass flow must not be in the main than one very small part of reference flow $\rho_\infty S_{ref} V$, as would not break fluid flow of back part of projectile. With installing of gas-generator in the back part of projectile, it is reducing the bottom resistance of one-third of value, and therefore it is reducing and coefficient of projectile axial force. Projectiles like that are different from the projectiles with **base bleed.**

GENERAL THESIS AND THE WAY OF MARKING

Symmetrical appearance of a missile at angle of attack $\sigma = 0$. The airport is semi-empirical method. It solves the basic system of equations corresponding mathematical procedure in its final form gives the relationship of the axial components of the aerodynamic coefficients for axisymmetric fluid flow. The total aerodynamic drag coefficient of axial force method AERODR is:

$$C_X = C_{X1} + C_{XSF} + C_{XVP} + C_{X3} + C_{XD}, \qquad (2.1)$$

wherein:

- coefficient of top of projectile resistance C_{X1},
- coefficient of back wing resistance C_{X3},
- coefficient of rotating band resistance C_{XVP}, and
- coefficient of resistance of the bottom. C_{XD}.

2.1. The coefficient of wave resistance peak missiles

The coefficient of wave drag projectile tip is:

$$C_{X1} = \frac{f(\beta\sqrt{M_\infty^2 - 1}, \beta)}{(M_\infty^2 - 1)}, \text{ respectively}$$

$$C_{X1} = \frac{(B_1 - B_2\beta^2)\cdot(\beta\sqrt{M_\infty^2 - 1})^{(B_3+B_4\beta)}}{(M_\infty^2 - 1)} \quad (2.2)$$

$$C_{X1} = C_{X1V} + C_{XZ} \quad (2.3)$$

wherein:

$$C_{X1V} = \frac{(B_1 - B_2\beta^2)\cdot(\beta\sqrt{M_\infty^2 - 1})^{(B_3+B_4\beta)}}{(M_\infty^2 - 1)} \quad (2.4)$$

b = $\frac{d - d_M}{2L_N}$ - slope of the conical, and constants:

$B_1 = 0.6256 - 0.5313(R_T/R) + 0.595(R_T/R)^2$

$B_2 = 0.0796 + 0.0779(R_T/R)$

$B_3 = 1.587 + 0.049(R_T/R)$

$B_4 = 0.1122 + 0.1658(R_T/R)$

$RF = \sqrt{M_\infty^2 - 1}$

$Z = \frac{1}{M_\infty^2 - 1}$

$M_C = 1 + 0.9567\beta^{1.85}$ - critical Mach number.

For $M_\infty < M_C$ introduces the label

$ZE = RF = \sqrt{M_\infty^2 - 1}$ i follows

$$C_{XI} = \frac{M_\infty^2 - 1}{2.4M_\infty^2}.$$

For $M_\infty < 1$ introduces the mark

$$P_{TP} = (1 + 2M^2{}_\infty)^{3.5}. \quad (2.5)$$

For supersonic flow $M_\infty > 1$, so the value of

$$P_{TP} = (1 + 2M^2{}_\infty)^{3.5}\left(\frac{6}{7M_\infty^2 - 1}\right)^{2.5} \quad (2.6)$$

$$C_{X1P} = \frac{1.22\cdot(P_{TP} - 1)\cdot d_M^2}{M_\infty^2} \quad (2.7)$$

For subsonic flow $M<0.91$ coefficient $C_{XZ}=0$, and for supersonic flow at $M>1.41$ coefficient $C_{XZ} = 0.85C_{X1P}$. In the interval $0.91<M<1.4$

$$C_{XZ} = (0.245 + 2.88C_{XI})C_{X1P} \quad (2.8)$$

Radius tangent top

$$R_T = \sqrt{c^2 + \frac{c^2\cdot n^2}{(b-a)^2}},$$

wherein:

n - the length of the top,

a i b - the base radius of the top,

$c = \sqrt{\frac{1}{4}(b-a)^2 + n^2}$ i

R- the actual radius of the cone $R = \infty$.

Based on the dimensions of the radius tangent peak and the actual peak is given by:

$RT / R = 0$ - the cone,

$RT / R = 1$ - tangent to the top, and

$RT / R = 0 \div 1$ - for variations secant top.

Equation resistance coefficient for conical top of C_{X1} is adjusted with changes in pressure coefficient C_{PS}.

$$C_{X1} = \frac{(C_1 - C_2\beta^2)}{M_\infty^2 - 1}\left[\beta\sqrt{M_\infty^2 - 1}\right]^{(C_3+C_4\beta)} + \frac{\pi}{4}d_M^2 C_{PS}, \quad (2.9)$$

wherein by Moru:

$$C_{PS} = \frac{2}{\chi M_\infty^2}\left[0.9\left(\frac{(\chi+1)M}{2}\right)^{\frac{\chi}{\chi-1}}\left(\frac{\chi+1}{2\chi M_\infty^2 - (\chi-1)}\right)^{\frac{\chi}{\chi-1}-1} - 1\right] \quad (2.10)$$

$$C_{X1} = \frac{\pi}{4}C_{PS} = 1.122\left[(1.2M_\infty^2)^{3.5}\left(\frac{6}{7M_\infty^2 - 1}\right)^{2.5}\right], \quad (2.11)$$

K - correction coefficient due to pressure changes on the surface of the projectile. Kartes and Stein have proposed $K = 0.9$. Dickinson gave experimental results for the conical top ogival at supersonic speeds $K = 0.75$. For a slim top Cole, Solomon and Vilmarth suggested:

$$\frac{C_{X1}}{\beta^3} + \ln\beta = f\left[\frac{M_\infty^2 - 1}{(\chi+1)M_\infty^2\beta^2}\right].$$

The calculated values are approximately equal to the experimental. Von Karman is a two-dimensional transoniku slender bodies gave a simplified formula:

$$C_{X1}\sqrt[3]{(\chi+1)M_\infty^2} = f\left\{\frac{M_\infty^2 - 1}{\left[(\chi+1)M_\infty^2\beta\right]^{\frac{2}{3}}}\right\}.$$

For axisymmetric three-dimensional shape of the transonic speed:

$$C_{X1} = F(\beta) + f\left[\frac{\beta(M_\infty^2 - 1)}{(\chi+1)M_\infty^2}\right]$$

for $M_\infty > M_c$ wherein $M_c = \frac{1}{\sqrt{1+0.552\sqrt[5]{\beta^4}}}$.

2.2. The coefficient of wave drag rear cone

At supersonic fluid flow conical bottom of the projectile, for small values of the cone angle of the rear q_d is proposed to the rear of the cone resistance equation:

$$C_{X3^*} = \frac{4Z_1 \tan\theta_d}{\lambda}\left[(1-e^{-\lambda L_{BT}}) + 2\tan\theta_d\left(e^{-\lambda L_{BT}}\left(L_{BT}+\frac{1}{\lambda}\right)-\frac{1}{\lambda}\right)\right] \quad (2.12)$$

wherein:

C_{X3^*} -been calculated value of wave resistance of the last cone,

q_d -rear angle of the cone (the negative value of the conical part),

L_{BT} - the length of the rear cone of the caliber,

Z_1 -correspond to the coefficient of pressure change Prandl-Mayer expansion,

α - repair of pressure coefficient of the last cone.

The coefficients Z_1 and l obtained by the method of characteristics missile whose last part of the shape of the cone:

$$Z_1 = Z_2 e^{-\sqrt{\frac{2}{M_\infty^2}L_{CIL}}} + \frac{2\tan\theta_d}{\sqrt{M_\infty^2-1}} - \frac{\left[(\chi+1)M_\infty^2 - 4(M_\infty^2-1)\right]\tan^2\theta_d}{2(M_\infty^2-1)} \quad (2.13)$$

where the correction factor resistance front rear cone for supersonic speeds:

$$Z_2 = \left[1-\frac{3(\frac{R_T}{R})}{5M_\infty}\right]\left[\frac{5\beta}{6\sqrt{M_\infty^2-1}} + (\frac{\beta}{2})^2 - \frac{0.7435}{M_\infty^2}(\beta\cdot M_\infty)^{1.6}\right], \quad (2.14)$$

$$k = \frac{0.85}{\sqrt{M_\infty^2-1}}.$$

2.3. The aerodynamic drag coefficient of friction

The coefficient of friction C_{XSF} can be calculated on the basis of

$$C_{XSF} = \frac{C_{XSFL}\cdot S_{WN} + C_{XSFT}\cdot S_{WCYL}}{S_W},$$

where the turbulent boundary layer (IBLC = 2) value $C_{FL}=C_{FT}$

$$C_{XSFT} = \frac{4}{\pi} C_{FL} S_W.$$

For a laminar boundary layer by Blasius (IBLC = 1) value

$$C_{FLT} = \frac{1.328}{\sqrt{\mathrm{Re}}}(1+0.12M_\infty^2)^{-0.12}. \quad (2.15)$$

The total area is fluid flow:

$S_V = S_{VV} + S_{VCIL}$

wherein the surface of the cylindrical part

$S_{VCIL} = p\,(L_T - L_N)$

Top surface missiles:

$$S_{VV} = \frac{\pi}{2} L_N \left[1+\frac{1}{8L_N^2}\right]\left[1+(\frac{1}{3}+\frac{1}{50L_N^2})\,(\frac{R_T}{R})\right],$$

wherein: $D_{UM} = 1+(\frac{1}{3}+\frac{1}{50L_N^2})\,(\frac{R_T}{R})$.

Prandtl's empirical formula for the turbulent boundary layer corrected for changes in pressure:

$$C_{FT} = \frac{0.455}{(\log R_e)^{2.58}}(1+0.21M_\infty^2) \quad (2.16)$$

wherein:

$R_e = \frac{V_\infty \cdot l}{\nu_\infty}$ - Reynolds number,

$V_\infty = a_\infty M_\infty$ - velocity fluid flow,

$l = L_T \times d_{REF}$ - fluid flow length and,

d_{REF} - caliber projectiles.

Slihting showed higher similarity Prandtl empirical formula and the results of Van Driest.

For values of t=15^{0}C, m_∞= 1.7894×10-5kg/ms and r = 1.225kg/m^3 value of the Reynolds number is: $R_e = 23296.3 \times M_\infty \times L_T \times d_{REF}$.

2.4. Aerodynamic drag coefficient floor of missiles

Exact determination of the coefficient of resistance to the bottom of missiles was object of study of many analysts. Campanian watched the flat bottom of the acting base pressure at

supersonic speeds. Mach number determines the character of the boundary layer of air around the bottom. Most of the artillery projectile has a turbulent boundary layer around the bottom. The ratio of base pressure p_B and pressure unchanged current p_∞ based on theoretical and empirical research, is:

$$\left[\frac{p_B}{p_\infty}\right]=\left[1+0.09M_\infty^2(1-e^{-L_{CIL}})\right]\left[1+\frac{1}{4}M_\infty^2(1-d_B)\right] \quad (2.17)$$

wherein the $L_{CIL}=L_T - L_N$.

Because of the influence of Reynolds number on the character of the flow, there is no possibility of complete overlap of effective data base pressure obtained by theoretical and experimental means. A good correlation is achieved by the length of the rear cone L_{BT}=1.5d to the base diameter of d_B=0,65d. Aerodynamic drag coefficient floor of missiles is given by the relation:

$$C_{XD}=\frac{2d_B^2}{\chi M_\infty^2}(1-\frac{p_B}{p_\infty})=1.4286\cdot(1-\frac{p_B}{p_\infty})\frac{d_B^2}{M_\infty^2}. \quad (2.18)$$

Previous analysis applies to projectiles with conical bottom, maximum thickness d_B=1, and shows a great similarity with the experimental.

2.5. Aerodynamic drag coefficient rotating band

The leading conventional projectiles generally ring is located at the rear of the cylindrical part of the projectile, with the curvature of the rear cone. For such a position as ring resistance value is less than the leading rings away from the rear of the cone. By changing the configuration of the projectile with a larger number of experiments would be lessened resistance rotating band. Based on the experimental and theoretical results obtained by semi-empirical analytical dependence of the aerodynamic drag coefficient rotating band as a function of the Mach number:

a) $C_{XVP}=M_\infty{}^{12.5}(d_{BND}-1)$ za $M<0.85$, (2.19)

b) $C_{XVP}=0.76175M_\infty{}^{12.62529}(d_{BND}-1)$ za $0.85<M<0.95$, (2.20)

c) $C_{XVP}=(0.21+\frac{0.28}{M_\infty^2})(d_{BND}-1)$ za M>0.95. (2.21)

3. THE CONCEPT OF SOFTWARE SOLUTIONS

Software solution AERODR method for numerical calculation was made in the programming language FORTRAN on a personal computer. It consists of three parts - the file (FILE):

1. Program **AERODR** - the main program,
2. File **ULAZ10**-input and,
3. File **IZLAZ10**-calculation results with the comment.

Program the AERODR is organized so that the calculation carried out by units of aerodynamic coefficients of the axial resistance. READ command is retrieved from the input data file ULAZ10. Then the calculated aerodynamic resistance coefficients for different values Mach number. Based on the interval independent variables and the number of points defined by step calculation. Using the FOR-loop sequence for each step calculated the components of the total aerodynamic coefficient $C_X(M)$: $C_{X1}(M)$, $C_{XSF}(M)$, $C_{XVP}(M)$, $C_{X3}(M)$, $C_{XB}(M)$, and $P_B/P_1(M)$. At the end of the budget components are added together and calculated the total aerodynamic coefficients for different Mach numbers.

- The file contains ULAZ10 baseline comma separated and grouped into three lines:
- The first row contains the number of projectiles that calculates,
- The second row contains the characteristics of the projectile and,
- Third row contains the type of the boundary layer around the projectile.

IZLAZ10 file is created during the execution of programs in it are stored the information received command WRITE program. These are the results of aerodynamic calculations. Are structured so as to provide at the beginning of the initial data then the tabular results for the total aerodynamic coefficient of axial force and

its components as a function of given Mach numbers.

This concept of a software solution is universal and can be used for all kinds of classic gyro-stabilized projectiles in axisymmetric fluid flow. For the numerical calculation of the new, desired gyro-stabilized projectiles necessary to file ULAZ10 modify or create a new one with initial data chosen projectiles.

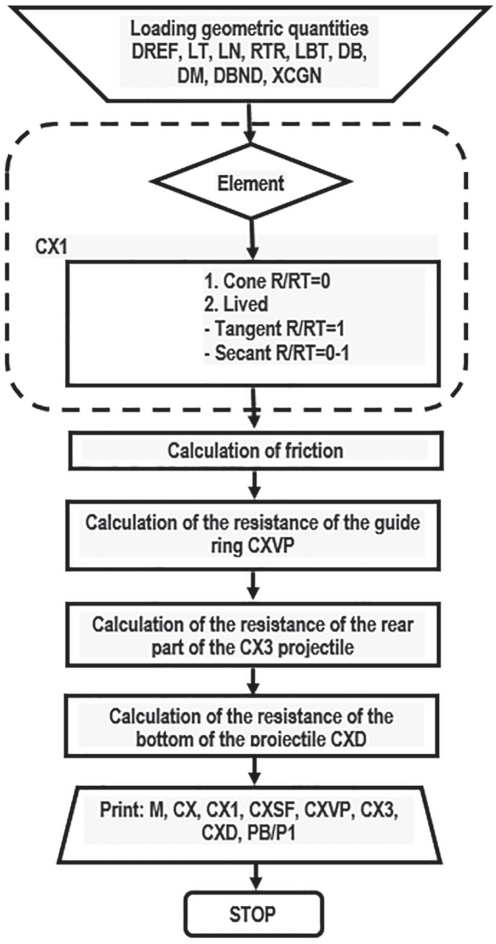

Fig. 1.

3.1. Results aerodynamic calculations

Table 2. presents a comparative view of the axial aerodynamic coefficients for a hypothetical body 122 mm and M=0.5÷4**.**

Baseline data files "ULAZ10"

DREF=122mm, LT=5.049, LN=2.582, RTR=0.76, LBT=0.787, DB=0.934, DM=0.062, DBND=1.022, XCGN=3.15 BLC=2.

File calculation results,,IZLAZ10"

Table 1. presents a comparative view of the axial aerodynamic coefficients for a hypothetical body 122 mm and M=0.5÷4**.**

Table 2.

M	CX	CX1	CXSF	CXVP	CX3	CXD PB/P1	
.500	.172	.000	.051	.000	.000	.121	.976
.600	.174	.000	.050	.000	.000	.124	.964
.700	.177	.000	.048	.000	.000	.129	.949
.800	.181	.000	.046	.001	.000	.133	.932
.850	.183	.000	.046	.002	.000	.135	.922
.900	.189	.002	.045	.004	.000	.137	.911
.925	.208	.017	.045	.006	.001	.138	.905
.950	.227	.032	.045	.009	.002	.139	.899
.975	.246	.046	.044	.011	.005	.140	.893
1.000	.300	.059	.044	.011	.010	.177	.858
1.100	.366	.133	.043	.010	.006	.174	.831
1.200	.362	.127	.042	.009	.012	.172	.802
1.300	.349	.121	.041	.008	.011	.168	.772
1.400	.332	.110	.040	.008	.011	.165	.741
1.500	.329	.112	.039	.007	.010	.161	.710
1.600	.320	.109	.038	.007	.009	.157	.678
1.700	.311	.106	.037	.007	.009	.152	.647
1.800	.303	.104	.036	.007	.008	.148	.617
2.000	.287	.100	.035	.006	.008	.138	.557
2.200	.271	.097	.033	.006	.007	.128	.502
2.500	.250	.093	.031	.006	.006	.114	.429
3.000	.220	.088	.028	.005	.005	.093	.332
3.500	.195	.085	.026	.005	.005	.075	.262
4.000	.176	.082	.024	.005	.004	.061	.212

In Figure 2. presents a comparative view of the axial aerodynamic coefficient and its components for the gauge d = 122mm, L = 616mm, and the interval M=0.5÷4.

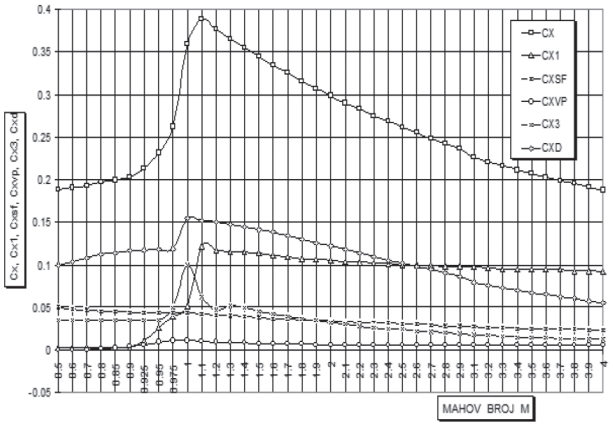

Fig. 2.

In Figure 3. presents a comparative view of the axial aerodynamic coefficient C_x for

different projectile 122mm length: L_T=559mm, L_T=560mm, L_T=593mm, L_T=598mm.

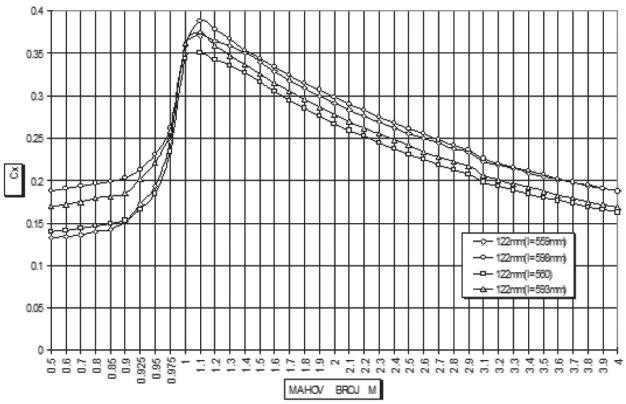

Fig. 3.

In Figure 4. presents a comparative view of aerodynamic coefficients Cx and its components for missile 152mm operational changes Mach number M = 0.5 ÷ 4.0.

Baseline data files "ULAZ10"

DREF=152mm,LT=4.66,LN=2.499, RTR=0.099,LBT=0.503,DB=0.828,DM=0.132, DBND=1.022, XCGN=2.993, BLC=2.

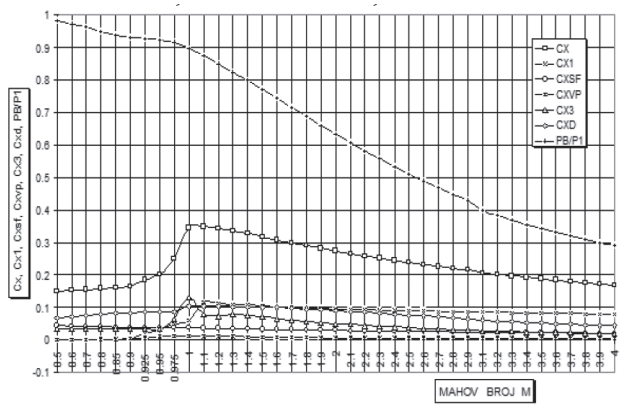

Fig.4.

CONCLUSION

Projectile moving through the air environment, disturbs her condition, handing her some of the kinetic energy. From that moment on air mass moving waves by changing the parameters of the situation. Knowing the values of aerodynamic coefficients of an entirely determination of aerodynamic loads (force and torque), acting on the classical axisymmetric projectile. The force is a classic front drag aerodynamic force by the first explorers called" air resistance". For axisymmetric flow missile longitudinal axis of the projectile coincides with the tangent to the path, ie. speed projectiles. In this case there is only one component of the aerodynamic forces of air resistance force-X [N].

Flow around the projectile can be divided according to the value of the Mach number in four categories:

- subsonic M_a<0.8;
- transonic 0.8<M_a<1.2;
- supersonic 1.2< M_a <5;
- and hypersonic 5< M<10.

The calculated value of the aerodynamic coefficients allow the calculation of the air resistance force. The table 3 presents a comparative overview of the air resistance force and range missiles in the air and empty space for different calibers. The study confirms that the maximum value of the axial aerodynamic coefficients Cx to 0.4, in the transonic region (0.8<M_a<1.2).

On factors that affect the force of air resistance are friction resistance vortices, wave resistance and shock wave. During movement of the body loses kinetic energy at the expense of decreasing speed. The aerodynamic force acting in the same direction but in the opposite direction relative to the projectile is called the frontal resistance force (axial force).

Table 3.

Caliber	Speed	Weight	Weight	Drag force	Range	
d	V	m	G	X	x [m]	
[mm]	[m/s]	[kg]	[N]	[N]	The airspace	The empty space
7,62	765	0,008	0,078	6,56	3600	58260
30	1000	0,435	4,262	112,47	10311	101935
82	70	3	29,4	8,51	485	499
122	690	21,76	213,5	1109	15300	48532
203	594,4	90,8	890	5197	16930	36015

Wave resistance affects the most to the total resistance of the air at supersonic speeds. The impact resistance of the individual to the overall air resistance to the different speeds is given in Table 4.

Table 4.

Speed	Resistance (%)		
	friction	vortex	wave
$V < a$	20–30	70–80	0
$V > a$	10–15	35–40	50

The need for quality-description of aerodynamic coefficients, the physical and mathematical terms, conditions their adequate and reliable budget. In contrast to the value obtained by Robert F. McCoy for transonic speeds (Cx ≥ 0.4), the authors have obtained values of aerodynamic coefficients of the axial force not exceeding 0.4. Simply the results are a good basis for experimental testing.

The highest values of aerodynamic coefficients, according to the analysis of test results, with coefficients of axial force, normal force and pitching moment. This means they have the greatest impact on the overall aerodynamic drag during movement of the projectile. This paper analyzes the effects of axial aerodynamic coefficient. Aerodynamic effects of the other have not been considered in this paper. The values of coefficients works quantitatively smaller, but not insignificant, because it directly affects the stability parameters of the body in motion in the atmosphere.

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BUSINESS NAME AND BUSINESS REPUTATION – USE AND ABUSE

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Abstract: *The paper explains the concept and importance of the business name and business reputation of the company. These two elements represent the most significant element of individualization of a company, by which the public and other companies are recognized in legal transactions and on the market. We analyzed and presented data from the official documents of the Republic Statistical Office and the judicial institutions of the Republic of Serbia. The results of the research related to the unauthorized use of someone else's business name and damage to the business reputation of the company on the territory of the Republic of Serbia in the period from 2011 to 2020. We also analyzed the available data in order to discover the "loss of crime" in the group of crimes that have the economy as the object of protection. The purpose of this paper is a causal analysis of crimes against the economy in the territory of the Republic of Serbia with the aim of discovering causal relationships and links between the number of reported, accused and convicted persons for these crimes, in order to determine the degree of "crime loss" and to undertake systemic measures to reduce this loss on a reasonable measure, in accordance with the standards of developed countries.*

Keywords: *companies, business name, business reputation, unauthorized use of business name, damage to business reputation.*

JEL classification: *K14, K22.*

1. INTRODUCTION

In the paper, the authors presented the importance of business reputation and business name as two important components of every company. Today's market development and its rapid expansion, not only across national borders (Hernández, J. M. & Pedroza-Gutiérrez, C., 2017), but also the continent, have led to an increase in the importance of the business name and its reputation. With the help of technology and the great influence of the media, business reputation and business name can very easily reach recognition, but they are also very easy targets of attacks, so it is necessary to protect them. In the event of an attack, criminal law provides the best and only protection for this segment of business law.

In the first part of the paper, the terminological dilemmas surrounding two key concepts - business name and business reputation - were clarified. A differentiation was made from other, similar terms.

Unauthorized use of someone else's business name and other special marks of goods or services in the positive legal regulations of the Republic of Serbia and damage to business reputation and credit ability in the positive legal regulations of the Republic of Serbia are topics that we presented in the central part of the paper, thus illustrating the level of criminal protection provided to these institutes in the Republic of Serbia. However, we are aware that it is not enough to just have a "dead letter on paper". We also followed the entire criminal procedure related to the issue of protection of the monitored institutes.

Criminal proceedings begin with the investigation phase, but do not end with the passing of a verdict, so it is necessary to analyze the contents of that verdict, the awarding of sanctions and the manner of their implementation or execution. We followed all this in the paper and reached the conclusions presented in the last part of the paper with the attached suggestions on the further way of working of the judicial bodies.

2. TERMINOLOGICAL EXPLANATION OF OBSERVED TERMS

Business name is part of the identity of every organization. However, it should be emphasized that every organization does not necessarily have to be a legal entity. An organization can become a legal entity only when it has certain rights and obligations in the sense of civil law. When she is capable of entering into, changing and terminating legal transactions (Stanković & Lazić, Obligatory law, 2017).

The name, seat and citizenship are the main characteristics or basic elements of the identity of every company. It is an established practice in the literature that the name of a commercial enterprise is indicated by the name "firm", and non-commercial organizations by "name". However, the authors do not agree with this position. The legislator also recognized this problem, and the term "firm" is no longer used (Stanković & Vodinelić, 2007).

The name of the company contains information about the type of company and on the market, legal transactions, it makes it visible. It serves us to distinguish the company from other companies, but also from individuals. Based on the data contained in the company name, a lot of information can be found out about the company, namely: its type, activity, participation in another company, type of responsibility, amount of founding capital and many other details.

The name of the company is defined by the founding act and must be stated in the founding act and the public register. The name of the company is protected and its change requires a very complex procedure, primarily due to the protection of other persons from the dangers that a replacement can bring (Шиткина И.С., 2021).

Also, in the currently valid Law on Business Companies (Law on Business Companies), it is stated that a business name contains: the name, legal form and place where the company is based and the characteristics that it must fulfill are provided for by this Law from Article 22 to Article 30.

However, in addition to the business name, the business reputation of the company is also very important. Business reputation belongs to the group of intangible benefits and is characterized by inseparability from the company and assistance in the individualization of the company.

Just as all segments of the company are protected by the legislation of every legally regulated country, for example employees, assets and other resources, honor, dignity and business reputation are also protected. Business reputation in today's information society, a society where all information is available and relatively easy to verify, is one of the main prerequisites for the unhindered performance of the economic activity for which it is registered. This issue is particularly dealt with the civil law area, more specifically business law (Stanković & Lazić, Jobs in business law, 2021).

While honor and dignity are more associated with individuals, business reputation is a term that can be associated with both an individual and a company. Since companies are also protected by civil law regulations, the

legislator recognized the need to protect the company's business reputation.

Business reputation is created by the assessment of customers or users of services, that is, the attitude of clients or business partners about the level of quality of professional activities. It is formed based on the knowledge and behavior of an individual or company in different situations and circumstances.

As the market circumstances have changed and the role of the media (printed, digital, etc.) has increased drastically, business reputation is increasingly formed on the basis of the image presented to the public through the media. This is a much easier way of getting a larger number of customers or users of services, but there is also one negative side, which is that an easily built business reputation can be easily destroyed, precisely through the media.

It is precisely for these reasons that a differentiation is made in the literature between business reputation and image. A distinction should be made between these two terms, because they certainly do not depict the same thing. Business reputation is based on the knowledge and experience of the company or individual, while the image is the surface image of the company or individual, which is based on the personal, emotional perception of the subject. Business reputation is a much more reliable parameter than image, which should always be observed during the business process. However, it should be emphasized that image is not a negligible category either, because it has a great influence when establishing cooperation with new business partners, customers, service users. For every company, its impact on the labor or capital market is very important, "good reputation" or "goodwill".

3. UNAUTHORIZED USE OF ANOTHER'S BUSINESS NAME AND OTHER SPECIAL MARKS OF GOODS 3. OR SERVICES IN THE LEGAL REGULATIONS OF THE REPUBLIC OF SERBIA

In the Criminal Code of the Republic of Serbia (Criminal Code, 85/2005, 88/2005, 107/2005., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016, 35/2019.), in the field of criminal offenses against the economy, two observed or subject criminal offenses are mentioned.

Article 238 defines the basic form of the criminal offense of unauthorized use of someone else's business name and other special designation of goods or services, where it is prescribed that a person who "uses someone else's business name with the intention of deceiving customers or users of services will be punished with a fine or a prison sentence of up to three years if "he misleads customers or users of services, he uses someone else's business name, someone else's geographical indication of origin, someone else's trademark or another special sign of goods or services, or he enters individual features of these signs in his business name, his geographical indication of origin, his trademark or in his other special sign goods or services".

In the previous legal solution, this crime had a completely different name. The aforementioned illegal behavior was marked under the criminal offense of "unauthorized use of another's company" and was defined by Article 233 of the Criminal Code of the Republic of Serbia. The resulting changes are related to the term "firm", which has been replaced by the term "business name". In addition, the term of goods is supplemented by the term of service. Therefore, criminal legal protection is also provided to services, not only goods. This provided more extensive criminal protection.

In the same article, in paragraph number 2, it is determined that any person will be punished with a prison sentence of six months to five years if "for the purpose of selling in a larger quantity or value, he acquires, produces, processes, puts into circulation, leases or stores the goods referred to in paragraph 1 of this article or engages in the provision of services without authorization using other people's labels". This provision represents a more serious form of the observed criminal act.

There is also the most serious form of criminal offense, the unauthorized use of someone

else's business name and other special marks of goods or services, and is punishable by a prison sentence of one to eight years, and is committed by a person who "organizes a network of resellers or intermediaries or obtains a financial benefit that exceeds the amount of one million and five hundred thousand RSD".

In addition to the above-mentioned sanctions, the court is also obliged to impose a measure of compulsory confiscation.

As a protective object of this incrimination, the interests of the holders of the rights to a business name, geographical origin, trademark or some other special designation of goods or services appear. This type of criminal offense can be classified as unfair competition, which not only affects the interests of the owners of the business name, geographical indication, trademark, etc., but also clients, i.e. customers or users of the service. The Law on Trademarks (Law on trademarks, 6/2020) and the Law on Geographical Indications of Origin (Law on Geographical Indications of Origin, 18/2010 i 44/2018)appear as subsidiary regulations related to these concepts.

On the subjective level, the perpetrator of this criminal act should have the intent and intention to deceive the customer or user of the service, with the fact that there will be a criminal act even though this intention was not realized.

4. VIOLATION OF BUSINESS REPUTATION AND CREDIT ABILITY IN LEGAL REGULATIONS OF THE REPUBLIC OF SERBIA

According to Article 239 of the Criminal Code of the Republic of Serbia, any person who "with the intention of damaging the business reputation or credit ability of another, presents false information about him or falsely portrays his business" will be fined or imprisoned for up to one year. If serious consequences arise for a company or an individual as a result of this behavior of the criminal, the perpetrator of the criminal act should be punished with imprisonment for a period of three months to three years.

The prosecution of this type of criminal offense against the economy is not within the competence of the public prosecutor and is not undertaken ex officio, but is undertaken as a result of a private lawsuit.

This type of crime represents a special type of unfair competition and does not pose a high degree of social danger, but the damage that can be inflicted on an individual or an organization, company, or entrepreneur can be huge.

The act of committing a criminal offense consists in presenting false information or presenting false information about the sending of an individual or company.

On the subjective level, in the case of criminal damage to business reputation and credit ability, in addition to intent, it is necessary that there is an intention to damage business reputation or credit ability.

The Criminal Code also prescribes a more serious form of the offense, when serious consequences occur as a result of the offender's behavior, i.e. when the business reputation or credit ability of a person is seriously damaged.

This criminal offense has not been supplemented or changed since the Criminal Code of the Republic of Serbia entered into force in 2006.

5. EMPIRICAL RESEARCH OF OBSERVED PHENOMENA

In the part of the work that follows, the authors synthesized all available data of a high degree of accuracy available in the official Bulletins of the Republic Statistical Office in connection with the two observed and analyzed criminal acts. For the sake of clarity and easier observation of the trends and tendencies that prevail in these phenomena, we have presented the collected data both tabularly and graphically.

Namely, the readers are presented with information about adult perpetrators of crimes against the economy, more specifically, the criminal offense of unauthorized use of someone else's business name or other special designation of goods or services and the criminal

offense of damaging business reputation and credit ability. The collected data refer to the number of reported, accused and convicted persons[1] in a ten-year period (2011-2020).

The authors are of the opinion that a ten-year period is quite a sufficient period for a realistic assessment and the drawing of justified and scientifically based conclusions, and the coverage of observed persons will contribute to the drawing of a conclusion related to the degree of "loss of crime" (Stanković & Lazić, Causing (false) bankruptcy, 2020), which will further help in detecting the phase of the criminal procedure that creates a "bottleneck" in the criminal justice process.

The total number of persons reported for the observed criminal offense is 690 persons, from 2011 to 2020. In the same period, there were 386 accused persons for the criminal offense of unauthorized use of someone else's business name or other special mark of goods or services, while there were 284 persons convicted for the observed ten-year period. 56% of the reported persons were charged, and 41% of the reported persons be condemned. Therefore, the "crime loss" in the case of this criminal offense is 59%.

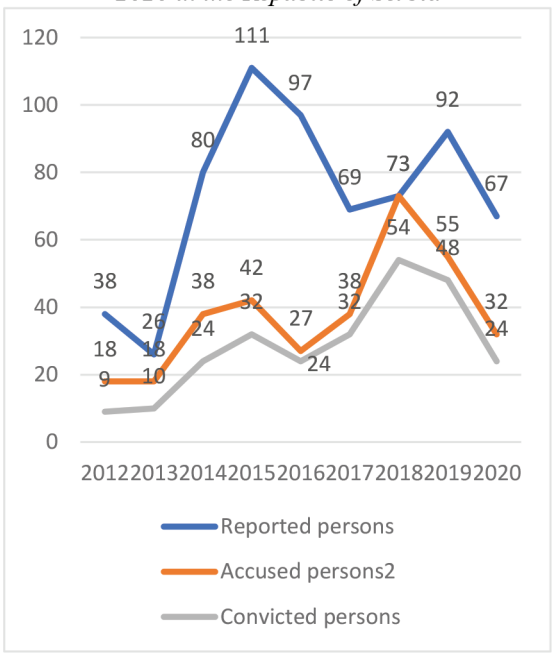
Table 1: Number of reported, accused and convicted persons for the criminal offense of unauthorized use of someone else's business name or other special mark of goods or services in the period from 2011 to 2020 in the Republic of Serbia

Year	2011.	2012.	2013.	2014.	2015.	2016.	2017.	2018.	2019.	2020
Number of registered persons	37	38	26	80	111	97	69	73	92	67
Number of accused persons	45	18	18	38	42	27	38	73	55	32
Number of convicted persons	27	9	10	24	32	24	32	54	48	24

Source: Republic Statistical Office / Authors

Chart 1: Number of reported, accused and convicted persons for the criminal offense of unauthorized use of someone else's business name or other special mark of goods or services in the period from 2011 to 2020 in the Republic of Serbia

2020 in the Republic of Serbia



Source: Republic Statistical Office / Authors

Based on the presented data, we can conclude that the "loss of crime" is relatively large, and that it is necessary to improve certain phases of the criminal procedure. It can be seen from the tabular and graphical presentation that in 2015, there were the most reported and

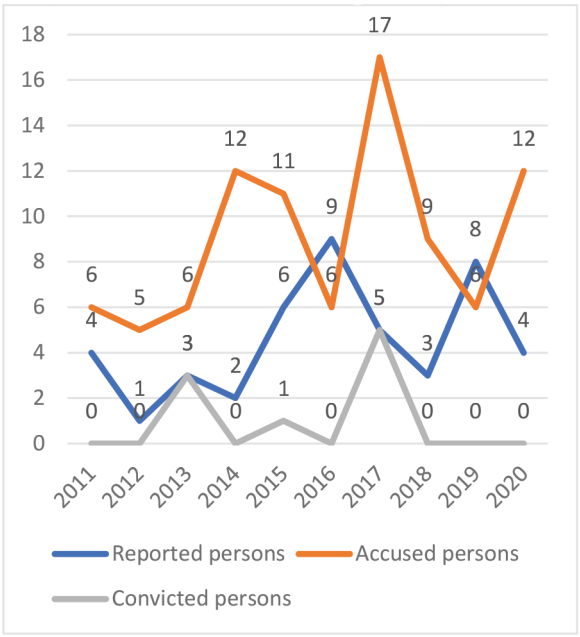
[1] Reported person - a known perpetrator is an adult perpetrator of a criminal offense against whom the criminal complaint proceedings and the previous proceedings have been completed with a decision by which: the complaint was rejected, the investigation was terminated, the investigation was suspended, or an indictment was filed - an indictment proposal. A reported person - an unknown perpetrator is an unknown person - a perpetrator of a criminal offense against whom a criminal complaint has been filed with the public prosecutor's office for a committed criminal offense, and the perpetrator is still after the expiration of the year was not discovered.
The term "accused person" means an adult person against whom an indictment or a private lawsuit has been filed in court, against whom the criminal proceedings have been legally terminated by a court decision by which: the indictment proposal or private lawsuit was rejected, the proceedings were suspended or the accusation was rejected (when examining the indictment); the accusation was dismissed, the proceedings were suspended, a negative or acquittal verdict was pronounced, a security measure was applied to the insane perpetrator without imposing a sentence, or the accused was found guilty - a guilty verdict.
The term "convicted person" means a person who has been declared guilty, against whom they have been pronounced criminal sanctions.

accused adults, which should certainly be attributed in large part to the change in regulations related to this area. We observe the lowest number of registered persons in 2013, when it was noticed that regarding this problem, it was necessary to change the regulations and to change the way of observing this criminal act, because the situation in court practice did not follow the real situation on the market as part of everyday business processes.

Table 2: Total number of reported, accused and convicted persons for the criminal offense of damage to business reputation and credit ability in the period from 2011 to 2020 in the Republic of Serbia

Year	2011.	2012.	2013.	2014.	2015.	2016.	2017.	2018.	2019.	2020.
Number of registered persons	4	1	3	2	6	9	5	3	8	4
Number of accused persons	6	5	6	12	11	6	17	9	6	12
Number of convicted persons	0	0	3	0	1	0	5	0	0	0

Source: Republic Statistical Office / Authors



Source: Republic Statistical Office / Authors

Chart 2: Total number of reported, accused and convicted persons for the criminal offense of damage to business reputation and credit ability in the period from 2011 to 2020 in the Republic of Serbia

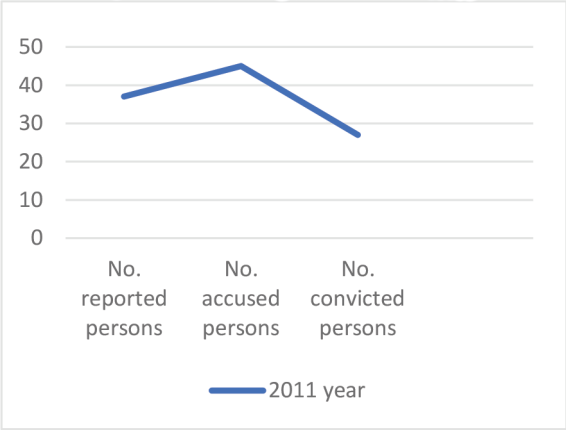
The frequency of committing the criminal offense of damage to business reputation and credit ability, presented in the table above, is far lower than the other observed criminal offense against the economy (criminal offense of unauthorized use of someone else's business name and other special marks of goods or services). In the analyzed ten-year period, a total of 45 adults were reported, 90 of them were accused, while only 9 adults were convicted (20% of the total reported persons and 10% of the total accused persons).

So interesting that almost every year (except for 2016 and 2019), the number of reported persons was lower compared to the number of accused persons. This is because the first stage of criminal proceedings long lasting. Namely, the investigation phase lasts beyond a reasonable time, but still within the legal time limit, so that the cases enter the accusation phase after a longer period. The fact that it is necessary to start the prosecution procedure on the basis of a private lawsuit contributes the most to this phenomenon.

6. ANALYSIS AND DISCUSSION FOR THE CRIMINAL OFFENSE UNAUTHORIZED USE OF ANOTHER'S BUSINESS NAME OR SPECIAL MARKS OF GOODS OR SERVICES

The paper included an analysis of a ten-year period (2011-2020) and sublimated all the latest available high-accuracy data that testify to the rate of economic crime in the territory of the entire Republic of Serbia, collected by the Republic Statistical Office and classified and adapted to the needs of the work by the author.

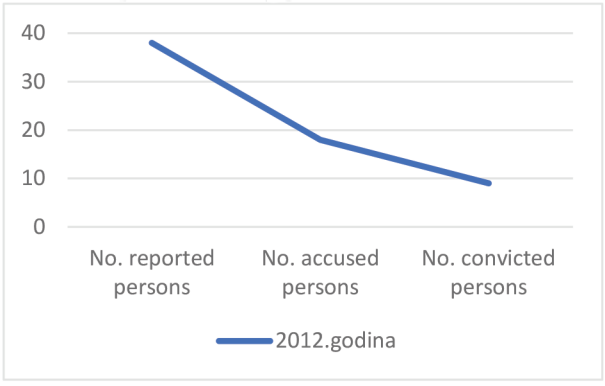
In 2011, 37 adults were reported, 45 were charged and 27 were convicted for the criminal offense of unauthorized use of someone else's business name or special mark of goods or services (Bulletin of adult offenders in the Republic of Serbia - reports, accusations, convictions - 2011, 2012).



Source: Authors

Graph 3. Number of persons reported, accused and convicted in 2011 for the criminal offense of unauthorized use of someone else's business name or special mark of goods or service

In this observed year, we can notice that we have a greater number of accused persons than the number of reported persons, which can certainly be attributed to the length of the first phase of the criminal proceedings, the phase of the investigation that lasted for a long time in previous years. In 2011, we have 27 convicted persons, four of whom are female. One person received a prison sentence of one to two years, four persons received a fine in the amount of RSD 10,000 to 100,000, while the other 22 persons were sentenced to a suspended sentence.



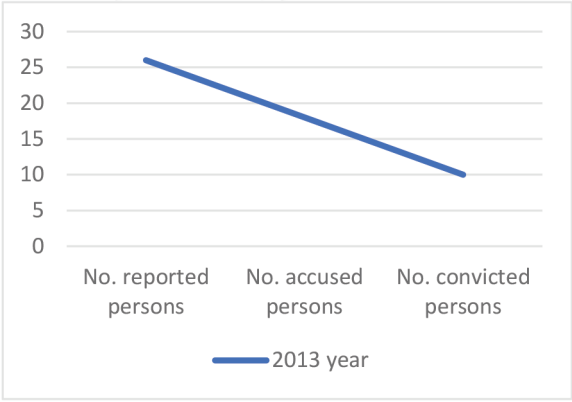
Source: Authors

Graph 4. Number of persons reported, accused and convicted in 2012 for the criminal offense of unauthorized use of someone else's business name or special mark of goods or services

The following year, in 2012, the situation regarding reported, accused and convicted persons was as follows: 38 persons were reported, 18 were accused, and 9 were convicted, one of whom was a female (Bulletin of adult offenders in the Republic of Serbia - reports, accusations, convictions - 2012, 2013).

As for the criminal sanctions this year, the judges decided on the following: imprisonment for one perpetrator for two to three months, fines were awarded in one case in the amount of RSD 10,000 to 100,000, while in the remaining seven cases were given suspended sentences.

In 2013, 10 people (one of whom was female) were convicted of the criminal offense of unauthorized use of someone else's business name or other special mark of goods or services, while in the same year 26 were reported and 18 were charged (Bulletin of adult offenders in the Republic of Serbia - reports, accusations, convictions - 2013, 2014).



Source: Authors

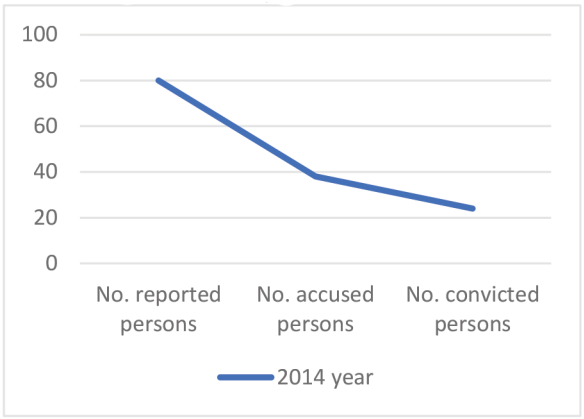
Graph 5. Number of persons reported, accused and convicted in 2013 for the criminal offense of unauthorized use of someone else's business name or special mark of goods or services

Out of eighteen persons, four were sentenced to prison terms, two for two to three years, one for six to twelve months and one for two to three months, one person to a fine in the amount of RSD 10,000 to 100,000 and 5 persons for suspected sentence.

Next year, in 2014, the graph representing the observed phenomenon would look like this:

The number of reported persons this year for the observed criminal offense against the economy was 80, the number of accused persons was 38, and the number of convicted

persons was 24. Of the 24 individuals, seven of them were female. Four persons were sentenced to imprisonment for three to six months (3) and one person for two to three months. Nine persons were fined, seven of them with fines in the amount of 10,000 to 100,000 RSD and two persons with fines of less than 10,000 RSD. Ten persons received a suspended sentence and one person received sentence based that community useful work (Bulletin of adult offenders in the Republic of Serbia - reports, accusations, convictions - 2014, 2015).

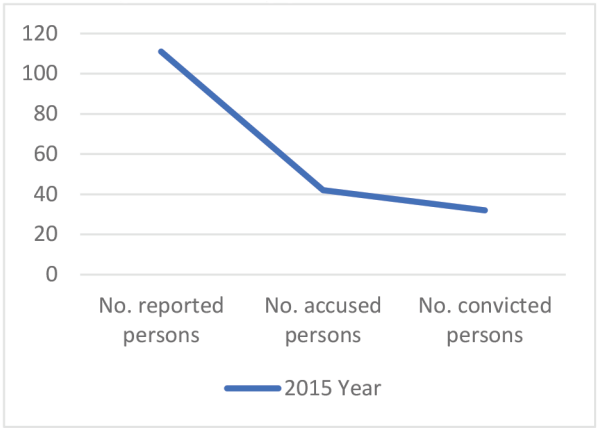


Source: Authors

Graph 6. Number of persons reported, accused and convicted in 2014 for the criminal offense of unauthorized use of another's business name or special mark of goods or services

In 2015 (Bulletin of adult offenders in the Republic of Serbia - reports, accusations, convictions - 2015, 2016), the number of reported persons was 111, the number of accused persons was 42, while this year 32 persons were convicted for the observed criminal offense. Eleven of them were female.

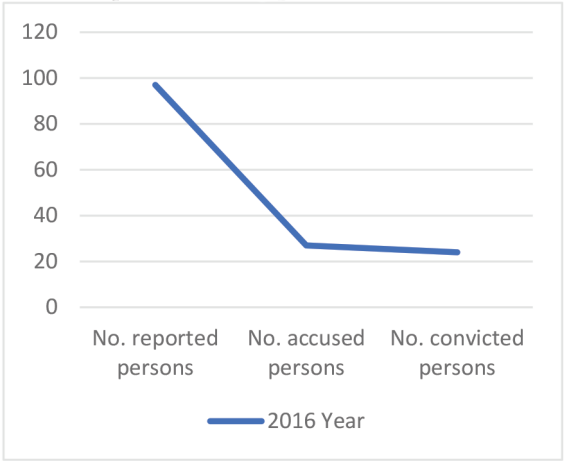
Four people were sentenced to prison and all were short-term prison sentences: from one to two years, from six to twelve months, from three to six months and up to two months. 13 persons were fined, nine in the amount of 10,000 to 100,000 RSD and four in the amount of less than 10,000 RSD. Suspended sentences were given to 14 persons, and one person received work in the public interest.



Source: Authors

Graph 7. Number of reported, accused and convicted persons in 2015 for the criminal offense of unauthorized use of someone else's business name or special mark of goods or services

In the following year of the observed period, in 2016, 97 persons were reported for the criminal offense of unauthorized use of someone else's business name or other special designation of goods or services, while 27 of them were charged and 24 of them were convicted (Bulletin of adult offenders in the Republic of Serbia - reports, accusations, convictions - 2016, 2017).



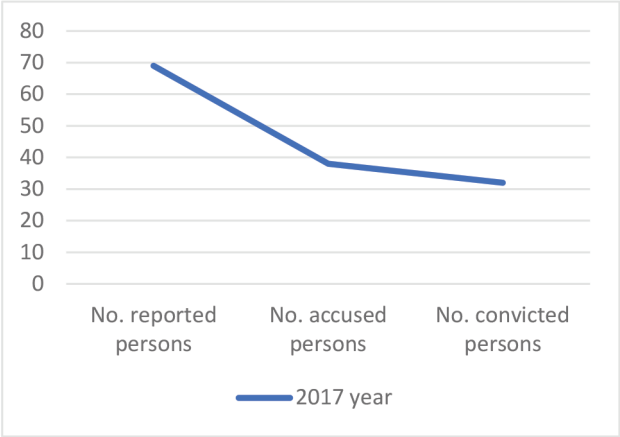
Source: Authors

Graph 8. Number of reported, accused and convicted persons in 2016 for the criminal offense of unauthorized use of someone else's business name or special mark of goods or sources

Out of a total of 24 convicted persons, four of them were female. Three prison sentences were awarded this year, for a duration of two to three years, and two short-term prison sentences for a

duration of up to two months. In 2016, the fine was awarded three times, two in the amount of 10,000 to 100,000 RSD and one in the amount of up to 10,000 RSD. The most dominant criminal sanction this time was a suspended sentence, which was awarded 18 times.

In 2017 (Bulletin of adult offenders in the Republic of Serbia - reports, accusations, convictions - 2017, 2018), the number of reported persons was 69. The number of accused persons was 38, while the number of convicted persons was 32.



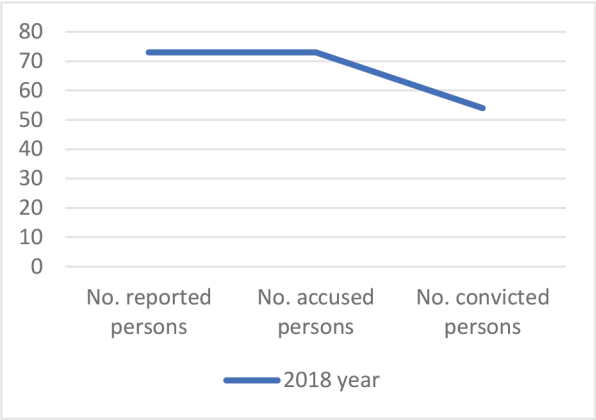
Source: Authors

Graph 9. Number of reported, accused and convicted persons in 2017 for the criminal offense of unauthorized use of someone else's business name or special mark of goods or sources

Of the 32 convicted persons (7 of them women), only one person was sentenced to prison for three to six months. Fines were awarded to 11 persons, nine of them in the amount of 10,000 to 100,000 RSD, and two persons in the amount of 100,000 to 200,000 RSD. This year, 20 people received suspended sentences.

The same number of reported and accused persons and the largest number of convicted persons in the entire observed period are characteristic for 2018 (Bulletin of adult offenders in the Republic of Serbia - reports, accusations, convictions - 2018, 2019.).

Out of a total of 54 convicted persons, 20 of them are female. Two persons out of 54 were sentenced to imprisonment for one to two years and less than two months. Fines for perpetrators of this type of crime were awarded 12 times in 2018, of which the most common (10 times) were in the amount of 10,000 to 100,000 RSD, one in the amount of 100,000 to 200,000 RSD, and one in the amount of less than 10,000 RSD. In 2018, a suspended sentence for the crime under consideration was handed down a total of 39 times. Along the way, house arrest also occurs in one case.



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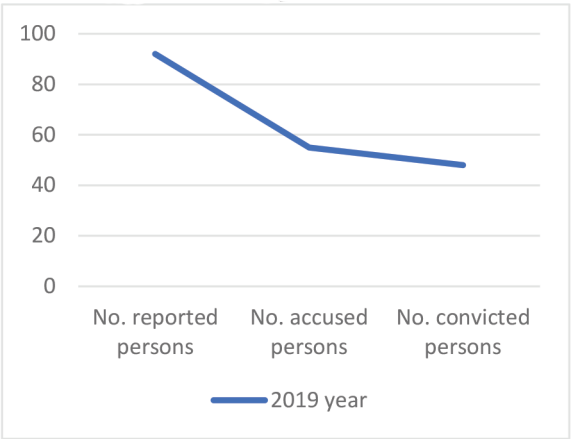
Graph 10. Number of reported, accused and convicted persons in 2018 for the criminal offense of unauthorized use of someone else's business name or special mark of goods or sources

In 2019 (Bulletin of adult offenders in the Republic of Serbia - reports, accusations, convictions - 2019, 2020), 92 persons were reported, 55 accused, and 48 convicted for the criminal offense of unauthorized use of someone else's business name and other special marks for goods or services.

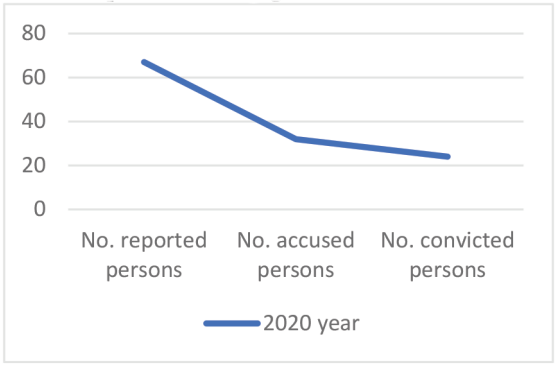


Source: Authors

Graph 11. Number of reported, accused and convicted persons in 2019 for the criminal offense of unauthorized use of someone else's business name or special mark of goods or services

Of the 48 convicts in 2019 for the observed criminal offense, 11 of them are female. Two persons were sentenced to prison terms of one to two years and three to six months. As in previous years, the judges decided on short-term prison sentences. Seven fines were issued in the observed year, six of which were in the amount of RSD 10,000 to 100,000 and one was in the amount of less than RSD 10,000. In 37 cases, the judges decided on a suspended sentence, and in two cases they were sent to house arrest.

According to the data, the last year of the observed period for this criminal offense against the economy looks like this: 67 persons reported, 32 accused, 24 convicted.



Source: Authors

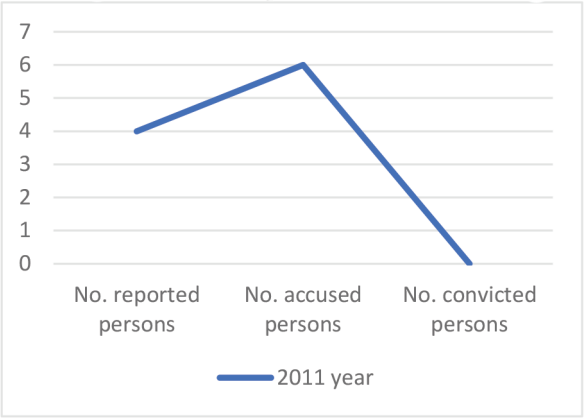
Graph 12. Number of reported, accused and convicted persons in 2020 for the criminal offense of unauthorized use of someone else's business name or special mark of goods or sources

In 2020 (Bulletin of adult offenders in the Republic of Serbia - reports, accusations, convictions - 2020., 2021), six women were convicted this crime. Three persons were sentenced to imprisonment, one person for a period of six to twelve months and one person for a period of three to six months. Fines were awarded four times and all four times the judges decided on fines ranging from RSD 10,000 to 100,000. Four persons were given house arrest. One person was sentenced to work in the public interest and 12 persons were sentenced to a suspended sentence.

7. ANALYSIS AND DISCUSSION FOR THE CRIMINAL OFFENSE OF DAMAGE TO BUSINESS REPUTATION AND CREDIT ABILITY

The frequency of committing the criminal offense of harming business reputation and credit ability in the territory of the Republic of Serbia is lower than the previously analyzed criminal offense, although both criminal offenses have the same protective object. Certainly, what is the main difference between these two crimes is the degree of their social danger. The crime of damaging business reputation and credit ability is not recognized by the legislator as a crime with a high degree of social danger, which is precisely the reason for the lower frequency of execution. And the opposite.

In the first year of the observed ten-year period, the number of persons reported for this criminal offense was four, the number of accused persons was six, while in 2011 no person was convicted of this criminal offense. The number of accused persons is greater than the number of reported persons, which is the result of the length of the first phase of the criminal proceedings and the investigative actions that were carried out in previous years.



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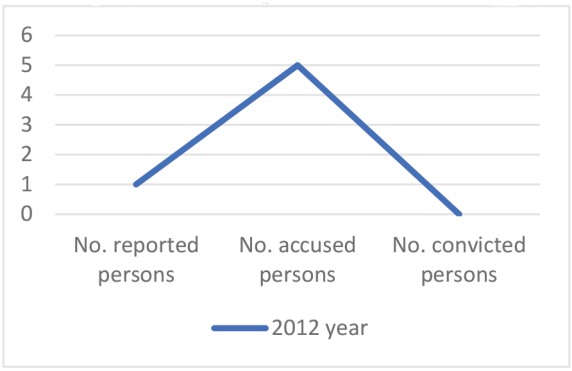
Graph 13. Number of reported, accused and convicted persons in 2011 for the criminal offense of damage to business reputation and credit ability

The following year, in 2012, one person was reported as a potential perpetrator of the criminal offense of damage to business reputation and creditworthiness, while the indictment

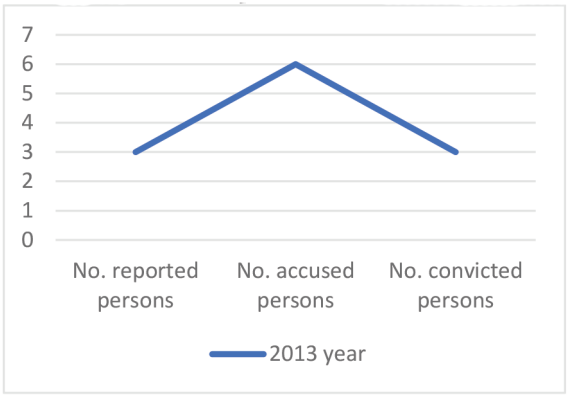
was confirmed against five persons. There were no convicted persons this year either.



Source: Authors

Graph 14. Number of reported, accused and convicted persons in 2012 for the criminal offense of damaging business reputation and credit ability

In 2013, three adults were reported for this criminal act against the economy, six were accused, and three were convicted.

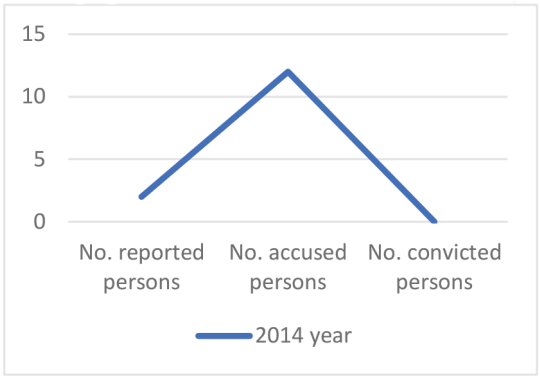


Source: Authors

Graph 15. Number of reported, accused and convicted persons in 2013 for the criminal offense of damage to business reputation and creditworthiness

As for criminal sanctions, in 2013 the judges decided to impose one suspended sentence, one fine in the amount of RSD 10,000 to 100,000 and one fine in the amount of RSD 1,000,000 to 10,000,000.

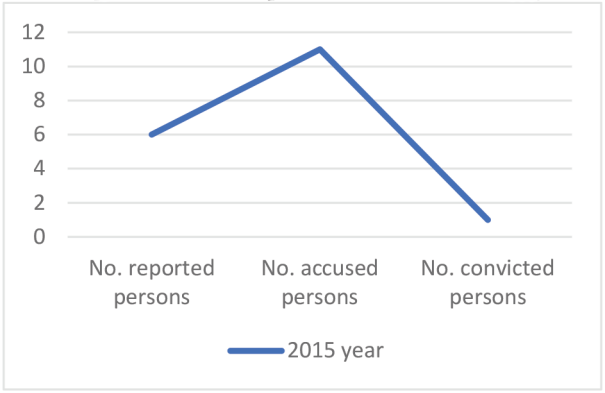
In 2014, only two perpetrators of this criminal offense were reported, and 12 were charged. No convictions regarding the observed criminal offense were passed in 2014.



Source: Authors

Graph 16. Number of reported, accused and convicted persons in 2014 for the criminal offense of damaging business reputation and credit ability

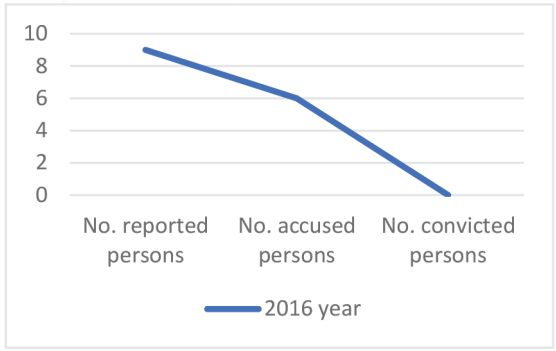
In 2015, the court decided to sentence one adult to a suspended sentence for the crime of damaging business reputation and creditworthiness. This year, a total of 6 persons were reported for this type of criminal offense against the economy, and 11 were charged.



Source: Authors

Graph 17. Number of reported, accused and convicted persons in 2015 for the criminal offense of damage to business reputation and credit ability

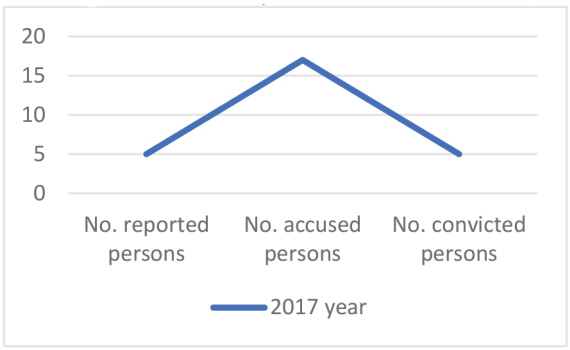
The following year, in 2016, there were no persons convicted of the criminal offense of damaging business reputation and creditworthiness in the territory of the Republic of Serbia. There were nine registered persons. Six accused.



Source: Authors

Graph 18. Number of reported, accused and convicted persons in 2016 for the criminal offense of damage to business reputation and creditworthiness

During 2017, the largest number of convicted persons for the observed criminal offense was reported. There were five registered persons this year. There were seventeen accused persons, and five convicted adults.



Source: Authors

Graph 19. Number of reported, accused and convicted persons in 2017 for the criminal offense of damage to business reputation and credit ability

Out of a total of five convicted persons, four of them received a fine of up to RSD 10,000, and one person received a suspended sentence.

In 2018, there were no persons convicted of this tipe the crime. The number of registered persons was three. And the number of accused is nine.

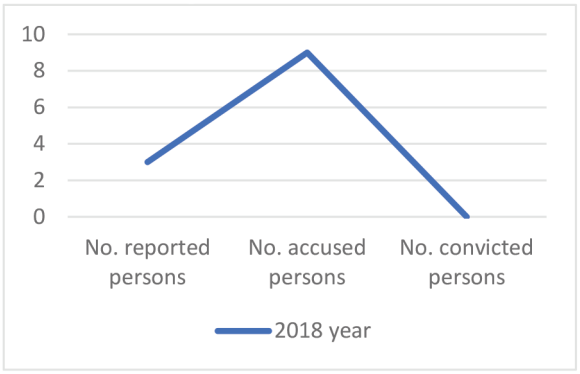


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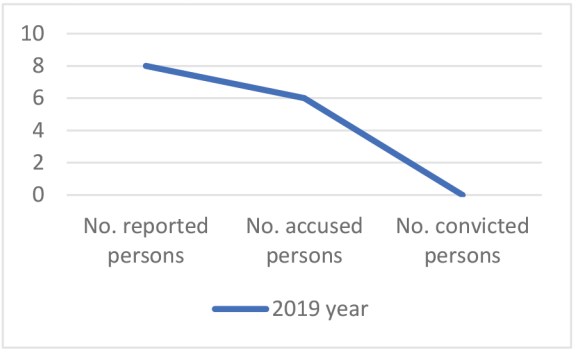
Chart 20. Number of reported, accused and convicted persons in 2018 for the criminal offense of damaging business reputation and creditworthiness

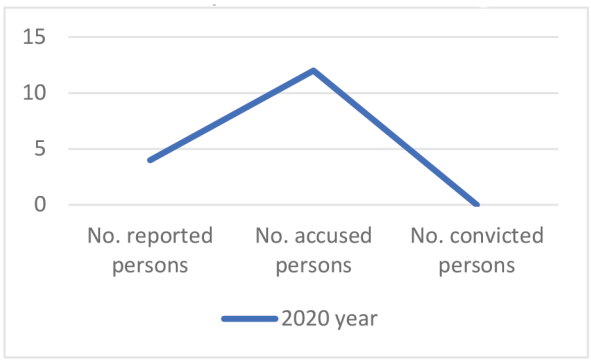
The following year, there were also no convicted persons. The number of persons reported in 2019 for the criminal offense of damaging business reputation and creditworthiness was eight and the number of accused was six.



Source: Authors

Chart 21. Number of reported, accused and convicted persons in 2019 for the criminal offense of damage to business reputation and creditworthiness

In the last year of the observed period, the number of registered persons was four. Twelve persons were charged in 2020, while there were no convicted persons.



Source: Authors

Chart 22. Number of reported, accused and convicted persons in 2020 for the criminal offense of damaging business reputation and credit ebility

8. CONCLUSION

In the midst of globalization and the rapid development of new ways of modern business, the importance of business entities is growing. The economic activities that are being established have long gone beyond national frameworks and started to be international, transnational and even intercontinental.

With the development of technology, business cooperation and its establishment started on a development path, so new business opportunities arise for companies every day. Some of them are safe and bring big profits, while some of them have certain abuses. Business cooperation is established on the basis of faith in the business name and business reputation. It is precisely for these reasons that the need to protect these institutes is increasing every day.

The Republic of Serbia has provided legal protection to the business name and business reputation, and we investigated the extent of this protection in the paper and came to the following conclusions:

- The business name and business reputation are protected in the Republic of Serbia in an almost similar way to the more developed countries of the world;
- The duration of the criminal procedure is not carried out within a reasonable period of time (the investigation phase long lasting);
- The type of criminal sanctions imposed is not adequate to the social danger of criminal acts (judges usually decide to impose a suspended sentence, a fine in the amount of RSD 10,000 to 100,000 or some short-term prison sentence);
- The percentage of "loss of crime" is not alarming;
- This type of criminal offense is more often committed by men.

The authors propose to introduce additional measures that will improve the investigation phase, and contribute to shortening the time of its implementation, and not allow a "hasty investigation" to be conducted. By modernizing the technology and work techniques of investigative bodies and increasing the number of people engaged in these jobs, this problem would be overcome.

In addition, we believe that judicial practice should change and that suspected sentences should not have priority, but that a fine or work in the public interest should be imposed more often.

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ORIGINAL SCIENTIFIC PAPER

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EVOLUTION AND APPLICATION OF INTERNAL MARKETING AND ITS ROLE IN FINANCIAL SERVICE ORGANIZATIONS

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Abstract: *Internal marketing is one way to make employees and organizations different from others. In order to differentiate themselves from other actors in the financial sector, financial organizations face the need for competitive differentiation through the implementation of internal marketing. In this regard, previous empirical studies confirmed that the financial sector, especially the banking sector, is the most popular service sector in the context of internal marketing research. According to the above, the purpose of this paper was to present internal marketing, its evolution, application, and role in organizations operating in the financial sector. A preliminary analysis of previous empirical studies conducted in the financial sector showed that researchers used different internal marketing dimensions and tested internal marketing outcomes at different levels. In order to determine the dimensions and outcomes of internal marketing in the financial sector, an analysis of previous studies in this field published in the period from 2015 to the present and stored in Google Scholar base was conducted. The analysis in this paper showed that the most common testing of internal marketing outcomes is at the employee-level as well as the testing of internal marketing dimensions such as (internal) communication, training and development, rewards and other types of compensation, and empowerment of employees.*

Keywords: *internal marketing; employees; customers; satisfaction, financial service organizations*

JEL classification: *M31, M12, G29*

1. INTRODUCTION

Employees are one of the actors of the internal public of the organization as well as the important link with its external actors and audiences (Ballantyne, 2000). Many organizations are looking for new ways to differentiate their employees and themselves from other actors. The financial sector also faces the need for competitive differentiation (Opoku, Atuobi-Yiadom, Chong, & Abratt, 2009) and is looking for new ways to achieve competitive advantage i.e. to raise the service quality. One of the ways for that is internal marketing.

The focus of the concept of internal marketing is on employees and their satisfaction (Berry, 1981) as well as on employees' customers-orientation and delivering high value to them (Grönroos, 1981). Internal marketing creates customer-conscious and motivated employees (George, 1990; Piercy, 1995).

Previous empirical studies found that internal marketing affects job satisfaction of employees (e.g. Conduit & Mavondo, 2001; Donavan, Brown, & Mowen, 2004; Ferdous & Polonsky, 2014; Hwang & Chi, 2005; Piercy, 1995; Shiu & Yu, 2010; Sohail & Jang, 2017), their motivation and organizational empowerment (e.g. Bell, Menguc, & Stefani, 2004; Boukis, Kaminakis, Siampos, Kostopoulos, 2015), organizational commitment (e.g. Bailey, Albassami, & Al-Meshal, 2016; Caruana & Calleia, 1998; Donavan et al., 2004; Hernández-Díaz, Calderon-Abreu, Amador-Dumois, & Córdova-Claudio, 2017), organizational identification (e.g. Boukis et al., 2015; Hernández-Díaz et al., 2017), job performance (e.g. Chiu, Won, & Bae, 2019; Hwang & Chi, 2005; Shiu & Yu, 2010); etc. In addition, internal marketing affects customers' satisfaction (e.g. De Bruin, Roberts-Lombard, & Meyer-Heydenrych, 2020; Maryono, Naili, & Bulan, 2020; Piercy, 1995), the quality of service (e.g. Gounaris, Vassilikopoulou, & Chatzipanagiotou, 2010; Lings & Brooks, 1998; Opoku et al., 2009; Sohail & Jang, 2017; Tortosa, Moliner, & Sanchez, 2009) and organizational performance (e.g. Shiu & Yu, 2010; Tortosa et al., 2009).

Empirical findings show that there are research on internal marketing in the field of financial services i.e in the banking services (e.g. Albassami, Al-Meshal, & Bailey 2015; Bailey et al., 2016; Boukis et al., 2015; Caruana & Calleya, 1998; Narteh, 2012; Opoku et al., 2009; Zdjelarić, Ćirić, & Brkanlić, 2017; etc). According to Qiu, Boukis and Storey (2022), the internal marketing literature is mainly focused on traditional service sectors such as the financial service sector. In this regard, the financial sector, especially the banking sector, is the most popular service sector in the context of internal marketing research. Based on the above, the purpose of this paper was to present internal marketing, its evolution, application and role in organizations operating in the financial sector. The research in this paper was based on the review of relevant literature in the field of internal marketing.

This paper can contribute to the corpus of knowledge on internal marketing and its role in the financial sector and in the financial service organizations. It can be useful for managers of organizations operating in the financial sector. In addition, this paper can encourage managers to pay more attention to adopting the philosophy of internal marketing.

The rest of this paper is organized as follows: there is presented evolution of internal marketing, followed by internal marketing dimensions, internal marketing outcomes, and its role in the financial sector. Finally, conclusion with limitations of the paper and future research avenues are presented.

2. NTERNAL MARKETING - EVOLUTION

2.1. Satisfied employees - employees as customers

According to Foreman and Money (1995), and Rafiq and Ahmed (2000), the term *internal marketing* has been first used by Berry, Hensel and Burke in 1976, then by George in 1977, and later by several other researchers (see more: Rafiq & Ahmed, 2000). Berry et al. (1976) viewed internal marketing as a way to improve the quality of service and its delivery, and achieve the goals of an organization. Namely, internal marketing "is concerned with making available internal products (jobs) that satisfy the needs of a vital internal market (employees) while satisfying the objectives of the organization" (Berry et al. 1976, p. 8). Rafiq and Ahmed (2000, p. 450) explain that „Even though the term internal marketing was not directly used by them, the idea of internal marketing was also present in Sasser and Arbeit's (1976) article".

Sasser and Arbeit (1976, p. 61) argued that the service organizations understand "that its most critical productive resource is its work force and the key to success is for the service business to regard its jobs as its principal products and its employees as its most important customers." Thus, attracting, retaining, and motivating the best employees (personnel) are

crucial in the service sector as well as in service marketing (Sasser & Arbeit, 1976, p. 64). The quality of both personnel and service become the basis of the differential competitive advantage of the service organizations.

Although Sasser and Arbeit in their paper (1976, p. 61) mention employees as the most important customers of the service organizations (but also marketing techniques as the most important in personnel management), the prevailing view in the literature is that Berry (1981) introduced the term *internal customer* in the marketing literature. Berry (1981, p. 34) defined internal marketing as "viewing employees as internal customers and viewing jobs as internal products that satisfy the needs and wants of these internal customers while addressing the objectives of the organization". An organization offers jobs to employees, in order to meet their needs and desires while they deal with the goals of the organization. Similarly, Caruana and Calleya (1998) argued that internal marketing involves caring to meet the needs of employees. Namely, external customer satisfaction is achieved by achieving internal customer satisfaction i.e. employees' satisfaction. Satisfied internal customers affect satisfied external customers, and internal marketing affects external marketing (George, 1977). Similarly, according to Berry (1981), and Berry and Parasuraman (1992) the satisfaction of internal customers becomes important for the success of an organization, especially of the organizations in the service sector. Satisfied employees lead to satisfied customers. Motivated employees (i.e employees whose needs are met) can improve the quality of services and the level of external customers satisfaction. In this regard, Berry and Parasuraman (1991) defined internal marketing as „viewing employees as internal customers, viewing jobs as internal products..." (p. 272) i.e. internal marketing is „attracting, developing, motivating and retaining qualified employees through job-products that satisfy their needs" (p. 151). Organizations can improve service quality performance i.e. customer perceptions of service quality by its internal activities (Parasuraman, Berry, & Zeithaml, 1991).

Rafiq and Ahmed (2000) noted that in the early developmental phase of internal marketing, the majority researchers in this field advocated an attitude that the issues of employees' motivation and satisfaction are crucial to improve service quality. Rafiq and Ahmed (1993 in Rafiq & Ahmed, 2000) stated that „employees as customers philosophy" is problematic, because the job as a product may be unwanted by employees or possess negative utility, employees don't always have a choice in the jobs i.e products that they can select. Finaly, to have satisfied employees may be too expensive. Also, it is debatable whether internal customers are more important than external customers.

2.2. Customer-oriented employees (customer orientation)

The next stage of development of internal marketing was called „customer orientation" (according to Rafiq & Ahmed, 2000). Grönroos (1981) recognized that responsibility for customers' needs, as the core of interactive marketing and buyer-seller interactions, is important; it influences purchasing and repeat purchasing. However, it is necessary to have customer-oriented and sales-minded personnel in order to take advantage of marketing opportunities. Customer-oriented employees and at the same time sales-minded employees should be the result of marketing efforts or activities aimed at employees in order to raise their awareness of the need to provide superior service. Grönroos (1985) argued that customer orientation is achieved by influencing through marketing-like techniques internally rather than satisfying and motivating employees (per se). "The internal marketing concept holds that an organization's internal market of employees can be influenced most effectively and hence motivated to customer consciousness, market orientation and sales mindedness by a marketing-like internal approach and by applying marketing like activities internally" (Grönroos, 1985, p. 42). George (1990) viewed also internal marketing as an marketing-like approach that internally uses activities like marketing (external) activities in

order to achieve customer-oriented employees and sales-minded employees. Later, Piercy and Morgan (1990; 1991), and Piercy (1995) viewed internal marketing as the application of marketing-like tools to employees i.e. internal market of organization.

In addition to the importance of the seller-buyer transaction and their interaction, it becomes important to connect and coordinate first-line employees and other employees who support their activities (Grönroos, 1981). Gummesson (1987a) also argued that interaction of customers and sellers is as important as their relationships. Grönroos (1981) stated that it is necessary to integrate or coordinate well the various business functions that are crucial in establishing and developing the relationship between employees and customers of the service organizations. Later, Grönroos (1990a) suggested that action on employees should be achieved through the interface of internal marketing, human resource management, and organizational behavior. This has also been considered by Collins and Payne (1991), especially from the new perspective of human resources department.

Internal marketing is systematic way of developing and applying the culture of service quality (Grönroos, 1985). Internal marketing is the concept or philosophy of employee management in order to change the quality culture in the field of services (Gummesson, 1987b). Namely, "Internal marketing is the best approach for establishing a service orientation as the organizational imperative" (George, 1990, p. 63).

In the conditions of „service competition", the managers of the service organizations appreciate the role of good service and its importance in achieving the competitive advantage of the service organizations (Grönroos, 1990b, p. 6). Services have the important role in the organization's competitive strength and profitability (Grönroos, 2000). George (1990) expressed that an internal exchange is a prerequisite for an external exchange. Besides, more effective internal exchange leads to more effective employees in providing superior customer service on external market (George, 1990; Lings & Greenley, 2009).

From this perspective, changing the culture of quality is achieved through internal marketing programs. Internal marketing programs contribute to the improvement of the quality of services and retention of consumers, as well as employees' satisfaction (employees as consumers). Internal service quality drives employees' satisfaction, then their retention, and finally their productivity. Such employees positively affect the external service value, then satisfaction and loyalty of customers, and finally organizational revenue growth and profitability.

2.3. Internal marketing concept – strategy implementation and change management

According to Rafiq and Ahmed (2000, p. 452), the third phase in development of internal marketing is called „Broadening the internal marketing concept – strategy implementation and change management". In this regard, Winter (1985, p. 69) suggested that internal marketing is an employee management technique for the purpose of achieving the business goals of an organization i.e. directing employees towards goals. In this context employees are able to understand and recognize the value of internal marketing programs and, importantly, their place in it. Internal marketing as an implementation mechanism was recognized by George (1990, p. 94) who argued that internal marketing is the organization's human resource management philosophy based on a holistic approach and viewed as a holistic process leading to the integration of multiple functions.

Pierci (1995), and Pierci and Morgan (1990; 1991) believe that achieving consumers' satisfaction on external market can be supported by internal marketing strategy or internal marketing plans. Internal market segmentation enables that internal marketing programs are a supplement to external marketing programs. Internal marketing and internal marketing programs support strategy implementation

and change management. The focus of internal marketing is communication: it is the motivational tactic of internal marketing campaign.

Finally, according to Rafiq and Ahmed (1993) internal marketing should be used for the implementation of corporate strategies or any functional strategy. Through internal marketing employees can be motivated and integrated towards the effective implementation of any strategy. Any change in the strategy requires an internal marketing effort to motivate employees towards requisite behaviour. As some strategies span several functional areas, their cross-functional integration is necessary. Emphasis is on the tasks and activities of employees „that need to be undertaken for the effective implementation of marketing and other programs to achieve customer satisfaction, while recognizing the central role of employees" (Rafiq & Ahmed, 2000, p. 454).

„Grönroos' (1985) definition lacks an emphasis on inter-functional coordination while Rafiq and Ahmed's (1993) definition fails to emphasize the use of a marketing-like approach" (Rafiq & Ahmed, 2000, p. 454). The main elements of internal marketing are: „employee motivation and satisfaction; customer orientation and customer satisfaction; inter-functional co-ordination and integration; marketing-like approach to the above; and implementation of specific corporate or functional strategies" (Rafiq & Ahmed, 2000, p. 461).

Based on this, Rafiq and Ahmed (2000, p. 461) define internal marketing as „a planned effort using a marketing-like approach to overcome organizational resistance to change and to align, motivate and inter-functionally co-ordinate and integrate employees towards the effective implementation of corporate and functional strategies in order to deliver customer satisfaction through a process of creating motivated and customer-orientated employees." Also, Rafiq and Ahmed believe that each definition of internal marketing should contain all the above elements to make it clear that it is a concept of internal marketing. Hence, „no single management function is effective if it operates in isolation", so „...managers must ensure that every employee in all parts of the organisation is involved in the delivery of quality through out the customer-supplier chain" (Ahmed & Rafiq, 2003, p. 1178). Internal marketing develops and manages a total set of relationships and interactions of organization and its employees, suppliers and distributors, and other actors that bring value-add for the organization. In this regard, internal marketing develops in the context of relationship marketing. „Therefore, creating and aligning internal relationships between departments, functions and employees inside the organisation is necessary to improve the performance of the company and its employees" (Ahmed & Rafiq, 2003, p. 1179). In this regard, Conduit & Mavondo (2001) understand internal marketing as a process in which products are delivered to employees by their suppliers (organizations, managers) in the internal supply chain, so that they can provide consumers with high quality services. Hence, „Integration between departments, the dissemination of market intelligence, and management support for a market orientation are important for its development..." (Conduit & Mavondo, 2001, p. 11). Varey and Lewis (1999) proposed integrating internal marketing with the entire organization and not only with marketing sector/department and/or human resources.

Finally, at the conceptual level of internal marketing, internal marketing was seen as a mechanism to facilitate inter-functional co-ordination. However, the role of internal marketing in this has been little researched (Ahmed & Rafiq, 2003), which also applies to its application in practice. There have been no significant changes in this attitude for 20 years.

2.4. Internal marketing from the perspective of internal market orientation

According to one of the domain of internal marketing (Lings, 2004), it is a process. By increasing the service quality for internal customers, organizations can encourage the service quality for external customers (e.g. Schneider et al., 1994; Marshall et al., 1998;

Brooks et al., 1999; Frost & Kumar 2000 as cited in Lings, 2004). From human resources perspective, satisfied and motivated employees contribute to external marketing success (e.g. Sasser & Arbeit 1976; Berry & Parasuraman 1991; Berry 1984 as cited in Lings, 2004). „The behaviors associated with creating satisfied and motivated employees are labeled, 'internal market orientation'" (Lings, 2004, p. 8 of 23) i.e. orientation on employees as internal customers. According to Qiu et al. (2022), Lings (2004), and Lings and Greenley (2005) view internal marketing from the perspective of conceptualizing and measuring IMO - internal market orientation. Internal market orientation represents the adaptation of market orientation to the context of employer-employee exchanges in the internal market (Lings & Greenley, 2005, p. 290). Internal market orientation is important, because this orientation affects employees' retention (e.g. Berry & Parasuraman 1991), employees' motivation and satisfaction (e.g. Piercy, 1995), the organizational identification of employees (e.g. Ferdous & Polonsky, 2014) and the organizational commitment of employees (e.g. Berry & Parasuraman, 1991; Piercy & Morgan, 1990) as well as the service quality (e.g. Grönroos, 1981; Gummesson, 1990), customer perceived service quality (e.g. Gounaris et al., 2010), customers' satisfaction (e.g. Piercy, 1995), and financial performance (Crawford & Getty, 1991; Tansuhaj, Randall, & McCullough, 1988) as its external aspects.

2.5. The perspective relationship-mediated approach to internal marketing

The emphasis should be not on the transactional nature of the relationship between employees and organization (the transaction cost theory perspective). The emphasis should be on creating value for this relationship – the theory of relationship marketing perspective (Gounaris 2008 as cited in Qaisar & Muhamad, 2021). From the perspective of relationship-mediated approach to internal marketing, internal relationships contribute to successful external relationships. Success in external markets can be effective if internal market is effective (Ballantyne, 2000). Ballantyne contended that internal marketing "is a strategy for developing relationships between staff across internal organizational boundaries" and that the ultimate goal of internal marketing is the enhancement of external marketing relationships quality (Ballantyne, 2000, p. 43). Lings (2004) argued that the focus of internal marketing is on the relationships between organization and its employees. Besides, it is important how through these relationships it can facilitate the employees-customers relationships. This approach was supported by George (1990), Gummesson (1987), Ballantyne (2000).

2.6. Basic approaches in the development of internal marketing in the recent literature on internal marketing

Bohnenberger, Schmidt, Damacena, & Batle-Lorente (2019) identified three basic approaches in the development of internal marketing (see: Table 1). „The employee as a customer of the organization" approach (Table 1) coincides with the domain of viewing internal marketing from the perspective of human resources which was noticed by Lings (2004). Besides, the proponents of this approach, according to Bohnenberger et al. (2019), are representatives of the first phase of the development of internal marketing called „Satisfied employees and employees as internal customers" (see: Rafiq & Ahmed, 2000). Internal marketing connets all departments of an organization i.e. permeates them, so internal marketing is process („Internal marketing as a process" as the second approach, see Table 1 in this paper). In this regard, Heskett et al. (1994) observed internal marketing from the service-profit chain perspective. At the same time, internal marketing as "internal customer orientation" operates through internal supply chain so that employees can receive the best quality products or services by predecessors and then their successors receive the best ones by them (Conduit & Mavondo, 2001). Lings

(2004) also noted that some authors have viewed internal marketing as a process (see: 2.4. Internal marketing from the perspective of internal market orientation).

„Development of a culture of orientation toward external customers" is the third approach (see: Table 1 in this paper). The first group of authors contributes to the expansion of the topic of external marketing through their research in this field. The second group of authors relates the marketing concepts to internal and external customers, looking for an alternative to improve organizational performance (Bohnenberger et al., 2019).

Table 1. The basic approaches in the development of internal marketing

APPROACHES	AUTHORS
„The employee as a customer of the organization"	Berry (1981) Berry & Parasuraman (1992) Foreman & Money (1995) Grönroos (1990) Nickels & Wood (1999)
„Internal marketing as a process"	Heskett et al. (1994) Conduit & Mavondo (2001)
„Development of a culture of orientation toward external customers"	The first group: Ferdous & Polonsky (2014) Flipo (1986) Kotler (1998)
	The second group: Ahmed et al. (2003); Ahmed & Rafiq (2002); Cahill (1995); Foreman & Money (1995); Gilmore (2000); Lings (2004); Piercy (1995); Piercy & Morgan (1991); Rafiq et al. (1993); Varey (1995); Varey & Lewis (1999)

Source: Bohnenberger et al. (2019)

According to Bohnenberger et al (2019), the convergence between above three approaches relies on the satisfaction of external customers, achieved in conditions when the employees are observed as internal customers (e.g. Berry, 1981; Berry & Parasuraman, 1992; Grönroos, 1990), when a focus is on the process (e.g. Conduit & Mavondo, 2001; Lings & Brooks, 1998), and when there is customers-orientation culture (e.g. Ahmed et al., 2003; Ferdous et al., 2013; Foreman & Money, 1995; Lee et al., 2015; Matanda & Ndubisi, 2013; Shiu & Yu, 2010; Tortosa-Edo et al., 2010 as cited in Bohnenberger et al., 2019).

The internal marketing body of knowledge has not a significant effect on the relevant literature and practice. In order to better understanding this, Qiu et al. (2022) present the relevant literature on internal marketing over the four periods (see: Table 2).

During the first period (Table 2), scholars indicated the need for service organizations to enhance the employees' management via marketing and human resource approaches. It was considered that enhancing employees' management would lead to an enhancing in perceived service quality by customers (e.g. Varey, 1995).

The first strategic conceptualizations of internal marketing (e.g. Foreman & Money, 1995 as cited in Qiu et al., 2022, p. 55) aspired „to discuss its relevance with other organizational functions" (the first phase).

Table 2. Synthesis of the internal marketing literature over the four periods

THE PERIODS	FOCUS
„The emergence period"	- service organizations need to enhance the employees' management; - enhancing employees' management would lead to enhancing in perceived service quality by customers
„The establishment period"	- a variety of strategies and tactics (in internal marketing programs) was defined; - it was confirmed that internal marketing's practices affect employees' performance when there is interacting with customers
„The explosion Period"	- the effect of dimensions of internal marketing on different service industries is replicated; - the impact of internal marketing on front-line employees' attitudes and their behavioural intentions is extended; - internal marketing is linked to organizational performance
„The 'ennui' era"	- the value of internal marketing for various aspects of organizational performance as we ll as linking its adoption with experience of customer with her or his organization is explored

Source: Qiu et al. (2022)

During the second phase (Table 2), a variety of (marketing) strategies and (marketing tactics) that underlie programs of internal marketing was defined. It was confirmed that internal marketing's practices affect positively employees' performance when there is interacting with customers (e.g. Ehrhart et al., 2011; Gounaris et al., 2010 as cited in Qiu et al., 2022).

In the explosion period (Table 2), numerous studies „replicate the effect of IM dimensions on various service industries and extend their impact on frontline employees' attitudes and behavioral intentions as well as link IM to organizational performance" (Fang et al., 2014; Kim et al., 2016 as cited in Qiu et al., 2022, p. 55). The "ennui" era (Table 2) characterizes exploring the value of internal marketing „for various aspects of organizational performance" such as corporate brand or innovation teams, and linking its adoption with experience of customer with their organization (Gounaris et al., 2020; Park & Tran, 2018 as cited in Qiu et al., 2022, p. 55).

According to Qiu et al. (2022, pp. 55-56), Berry's conceptualization of internal marketing (1981) is not clearly accepted, so one perspective is internally focused - the quality of internal exchanges is a prerequisite for effective external exchanges (George, 1990), and the second perspective is based on motivated and customer oriented employees (Grönroos, 1985). "Gronroos' logic focuses more on employees' customer orientation through influencing and training, rather than generating higher employee satisfaction" (Rafiq & Ahmed, 2000 as cited in Qiu et al., 2022, p. 56). From another perspective**,** internal marketing is an approach for improving inter-functional integration (e.g. Rafiq & Ahmed, 2000 as cited in Qiu et al., 2022). Finally, internal marketing is observed as the set of organizational/dynamic capabilities that enable**s** the organization to achieve marketing and customer goals (e.g. Gounaris et al., 2020 as cited in Qiu et al., 2022, p. 56) and to enhance engagement of employees in the process of creation of value (e.g. Boukis, 2019 as cited in Qiu et al., 2022, p. 56).

Although the application of internal marketing is weak, especially in the practice of non-service sector organizations, according to Bohnenberger et al. (2019), few studies have addressed conceptual-empirical structure for implementation and development of internal marketing (Table 3).

Table 3. Studies that have addressed conceptual-empirical structure for implementation and development (ID) of internal marketing (IM)

THE FOCUS OF STUDIES	AUTHORS
The activities involved in the ID process of IM	Conduit & Mavondo (2001) Grönroos (1990) Rafiq & Ahmed (2000)
The responsibility involved in the implementation of these activities…	Conduit et al. (2014) Flipo (1986) Lowry et al. (2007) Rafiq & Ahmed (1993)
The assessment measures of ID of IM	Foreman & Money (1995) Lings & Brooks (1998) Weber (2015)

Source: Bohnenberger et al. (2019)

According to Table 3, there is a lack of knowledge regarding the activities that need to be carried out in the process of implementation and development of internal marketing. Also, the question arises as to which department or sector, or business function is competent and responsible for the realization of activities for the implementation and development of internal marketing. These issues remain open for research and discussion.

2.7. Theories and models of internal marketing

According to Qaisar and Muhamad (2021, p. 175), the theories in the field of internal marketing are "the marketing mix model, relationship marketing, social exchange theory, transaction cost theory, service profit chain, and the resource-based view". The marketing mix model includes internal products i.e. jobs to employees, internal price (refers to the cost and resources during the conversion of inputs into outputs in the process of developing and delivering products - jobs to internal customers), internal promotion (refers to

communication with employees), and internal place (these activities take place during the delivery of jobs i.e. products to employees).

The social exchange theory explains the employees-organization relationship (Bell 1998 as cited in Qaisar & Muhamad, 2021). "Employees working in organizations in which a high level of social exchange occurs will reciprocate through discretionary effort and display positive work related attitudes and behaviours" (Qaisar & Muhamad, 2021, p. 277). Hence, internal marketing can create high-quality relationship between an employee and the organization as well as the contribution to high-quality exchange between them.

The resource-based theory and the human resources approach to internal marketing are interrelated. According to Qaisar and Muhamad (2021, p. 278), "In the resource-based theory, internal marketing is a critical competence implemented to build and enhance core capabilities for sustained competitive advantage (Ahmed, Rafiq, and Saad 2003)". The transaction cost theory and the theory of relationship marketing are presented in the section 2.5. and the service-profit chain is presented in the section 2.6. in this paper.

3. INTERNAL MARKETING DIMENSIONS

Numerous internal marketing activities and elements are defined.

Relying on the relevant literature on both internal marketing and elements of the „organizational influence systems" by Galpin (1997), Ahmed, Rafiq and Saad (2003, p. 1223) proposed the following elements of the internal marketing called internal marketing mix: "strategic rewards; internal communications; training and development; organizational structure; senior management; physical environment; employment, selection and succession; interfunctional coordination; incentive systems; empowerment; operational / process changes".

Qiu et al. (2022, p. 56) classifiy numerous internal marketing activities into six comprehensive dimensions: (1) internal market analytics; (2) internal communication; (3) employee development; (4) employee rewards and recognition; (5) job design and empowerment; (6) leadership and organizational culture. These internal marketing dimensions are presented in Table 4.

Table 4. Key internal marketing dimensions

THE INTERNAL MARKETING DIMENSIONS	THE DESCRIPTION OF THE INTERNAL MARKETING DIMENSIONS
„Internal Market Analytics"	Internal market analysis reflects the extent to which the organization collects and integrates intelligence data and data regarding employees… (Tortosa Edo et al., 2015)
„Internal Communication"	This dimension includes practices through which the organization builds relationships between employees and other internal stakeholders and disseminates information across its echelons (Park & Tran, 2018)
„Employee Development"	This dimension reflects a strategic investment of the organization "to support existing and new employees' personal growth and career perspective" (p. 57)
„Employee Rewards and Recognition"	This dimension includes "financial and relational rewards to staff, based on their job performance" (p. 57)
„Job Design and Empowerment"	Job Design and Empowerment "emphasize role requirements such as job assignments, content and description and provide employees with autonomy to make job-related decisions to enhance internal and external service quality (Paul & Sahadev, 2018)" (p. 57)
„Leadership and Organizational Culture"	This dimension "refers to the senior management team's support and leadership style adopted to establish a market-oriented service climate assisting employees to solve job-related problems (Kim et al., 2016)" (p. 58).

Source: Qiu et al. (2022, pp. 56-58)

4. INTERNAL MARKETING OUTCOMES

Internal marketing outcomes are classified as the following:

(1) internal marketing outcomes at employee-level: employee attitudinal outcomes and employee behavioral outcomes;

(2) internal marketing outcomes at organizational-level: organizational non-financial outcomes and organizational financial outcomes (Qiu et al., 2022, p. 59).

In the last decade of 20th century, researchers were focused on examination of the effects of internal marketing on employees (as internal customers) and customers on external market (e.g. Piercy, 1995) as well as on organizational results (e.g. Varey, 1995). In the new millennium a largest number of studies describe and examine the relationship (and association) between internal marketing and personnel management (Lee et al., 2015; Matanda & Ndubisi, 2013; Shiu & Yu, 2010; Tortosa-Edo et al., 2010; Yang et al., 2015 as cited in Bohnenberger et al., 2019), the with focus on some job-related attitudes.

Employees' attitudinal outcomes examining in previous studies are presented in Table 5.

Table 5: Employees' attitudinal outcomes of internal marketing

EMPLOYEES' ATTITUDINAL OUTCOMES	AUTHORS
motivation	Bell et al. (2004) Boukis et al. (2015)
empowerment	Boukis et al. (2015)
organizational identification	Boukis et al. (2015) Ferdous & Polonsky (2014) Hernandez-Diaz et al. (2017)
organizational commitment	Bailey et al. (2016) Caruana & Calleia (1998) Chiu et al. (2019) Donavan et al. (2004)
job satisfaction	Bailey et al. (2016) Conduit & Mavondo (2001) Ferdous & Polonsky (2014) Hernández-Díaz et al. (2017) Hwang & Chi (2005) Shiu & Yu (2010) Sohail & Jang (2017)

Source: Authors (according to Bohnenberger et al., 2019)

Internal marketing leads to "higher employee retention (Berry & Parasuraman, 1991), increased employee commitment (Yao et al., 2019), employee empowerment (Gounaris, 2006), higher job satisfaction (Huang & Rundle-Thiele, 2014)" (Qiu et al., 2022, p. 59). These attitudes as the internal marketing outcomes are drivers of employees' behaviours (Qiu et al., 2022). Employees' behavioral outcomes examining in previous studies are presented in Table 6.

Table 6: Employees' behavioral outcomes of internal marketing

EMPLOYEES' BEHAVIORAL OUTCOMES	AUTHORS
"in- and extra-role activity"	Lings & Greenley (2010)
"citizenship behavior"	Chow et al. (2015)
"customer complaint handling performance"	Chan & Lam (2011)
"customer-oriented behaviors"	Park & Tran (2018)
"brand supportive behaviors"	Boukis et al. (2014)

Source: Authors (according to Qiu et al., 2022, p. 59)

Then, these positive behaviors (Table 6) are drivers of organizational results. Internal marketing outcomes at organizational-level examining in previous studies are presented in Table 7.

The empirical evidence showed that the external customers-level outcomes of internal marketing are scarce (e.g. Tortosa et al., 2009). In this regard, employees' attitudinal outcomes of internal marketing are still the most commonly measured outcomes (61% of articles; see Table 4 in Qiu et al., 2022, p. 59). "There is a trend to now measure multiple IM outcomes i.e. at both the employee level and organization level", though "research on the impact of IM on organizational financial performance remains very limited (7% of studies) which may be one explanation of the lack of traction of the IM literature" (Qiu et al., 2022, p. 59).

Table 7: Organizational-level outcomes of internal marketing

ORGANIZATIONAL-LEVEL OUTCOMES	AUTHORS
The financial benefits	
„profits and market performance“	Lings & Greenley (2009)
„growth in income“	Rodrigues & Carlos Pinho (2012)
„overall profit“	Fang et al. (2014)
„sales growth“	Yu et al. (2019)
The non-financial benefits	
„customer satisfaction“	Tortosa et al. (2009)
„staff retention“	Yu et al. (2019)
„service quality“	Podnar & Golob (2010)
„brand equity“	Boukis & Christodoulides (2018)
„customer loyalty“	Ozuem et al. (2018)
„innovation team performance“	Gounaris et al. (2020)
„market orientation“	Lings & Greenley (2010)

Source: Authors (according to Qiu et al., 2022, p. 59)

Viewed from a geographical and temporal perspective, according to Musa, Ijaiya and Mustapha (2021) the research on internal marketing over the last decade (in the period 2012-2021) shows 82 articles from 39 countries. A significant number of the articles on internal marketing were published in 2015 in Asia (Taiwan) as well. In this observed period the conceptual articles and internal marketing magnitude as themes were dominated. There are a lack of empirical studies on internal marketing.

5. INTERNAL MARKETING IN THE FINANCIAL SECTOR

Preserving the financial health of the organization denotes the strengthening of its „ability to maintain a dynamic balance in relation to changing external business factors, and at the same time in relation to internal business factors....“ (Čavlin, Đokić, & Miletić, 2022, p. 1 of 12 *ahead of print*). In order to maintain a balance in relation to internal business factors, organizations apply internal marketing. Besides, internal marketing becomes one of the factors of organizational efficiency (Milanović, 2015), especially in the service sector in which the role of the human factor is important (e.g. front-line employees) as well as delivery of high quality service. In this regard, retaining customer-oriented employees is the focus of internal marketing of any organization that applies this concept. The role of managers is crucial, especially the role of supervisors or superiors in motivating their employees as subordinates to adopt a consumer orientation and the importance of delivering high quality service for them.

The financial sector is the most popular sector in the context of internal marketing research (25% of the total studies, Qiu et al, 2022, p. 60), so the financial services are the most attractive among services for researchers. They are followed by hospitality, tourism and education (Qiu et al., 2022).

Selected and analyzed studies on internal marketing in the financial sector in this paper are presented below. The criteria for the selection of the studies were:

(1) that the study tested internal marketing in the financial sector (the financial institutions and organizations, and banks);

(2) that the study was published in the period 2015-2022 (June).

The choice of 2015 as the first year of the observation period is a consequence of a fact that a significant number of articles on internal marketing was published in 2015 (Musa et al., 2021).

An insight into the relevant studies was performed by using the keywords such as *internal marketing, the financial sector* and their combination in Google Scholar base during July 2022.

5.1. Internal marketing studies in the financial sector from countries' and sectors' perspectives

The financial sector includes various financial organizations, among which banks stand out as specific financial organizations or "financial intermediaries" (Miletić & Bingulac, 2013, p. 59).

An overview of the selected studies on internal marketing in the financial sector published in the period 2015-2022 (June) from the sectors' and countries' perspectives is presented in Table 8. In the observed studies on internal marketing the banking organizations (sector) are most often represented, both public and private (see: Table 8).

Table 8: An overview of the selected studies on internal marketing in the financial sector *published in the period 2015-2022 (June) from sectors' and countries' perspectives*

Country /sector	Authors
Nigeria, Abia State, commercial banks	Ahaiwe & Okeke (2020)
Saudi Arabia, banking	Bailey et al. (2016)
Turkey, banking	Beyaz, Güngör, & Kiliçarslan (2021)
India, private banking	Bhavani Devi & Geetha (2016)
Greek, retail banking	Boukis et al. (2015)
Algerian National Bank	Chami & Kaddeche (2021)
Oman, Islamic banking industry	De Bruin et al. (2020)
Iran, Saderat Bank of Iran in Gulian	Haghighikhah, Khadang, & Arabi (2016)
Sri Lanka, banking	Hilal (2018)
Yemen, banking	Ismail & Sheriff (2016)
D. R. Congo, microfinance institutions	Kanyurhi & Akonkwa (2016)
Indonesia, customers of Bank Kalsel Sharia	Maryono, Naili, & Bulan (2020)
Gana, retail banking	Narteh & Odoom (2015)
Bangladesh, banking sector	Saha, Awal, Sadique, & Fouzder (2022)
India, branches of J&K bank, Jammu	Sarangal & Nargota (2017)
The Republic of Serbia (Novi Sad, Belgrade), banking sector	Zdjelarić et al. (2017)
Nigeria, Lagos, banking sector	Yusuf, Chin, Dawei, Xiuli, & Choon (2017)

Source: Authors

From the countries perspective, the observed studies were conducted: in Asian countries, in African countries, and in European countries (Table 8). The financial sector of Asian countries is represented in more than half of the observed studies on internal marketing.

5.2. Internal marketing dimensions in the observed studies on internal marketing in the financial sector

From the perspective of the key dimensions of internal marketing, several dimensions of internal marketing in the financial sector are significant (Kaur & Sharma, 2015, p. 236): physical environment, senior leadership and vision, internal communications, inter-functional coordination, organization structure, organization changes, staffing, training and development, incentive systems, strategic rewards, empowerment.

At the same time, Bailey et al. (2016) argued that a common theme among internal marketing studies in the retail banking and the financial services (e.g. Caruana & Calleya, 1998; Papasolomou & Vrontis, 2006; Ali, 2012; Narteh, 2012; Sahi et al., 2013; Albassami et al., 2015; Preez and Bendixen, 2015 as cited in Bailey et al., 2016) is that internal marketing makes several facets: internal customer, communication, rewards, training and education, employee empowerment.

An overview of the selected studies on internal marketing in the financial sector published in the period 2015-2022 (June) from the internal marketing dimensions' perspective is presented in Table 9.

Table 9: An overview of the selected studies on internal marketing in the financial sector published in the period 2015-2022 (June) from the internal marketing dimensions' perspective

Internal marketing (IM) dimensions/components	Authors
- motivation - training and development	Ahaiwe & Okeke (2020)
- internal communication - rewards - training - employee empowerment	Bailey et al. 2016); the components of IM were adopted by Narteh (2012)
- reward and vision - personal development	Beyaz et al. (2021); the IM scale developed by Money and Foreman (1996), and adapted by Kocaman et al. (2013)
- internal communications - supervisory leadership - intangible benefits - compensation - upward communication	Bhavani Devi & Geetha (2016); the IM scale was adopted from Liao et al. (2004)
-training – service training programs -performance incentives -vision about service excellence	Boukis et al. (2015); the IM scale was adopted from Foreman & Money (1995)
- empowerment - service culture - training - incentives	Chami & Kaddeche (2021)
- internal promotion - internal process - internal purpose	De Bruin et al. (2020)
- empowerment - training - supervisory support - communication - compensation (reward)	Haghighikhah et al. (2016)
- communication - regular staff appraisals - managers' interaction with employees - identification of expectations of employees - assessing the quality of emp.	Hilal (2018)
- development of employees - vision - internal communications - rewards - empowerment	Ismail & Sheriff (2016); the IM scale was adopted from Foreman & Money (1995)
- empowerment - rewards - training - internal communication - recruitment process	Kanyurhi & Akonkwa (2016); the IM scale based on Lings & Greenley (2005)
- seven dimensions (n.d.)	Maryono et al. (2020)
- empowerment - internal communication - reward systems - training - organizational culture - organizational commitment	Narteh & Odoom (2015)
- empowerment - strategic reward - training and development - motivation - effective communication - healthy work environment	Saha et al. (2022)
- training - reward system - communication - informing (3 items, p. 86) - feedback	Sarangal & Nargota (2017); the IM scale was adopted from Awwad & Agti (2011)
- selection, scheduling, design jobs, motivation, career development and educational program - communication with superiors and colleagues - the organizational climate in which employees are satisfied - the organizational climate in which dissatisfaction and fear of dismissal prevail - the organizational climate in which team spirit and good interpersonal relationships prevail - organizational climate in which bad interpersonal relationships prevail	Zdjelarić et al. (2017)
- empowerment - internal communication - reward and recognition - training and development	Yusuf et al. (2017)

Source: Authors

5.3. Internal marketing outcomes in the observed studies on internal marketing in the financial sector

An overview of the selected studies on internal marketing in the financial sector published in the period 2015-2022 (June) from the perspective of internal marketing outcomes is presented in Table 10.

Table 10: An overview of the selected studies on internal marketing in the financial sector published in the period 2015-2022 (June) from the perspective of internal marketing outcomes

Internal marketing outcomes	Authors
- marketing performance	Ahaiwe & Okeke (2020)
- job satisfaction - employees' commitment - organizational identification	Bailey et al. (2016)
- business performance	Beyaz et al. (2021)
- customer oriented behavior - job satisfaction	Bhavani Devi & Geetha (2016)
- empowerment - motivation - organizational identification - perceived service quality	Boukis et al. (2015)
- knowledge sharing	Chami & Kaddeche (2021)
- employees' perceived ability to deliver service quality	De Bruin et al. (2020)
- employees' satisfaction - word of mouth	Haghighikhah et al. (2016)
- work attitudes of employees	Hilal (2018)
- job satisfaction	Ismail & Sheriff (2016)
- job satisfaction - perceived organizational performance	Kanyurhi & Akonkwa (2016)
- customer loyalty - customer satisfaction - relational marketing	Maryono et al. (2020)
- employee loyalty	Narteh & Odoom (2015)
- business performance - relationship quality	Saha et al. (2022)
- job satisfaction	Sarangal et al. (2017)
- job satisfaction	Zdjelarić et al. (2017)
- customer orientation	Yusuf et al. (2017)

Source: Authors

Table 10 shows that most of the studies on internal marketing in banking practice published in the period 2015-2022 (June) test the impact of internal marketing on employees i.e. on job satisfaction, following the studies that test the impact of internal marketing on consumers, on marketing performance, and on organizational performance. The most commonly tested outcomes of internal marketing of the financial organizations are employees' attitudinal outcomes. This is in line with the findings of previous research (e.g. Qiu et al., 2022).

There is a lack of research on the impact of internal marketing on employees and on their behaviors that results from job-related attitudes, especially on customers and organizational performance. This is also in line with the findings of previous research (e.g. Qiu et al., 2022).

5.4. Internal marketing measures in the observed studies on internal marketing in the financial sector

An overview of the selected studies on internal marketing in the financial sector published in the period 2015-2022 (June) from the perspective of internal marketing measures is presented in Table 11.

Table 11: An overview of the selected studies on internal marketing in the financial sector published in the period 2015-2022 (June) from the perspective of internal marketing measures

Internal marketing measures	Author(s)
a global measure of internal marketing	Bailey et al. (2016) Boukis et al. (2015) Haghighikhah et al. (2016) Ismail & Sheriff (2016) Kanyurhi & Akonkwa (2016) Maryono et al. (2020) Sarangal &Nargota (2017) Yusuf et al. (2017)
an individual measure of internal marketing*	Ahaiwe & Okeke (2020) Beyaz et al. (2021) De Bruin et al. (2020) Hilal (2018) Zdjelarić et al. (2017)
both global and individual measures of internal marketing dimensions	Bhavani Devi & Geetha (2016) Chami & Kaddeche (2021) Narteh & Odoom (2015) Saha et al. (2022)
*internal marketing dimensions were studied individually	

Source: Authors

The global measure of internal marketing prevails in testing its role and impact in the financial service.

5.5. The results of the observed studies on internal marketing in the financial sector

Bailey et al. (2016) confirmed that there is a direct effect of internal marketing on job satisfaction and employees' commitment to the Saudi Arabian bank. Besides, internal marketing affects organizational (bank) identification of employees mediating by their job satisfaction and commitment to the bank. Bailley et al. (2016, p. 833) concluded that „a comprehensive internal marketing process is important for Saudi Arabian bank employee relationships". The role of internal audiences and internal marketing outcomes (e.g. job satisfaction) could impact external relationships of the Saudi Arabian bank.

In their study, Boukis et al. (2015) confirmed that there is a positive relationship between managers' perceptions of internal marketing and individuals' (employees') perceptions of internal marketing. In this regard, managers' perceptions of internal marketing influence the level of motivation of front-line employees, their empowerment and identification with organization. At the same time, individuals' perceptions of internal marketing are positively related to employees' identification with organization, their motivation and empowerment. Finally, it was confirmed that motivation, empowerment and organizational identification of front-line employees are predictors of perceived service quality. So, employees' attitudes (as the outcome of internal marketing) can drive employees' behaviour (as the outcome of internal marketing) and consequently organizational-level outcomes of internal marketing (e.g. retail banking of Greek).

Beyaz et al. (2021) found that reward and vision, and personal development have a positive direct effect on business performance of organizations operating in banking sector in Turkey (banks' branches; central Erzurum and Oltu district). Market-oriented approach of banks, also, has a positive effect on business performance of banks. From the dimensions of internal marketing perspective, personnel development as the dimension of internal marketing contributes to the marketing orientation of banks - competitor orientation of employees, customer-oriented employees, and inter-functional coordination. At the same time, reward and vision contribute to competitor orientation of employees as well as inter-functional coordination. However, reward and vision do not contribute to customer-oriented employees. Beyaz et al. (2021) concluded that organizations operating in the banking sector should attach importance to activities and programs of internal marketing, and market-oriented strategies in order to achieve a competitive advantage.

Bhavani Devi and Geetha (2016) found that there is the positive and direct effect of internal marketing perception on customer-oriented behaviour of employees in Indian private banks. Also, perceptions of internal marketing indirectly influence customer-oriented behavior of employees through its impact on job satisfaction. Intangible benefits as the internal marketing dimension are the most correlated with customer-oriented behaviour of employees as well as with job satisfaction. Upward communication is least correlated with job satisfaction. Compensation is least correlated with customer-oriented behaviour of employees.

A positive correlation was found between internal marketing and job satisfaction of employees, as well as a positive correlation between job satisfaction and engagement of employees at J&K Bank in India (Sarangal & Nargota, 2017).

The results of the study by Chami & Kaddeche (2021) showed that internal marketing impact knowledge sharing. Also, the results showed that all dimensions of internal marketing affect knowledge sharing at different levels. Empowerment and incentives are the most influential internal marketing dimensions regarding the improvement of knowledge sharing in Algerian National Bank.

Internal marketing practice i.e. "internal promotion, internal process and internal purpose are enablers of employees' perceived ability to deliver service quality in the Islamic banking

industry of Oman" (De Bruin et al., 2020, p. 199). Besides, the quality of service has a strong positive effect on perceived customer satisfaction in these banks (De Bruin et al., 2020).

According to Haghighikhah et al. (2016), the satisfaction of employees in Iranian bank – "Saderat Bank of Iran" is explained by internal marketing of the bank. Also, word of mouth in this bank is explained by satisfaction of employees and internal marketing of the bank.

Hilal (2018) found that there is the positive relationship between formal and informal communication regarding practice of internal marketing, and the work attitude of employees in the banking industry of Sri Lanka. Besides, "regular staff appraisals, managers' interaction with employees, identification of expectations of employees and assessing the quality of employment are important for the employees in the banking industry" (Hilal, 2018, p. 122). According to Hilal (2018), understanding the requirements of employees by their managers, especially during their work, as well as their feelings about their job and finally identification of employees working abnormally are also very important for employees in the banking.

Ismail and Sheriff (2015) proposed an internal marketing model and found that the model (28 items i.e. five multi-item factors, see Table 9) is satisfactory. Applying this model, Ismail and Sheriff (2016) found that internal marketing has a significant positive relationship with job satisfaction of employees in the banking sector in Yemen.

Testing the effect of internal marketing on job satisfaction on employees and organizational performance in microfinance institutions in Congo showed that there is a positive, direct and significant effect of internal marketing on job satisfaction of employees. Besides, internal marketing practice and (perceived) organizational performance are positively correlated (Kanyurhi & Akonkwa, 2016).

It is found that internal marketing significantly affects customer satisfaction and customer loyalty, as well as relational marketing in Bank Kalsel in Indonesia (Maryono et al., 2020).

Internal marketing and its dimensions – internal communication, reward systems, training, empowerment of employees, and organizational commitment of employees affect employees' loyalty and is significantly associated with it in Gana's retail banking sector. Besides, organizational culture as the internal marketing dimension is not significantly associated with loyalty of employees (Narteh & Odoom, 2015).

Dimensions of internal marketing (motivation and training) affect banks' marketing performance i.e. market share and profitability in commercial banks in Albia – Nigeria (Ahaiwe & Okeke, 2020). In addition, internal marketing has a significant effect on customer orientation of employees in banks in Nigeria. Therefore, "the bank management should take into cognizance the roles played by employees thereby putting all effort in place to increase job satisfaction" (Yusuf et al., 2017, p. 9055).

The results of research conducted in banking sector in Bangladesh showed that internal marketing and all its dimensions are positively correlated with bank business performance. Also, this influence is achieved through relationship quality. The relationship between empowerment and business performance is the strongest compared to the relationship between other dimensions of internal marketing and business performance (Saha et al., 2022).

The importance of internal marketing for the job satisfaction of employees in banks in Serbia is also confirmed (Zdjelarić et al., 2017). "All factors of key internal marketing activities are statistically significantly related to satisfaction of employees" (Zdjelarić et al., 2017, p. 12).

CONCLUSION

Although there is the rapid growth in literature on internal marketing, the concept is still not unique, so „..this theoretical advancement has not been able to empirically strengthen the concept" (Kaur & Sharma 2015, p. 236). There is disagreement on internal marketing definition and internal marketing approaches. In this regard, Qiu et al. (2022, p. 64) note that

„There is no standardized way of defining and conceptualizing IM" i.e. internal marketing.

Previous studies (e.g. Kaur & Sharma 2015; Qiu et al., 2022) showed that there is disagreement on the internal marketing dimensions/components and internal marketing outcomes. Internal marketing affects external results such as an improved perception of service quality by customers. However, studies on the impact of internal marketing on external customers and on other organizational outcomes, compared to studies on the impact of internal marketing on employees-level are more modest.This theme needs further theoretical and empirical discussion.

Internal marketing is important for all organizations, especially for organizations operating in a people intensive industry such as the financial sector. Therefore, previous empirical studies are focused on internal marketing in the financial sector i.e. the financial service organizations. In this regard, this paper presents and analyzes empirical studies on internal marketing in the financial sector published in the period 2015-2022 (June).

The findings of this paper show that the public and private banking sector is most represented in the observed internal marketing studies published in the period 2015-2022 (June). Besides, the financial sector of the Asian countries is represented in more than half of the observed studies on internal marketing.

The internal marketing scales based on the adapted scales from Narteh (2012), Money & Foreman (1996), and Foreman and Money, (1995) were mainly used in the presented studies. The internal marketing dimensions that are most represented in the tested models are (internal) communication, training and development, rewards and other types of compensations, and employees' empowerment.

The results of the observed studies on internal marketing in the financial sector show that internal marketing influences many employee-level outcomes especially job satisfaction. There is a lack of empirical studies on customer-level outcomes of internal marketing and other organizational-level outcomes of internal marketing in the financial sector. Besides, the global measure of internal marketing prevails in testing its role and impact in the financial service organizations.

This paper can contribute to the corpus of knowledge on internal marketing and its role in the financial sector and financial service organizations. It can be useful for managers of the organizations operating in the financial sector. In addition, this paper can encourage managers to pay more attention to adopting the philosophy of internal marketing.

In general, there is insufficient understanding of internal marketing and its role in the organizationsal practice. The awareness of managers and employees about the need to implement and adopt internal marketing does not seem to be at a satisfactory level. According to presented results of previous studies in the field of internal marketing in the financial sector, it is thought that banks and other financial institutions and organizations should attach importance to programs of internal marketing, market-oriented strategies to take competitive advantage in the complex competitive environment. Customer perceived service quality is still of high importance in retail business banking. in this regard, it is necessary to continue examining the impact of internal marketing practices on customer perceived service quality and on other financial performance.

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E-COMMERCE PHYSICAL LAYER SECURITY: PERFORMANCE ANALYSIS OF EAVESDROPPER ATTACK IN WIRELESS NETWORKS

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***Abstract**: The evolution of technology and the internet led to the opening of infinite ways to engage with consumers worldwide. The idea of everything taking place online is now applicable for the finance and banking sector as well. The system of online wallets and e-transactions have become very common as a mode of payment. But handling money on a network is also dangerous as hackers may break into the firewall. The security wireless communication in e-commerce has received extensive attention recently. This paper offers an analytical framework to investigate the eavesdropping attacks over wireless communication link. Eavesdropping attack, as one of typical security threats in wireless communication systems, has attracted considerable attention. We will observe the physical layer security of an arbitrarily dimensioned wireless network in the presence of an unauthorized attacker. In this paper, we will explain different models of eavesdropping and attacks. Also, we will consider basic performance of the system such are secrecy outage probability (SOP), strictly positive secrecy capacity (SPSC) and average secrecy capacity (ASC) based on a probability density function (PDF) and specific cumulative distribution function (CDF).*

***Kezwords:** e-commerce; physical layer security; intercept probability; secrecy capacity*

***JEl Klasification:** M1, M15, L86, H56*

1. INTRODUCTION

The development of the Internet, smartphones and applications has significantly influenced the change in people's consciousness. In order to get the desired information, schedule a vacation, make a purchase or access entertainment content, it only takes one click. Large IT companies and internet providers have enabled us to get everything immediately, without thinking about the potential risks and problems we might encounter[1]. Although from the point of view of end users the use of services seems fast and simple, IT companies and Internet providers face various challenges every day that they have to solve in order to provide the best quality of service[2].

The development of IT technologies has also changed the way companies operate. The possibility of paying by card, electronic transfer of money from account to account, shopping and paying over the Internet are just some of the advantages made possible by using IT technologies. This especially applies to e-commerce,

where online transactions are carried out between the customers and vendors on a daily basis[3].

The biggest challenge that e-commerce faces is the problem of security. When conducting transactions, exchanging data between customers and vendors, there is a risk of potential attack. For example, the eBay database hack – in which personal details belonging to 145 million users were stolen – is probably one of the biggest attack on e-commerce system. In order to ensure security during e-commerce, special attention is focused on threat analysis and threat protection. The first step in protection against threats is the analysis of hardware, software, networks, but also employees of companies who have access to sensitive data[4], [5].

Hardware devices do not mean only devices that access e-commerce applications (mobile devices, client computers, etc.), but also devices that are used for network traffic routing (routers, switches, servers). The development of various web and mobile applications used by both customers and vendors is also part of e-commerce protection. Licensed operating systems, licensed software, reliable web servers software are excellent choices for avoiding attacks. As data exchange and transactions are carried over the network, it is very important to monitor who is accessing those networks. Company employees have access that they can abuse or simply, due to carelessness, they can compromise sensitive data. Although the term network most often refers only to the Internet and/or communication between client and employer and/or communication between software when collecting and storing data in a database, communication and data transmission via wireless networks is often overlooked[6]–[9].

In this paper, we will consider the physical layer security of wireless network in the presence of an unauthorized attacker. We will present various scheduling schemes in order to enhance the secure transmission of reliable links impaired by generalized fading channels. Also, we will consider basic performance of the system such are secrecy outage probability (SOP), strictly positive secrecy capacity (SPSC) and average secrecy capacity (ASC) based on a probability density function (PDF) specific cumulative distribution function (CDF) and well knowns definitions from theory of information.

The work is organized in the following way. InIntroduction section importance of IT technologies in e-commerce is presented. A basic analysis of threats and protection against threats is given. The motivation and results that will be discussed are highlighted.

In Literature review section, an overview of published scientific works dealing with the analysis of security in e-commerce is given. Models of protection against threats and attacks are presented in more detail.

In the System model section, different models of wireless communication systems and eavesdropping attack models are explained.

In the Performance analysis section, basic performance measures such as secrecy outage probability (SOP), strictly positive secrecy capacity (SPSC) and average secrecy capacity (ASC), are theoretically explained and mathematically defined.

In the Results section, the results obtained in the previous section are graphically presented.

2. LITERATURE REVIEW

In this chapter, we will present different studies related to different types of protection against threats, attacks and eavesdropping.

In his study, Singh [10]primarily emphasized the protection of applications throughauthentication, integrity, non-repudiation, access control and availability. Furthermore, in his study he presented basic security threats. Table 1 presents the security functions and their purpose.

Badotra and Sundas[11]in their study show how to ensure security. They proposed several ways such as encryption, digital signature and digital certificates. They paid special attention to cyber-attack where they singled out: Financial fraud attack, Brute force attack, Bot

attack, Spam attack, Cross-site scripting (XSS) attack, Trojan horses attack, Malware attack, Phishing attack, DDoS attack and SQL injection attack.

Table 1. Security functions

No	Function	Explanation
1.	Authentication	Aims to detect masquerade. Provides assurance that a communicating entity is the one that it claims to be.
2.	Integrity	Aims to detect modification and replay. Provides assurance that data received are exactly as sent by the sender.
3.	Non repudiation	Provides protection against denial by one entity involved in a communication of having participated in all or part of the communication. Two basic types: non-repudiation of origin and non-repudiation of delivery.
4.	Access control	Aims to prevent unauthorized access to resources.
5.	Availability	Should be available to authorized user whenever they need it over the network.

Dijesh, Babu and Vijayalakshmi[12]based their study on enhancement of e-commerce security through asymmetric key algorithm. They are represented two different algorithms: Fernet cipher algorithm and RSA algorithm. Both of these algorithms are based on encryption and decryption with the help of private and public key of receiver and sender.

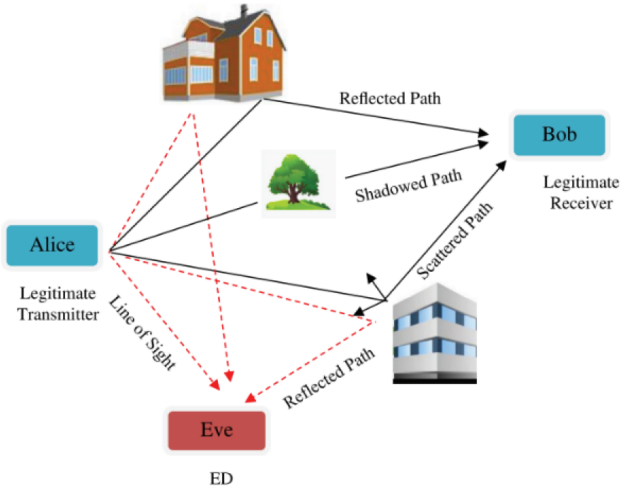
The security of the physical layer is also very important in e-commerce because data is most often transmitted via wireless networks. As data is transmitted through the medium, it is exposed to various effects that can affect its quality, reliability and security [13]. The influence of fading, shadow effect, scattering, signal blocking, atmospheric conditions degrade the transmitted information and thus enable attackers and eavesdroppers to intercept it. In order to make the transmission of information safe, various measures have been proposed that indicate the security of the system, such as ASC, SPSC and SOP which have been investigated in [14]–[17].

By considering these performances, attacks can be proactively prevented. The attack can be active or passive. In case of passive attack, attacker attempts to learn or make use of information from the system but does not affect system resources. In case of active attack, attacker attempts to alter system resources or affect their operation.

Various data transmission systems have been investigated in the literature. Traditional radio frequency (RF) systems are investigated in[18]–[21], while modern Free Space Optic (FSO) systems are investigated in[22]–[29].

3. SYSTEM MODEL

Analysis of physical layer security performance depends on the system model we are considering. If we consider a system model where information is transmitted by an RF signal that is influenced by fading, scattering and the shadow effect, the system model can be shown as in Figure 1[16].

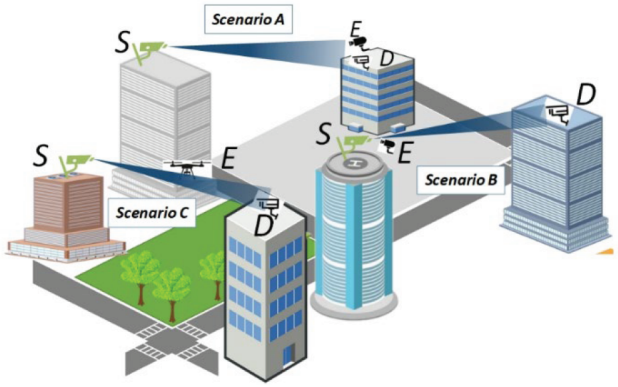


Source: Reference [16]

Fig. 1. RF system model with wiretap

On the other hand, we can consider the system model shown in [25] where we have three different scenarios depending on the position of the eavesdroppers shown in Figure 2. As you can see from the picture, the first scenario (A) considers the case when the eavesdropper is near the legitimate receiver. The second

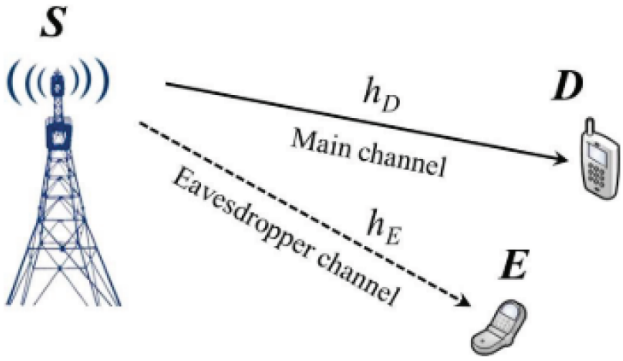
scenario (B) considers the case when the eavesdropper is near the legitimate transmitter. The third scenario (C) considers the case when the eavesdropper is far from both the legitimate transmitter and the legitimate receiver. For all three cases, information is transmitted through the FSO signal.



Source: Reference [25]

Fig 2. Different PLS scenarios for FSO communications

In this paper, we will consider the system model shown in Figure 3 [22].



Source: Reference [22]

Fig 3. The wireless communication network with direct and eavesdropper link

The main path of communication takes place between the transmitter (S) and the legitimate receiver (D) while the eavesdropper (E) tries to intercept the classified information through the eavesdropping channel. The direct link between (S) and (D) as well as the link of eavesdroppers (S) and (E) can be independent or correlated. In our case, we will consider independentchannels. Received signals for legitimate receiver (D) and eavesdropper(E), can be expressed as [22]:

$$\begin{aligned} y_D &= h_D x + z_D \\ y_E &= h_E x + z_E \end{aligned} \tag{1}$$

where x represents transmitted signal, h_D and h_E represents fading channel of direct link and eavesdropper link and z_D and z_E represents AWGN for direct link and eavesdropper link, respectively. Various statistical fading distributions can be used for channel modeling. In this paper, we use the general Málaga distribution described in [30], [31].

4. PERFORMANCE ANALYSIS

Insight into the measures of the system performance enables us to analyze and predict the behavior of that system.

We have already said that safe and secure transmission of information is of great importance for e-commerce. If the information is transmitted from the transmitter to the legitimate receiver and the eavesdropper does not have access to that information, then we define a measure called average secrecy capacity defined as [24], [25], [32]:

$$C_S(\gamma_D, \gamma_E) = \left[\ln(1+\gamma_D) - \ln(1+\gamma_E), 0\right]^+ \tag{2}$$

where γ_D and γ_E represents instantaneous received SNR of legitime receiver and eavesdropper, respectively. To calculate ASC, equation (2) can be written:

$$\begin{aligned} C_S = &\int_0^\infty \ln(1+\gamma_D) f_{\gamma_D}(\gamma_D) F_{\gamma_E}(\gamma_D) d_{\gamma_D} \\ &+ \int_0^\infty \ln(1+\gamma_E) f_{\gamma_E}(\gamma_E) F_{\gamma_D}(\gamma_E) d_{\gamma_E} \\ &- \int_0^\infty \ln(1+\gamma_E) f_{\gamma_E}(\gamma_E) d_{\gamma_E} \end{aligned} \tag{3}$$

$f_{\gamma D}(\gamma_D)$ and $f_{\gamma E}(\gamma_E)$ represents PDF of fading channel for direct link and eavesdropper link and $F_{\gamma E}(\gamma_D)$ and $F_{\gamma D}(\gamma_E)$ represents CDF for direct link and eavesdropper link, respectively.

Probability that the instantaneous secrecy capacity is below given threshold rate R_S represents secrecy outage probability and can be defined as [33]:

$$SOP = \Pr\left[C_S\left(\gamma_D, \gamma_E\right) \le R_S\right] \quad (4)$$

or

$$SOP = \int_0^{\infty} f_{\gamma_E}\left(\gamma_E\right)\left(\int_0^{(1+\gamma_E)\theta-1} f_{\gamma_D}\left(\gamma_D\right) d_{\gamma_D}\right) d_{\gamma_E} \quad (5)$$

The strictly positive secrecy capacity (SPSC) is the probability that the secrecy capacity is always greater than the zero[34].

$$SPSC = \Pr\left[C_S\left(\gamma_D, \gamma_E\right) > 0\right] \quad (6)$$

or

$$SPSC = \int_0^{\infty}\int_0^{\gamma_D-1} f_{\gamma_D}\left(\gamma_D\right) d_{\gamma_D} f_{\gamma_E}\left(\gamma_E\right) d_{\gamma_E} \quad (7)$$

5. RESULTS

In this section we presents graphically results obtained from equations (3), (5) and (7). The parameter values used to obtain the results are defined in the paper [31] for the case when we consider moderate atmospheric turbulence for the Málaga model and the pointing error between the transmitter and the receiver is negligible.

Figure 4 depicts average secrecy capacity versus electrical SNR of legitimate receiver for different values of electrical SNR of eavesdropper.

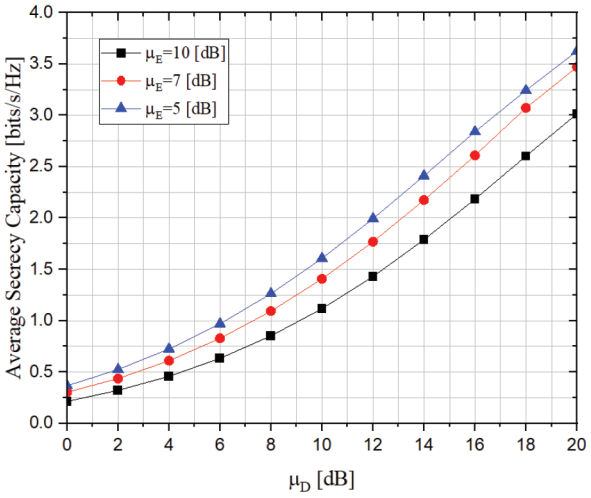


Fig. 4. Average secrecy capacity

With the increase in the electrical SNR level of the legitimate receiver μ_D, the secret capacity of the channel also increases. Also, with a decrease in the level of the electrical SNR of the eavesdropper μ_D, the secret capacity of the channel increases. As the electrical SNR represents the level between signal and noise, it is logical that a lower level of the electrical SNR of the eavesdropper automatically means a greater secret capacity. For example, if we consider an electrical SNR level of a legitimate receiver μ_D=12[dB], we achieve a secrecy capacity of 12[$bits/s/Hz$] for μ_E=5[dB], 1.75[$bits/s/Hz$] for μ_E=7[dB], and 1.5[$bits/s/Hz$] for μ_E=10[dB].

Figure 5 depicts secrecy outage probability versus electrical SNR of legitimate receiver for different values of electrical SNR of eavesdropper.

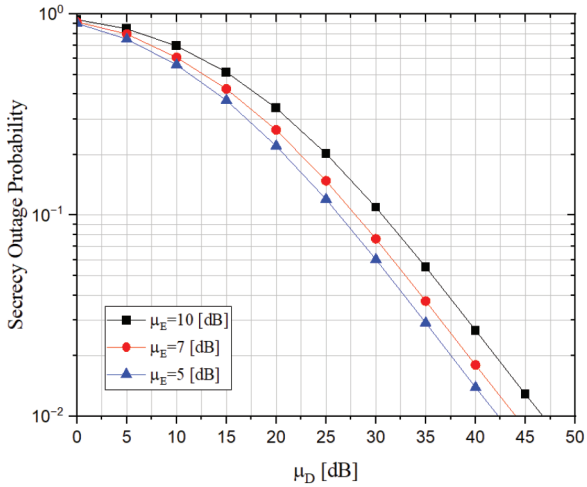


Fig. 5. Secrecy outage probability

Similar conclusions can be made from Figure 5. With the increase in the electrical SNR level of the legitimate receiver μ_D, the secret outage probability of the channel decreases. Also, with a decrease in the level of the electrical SNR of the eavesdropper μ_D, the secret capacity of the channel decreases. The probability that the instantaneous secrecy capacity is below the threshold rate decreases with the increase in the signal quality of the legitimate receiver.

Figure 6 shows strictly positive secrecy capacity versus electrical SNR of legitimate receiver for different values of electrical SNR of eavesdropper.

With the increase in the electrical SNR level of the legitimate receiver μ_D, strictly positive secrecy capacity also increases. Also, with a decrease in the level of the electrical SNR of

the eavesdropper μ_D, strictly positive secrecy capacity increases.

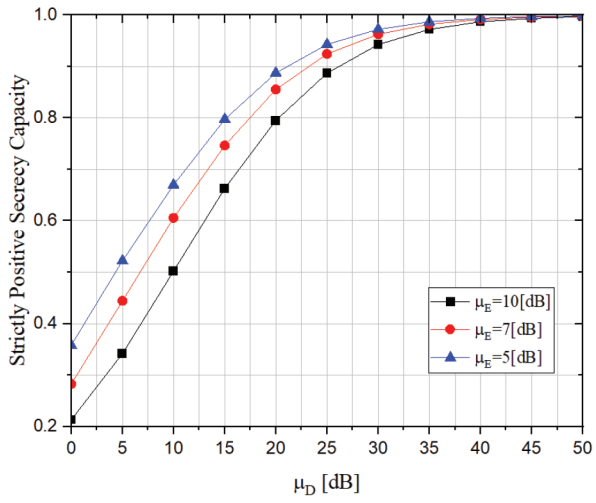


Fig. 6. Strictly positive secrecy capacity

6. CONCLUSION

The development of IT technologies led to the development of e-commerce. The exchange of sensitive data and money that takes place is subject to various threats and attacks.

The paper reviews the most common methods of attacks on software, hardware and networks used in e-commerce, as well as solutions to protect against these threats.

The main goal of this work was the security of the physical layer when exchanging information using wireless communication systems in presence of eavesdropper. Performance measures have been considered for such a system, through which we can prevent potential attacks and threats. From the obtained results, we saw that the average secrecy capacity, strictly positive secrecy capacity and secrecy outage probabilityhave better performance with the increase in the quality of the received signal on the legitimate receiver.

The influence of the quality of the received eavesdropping signal is also shown. If the eavesdropper has a better received signal quality, there are greater chances of intercepting the information being transmitted.

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INNOVATIVE SMEs AND SUSTAINABLE DEVELOPMENT PRACTICES

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Abstract: *Sustainable development practices can help innovative small and medium enterprises (SMEs) to reach a growing number of consumers, as 50% of the growth of consumer packaged goods (between 2013 and 2018) was tied to sustainability-marketed products (New York University Stern study), while 70% of shoppers, driven by sustainability, would actually spend 35% more for environmentally-responsible purchases, according to IBM study. Circular economy principles, Life Cycle Assessment (LCA) and 17 United Nations Sustainable Development Goals (No Poverty, Zero Hunger, Good Health and Well-being, Quality Education, Gender Equality, Clean Water and Sanitation, Affordable and Clean Energy, Decent Work and Economic Growth, Industry, Innovation and Infrastructure, Reduced Inequality, Sustainable Cities and Communities, Responsible Consumption and Production, Climate Action, Life below Water, Life on Land, Peace, Justice and Strong Institutions, and Partnerships for the Goals) can highlight environmental hotspots in the small and medium businesses' value chain, and offer the mitigation options to reduce environmental impact and boost cost-efficiency.*

Keywords: *circular economy; life cycle assessment; sustainable development*

JEL classification: *Q01, Q10, Q50*

1. INTRODUCTION

According to United Nations (UN) forecasts, by 2030 approximately 700 million people will most probably be displaced due to intense water scarcity (UNICEF, 2022). Also, by 2030, human pressure on the Earth's ecosystem might be 100% higher in comparison with what nature can replenish (EC, 2022).

The global economy depends on the extraction of around 90 billion tons of natural resources annually, or more than 12 tons for each person on earth (WEF, 2022).

Approximately 62 percent of CEOs believe that sustainability strategy has to be competitive today, and another 22 percent believe that it will be required in the future (IMD, 2022).

According to the FAO, 1.3 billion tonnes of food are lost or wasted annually, or one-third of all food produced (FAO, 2022), while the EU generates 88 million tonnes of food waste each year, with corresponding expenses of about 143 billion euros (FUSIONS, 2022).

Since globally, food loss and waste produce 4.4 GtCO2 eq annually, or 8% of all anthropogenic GHG emissions (FAO, 2022; JRC, 2022),

it can be concluded that a significant reduction in the demand on natural resources could be achieved by avoiding the cultivation of surplus food that is wasted.

2. CIRCULAR ECONOMY, LIFE CYCLE ASSESSMENT AND SOCIAL RESPONSIBILITY

2.1. Circular economy

Products in a linear economy are designed to last just a single lifetime and to be discarded after the use. On the other hand, circular economy promotes utilizing renewable resources, recycled materials, using products for as long as you can, and incorporating circularity at every stage of the value chain by using the waste from one industry as a resource for another (Ellen MacArthur Foundation, 2022; PRé, 2022).

Utilizing recycled or reused materials and extending the product life are key components of the circular economy, which add value for businesses, the economy, and the entire society. Reusing components, however, could necessitate additional transportation for collection, while using recycled materials might reduce a product's lifetime (Ellen MacArthur Foundation, 2022; PRé, 2022).

2.2. Life Cycle Assessment

LCA is a science-based tool for assessing a product's environmental impact across its entire life cycle. The environmental effects of recycling, reuse, and other end-of-life recovery strategies can be assessed using LCA. Combining the LCA technique with the circular economy principles allows organizations, particularly small actors like startups, innovative SMEs, and municipalities, to compare circular strategies and analyze environmental performance (PRé, 2022).

LCA is analysing the environmental impact of products including all stages in their life cycle, from the extraction of raw materials, production, distribution, use to their disposal - end-of-life (even in the case of recycling or reuse)(PRé, 2022).

LCA indicates hotspots in the production chain, identifies the possibility of reducing environmental impact while increasing effectiveness and profitability, and helps innovative SMEs in choosing the most sustainable suppliers, while on the other hand consumers can learn how sustainable a product is. According to the standards ISO 14040 and 14044 the four main phases of an LCA are goal and scope definition, inventory analysis, impact assessment, and interpretation (ISO 14040:2006, 2006; ISO 14044:2006, 2006).

2.3. Social responsibility

Social responsibility is directing the organization's actions toward society and the environment, towards adopting ethical and honest behavior, while taking into account what stakeholders are expecting. The organization as a whole has to be committed to social responsibility, as the concept of social responsibility is used at different administrative levels (ISO 26000:2010, 2010).

By taking into account issues related to the environment, people, and profit to sustain a competitive advantage, as well as satiate present demands while maintaining capacity for future demands, social responsibility and sustainable development practices can help innovative SMEs to reach a growing number of consumers (50% of the growth of consumer packaged goods (between 2013 and 2018) was tied to sustainability-marketed products (NYU Stern School of Business, 2022), while 70% of shoppers, driven by sustainability, would actually spend 35% more for environmentally-responsible purchases (IBM, 2022)).

3. UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS (UN SDGs)

Circular economy principles, Life Cycle Assessment (LCA) and 17 United Nations Sustainable Development Goals (UN SDG 1 - No Poverty, UN SDG 2 - Zero Hunger, UN SDG 3 - Good Health and Well-being, UN SDG 4 - Quality Education, UN SDG 5 - Gender Equality, UN SDG 6 - Clean Water

and Sanitation, UN SDG 7 - Affordable and Clean Energy, UN SDG 8 - Decent Work and Economic Growth, UN SDG 9 - Industry, Innovation and Infrastructure, UN SDG 10 - Reduced Inequality, UN SDG 11 - Sustainable Cities and Communities, UN SDG 12 - Responsible Consumption and Production, UN SDG 13 - Climate Action, UN SDG 14 - Life below Water, UN SDG 15 - Life on Land, UN SDG 16 - Peace, Justice and Strong Institutions, and UN SDG 17 - Partnerships for the Goals) (UN SDGs, 2022) (Fig. 2) can highlight environmental hotspots in the small and medium businesses' value chain, and offer the mitigation options to reduce environmental impact and boost cost-efficiency, as well as significantly raise their competitiveness, which is crucial for successful business (Škunca et al., 2019; Škunca, 2015).

Fig. 1. 17 United Nations Sustainable Development Goals (source: UN SDGs, 2022).

Table 1. UN SDGs related to water scarcity and food waste

UN SDGs related to water scarcity and food waste	
UN SDG 2	Zero hunger
UN SDG 6	Clean water and sanitation
UN SDG 12	Responsible consumption and production
UN SDG 13	Climate action
UN SDG 14	Life below water
UN SDG 15	Life on land

Source: Authors (according to UN SDGs, 2022)

Targets of the UN SDGs related to water scarcity and food waste (UN SDG 2 - Zero Hunger, UN SDG 6 - Clean Water and Sanitation, UN SDG 12 - Responsible Consumption and Production, UN SDG 13 - Climate Action, UN SDG 14 - Life below Water, UN SDG 15 - Life on Land) can significantly help innovative SMEs to focus their efforts in the domain of the sustainable development (Table 1).

3.1. UN SDG 2 – Zero hunger

The United Nations has connected Sustainable Development Goal 2 - Zero hunger targets to ending hunger and all forms of malnutrition by 2030, and ensuring that everyone has access to nutritious and sufficient food. There is a need to double agricultural production and small-scale food producers' incomes by the year 2030, through providing them with productive resources and inputs, expertise, financial services, markets, as well as secure, equal access to land (UN SDG 2, 2022).

The sustainable food production systems should be established, while the support is needed for resilient agricultural practices that boost productivity and production, ecosystem preservation, adaptation to climate change, extreme weather, drought, flooding, and progressive improvement of land and soil quality. In order to increase agricultural productivity and capacity in the least developed nations, the investments should be increased in the area of rural infrastructure, agricultural research and extension services, and technology development, through improved international cooperation (UN SDG 2, 2022).

Fig. 2. UN SDGs 2 – Zero hunger (source: UN SDG 2, 2022)

Innovative SMEs which can prove their dedication to the UN SDG 2 - Zero Hunger are showcasing this goal (Fig. 2) on their website

as a proof of implementation of sustainable development practices in this area.

3.2. UN SDG 6 – Clean water and sanitation

The United Nations has connected Sustainable Development Goal 6 - Clean water and sanitation targets to ensuring that everyone has equitable access to clean, inexpensive drinking water, to reducing pollution, limiting the release of hazardous chemicals and materials, cutting the percentage of untreated wastewater in half, and significantly increasing recycling and safe reuse globally by the year 2030. There is a need to significantly increase water use efficiency across all sectors by 2030, ensure sustainable freshwater withdrawals and supplies to manage water shortage, and lower number of people that could be affected by the water scarcity. By the year 2030 integrated water resources management should be implemented, and collaboration on the global level and assistance for capacity-building to developing nations for projects and initiatives linked to water and sanitation should be increased. The local community involvement in upgrading water and sanitation management should also be supported and increased (UN SDG 6, 2022).

Innovative SMEs which can prove their dedication to the UN SDG 6 – Clean water and sanitation are showcasing this goal (Fig. 3) on their website as a proof of implementation of sustainable development practices in this area.

Fig. 3. UN SDGs 6 – Clean water and sanitation (source: UN SDG 6, 2022)

3.3. UN SDG 12 – Responsible consumption and production

The United Nations has connected Sustainable Development Goal 12 - Responsible consumption and production targets to implementation of the sustainable natural resources' management and their effective usage. In addition, food losses along production and supply chains, including post-harvest losses, should be reduced and per capita global food waste at the retail and consumer levels should be halved by 2030. Management of chemicals and all wastes throughout their life cycles, in line with the environmental rules, minimizes the negative effects on human health and the environment. In addition, it can accomplish and drastically reduce their release to air, water, and soil. By the year 2030 there is a need to substantially reduce waste generation through practicing waste prevention, reduction, recycling, and reuse. Businesses should be encouraged to implement sustainable practices and to incorporate sustainability information into their reporting cycle. Developing nations should be supported in enhancing their technological and scientific capabilities to adopt more sustainable production and consumption patterns (UN SDG 12, 2022).

Innovative SMEs which can prove their dedication to the UN SDG 12 – Responsible consumption and production are showcasing this goal (Fig. 4) on their website as a proof of implementation of sustainable development practices in this area.

Fig. 4. UN SDGs 12 – Responsible consumption and production (source: UN SDG 12, 2022)

3.4. UN SDG 13 – Climate action

The United Nations has connected Sustainable Development Goal 13 - Climate action targets to boosting global adaptability and resistance to climate-related dangers and natural disasters. There is a need to include climate change mitigation measures in planning, strategy, and policies, enhance education, awareness-raising, and institutional and human capacity for climate change impact reduction, early warning, and adaptation. In addition, the least developed countries' capacity for efficient planning and management of climate change should be supported and increased (UN SDG 13, 2022).

Innovative SMEs which can prove their dedication to the UN SDG 13 – Climate action are showcasing this goal (Fig. 5) on their website as a proof of implementation of sustainable development practices in this area.

Fig. 5. UN SDGs 13 – Climate action (source: UN SDG 13, 2022)

3.5. UN SDG 14 – Life below water

The United Nations has connected Sustainable Development Goal 14 - Life below water targets to preventing and drastically reducing all forms of marine pollution, particularly the pollution caused by land-based activities, by 2025. There is a need to increase the economic advantages from the sustainable use of marine resources, especially through sustainable management of fisheries, aquaculture, and tourism, by 2030, as well as to reduce the effects of ocean acidification, by implementing advanced scientific collaboration on all levels. In order to enhance ocean health and the contribution of marine biodiversity, it is important to upgrade scientific knowledge and research capacity, as well as transfer marine technology (UN SDG 14, 2022).

Innovative SMEs which can prove their dedication to the UN SDG 14 – Life below water are showcasing this goal (Fig. 6) on their website as a proof of implementation of sustainable development practices in this area.

Fig. 6. UN SDGs 14 – Life below water (source: UN SDG 14, 2022)

3.6. UN SDG 15 – Life on land

The United Nations has connected Sustainable Development Goal 15 - Life on land targets to fighting desertification, restoring degraded land and soil and working toward a land degradation-neutral world by the year 2030. In addition, there is a need to accomplish preservation of the mountain ecosystems, especially their biodiversity, and to increase their ability to deliver advantages that are crucial for sustainable development. There is a need to mobilize and significantly increase financial resources from all sources to conserve and sustainably use ecosystems, as well as to mobilize significant resources for sustainable forest management (including for conservation and reforestation) and to provide adequate incentives to developing countries to advance such management (UN SDG 15, 2022).

Innovative SMEs which can prove their dedication to the UN SDG 15 – Life on land are showcasing this goal (Fig. 7) on their website as a proof of implementation of sustainable development practices in this area.

Fig. 7. UN SDGs 15 – Life on land (source: UN SDG 15, 2022)

4. SUSTAINABILITY IN INNOVATIVE BUSINESS – SUCCESS STORY

OLIO app (over 6 million users) is building and fostering connections in local communities, as people are providing food to their neighbours who need it. Surplus food may be donated by individuals or businesses (food retailers, restaurants, and corporate canteens), and volunteers collect the food and hand it out to those in need. In this way, more than 57 million portions of food have already been saved from being thrown away. OLIO diverts significantly more greenhouse gas emissions than it produces - the carbon emissions OLIO creates is offset by only 4% of all the carbon they are saving, and this is the reason why OLIO is a carbon negative company. OLIO is planning to measure all their global emissions, including scope 3, and share them publicly each year. In addition, they intend to maintain their status as a Carbon Negative business through their efforts to reduce food waste, appoint a member of the Senior Leadership Team to be accountable for the carbon emissions targets, share their climate commitments with their customers, report their progress to their Board each year, as well as on their website, and work towards zero emissions (99.3% of their carbon emissions comes from the scope 3 emissions - indirect emissions that occur in OLIO's value chain). User sessions facilitated by carbon-heavy mobile data providers and website hits due to inefficient design are responsible for the most carbon-intensive indirect emissions. OLIO is urging their clients to switch to a green mobile data provider in order to address these problems. In addition, OLIO will rebuild its website to cut emissions by 40% (OLIO, 2022).

CONCLUSION

Circular economy principles, Life Cycle Assessment (LCA) and 17 United Nations Sustainable Development Goals can highlight environmental hotspots in the small and medium businesses' value chain, and offer the mitigation options to reduce environmental impact and boost cost-efficiency. According to the FAO, 1.3 billion tonnes of food are lost or wasted annually, or one-third of all food produced (FAO, 2022), while the EU generates 88 million tonnes of food waste each year, with corresponding expenses of about 143 billion euros (FUSIONS, 2022). Since globally, food loss and waste produce 4.4 GtCO2 eq annually, or 8% of all anthropogenic GHG emissions (FAO, 2022; JRC, 2022), it can be concluded that a significant reduction in the demand on natural resources could be achieved by avoiding the cultivation of surplus food that is wasted. Targets of the UN SDGs related to water scarcity and food waste (UN SDG 2 - Zero Hunger, UN SDG 6 - Clean Water and Sanitation, UN SDG 12 - Responsible Consumption and Production, UN SDG 13 - Climate Action, UN SDG 14 - Life below Water, UN SDG 15 - Life on Land) can significantly help innovative SMEs to focus their efforts in the domain of the sustainable development. In this way, by implementing sustainable development practices innovative SMEs will reach a growing number of consumers, as 50% of the growth of consumer packaged goods (between 2013 and 2018) was tied to sustainability-marketed products (NYU Stern School of Business, 2022), while 70% of shoppers, driven by sustainability, would actually spend 35% more for environmentally-responsible purchases (IBM, 2022).

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LEGAL COMMUNICATION IN NON-LITIGATION PROCEDURE

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Abstract: *The research topic of this paper is legal communication in non-litigation procedure with the focus on the communication during the hearing process. Legal communication in non-litigation procedure refers to the official procedure of exchange of information in oral or written form that has been planned in advance between the participants in non-litigation procedure. The specificity of legal communication during the hearing process in non-litigation procedure compared to litigation procedure has been emphasized in the paper. The specificity comes from different methods of judicial work, different subject matters of the hearing process, different goals due to which the procedure takes place, different interests to be protected, and different nature and character of both procedures. Contrary to litigation procedure, legal situations that are resolved in non-litigation procedure are those situations, in which parties are not in dispute, that is, in which parties do not have opposing interests. Due to its heterogeneous structure, non-litigation procedure is characterized by numerous specificities that demand a more subtle approach in the realization of different types of this procedure.*

Key words: *legal communication, legal relation, non-litigation procedure, hearing in non-litigation procedure*

JEL Clasificatiom: *K15, K36, K41*

1. INTRODUCTION

Legal communication occurs in different legal procedures – administrative, civil (litigation, non-litigation and enforcement procedure) and criminal procedure. It is the basis of nomotechnical judicial hearing of participants in all legal procedures. Legal communication is presented in this paper only in one of legal procedures, that is, in non-litigation procedure. Contrary to litigation procedure that is the basic and homogenous procedure relating to the protection of subjective rights within civil law matter, non-litigation procedure is a specific legal procedure and presents a very heterogeneous structure whose elements make it different not only from litigation procedure, but also from other legal procedures.

In the scientific explanation of the specificity of non-litigation procedure in comparison to litigation procedure, it should be necessarily emphasized that there are great many elements that make the basis of this differentiation. The analysis of these specificities starts

from different *methods* of judicial work, different *subject matters* of the procedure, different *goals* due to which the procedure takes place, different *interests* that are protected in the procedure, and the difference between litigation and non-litigation procedure regarding their *nature* and *character* etc.

In the non-litigation procedure, there is no stay of proceedings. The proceedings in which status issues are decided are closed to the public. The hearing is held only when it is stipulated by the law or when the court estimates that it is necessary. The failure of certain participants to appear in the hearing does not prevent the court from proceeding further in the non-litigation procedure. The participants may be heard even in the absence of other participants in the proceedings. The court of first instance may itself, on account of appeal, modify or repeal the previous ruling, while it may also refer the participants to litigation or administrative proceedings in order to resolve the previous issues.

In addition to this theoretical difference, there is also a practical difference which points to the fact that if some subject matter relating to civil procedure is solved in the proceedings, in which there is no dispute, that is, the parties do not act with opposing interests, then one may say that these legal situations are resolved in the non-litigation procedure (Blagojevic Danilovic 2016: 137).

It is precisely this difference between these two procedures in civil law matter that presents a general dividing line between the litigation and non-litigation procedure. The non-litigation procedure, which has a heterogeneous structure according to its nature and character, demands a more subtle approach to the analysis of the procedure, which cannot be generalized in the mentioned way and whose numerous specificities have to be taken into account. Namely, there are different types of non-litigation procedures that are classified according to different criteria, first of all, according to: *contents of legal protection* (cognition and evidence-technical); *number of participants* (one party, two parties or multiple parties); *nature of the relation to be protected* (status, family, property, relating to documents and other); *initiation of procedure* (official and unofficial); *contentiousness/non-contentiousness of the relation* (contentious and non-contentious).

These non-litigation proceedings are specific in many ways and different from litigation proceedings, regardless of the fact whether this procedure refers to:

A. Proceedings for the regulation of personal status including:

1) proceedings for the removal of legal capacity,
2) proceedings for the detention in a neuropsychiatric healthcare institution,
3) proceedings for the declaration of death of a missing person and pertaining evidence;

B. Proceedings for the regulation of family relations, which includes:

1) proceedings for the extension of parental rights,
2) proceedings for the termination and return of parental rights or:

C. Proceedings regulating property relations, which include:

1) probate proceedings,
2) determining compensation for expropriated real property,
3) regulation of managing and using a common asset,
4) division of common assets or property,
5) regulation of boundary lines,
6) proceedings relating to drawing up, authentication, custody and cancellation of documents, and
7) proceedings regulating placing things in court deposit.

Within these proceedings, there are many different procedures and nomotechnical-methodological proceedings, which point to the complexity of regulating relations in non-litigation proceedings. In such constellation of relations, it is difficult to find common elements that would be characteristic of all specific types of proceedings and which would be valid generally speaking. It would be more

natural to analyze each of non-litigation proceedings separately and emphasize those specificities. Thus, we could determine the subject matter, character and methodology of judicial proceedings relating to all of them (Blagojevic Danilovic 2016:137).

Considering the fact that the main topic of this paper is legal communication in non-litigation procedure, the specificities of this kind of procedure will not be analyzed in detail. However, common elements will be searched for in order to scientifically explain legal communication in non-litigation procedure, first of all, hearing as material evidence, which is used and applied in legal communication in a specific field of civil law – non-litigation law.

2. PRINCIPLES OF NON-LITIGATION PROCEDURE

In order to find common elements for all types of non-litigation proceedings, one may necessarily start from basic principles, general principles and rules, which non-litigation procedures are based on, and which are different from principles in other civil judicial proceedings.

In essence, legal principles in proceedings before domestic and international courts offer the parties and other participants in the proceedings ability to state facts, which their claims are based on, and to state their attitudes related to the protection of their interests (Miladinovic Bogavac 2019: 207-220).

2.1. The principle of official proceeding

In contrast to the principle of disposition, which is dominant in the litigation procedure, the principle of official proceeding is dominant in the non-litigation procedure. It is due to the fact that this procedure most frequently refers to some common interest or that it is a procedure which involves one party, and therefore, there is no need to apply the disposition maxim. Other differences relating to the character of non-litigation procedure are reflected in the institution and course of the proceedings, which is instituted by a petition of a party, and *ex officio*, as well. Namely, according to all laws on non-contentious proceedings from 1982 to 2022 "The non-contentious proceedings shall be instituted by a petition of a natural or legal person, as well as a petition of a body" specified by the Law on non-contentious proceedings, while "the non-contentious proceedings shall be instituted by the court *ex officio* in cases and under conditions specified by the Law (Law on non-contentious proceedings 2015: Article 2).

A significant characteristic of the principle of official proceeding is reflected in the fact that already instituted proceedings, regardless of the subject who initiated it, will take place ex officio until its termination. Thus, the court shall be responsible for the time limit of the proceedings and its content, while parties are not authorized to influence the cancellation of proceedings (Blagojevic Danilovic 2016: 138).

In some kinds of specific non-litigation proceedings, the participants may not waive their claims, admit the claim of their opponent, nor reach the court settlement. It is particularly the case in status non-litigation matters, as well as in matters relating to the rights and legal interests which the participants may not dispose of. In some other kinds of non-litigation proceedings, parties can manage their legal authorizations, especially in proceedings regulating property relations, where the parties have the right to withdraw the petition, to acknowledge the claim of the other party, that is, to renounce their own claim, as well as to reach the settlement, while the court shall take into consideration the reached agreement between parties when rendering a ruling. In certain non-litigation proceedings, the agreement between parties is allowed, but only conditionally, that is, if it finds that it is not contrary to the mandatory legislation and the morality, for example in cases relating the compensation for the expropriated real property. The comparative analysis of regulations in all laws since 1982 till the present day showed the following: "If the expropriation beneficiary and the previous owner of the property reach agreement on the form and extent or amount of compensation, the court shall render its ruling based

on their agreement, if it finds that it is not contrary to the mandatory regulations, public order and fair practices" (Blagojevic Danilovic 2016: 138-139).

The main rule of the principle of official proceedings is that parties do not have the right to terminate the proceedings with their procedural actions, temporarily or definitely, except when such possibility is stipulated by law. The failure of the party to appear in the hearing, which in other legal proceedings most frequently leads to the preclusion, that is, the inability of further proceeding, in non-litigation proceedings it is applied only in specific cases.

2.2. The principle of investigation

In the non-litigation procedure, the nature and character of this legal procedure determine the predominant application of the principle of investigation during the procedure of collecting the procedural material and court's initiatives regarding other procedural actions in the process of proceedings and its termination.

The main reason lies in the character of substantive law norms that regulate relations in this subject matter, which are most frequently coercive in nature.

Thus, contrary to the litigation procedure, the court is authorized to establish facts that were not disclosed by parties, as well as facts that are not disputed among parties if it finds it relevant to render a ruling. These rules are not equally valid in all non-litigation proceedings, especially not in those situations when "the public order is not interested in the ways how mutual legal relations between legal subjects are regulated, and therefore, in proceedings about such non-litigation issues the principle of hearing is dominant" (Stankovic 2007: 26).

2.3. The principle of orality

In legal communication in non-litigation proceedings, during the collection of procedural material, the application of the principle of orality is significant. In non-litigation proceedings, this principle is not as significant and applicable as in litigation proceedings. Namely, in all kinds of non-litigation proceedings, legal communication is not necessarily maintained in the form of oral hearing, and therefore, according to this principle, rulings may be rendered without previously led legal communication during the oral hearing. In cases, when it is explicitly stipulated by law, oral hearing may be mandatory, and more rarely optional. In that sense, all laws on non-litigation procedure since 1982 have stipulated that "The court shall decide on the claims of participants based on the oral hearing only in the cases provided by this or other laws, or when it assesses that holding a hearing is necessary to clarify or establish decisive facts or when it deems that holding of a hearing is appropriate for other reasons". For example, the Law estimates that "in housing matters in which tenancy rights or specific powers that make up the tenancy right are decided, the decision shall always be rendered on the basis of oral hearing " (Law on non-contentious proceedings 2015: Article 11).

In most cases, the judge shall decide how he will carry out certain procedural actions, that is, how he will collect the procedural material (whether he will schedule the oral hearing or the procedural material will be collected out of the hearing). If he decides not to hold the oral hearing, the court will order parties to make written statements and responses to questions, and thus, according to the written communication, that is, written submissions of parties and other participants in the proceedings, the judge will render the appropriate ruling (Blagojevic Danilovic 2016: 140).

Therefore, the nature of non-litigation procedure results in the fact that written form of legal communication becomes dominant in non-litigation proceedings, that is, such form of communication has priority compared to oral communication, and this fact makes this kind of procedure different from litigation procedure.

3. HEARING OF PARTICIPANTS IN NON-LITIGATION PROCEDURE

From the epistemological point of view, hearing of participants in the non-litigation

procedure was analyzed according to different types of this legal procedure. In some non-litigation procedures, the oral hearing is not necessary, and therefore, in such cases the need to hold a hearing as means of evidence will be excluded, in the way in which this procedural action is carried out in non-litigation procedure.

This need for the hearing comes from the court's role in the non-litigation procedure directed at determining facts of the case, and therefore, the court in that legal procedure is not bound or obliged to confine itself to the offered evidence or to cite them. Actions of the participants of non-litigation procedure, regardless of the fact whether they state some facts, negate or admit them, do not influence the court's ruling, which is, with those statements (if it accepts them) or without them (if it does not accept them), obliged to establish facts of the case that are significant for rendering a ruling in the specific case. Truth to tell, there are cases stipulated by law, in which participants in non-litigation proceedings have the right to dispose of their rights and legal interests, and then the court is obliged to take into consideration the evidence stated by the participants (Blagojevic Danilovic 2016: 140).

In these cases, the court itself determines the scope and form of evidence and collects the procedural material in non-litigation proceedings. Therefore, there is no need to hear the participants of the proceedings, and they do not have to disclose facts on which their claims are based on. The court may take into consideration the participants' proposals and use their proposals to the extent that helps the court to establish the real facts of the case. The court may also ignore proofs offered by participants in the procedure, but it can establish those facts that were not proposed or disclosed by participants, or that they did not wish to establish in order to complete the material (Blagojevic Danilovic 2016: 141).

The characteristics of hearing in non-litigation proceedings result from the principles, nature and character of non-litigation procedure, which does not necessarily involve two parties. In this procedure, as well as in other legal procedures, the court is authorized to hear the participants before it renders a decision about their rights and interests. However, the hearing is not always necessary for achieving legal protection sought by the participant in non-litigation proceedings. In some non-litigation proceedings, for example in proceedings that have technical or evidence character, parties are not heard because there is no need to hold a hearing. It is the case in the certification of signatures, and when translations from a foreign language into Serbian and from Serbian into a foreign language are certified.

If a participant in the non-litigation procedure wants to dispose of some authorizations or to do something with the help of the court that is significant for the participants in the procedure, he is obliged to make appropriate statements. It is done most frequently with the help of a hearing. For example, it would be necessary if minors have to be heard in the proceedings for permitting the conclusion of marriage, when during the hearing the court examines whether there exists free wish of the minor to conclude marriage. The participants in non-litigation proceedings may be heard when they have to provide the court with certain explanations of some facts and statements connected with the claim initiated by those participants. This hearing will be held in the form of informative hearing. Also, the participants in the procedure may be heard when they have to give statements about facts on which they base their claims to be decided in the proceedings. It is a common situation characteristic for initiating the proceedings according to participants' claims, in which a party, with the help of a hearing, discloses relevant facts and data which may be helpful when rendering the right decision. In such cases, a party in non-litigation proceedings disposes of information relevant for rendering a decision. In addition to the above mentioned cases, a party in non-litigation proceedings may be heard in the procedure according to the claims of another party, as well as when the court needs to render a decision (Blagojevic Danilovic 2016: 141).

The main purpose of collecting evidence with the help of a hearing of parties and other participants in non-litigation proceedings is to establish objective facts of the case relating to the subject matter of non-litigation procedure. Due to the principle of fairness, the court gives the participants of non-litigation proceedings the possibility to disclose facts that they dispose of during the hearing process. However, epistemological principles of non-litigation procedure point to the fact that the court is not obliged to accept the statement of participants in the procedure. In addition to this ability offered to parties and other participants in non-litigation proceedings to disclose facts on which they base their claims, the Law on non-contentious proceedings allows them to disclose their attitudes relating to the protection of their interests (Blagojevic Danilovic 2016: 142).

Considering very heterogeneous interests and goals of participants in non-litigation proceedings that they wish to accomplish with the help of filed petitions, there are different ways of hearing participants in non-litigation proceedings. Due to the specific (heterogeneous) character of non-litigation procedure, the legislator did not define precisely the formal rules of legal communication, and therefore, the court acts in a formal and informal way in the presentation of evidence. Rules that regulate the presentation of evidence in non-litigation procedure are specific and most frequently different from those applied in litigation procedure. In non-litigation proceedings, it is possible to hold a hearing without the presence of other participant and without formal record of the presentation of evidence, while if it is prepared then only oral hearing is included.

If procedures, which are necessary to apply specific legal norms, are not stipulated by the Law on non-contentious proceedings, rules, norms, and procedures stipulated by the Law on Litigation Procedure are applied. The formal presentation of evidence is mandatory when parties do not agree on facts, which the decision about the main issue in non-litigation proceedings depends on. When the manner of holding a hearing is stipulated by the Law on non-contentious proceedings, the court is obliged to act in a way stipulated by this law. If certain ways of hearing are not stipulated by law, the court itself decides how it will hear the participant in the procedure – orally or in a written form. The court's estimate of the way of hearing that will be applied in a specific case depends on participant's personality. Namely, the court will assess whether participant's intellectual and other abilities enable him to make a written statement about the issue or the participant is not able to do that. If the court estimates that it might be done in a written form, the court will summon the participant to present a written statement and deliver it to the court (Blagojevic Danilovic 2016: 142).

In case of the process of hearing of participants in non-litigation proceedings, parties do not have the need or the right to be present during the hearing of other participants, because the participant of non-litigation proceedings is heard in order to establish the truth of irrefutable legally relevant facts. Therefore, this manner of giving statements in non-litigation procedure has the character of evidence. Considering that all sources of knowledge have the equal treatment in the process of establishing relevant facts, the hearing of parties in non-litigation proceedings has the legal force of other means of evidence. Thus, the legal force of statements of parties in non-litigation proceedings has been equalized with the testimony of witnesses, for example.

The reasons for the exclusion of hearing of participants in non-litigation proceedings may be classified into two main groups, factual and legal. *Factual reasons* primarily relate to cases when hearing cannot be held. These reasons may be associated with the physical unavailability of participants that have to be heard (if they are abroad) or they cannot be heard because they are not able to make a statement (diseases due to which they cannot make statements or making statements would worsen the health condition). If in non-litigation it is not possible to hear participants in the proceedings, the court will decide not to hear that

person although it has decided to perform this procedural action before. In addition to factual inability, there are legal reasons which lead to the impossibility to hear the participant in non-litigation proceedings. For example, if there is a need to hear a minor, it would be impossible because minors cannot make statements personally before the court. In such cases, instead of hearing a minor, legal representatives of minors make statements. Thus, legal representatives do not gain the status of participants in the procedure, but are given the right to take only some actions in non-litigation proceedings (Blagojevic Danilovic 2016: 143).

In some specific cases, hearing of parties in non-litigation proceedings may not be possible due to *factual* or *legal* reasons. It happens in cases of removal of legal capacity when a person cannot be heard. Then the court may abandon the action of hearing the person involved in the proceedings because it could be harmful for his health or mental or physical state. The research that was conducted in 2011 and that included the sample of 889 cases of removal of legal capacity showed that in 87% of cases the court did not hear the person, while in 84% of cases the judge even did not see the person that was deprived of legal capacity.

Evidence in non-litigation and litigation proceedings may be presented directly or indirectly. Hearing is held directly in a way that involves oral and written hearing of participants and third parties. If state of affairs has not been determined completely, and the court estimates that some facts are uncertain, that is, if it has doubts about their accuracy, it will hear the participants in the non-litigation procedure that according to the Law on non-contentious proceedings may be: "person that initiated the non-litigation proceedings; person whose rights and legal interests are to be decided about in the proceedings, as well as authorities that take part in the proceedings on the basis of legal authorization to initiate the proceedings, regardless of the fact whether they initiated the proceedings or later entered into the proceedings" (Blagojevic Danilovic, 2016: 144).

In non-litigation proceedings, a party presents means of evidence in case when the court examines the accuracy of facts, about which the party can offer the information. In addition, the party has the characteristics of means of evidence when they know about certain circumstances that are significant for the matter of non-litigation proceedings. In other words, if circumstances are not well determined because certain facts are contested or uncertain, that is, when the court has doubts about the truth of certain facts, the court presents evidence with the help of a hearing which is aimed at proving the truth of certain facts, that is, it hears the participant in non-litigation proceedings as a party.

Starting from the principle of official proceeding and investigation, the court has the right to hear a witness in the procedure of presentation of evidence in non-litigation proceedings. It will be the case when the court intends to establish legally relevant facts through the presentation of evidence which it may use when rendering a decision in the specific case in non-litigation proceedings. Witnesses have the status of evidence, that is, the status of third parties who help the court to clarify the circumstances (Danilovic, N, Danilovic, A, 2019: 164). How the court will use the knowledge of witnesses depends on each concrete case. Sometimes it will be the situation in which a witness will have the procedural position of a witness in litigation, that is, a person who "will be able to perceive a fact or circumstance through senses and to report it later, that is, to reproduce it" (Lilic 2004:310), whereas sometimes it will be a qualified witness, or the person that provides the court with "different information which is supplementary for the state of affairs or which clarifies it or give the court opinion regarding the decision to be rendered" (Stankovic 2007:52). In the first case, the witness most frequently makes a statement in litigation proceedings, whereas in the second case the witness is a participant in non-litigation proceedings.

This specific role of a witness in non-litigation proceedings enable him to make a

statement that is assessed by the court not only as a sensual perception of some event that happened in the past, but as the "opinion about the suitability of some act or event because he knows about circumstances and facts that are significant for the decision to be rendered" (Stankovic 2007: 52).

This means that the role of a witness in non-litigation proceedings in the process of giving evidence is more significant than in litigation proceedings. This happens because these persons are most frequently in family relations with other participants in the proceedings and they know about circumstances that are significant for clarifying the state of affairs. Since family relations, status issues and similar issues are involved, it is logical that members of a household, as well as close and distant relatives have most information about circumstances significant for the matter in non-litigation proceedings. For example, family and other relatives know about circumstances and ambience, and the state of a person involved in the proceedings relating to the removal of legal capacity, and therefore, they may provide the court with useful information about facts and circumstances that are significant for the matter in non-litigation proceedings (Blagojevic Danilovic 2016: 145).

Hearing of a legal assessor in non-litigation proceedings is applied only according to the legal rules stipulated for the litigation procedure. Non-litigation procedure regulates only fragmentarily certain legal issues in regard with the legal procedures, while in all other cases it applies procedural rules regulated by the *Law on Litigation Procedure*. This Law regulates only specific rules, including hearing of participants in the proceedings, in specific situations that demand a specific approach of the court to finding out legally relevant facts necessary to clarify state of affairs. Thus, for example, the law regulates that the hearing of a legal assessor relating to the removal of legal capacity is mandatorily done in the presence of a judge. Also, as far as the removal of legal capacity is concerned, the opinion of two medical specialists is required, and the assessment is done in an appropriate healthcare institution, where the judge does not have to be present. One may conclude that a special matter of non-litigation proceedings demands a special manner of hearing of experts as professionals who provide the court with the professional help (which it does not have), and which contributes to establishing facts and circumstances significant for resolving the non-litigation issue (Blagojevic Danilovic 2016: 146).

4. CONCLUSION

The theoretical foundations of legal communication in non-litigation procedure were offered to the scientific public in this paper, with the focus on scientific description, classification and scientific explanation of legal communication in non-litigation proceedings. When we opted to analyze this topic in the form of a scientific article, we were aware that we could not perceive completely all important factors of this complex social and legal phenomenon. The starting premise of this paper was that reaching truth and justice as basic principles of contemporary society is necessarily conditioned by consistent application of legal procedure, whose important factor is legal communication, especially during the process of hearing that makes the foundation of judicial procedure in all legal procedures. Legal communication in the hearing process in non-litigation proceedings presents the main source of information and at the same time an important factor and determinant of legal procedure that is necessarily carried out in this specific legal procedure.

In non-litigation proceedings, legal communication that is strictly formal is necessarily applied. This civil legal procedure is a heterogeneous procedure and in many ways specific when compared to other legal procedures. It unfolds according to the principles of official proceeding, investigation and orality that are different from principles in other civil procedures (litigation and enforcement). In non-litigation proceedings, in accordance with its principles, procedures stipulated by law are carried out and they are based on

nomotechnical procedure of hearing that is realized through codified forms of legal communication between the judge of the acting court (panel of judges), parties, witnesses, and legal assessors. The hearing of parties, witnesses and legal assessors in non-litigation procedure is significant procedural legal means that is directed at establishing material truth in this procedure before non-litigation courts. The final outcome of legal communication in the process of hearing in non-litigation proceedings is judicial resolving of personal, family, property and other legal matters that do not belong to the litigation procedure.

Considering the basic principles and various definitions from different periods made by authors of different provenance, an acceptable working definition of legal communication in non-litigation procedure was offered in the paper: "*Legal communication in non-litigation procedure is the activity of communication between the petitioner and other participants in the proceedings (guardianship authority, public attorney)that are in legal relations aimed at efficient exchange of information and understanding in the process of rendering a judicial ruling about personal, family, property and other legal issues in the non-litigation proceedings*".

Two components make the epistemological basis of the definition of legal communication in non-litigation procedure and they are the following: the activity of communication between the participants in non-litigation proceedings that are in a legal relation and the final outcome of that communication – court ruling about personal, family, property and other legal matters in non-litigation proceedings.

The above mentioned definition has the epistemological cognitive value because it contains the fundamental meaning of the notion of legal communication in non-litigation procedure. It relates the subject in a twofold manner: it speaks of the categorical notion of legal communication and subject that is designated by this term (Danilovic N, Danilovic A, 2018: 5). According to its form, it presents a statement of the key determinants of legal communication. It is nominal and fulfills eight criteria for defining theoretical notions in social sciences: it is *positively* expressed in the form of a statement; it is *subject-related* and *informative* because it shows important regulations and characteristics of the subject that is defined; it is *comprehensive* and includes the entirety of the subject that is defined in all its aspects; it is *essential* and contains important regulations and characteristics according to which the notion of legal communication may be identified; it is *complex* and *developmental*, because legal communication as the subject of defining is complex and developmental; it is *equivalent* and *proportional* – not to wide nor too narrow; it is *accurate* and contains only important and essential factors of the term legal communication in non-litigation procedure and finally, it is *dialectical*, because social and legal reality that it designates is dialectical (Danilovic, N, Danilovic A, 2018: 5).

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SUSTAINABLE COMPETITIVENESS OF THE REPUBLIC OF SERBIA FROM THE ASPECT OF ENVIRONMENTAL INDICATORS

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Abstract: *From the aspect of sustainable competitiveness, which emphasizes productivity as the basis of prosperity and long-term growth while ensuring the sustainability of society and the environment, the competitiveness of countries was analyzed based on annual reports of the World Economic Forum, International Institute for Management Development and the World Bank. Indicators that we believe best reflect the country's potential for promoting sustainable development and lead to a faster approach of Serbia to the most competitive national economies with joint engagement at the state, regional and local levels, including households, have been singled out. In order to determine the impact of consumer behavior on the environment, in our research we applied the life cycle assessment method (LCA) and analyzed 15 environmental indicators. In accordance with the obtained results, we have defined recommendations for increasing the sustainable competitiveness of the Serbian economy, having in mind the behavior of consumers and possible reduction of their impact on the environment, from the aspect of more economical use of electricity, reduction of biowaste and continuous education of the population. educational process and appropriate legal regulations.*

Keywords: *sustainable competitiveness; environment; life cycle assessment; consumer behavior; environmental indicators.*

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1. INTRODUCTION

Economic development and social progress today are not possible without incorporating the principles of sustainable development. The aspect of sustainability is woven into all activities at the level of states and companies that fight for their best possible position in a competitive environment, and it also applies to every individual in order to preserve good health in an ecologically sustainable living and working environment.

In order to increase the competitiveness of the economy, the emphasis is placed on the efficient use of resources, reducing the negative impact on the environment and the importance of waste prevention through the implementation of appropriate principles at the state, regional and local levels, including households.

Competitiveness lists and rankings according to business conditions encourage countries to compete on the world market in achieving the best possible competitiveness, based on

sustainable development. For this reason, we have singled out the indicators that, in our opinion, have the greatest impact on the country's potential for improving sustainable competitiveness and bringing Serbia closer to the most competitive national economies.

The subject of this work refers to the analysis and possibilities of improving the sustainable competitiveness of the economy of the Republic of Serbia through the research of consumer behavior and their impact on the environment.

Sustainable competitiveness is defined as a set of institutions, policies and factors that make the national economy more productive over a longer period, while ensuring environmental sustainability. The concept of competitiveness and environmental sustainability are linked. The natural resources of our planet are limited and by developing sustainable practices, starting from the behavior of each individual, productivity increases, especially by implementing the life cycle assessment method.

Life Cycle Assessment (LCA) analyzes the potential impacts of the life cycle on the environment, identifies critical points that can indicate the reduction of these impacts and determines the environmental burden through all subsystems of the life cycle.

Based on the subject and the starting point Ćof the research, goals have been set that have their own scientific and social character, which is why they can be classified into two special groups.

For this reason, the research of the sustainable competitiveness of the economy of the Republic of Serbia, the determination of environmental indicators related to consumer behavior, as well as the optimization of environmental parameters and the improvement of sustainable competitiveness, is the goal of this work.

The social goals of the research are related to the assessment and improvement of the sustainable competitiveness of the Republic of Serbia through analysis from the aspect of consumer behavior, with the aim of reducing the burden on the environment in order to improve the living conditions of the population and preserve natural resources for future generations.

2. SUSTAINABLE COMPETITVENESS OF NATIONAL ECONOMIES

In its documents as early as 1987, the United Nations clearly emphasized that sustainable development should meet current needs, but without jeopardizing the ability of future generations to meet their needs. This definition includes dimensions of development that go beyond the usual aspects of economic growth and include both material and and non-material needs of the population.

According to the World Economic Forum, the concept of sustainable competitiveness emphasizes that productivity is the driver of prosperity and long-term growth, and sustainable competitiveness is defined as a set of regulations that make the national economy productive over a long period while ensuring the sustainability of society and the environment.

The sustainability of society means that institutions and regulations enable all residents to have the best health and safety and to increase their potential, thereby contributing to the economic prosperity of the country in which they live. Environmental sustainability implies the existence of institutions and regulations that ensure efficient management of resources and creation of prosperity for current and future generations. The essence of sustainable competitiveness is to determine not only whether the country has the potential for development in the medium and long term, but also whether the development process contributes to the creation of a prosperous society.

Competitiveness and environmental sustainability are linked both at the state level and at the company level. At the state level, it is necessary to find an appropriate balance between the development of technology and the use of limited natural resources. The business sector is more interested in environmental issues than it was a few decades ago. Companies have become more aware that pollution, climate change and resource scarcity affect them too, for example through supply chain disruptions caused by unpredictable weather conditions. Stricter environmental regulations can

affect business, when companies face higher prices for production inputs.

However, as consumers also become more aware of sustainability, companies out of concern for their reputation are beginning to voluntarily inform the public about their environmental impact. They also undertake appropriate actions in the sector in which they operate. This shows that there is a significant connection between environmental sustainability on the one hand, and competitiveness on the other hand, which has a multiple impact on the economy and society as a whole.

Health problems related to the environment force governments to finance additional health programs. A quality natural environment improves the productivity of the labor force, by reducing the damage to health caused by pollution or environmental degradation. As health affects productivity and pollution affects health, the effort to reduce pollution is an investment in human capital. Research shows that lower ozone levels have a positive impact on productivity.

Efficient use of natural resources implies responsible management of limited raw materials, as well as the use of renewable energy sources to reduce production costs, ensure their availability for future generations and reduce pollution. Climate change leads to extreme weather events that can destroy infrastructure and industrial supplies and disrupt the regular flow of goods and services both within a given country and between countries.

Agriculture is most exposed to the effects of climate change, such as increasing temperatures, water shortages and extreme weather conditions. Business practices that reduce carbon emissions can positively impact long-term competitiveness. Improving energy efficiency through changes in resource management, investing in technology development and using energy infrastructure that meets environmental standards can achieve significant savings relatively quickly. At the same time, it should be borne in mind that it is impossible to achieve progress in the preservation of the environment without educating and raising the awareness of each individual about the complexity and importance of sustainable development and the participation of the entire population in changes.

3. INDICATORSOF SUSTAINABLE DEVELOPMENT

The sustainable development goals of the 2030 Agenda came into effect on January 1, 2016, after the adoption of the Resolution at the United Nations Summit, held from September 25 to 27, 2015 in New York. These goals relate, first of all, to the eradication of poverty along with economic development, raising the level of health, environmental protection and education, as well as the fight against climate change, on a global level by 2030. States must adequately use their resources to fight poverty and the consequences of climate change, as well as to address inequality.

In order to achieve the goals of the 2030 Agenda, cooperation between governments, businesses and the population is necessary.

Table 1 describes the goals of sustainable development according to the aforementioned Agenda.

The first goal of sustainable development is related to the eradication of poverty while providing assistance to populations affected by armed conflicts and significant climate change. The number of people living in extreme poverty has decreased significantly, from 1.9 billion in 1990 to 836 million in 2015. However, there are still too many people who do not have enough food and adequate drinking water.

Enviable economic growth in India and China has led to uneven development, as women in a far greater percentage are affected by poverty due to unemployment and insufficient access to education.

South America, Central and Eastern Asia and the Caribbean have made great progress in ending extreme hunger. As a result of the drought and deterioration of the quality of the environment in 2014, there were 795 million malnourished people in the world. Another goal of sustainable development is to end

hunger, while promoting access to markets and land for all people.

The third goal of sustainable development is to ensure health care and prevent the spread of AIDS, malaria and tuberculosis. Between 2000 and 2013, HIV infection was reduced by 30%, while 6.2 million people were saved from malaria. However, despite this progress, 6 million children die annually from preventable diseases.

Table 1. Sustainable development goals of the 2030 Agenda

Objective	Description
Eradicate poverty	The fight against poverty in the world
Eradicate hunger	Fighting hunger, ensuring safe food and sustainable agriculture
Ensure good health and well-being	To enable good health and well-being for all
Quality education	Achieve inclusive and quality education and lifelong learning
Gender equality	Ensure gender equality and women's empowerment
Access to clean water and sanitary conditions	Provide sanitary conditions and access to clean water for all people
Affordable and clean energy	Provide reliable energy supply at an affordable price
Decent work and economic progress	Promote sustainable economic growth, employment and decent work for all
Industry, innovation and infrastructure	Advocate for flexible infrastructure, sustainable industry and innovation
Reducing inequality	The fight for equality between states and within states
Ensure the sustainability of cities and settlements	Advocate for safe and sustainable cities and settlements
Responsible production and consumption	Enable sustainability in the area of production and consumption
The fight against climate change	Take immediate measures against climate change
Water World	Conservation and responsible use of water resources
Life on earth	Effective management of forests, suppression of soil degradation and destruction of biodiversity
Peace, justice and strong institutions	Advocate for peaceful and inclusive societies, access to justice for all and effective institutions
Cooperation to the goal	Strengthen cooperation on a global level

Significant progress has been recorded in the field of primary education, as a 91% enrollment rate was achieved in 2015 in developing countries, while the total number of children who stopped education was halved. The sub-Saharan African region had the greatest success in enrollment in primary education, from 52% in 1990 to 78% in 2012.

However, children from the poorest families drop out four times more often than children from the richest families. The fourth goal of sustainable development is inclusive education of satisfactory quality, as well as for all children to complete free primary and secondary education. Also, accessible and high-quality higher education should be ensured.

The fifth goal of sustainable development is gender equality and prevention of discrimination against women. Significant progress has been made, as 41% of women are paid for their work outside of agriculture, compared to 35% in 1990. But it is necessary to improve reproductive health and achieve equal rights to property.

A big problem on the world level is the insufficient amount of adequate drinking water. More than 40% of the world's population has a problem of lack of water, while in 2050, 25% of the population will face the problem of a constant lack of water. The sixth goal of sustainable development is affordable and correct drinking water available to the entire population, and international partnership is necessary for the introduction of water purification in underdeveloped countries.

In 2011, renewable energy sources had a share of over 20% in the produced electricity at the global level. But 20% of the population does not have access to electricity. The seventh goal of sustainable development is therefore the global supply of affordable electricity while investing in the use of solar and wind energy and thermal sources. Modernization of technology for clean energy sources in underdeveloped countries will improve environmental protection.

The middle class in underdeveloped countries represents 34% of the working population. However, in 2015, there were 204 million

unemployed, so the eighth goal of sustainable development is dignified work and economic progress, i.e. contribution to economic progress through the improvement of technology and entrepreneurship, while ending forced labor.

Over four billion people do not have access to the Internet, with 90% of them living in underdeveloped countries. The introduction of the Internet implies access to information and the development of innovations. The ninth goal of sustainable development refers to the development of industry, innovation and infrastructure, because investing in these areas encourages economic growth.

The tenth goal of sustainable development is the reduction of inequality. Unfortunately, income inequality is increasing, with the richest 10% of people earning 40% of income and the poorest 10% only 2-7% of total income globally. Also, inequality increased by 11% in underdeveloped countries. It is necessary to change the regulations, foreign direct investments for the most vulnerable areas, as well as the introduction of safe mobility of the population.

Although already now over 50% of people live in urban areas, it is estimated that in 2050 that number will reach as many as 6.5 billion, or two thirds of the world's population. In 1990, there were 10 megacities in the world, and in 2014, their number increased almost 3 times. The eleventh goal of sustainable development is related to sustainable cities and settlements, i.e. safe housing, improvement of the poorest communities, investment in public transport and more green areas.

The twelfth goal of sustainable development is responsible production and consumption, with a significant increase in environmental protection, by changing the way products are produced and consumed. Irrigation consumes 70% of the total fresh water suitable for human consumption. Appropriate management of natural resources, adequate disposal of toxic waste, as well as incentives for the economy and consumers to reduce waste and recycle it are necessary.

The thirteenth goal of sustainable development is related to the fight against climate change, because greenhouse gas emissions have increased by as much as 50% compared to 1990. The goal is to use 100 billion US dollars per year until 2020. to remedy the consequences of climate change and help, primarily underdeveloped countries, while increasing general information about global warming and improving strategies at the national level.

The fourteenth goal of sustainable development is related to the aquatic world, because there are 13,000 units of plastic waste per square kilometer in the oceans. Adequate management and protection of seas and oceans from terrestrial pollution is necessary, as well as exploitation of water resources that is in accordance with international law.

The fifteenth goal of sustainable development is related to life on land, as 12 million hectares of land are unusable as a result of drought. Also, almost a quarter of the 8,300 animal species are threatened with extinction. Adequate management of forest resources is necessary, as well as prevention of their clearing, and preservation of natural habitats and biodiversity is also necessary.

The sixteenth goal of sustainable development represents peace, justice and strong institutions, because stability and governance based on the rule of law are necessary for sustainable development. The key is the reduction of armed violence and crime, respect for human rights, as well as the presence of underdeveloped countries in governance institutions at the global level.

The seventeenth goal of sustainable development is related to cooperation towards the goal, i.e. improvement of global solidarity. From 2011 to 2014, aid from developed countries to less developed regions increased by 66%, primarily due to crises related to conflicts and climate change, but financial resources are still necessary. Helping underdeveloped countries to increase exports and repay debt, investments in least developed countries, as well as adequate international trade are necessary for sustainable development.

Even before the adoption of the 2030 Agenda, the Government of the Republic of

Serbia adopted documents concerning sustainable development. In the National Strategy for Sustainable Development of the Republic of Serbia, topics have been determined within which it is necessary to monitor the key indicators that lead to the improvement of the sustainable development of the country, and thus the preservation of the environment. These topics relate to reducing poverty, improving the efficiency of state administration and population policy, improving health and education, then topics related to economic development and international cooperation, and above all production and consumption.

The strategy also includes topics related to environmental protection, namely sensitivity to natural disasters, climate change, atmosphere, soil, water and biodiversity. Poverty reduction is achieved through the improvement of living conditions, social assistance to the population whose incomes are below the national poverty line, as well as the improvement of gender equality. Management in the field of state administration requires that the level of corruption and crime be determined through appropriate indicators, which can help to improve the efficiency of state institutions.

In the field of health care, it is important to improve the health of the entire population through appropriate indicators with the aim of increasing the expected years of life in good health. In the field of education, it is important to raise the level of literacy and the level of education of the population, and in order to increase the enrollment rate in both compulsory and higher levels of education, it is necessary to improve the population policy with the aim of increasing the total population. Within production and consumption, very important aspects are the use of energy, i.e. the share of renewable energy sources, as well as the amount of waste and its treatment.

In order to reduce the negative impact on the environment, it is necessary to constantly measure the indicators that affect climate change and damage to the ozone layer, as well as the measurement of pollutants in cities. It is also necessary to determine the value of indicators related to the improvement of agriculture and forestry in terms of reducing soil and forest degradation, as well as the uncontrolled use of fertilizers and pesticides. The improvement of environmental protection also depends on the improvement of ecosystems and care for water quality and savings in its consumption, as well as for wastewater treatment.

The national strategy for the sustainable use of natural resources also contains a national list of environmental protection indicators. Thematic units covered in this list are related to air quality and global warming, treatment of water, soil, forests and waste, biodiversity, noise, responsible hunting and fishing, efficient use of natural resources, activities of companies and the whole society in the field of environmental protection, international and domestic agreements and regulations, as well as the financial aspect in the field of environmental protection.

The main indicators within the mentioned topics are the emission of substances that damage the ozone layer, gases with a greenhouse effect, as well as heavy metals, water pollution, the amount and treatment of communal and hazardous waste, the negative impact of the production and consumption of electricity, mineral fertilizers and protective agents herbs.

Sustainable management of natural resources and environmental protection are carried out in accordance with the Law on Environmental Protection. This Law regulates the preservation of the environment in order to ensure the right of the population to a healthy environment and to regulate the impact of the economy on the environment:

Article 21 refers to activities on the protection of natural resources with the aim of preserving the natural balance.

- Article 22 defines the sustainable use of land, and Article 23 defines the impact of water on the environment and the application of adequate treatment to reduce pollution.
- A complex system of measures maintains air quality, that is, reduces the level of pollution with constant monitoring of the amount of

pollutants and the impact on the health of the population.

- According to Article 30, waste management refers to procedures in the collection, transportation, storage and recycling of waste.
- Article 39 establishes the permitted value levels of all pollutants and the control system.
- In accordance with Article 42, the Ministry has the obligation to inform the population in the event of an illegal level of pollution, based on the constant measurement of environmental indicators according to Article 70.

The Environmental Protection Agency of the Ministry of Environmental Protection of the Republic of Serbia carries out constant monitoring, data collection and annually issues reports on the state of the environment. Although a considerable amount of data is analyzed, it is rarely linked to a proven relationship with the health of the population. However, it was officially estimated that in 2015, there were 13,000 premature deaths in Serbia that were linked to excessive air pollution with PM2.5 particles, 860 with nitrogen dioxide pollution and 420 with ozone.

4. IDENTIFYNG ENVIRONMENTAL INDICATORS FOR IMPROVING THE SUSTAINABLE COMPETITIENES OF ECONOMY OF THE REPUBLIC OF SERBIA

Environmental indicators can be divided into four categories of environmental impact, namely: human health, ecosystem quality, climate change and resources. Carcinogenic and non-carcinogenic substances, respirable inorganic particles, ionizing radiation, damage to the ozone layer and respirable organic particles have an impact on human health. Ecotoxicity, acidification and eutrophication of aquatic systems, as well as ecotoxicity, acidification and occupation of land affect the quality of ecosystems, and the potential of global warming to climate change. Cumulative energy demand and mineral extraction are related to resource.

Table 2. List of 15 environmental indicators for improving the sustainable competitiveness of the Republic of Serbia

Ecological indicators	Units
Carcinogenic substances	kg C2H3Cl-eq.
Non-carcinogenic substances	kg C2H3Cl-eq.
Respirable inorganic particles	kg $PM_{2.5}$-eq.
Ionizing radiation	Bq C-14-eq.
Depletion of the ozone layer	kg CFC-11-eq.
Respirable organic particles	kg C2H4-eq.
Ecotoxicity of aquatic systems	kg TEG into water
Soil ecotoxicity	kg of TEG into the soil
Soil acidification	kg SO2-eq.
Land occupation	m2 of organic arable land-eq.
Acidification of aquatic systems	kg SO2-eq.
Eutrophication of aquatic systems	kg PO_4^{3-} eq.-
Global warming potential	kg CO2-eq.
Cumulative energy demand	MJ
Mineral extraction	MJ

Table 2 shows the indicators with the usual units in which they are calculated. For practical reasons, the values of certain indicators are expressed in smaller units (g, mg, μg, cm2, kJ).

5. THE IMPACT OF HOUSEHOLDS ON THE ENVIRONMENT

In our research, the aforementioned 15 ecological indicators significant for the improvement of sustainable competitiveness in the consumption segment were analyzed, based on the behavior of pork consumers in the Republic of Serbia. Given that relevant scientific journals most often publish research in the area of life cycle assessment of the production sector, and not the consumption sector of pork, we could only compare our results related to ozone depletion, global warming potential and cumulative energy demand with research that included evaluation of the life cycle of chicken meat in the part related to consumption, i.e. preparation and storage of meat, as well as disposal of waste in households in Serbia.

Regarding the first indicator of carcinogenic matter, our results varied in the observed households from 0.07 to 1.76 g C2H3Cl-eq. (g of chloroethylene in air-equiv.) primarily depending on the amount of biowaste per kilogram of pork meat.

In terms of non-carcinogenic substances, the results varied in the observed households from 0.47 to 11.90 g C2H3Cl-eq. (g of chloroethylene in air-equiv.) primarily depending on the amount of biowaste per kilogram of pork meat.

Regarding respirable inorganic particles, the results varied in the observed households from 0.005 to 1.63 g PM2.5-eq. (g of particulate matter with a diameter of less than 2.5 micrometers in air-equiv.) primarily depending on the consumption of electricity per kilogram of pork meat.

The values for ionizing radiation varied in the observed households from 0.01 to 55.80 Bq C-14-eq. (Bq carbon-14 in air-equiv.) primarily depending on the consumption of electricity per kilogram of pork meat.

In terms of damage to the ozone layer, the results varied in the observed households from 0.25 to 508.00 μg CFC-11-eq. (μg CFC-11 in the air - eq.) primarily depending on the consumption of electricity per kilogram of pork meat.

The results can be compared with the research that included the assessment of the life cycle of the preparation and storage of chicken meat and waste disposal in households in Serbia, in which the values of the ozone layer damage indicator varied in the observed households from 0.32 to 318.00 μg CFC-11 233 (average value 91.01 μg CFC-11), while the lower average value for chicken meat can be explained by the necessity of longer preparation of pork meat compared to chicken.

For respirable organic particles, the results varied in the observed households from 0.79 to 137.00 mg C2H4-eq. (mg of ethylene in air-equiv.) primarily depending on the consumption of electricity per kilogram of pork meat.

Regarding the ecotoxicity of aquatic systems, the results varied in the observed households from 0.18 to 5.05 kg of TEG in water (kg of triethylene glycol in water-equiv.), primarily depending on the amount of biowaste per kilogram of pork meat.

Regarding the ecotoxicity of the soil, the results varied in the observed households from 0.04 to 2.11 kg of TEG in the soil (kg of triethylene glycol in the soil-equiv.), primarily depending on the consumption of electricity per kilogram of pork meat.

Regarding soil acidification, the results varied in the observed households from 0.14 to 30.80 g SO2-eq. (g SO2 in air-equiv.) primarily depending on the consumption of electricity per kilogram of pork.

The results for land occupation varied in the observed households from 0.14 to 4.19 cm2 of organic arable land-eq. primarily depending on the amount of biowaste per kilogram of pork.

Regarding the acidification of aquatic systems, the results varied in the observed households from 0.02 to 13.60 g SO2-eq. (g SO2 in air-equiv.) primarily depending on the consumption of electricity per kilogram of pork.

The values for eutrophication of aquatic systems varied in the observed households from 0.96 to 496.00 mg PO43--eq. (mg PO43- in air-equiv.) primarily depending on the amount of waste water per kilogram of pork meat.

In terms of global warming potential, the results varied in the observed households from 0.003 to 1.93 kg CO2-eq. (kg CO2 in air-equiv.) primarily depending on the consumption of electricity per kilogram of pork meat.

The results are comparable to the research that included the assessment of the life cycle of preparation and storage of chicken meat and waste disposal in households in Serbia, in which the results in terms of global warming potential varied in the observed households from 0.12 to 1.19 kg CO2-eq. (average value 0.35 kg CO2-eq)234. The difference in average global warming potential values can be explained by the specifics of the preparation of these two types of meat.

For cumulative energy demand, the results varied in the observed households from 0.03 to 37.10 MJ (kg of crude oil-equiv.), primarily

depending on the consumption of electricity per kilogram of pork meat. The results can be compared with the research that included the assessment of the life cycle of the preparation and storage of chicken meat and waste disposal in households in Serbia, in which the results in terms of cumulative energy demand were lower and varied in the observed households from 1.77 to 23.2 MJ (average value 6.65 MJ)235, which can be explained by the difference in the time of preparation and storage of these two types of meat.

In terms of mineral extraction, the results varied in the observed households from 0.05 to 1.24 kJ (g iron-equiv.), primarily depending on the amount of biowaste per kilogram of pork meat.

6. ANALYZE THE RESULT

In our research, electricity consumption carries the highest environmental burden for nine indicators, namely for respirable inorganic particles, ionizing radiation, damage to the ozone layer, respirable organic particles, ecotoxicity and soil acidification, acidification of aquatic systems, global warming potential and cumulative energy demand. The amount of biowaste to the greatest extent determines carcinogenic and non-carcinogenic substances, ecotoxicity of aquatic systems, mineral extraction, and completely determines land occupation, while the amount of wastewater bears the greatest burden for eutrophication of aquatic systems.

For the presented results obtained on the impact of pork consumption on the environment, it can be said that they are comparable to the results of the authors who studied chicken meat, bearing in mind the specificities of these two types of meat. The results were higher than the results for chicken meat for the ozone depletion indicator by 47.90%, the global warming potential by 45.71% and the cumulative energy demand by 48.12%. The consumption of electricity, related to the preparation and storage of pork in households in Serbia, represents a critical point for the ecological burden.

Households with four or more members were dominant for the indicators that are most affected by electricity due to the significant use of larger, relatively old freezers that are large consumers of electricity, as well as energy-inefficient stoves.

Single-member households had the greatest impact on the environment in the domain of indicators for which the amount of biowaste was decisive, as well as for the indicator that was most influenced by the amount of wastewater.

7. RECOMMENDATIONS FOR REDUCING ENVIRONMENTAL IMPACT

Recommendations for minimizing the impact of pork consumption on the environment in the Republic of Serbia can be viewed in three directions.

The first direction refers to the use of electricity, since it had the greatest environmental impact among surveyed households in Serbia.

Recommendations for the rational consumption of electricity in the household relate primarily to the characteristics of the devices that should be used for the preparation and storage of pork meat. The size of the device should be in accordance with the number of household members and the frequency of use of these devices. It goes without saying that the most energy-efficient devices should be used in order to achieve the greatest possible energy savings. The energy efficiency mark on devices provides information to the consumer about the level of energy consumption, i.e. about the class of its energy efficiency.

All technical brochures about the device, in printed or electronic form, must be in the Serbian language and must contain all the technical characteristics of the device, including energy consumption, which is regulated by the corresponding legal regulations.

The actions of users of electrical appliances during the preparation and storage of food are also important for saving energy. When using the stove, it should be borne in mind that the dishes for food preparation must be of adequate size, that is, in accordance with the

diameter of the heating plate, which should be turned off before the end of cooking in order to use the accumulated energy (the latter does not apply to the induction plate). Also, the oven should be turned off before the end of food preparation, because a certain amount of energy accumulates in it. Using the lid on the pot speeds up the preparation of food.

To save energy when preparing food, it is recommended to use a so-called pressure cooker, because it prepares food many times faster than in ordinary dishes. Energy can also be saved by using a stove with an induction plate, since only the surface covered by the dishes is heated. The position of the refrigerator and freezer determines the time to achieve optimal working temperatures, i.e. they should not be placed near a heat source, such as a stove or oven (radiator).

Food containers must not be warm when placed in the refrigerator and must be covered to reduce humidity inside the refrigerator. Refrigerator doors must have proper seals and should not be opened frequently. Older types of refrigerators require regular de-icing. It is recommended to replace old refrigerators with the latest types that do not create ice, and which require significantly less electricity to operate. Pork, like other foods, should be kept in the refrigerator for as short a time as possible and, if possible, avoid freezing, which would also achieve significant energy savings.

The research showed that another way to minimize the impact on the environment should be to reduce the amount of waste, primarily biowaste when using pork meat in households, as well as efficient waste management.

In terms of the amount of municipal waste per population, Serbia is at the bottom of the list of European countries. The average amount of waste in the European Union per capita is 487 kilograms of waste, while in Serbia there are 306 kilograms of waste per capita. However, in Serbia, most of the waste is disposed of in landfills, and a very small percentage of waste is recycled. In the European Union, only 24% of municipal waste is stored in landfills, while for Serbia this percentage is significantly higher and amounts to 84%.

In order for Serbia to meet European Union standards related to environmental protection, it is estimated that around 15 billion euros are needed, and that amount includes the establishment of a large number of centers for the use of waste as a resource. Since this is a strategic goal for the next period, the responsibility for this is at the state level, at the municipal level, as well as at the level of each household, in terms of reducing waste and using packaging as rationally as possible, sorting waste and throwing it in an appropriate place.

Reducing the amount of biowaste from pork is possible in two ways - by increasing the share of boneless pork in household consumption and by reducing the amount of this meat that is thrown away. If consumers were offered boneless pork meat at prices acceptable to them to a greater extent, the amount of biowaste in households would be reduced, and thus the slaughterhouse industry could use the waste, i.e. increase the production of meat and bone meal, which is used as organic fertilizer and ingredient in pet mixes.

According to data from 2019, about 14% of food worth about 400 billion US dollars is thrown away in the world. The UN Sustainable Development Agenda proclaimed the goal of reducing food losses in retail and households by 50% by 2030.

According to research on food waste in households in Serbia, 247,000 tons of food are thrown away every year, which represents 35 kg per year per capita, of which 7.18 kg is meat. According to the responses of consumers, food is thrown away when it spoils (67%), when it has been standing for a long time (17%) or when they consider it to be unsafe (11%). The value of wasted food per inhabitant is about 10,000 dinars. 244 When these data are transferred to our research, which included 500 households, it can be concluded that 18.20% of households lose about 10,000 dinars annually, 45.00% of households between 20,000 and 30,000 dinars., and 36.60% even RSD 40,000 or more.

Reducing the impact on the environment, i.e. energy saving, waste treatment and food waste depend to a large extent on consumer behavior. In order to improve the attitudes and opinions of consumers, i.e. their awareness of the necessity of minimizing the impact on the environment, continuous education of the population, consistent application of existing and adoption of new appropriate legal regulations, making changes to the educational process, which all together represent the third direction of activities for minimizing the impact on the environment, and thus and the influence of pork consumer behavior, which is the subject of our research.

Along with the application of the principles of environmental protection, the laws of the Republic of Serbia regulate, on the one hand, the rules of efficient use of energy, and on the other hand, adequate waste management.

In order to increase the competitiveness of the economy, the law on efficient use of energy emphasizes the responsible use of energy and the security of supply, as well as the reduction of the negative impact of energy on the environment through the implementation of the principles of energy efficiency both in the field of production, transmission and distribution, as well as in consumption. energy, and it is applied not only to the public sector and economic companies, but also to households.

The Law on Waste Management is based on ensuring the conditions for waste management, without endangering human health and the environment, and with special emphasis on the importance of waste prevention. Waste management plans are adopted at the regional and local level, and refer to both the obligations of local self-governments and the obligations of households.

Both of these laws include the adoption of a program of measures and procedures for prevention and raising the population's awareness of the necessity of adequate behavior in the field of sustainable development.

Apart from the measures implemented by the state in order to secure investments in projects for environmental protection in Serbia, which relate to the construction of centers for the treatment of municipal and hazardous waste and the purification of waste water, it is clear that it is necessary to ensure that the awareness of the population, i.e. consumers, is raised about the necessity reduction of negative impacts on the environment, which can be achieved through the following measures through a unique state program:

- Introduction of ecology as a compulsory subject in all grades of primary and secondary schools, since now very few students are included in environmental education.
- Introduction of environmental content into children's activities in childcare institutions from the age of three.
- Implementation of a campaign on the connection between sustainable development, competitiveness of the economy and social progress in all means of public information, which would be organized at the level of the entire country.
- Holding courses on sustainable development in work organizations that would be organized at the local self-government level.
- Introduction of environmental protection information programs for the non-working population (unemployed, pensioners, students) through appropriate local self-government bodies and universities.
- Introduction of a program of financial support for the population in the purchase of energy-efficient devices.
- Regular delivery of practical instructions (on saving electricity, sorting waste, etc.) to households throughout the territory of Serbia (for example, on the back of utility bills).

The implementation of the aforementioned recommendations would certainly improve the sustainable use of natural resources through efficient and economical use of energy, reduction of the amount of waste and its recycling. Our research has shown that these are the two basic aspects that influence sustainable development at the level of households, i.e. consumers.

8. CONCLUSION

Sustainable development has become the basis on which the progress of every country and company, as well as every individual, is based, which can develop smoothly only in a preserved natural environment. The importance of the principles of sustainable development at the global level is evidenced by the United Nations Agenda 2030 for the responsible use of natural resources and the provision of a healthy environment for the benefit of all humanity. The proclaimed goals of this Agenda refer, above all, to the eradication of poverty along with economic development, raising the level of health, environmental protection and education, as well as the fight against climate change. In accordance with the position, proclaimed in the documents of the United Nations, that sustainable development aims to meet current needs, but with the preservation of resources for future generations, the World Economic Forum develops the concept of sustainable competitiveness, where the emphasis is placed on productivity, which is the driver of prosperity and long-term growth. Thus, sustainable competitiveness is defined as a set of regulations that make the national economy productive over a long period while ensuring the sustainability of society and the environment. The sustainability of society means that institutions and regulations enable all residents to have the best health and safety and to increase their potential, as well as to contribute to the economic prosperity of the country in which they live. Environmental sustainability implies the existence of institutions and regulations that ensure efficient management of resources and creation of prosperity for current and future generations. The essence of sustainable competitiveness is to determine not only whether the country has the potential for development in the medium and long term, but also whether the development process contributes to the creation of a prosperous society.

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INTERIM MEASURES OF PROTECTION, ORDER OF THE INTERNATIONAL COURT OF JUSTICE OF 07 DECEMBER 2021, IN CASE OF APPLICATION OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (ARMENIA v. AZERBAIJAN) and (AZERBAIJAN v. ARMENIA)

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Abstract: *Interim measures of protection in the Order of the International Court of Justice of 07 December 2021 in Armenia vs Azerbaijan and Azerbaijan vs Armenia. The article examines the ICJ order indicating provisional measures on the application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia vs Azerbaijan and Azerbaijan vs Armenia) of 07 December 2021. Various aspects of the traditional requirements for the indication of provisional measures will be presented based on the jurisprudence of the ICJ, particularly with regard to its binding force, following the LaGrand judgment in which the Court clarified that its provisions on provisional protection are binding. One new requirement - the plausibility of protected rights - formulated by the Court for the first time in Belgium vs Senegal is also presented.*

Keywords: *Article 41 of the ICJ Statute; International Court of Justice; provisional measures of protection; requirements; credibility; conditions for granting provisional measures; prevention of litigation*

JEL Clasification: *K32*

On 16 September 2021, Armenia filed in the Registry of the Court an Application instituting proceedings against Azerbaijan concerning alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965 (hereinafter "CERD" or the "Convention"). In its Application, Armenia contends that "[f]or decades, Azerbaijan has subjected Armenians to racial discrimination" and that, "[a]s a result of this State-sponsored policy of Armenian hatred, Armenians have been subjected to systemic discrimination, mass killings, torture and other abuse". According to Armenia, these violations are directed at individuals of Armenian ethnic or national origin regardless of their actual nationality. The Application contained a Request for the indication of provisional measures, seeking "to protect and preserve Armenia's rights and the rights of Armenians from further harm, and to prevent the aggravation or extension of [the] dispute, pending the determination of the merits of the issues raised in the Application".

The Application contained a Request for the indication of provisional measures submitted with reference to Article 41 of the Statute and

to Articles 73, 74 and 75 of the Rules of Court. Armenia asked the Court to indicate the following provisional measures:

- "Azerbaijan shall release immediately all Armenian prisoners of war, hostages and other detainees in its custody who were made captive during the September-November 2020 armed hostilities or their aftermath;
- Pending their release, Azerbaijan shall treat all Armenian prisoners of war, hostages and other detainees in its custody in accordance with its obligations under the CERD, including with respect to their right to security of person and protection by the State against all bodily harm, and permit independent medical and psychological evaluations for that purpose;
- Azerbaijan shall refrain from espousing hatred of people of Armenian ethnic or national origin, including by closing or suspending the activities of the Military Trophies Park;
- Azerbaijan shall protect the right to access and enjoy Armenian historic, cultural and religious heritage, including but not limited to, churches, cathedrals, places of worship, monuments, landmarks, cemeteries and other buildings and artefacts, by inter alia terminating, preventing, prohibiting and punishing their vandalisation, destruction or alteration, and allowing Armenians to visit places of worship;
- Azerbaijan shall facilitate, and refrain from placing any impediment on, efforts to protect and preserve Armenian historic, cultural and religious heritage, including but not limited to churches, cathedrals, places of worship, monuments, landmarks, cemeteries and other buildings and artefacts, relevant to the exercise of rights under the CERD;
- Azerbaijan shall take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of acts within the scope of the CERD;
- Azerbaijan shall not take any action and shall assure that no action is taken which may aggravate or extend the existing dispute that is the subject of the Application, or render it more difficult to resolve; and
- Azerbaijan shall provide a report to the Court on all measures taken to give effect to its Order indicating provisional measures, no later than three months from its issuance and shall report thereafter to the Court every six months."

Azerbaijan requested the Court "to reject the request for the indication of provisional measures submitted by the Republic of Armenia".

On 23 September 2021, Azerbaijan filed in the Registry of the Court an Application instituting proceedings against Armenia concerning alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965 (hereinafter "CERD" or the "Convention"). In its Application, Azerbaijan contends that Armenia has engaged and is continuing to engage "in a series of discriminatory acts against Azerbaijanis on the basis of their 'national or ethnic' origin within the meaning of CERD". In particular, the Applicant claims that "Armenia's policies and conduct of ethnic cleansing, cultural erasure and fomenting of hatred against Azerbaijanis systematically infringe the rights and freedoms of Azerbaijanis, as well as Azerbaijan's own rights, in violation of CERD". The Application was accompanied by a Request for the indication of provisional measures seeking to protect the rights invoked by Azerbaijan "against the harm caused by Armenia's ongoing unlawful conduct", pending the Court's final decision in the case.

Together with the Application, Azerbaijan submitted a Request for the indication of provisional measures with reference to Article 41 of the Statute and to Articles 73, 74 and 75 of the Rules of Court.

Azerbaijan asked the Court to indicate the following provisional measures:

"(a) Armenia shall take all necessary steps to enable Azerbaijan to undertake the prompt, safe and effective demining of the landmines laid in Azerbaijan's territory by the Armenian military and/or other groups under the direction, control, or sponsorship of Armenia, including by immediately providing comprehensive and accurate information about the

location and characteristics of landmines in Azerbaijan's territory;

(b) Armenia shall immediately cease and desist from endangering the lives of Azerbaijanis by planting or promoting or facilitating the planting of landmines in Azerbaijan's territory;

(c) Armenia shall take all necessary steps effectively to prevent organizations operating in Armenian territory, including the VoMA organization, from engaging in the incitement of racial hatred and racially-motivated violence targeted at Azerbaijanis, and immediately shall cease and desist incitement based on the fabrication of public and private hate speech attributed to Azerbaijanis on Twitter and other social media and traditional media channels;

(d) Armenia shall take effective measures to collect, and to prevent the destruction and ensure the preservation of, evidence related to allegations of ethnically-motivated crimes against Azerbaijanis of which it is aware, including those identified in communications from the Republic of Azerbaijan;

(e) Armenia shall refrain from any measure that might aggravate, extend, or make more difficult the resolution of this dispute; and

(f) Armenia shall submit a report to the Court on all measures taken to give effect to its Order indicating provisional measures within three months, as from the date of the Order, and thereafter every six months, until a final decision on the case is rendered by the Court."

Armenia requested the Court "to reject Azerbaijan's requests for the indication of provisional measures in full".

2. CONDITIONS FOR THE INDICATION OF PROVISIONAL MEASURES

A. Irreparable prejudice and urgency

The Court, pursuant to Article 41 of its Statute, has the power to indicate provisional measures when irreparable prejudice could be caused to rights which are the subject of judicial proceedings or when the alleged disregard of such rights may entail irreparable consequences[2]. The power of the Court to indicate provisional measures will be exercised only if there is urgency, in the sense that there is a real and imminent risk that irreparable prejudice will be caused to the rights claimed before the Court gives its final decision. The condition of urgency is met when the acts susceptible of causing irreparable prejudice can "occur at any moment" before the Court makes a final decision on the case.[3] The Court must therefore consider whether such a risk exists at this stage of the proceedings.

Armenia submits that there is an urgent need to protect prisoners of war and civilian detainees of Armenian national or ethnic origin from further mistreatment, to protect persons of Armenian national or ethnic origin from continued hate speech, and to protect Armenian historic, cultural and religious heritage from erasure. Azerbaijan denies that there exists an imminent risk of irreparable prejudice to the rights of the Applicant under CERD because it has already reaffirmed on several occasions its obligations under the Convention and has taken concrete action to comply with those obligations.

Azerbaijan considers that there is an urgent need to protect Azerbaijanis from continued hate speech and violence on account of their national or ethnic origin and that the emotional effects of this constant threat of violence can cause an irreparable prejudice to their rights. Armenia denies that there exists an imminent risk of irreparable prejudice to the rights of Azerbaijan with respect to its "allegations of incitement of ethnic hatred and violence through an alleged failure to sanction or punish so-called armed hate groups"

B. *Prima facie* jurisdiction

The Court may indicate provisional measures only if the provisions relied on by the

[2] Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), Provisional Measures, Order of 23 January 2020, I.C.J. Reports 2020, p. 24, para. 64, referring to Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America), Provisional Measures, Order of 3 October 2018, I.C.J. Reports 2018 (II), p. 645, para. 77

[3] ibid., p. 24, para. 65

Applicant appear, prima facie, to afford a basis on which its jurisdiction could be founded, but need not satisfy itself in a definitive manner that it has jurisdiction as regards the merits of the case.[4]

Armenia seeks to found the jurisdiction of the Court on Article 36, paragraph 1, of the Statute of the Court and on Article 22 of CERD.[5]

Armenia and Azerbaijan are both parties to CERD; Armenia acceded to CERD on 23 June 1993, Azerbaijan on 16 August 1996. Neither Party made reservations to Article 22 or to any other provision of CERD.Under Article 22 of CERD, a dispute may be referred to the Court only if it is "not settled by negotiation or by the procedures expressly provided for in this Convention". The Court has previously ruled that Article 22 of CERD establishes procedural preconditions to be met before the seisin of the Court.[6] Azerbaijan seeks to found the jurisdiction of the Court on Article 36, paragraph 1, of the Statute of the Court and on Article 22 of CERD as well.

c. Sufficient link between the rights whose protection is sought and the subject-matter of the case in relation to which the request for protection is made

Article 73 para 1 of the new Rules of Procedure of the ICJ decides that:

1. A Party may request in writing a precautionary measures at any stage of the proceedings in respect of which it relates.

It replaces Article 66, para 1 of the 1972 Rules of Procedure / Article 61. 1946/. Normally, the Court does not invoke that article in its orders, since it is clear that safe guards protect the rights and interests at issue. This means that the party concerned is seeking the Court to order measures to protect the subject-matter of the dispute as it is at the time when the action is brought in order to enable the judgment to be delivered. Safeguard measures should protect the rights and interests of the parties to the dispute, with the exception of measures which would have effects beyond the subject-matter of the dispute.[7] The power of the Court to indicate provisional measures under Article 41 of the Statute has as its object the preservation of the respective rights claimed by the parties in a case, pending its decision on the merits thereof. It follows that the Court must be concerned to preserve by such measures the rights which may subsequently be adjudged by it to belong to either party. Therefore, the Court may exercise this power only if it is satisfied that the rights asserted by the party requesting such measures are at least plausible (see, for example, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), Provisional Measures, Order of 23 January 2020, I.C.J. Reports 2020, p. 18, para. 43).[8]

In this case, Armenia v. Azerbaijan, the Court said:

"62. The Court now turns to the condition of the link between the rights claimed by Armeniaand the provisional measures requested. In this regard the Court recalls that at this stage of the proceedings only some of the rights claimed by Armenia have been found to be plausible. It will therefore limit itself to considering the existence of the requisite link between these rights and the measures requested by Armenia".Armenia considered that each of the provisional measures requested is clearly linked to the rights for which it seeks protection. Azerbaijan considered that there

[4] Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), Provisional Measures, Order of 23 January 2020, I.C.J. Reports 2020, p. 9, para. 16).

[5] "Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement."

[6] Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation), Preliminary Objections, Judgment, I.C.J. Reports 2011 (I), p. 128, para. 141

[7] Exceptionally in the case concerning the Trial of Pakistani Prisoners of War (Pakistan v. India), ICJ Reports 1973, p. 330, the Court mentioned the requirement of a link between the safeguards and the substance of the case. See also ICJ Reports 1976, p. 3; ICJ Reports 1979, p. 7.

[8] Sałkiewicz-Munnerlyn, 2022, pp. 69-73

is no link between the measures requested by Armenia and the rights under CERD that it claims on the merits.

The Court considered that a link exists between certain measures requested by Armenia and the plausible rights it seeks to protect. The Court concluded, that a link exists between some of the rights claimed by Armenia and some of the requested provisional measures.

In the same case, but Azerbaijan v. Armenia, the Court said: "54. The Court now turns to the condition of the link between the rights claimed by Azerbaijan and the provisional measures requested. In this regard the Court recalls that at this stage of the proceedings only some of the rights claimed by Azerbaijan have been found to be plausible. It will therefore limit itself to considering the existence of the requisite link between these rights and the measures requested by Azerbaijan.

55. Azerbaijan considers that each of the provisional measures requested is clearly linked to the rights for which it seeks protection. In particular, with regard to the measure requesting that Armenia be ordered to prevent certain groups from engaging in hate speech, and to cease and desist from its alleged ongoing cyber disinformation campaign, Azerbaijan asserts that this is aimed at protecting ethnic Azerbaijanis from racist hate speech and the risk of ethnic violence and therefore are directly linked to the rights asserted by Azerbaijan under CERD.

56. Armenia maintains, in general, that the measures requested by Azerbaijan have no link to rights of Azerbaijan arising under CERD.

57. The Court has already found that at least some of the rights claimed by Azerbaijan under CERD are plausible (see paragraph 52 above). It considers that a link exists between one of the measures requested by Azerbaijan (see paragraphs 5 and 11 above) and the plausible rights it seeks to protect. This is the case for the measure aimed at ensuring that any organizations and private persons in the territory of Armenia do not engage in the incitement and promotion of racial hatred and racially motivated violence targeted at people of Azerbaijani national or ethnic origin. This measure, in the view of the Court, is directed at safeguarding plausible rights invoked by Azerbaijan under CERD.

58. The Court concludes, therefore, that a link exists between some of the rights claimed by Azerbaijan and one of the requested provisional measures".

d. Plausibility of rights

For the first time, the ICJ dealt with the Plausibility test in Questions relating to the obligation to prosecute or extradite (Belgium v. Senegal).[9] In para 58 of the Interim Measures Order, the ICJ stated: "A State party to CERD may invoke the rights set out in the above-mentioned articles only to the extent that the acts complained of constitute acts of racial discrimination as defined in Article 1 of the Convention (see ibid., para. 52). In the context of a request for the indication of provisional measures, the Court examines whether the rights claimed by an applicant are at least plausible". More recently, the ICJ has increasingly referred to this condition in its interim measures. [10] In para 59, the ICJ stated: "The

[9] Order on interim measures of protection of 28 May 2009, ICJ Reports 2009, p. 142; see also Sałkiewicz-Munnerlyn, 2022, op.cit. pp.63-68.

10 Uchkunova I (2013) Provisional measures before the International Court of Justice. The Law and Practice of International Courts and Tribunals 12: pp 391–430; Miles C (2017) Provisional measures before international courts and tribunals. Cambridge 139 University Press, Cambridge, pp 193–201; Lando M (2018) Plausibility in the provisional measures of the International Court of Justice.137 Leyden Journal of International Law 31: 641–668; Sparks T, Somos M (2019) The humanisation of provisional measures? Plausibility and the interim protection of rights before the ICJ. Max Planck Institute for Comparative Public Law & International Law (MPIL) Research Paper Series No. 2019-20, pp 1–24. DOI: https://doi.org/10.2139/160 ssrn.3471141; Palchetti P (2008) The power of the International Court of Justice to indicate provisional measures to prevent aggravation of a dispute. Leyden Journal of International Law 21, p.623. Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua), Provisional Measures, Order of 8 March 2011, ICJ Reports 2011 (I), p. 18, para 53; Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v. Australia), Provisional Measures, Order of 3 March 2014, ICJ Reports 2014, p. 147, para 22: 'The power of the Court to indicate measures under Article 41 of the Statute has as its object the preservation of the respective rights claimed by the parties in a case, pending its decision on the merits thereof. It follows that the Court must be concerned to preserve by such measures the rights which may subsequently be adjudged by it to belong to either party. Therefore, the Court may exercise this power only if it is satisfied that the rights asserted by

Court considers, on the basis of the information presented to it by the Parties, that at least some of the rights claimed by Armenia are plausible rights under the Convention". This issue was considered by the Court in para 60: "In relation to persons that Armenia identifies as prisoners of war and civilian detainees taken captive during the 2020. Conflict or in its aftermath, Armenia asserts two distinct rights: the right to be repatriated and the right to be protected from inhuman or degrading treatment. The Court notes that international humanitarian law governs the release of persons fighting on behalf of one State who were detained during hostilities with another State. It also recalls that measures based on current nationality do not fall within the scope of CERD (Application of the International Convention on the Elimination of all Forms of Racial Discrimination (Qatar v. United Arab Emirates), Preliminary Objections, Judgment of 4 February 2021, para. 105). The Court does not consider that CERD plausibly requires Azerbaijan to repatriate all persons identified by Armenia as prisoners of war and civilian detainees. Armenia has not placed before the Court evidence indicating that these persons continue to be detained by reason of their national or ethnic origin. However, the Court finds plausible the right of such persons not to be subjected to inhuman or degrading treatment based on their national or ethnic origin while being detained by Azerbaijan".The Court however found that: "61. The Court also considers plausible the rights allegedly violated through incitement and promotion of racial hatred and discrimination against persons of Armenian national or ethnic origin by high-ranking officials of Azerbaijan and through vandalism and desecration affecting Armenian cultural heritage". Judge Yusuf, in his Dissenting Opinion to the Armenia v. Azerbaijan Order, disagreed with the Court's conclusions regarding plausibility. He stated that such rights do not have a link with racial discrimination and that therefore, they are not plausible under the CERD, and provisional measures cannot be indicated related to such rights. Relatedly, Judge ad hoc Keith explained, in his Declaration, his negative vote "on the measure relating to cultural property" by stating that "CERD does not accord protection to cultural property itself," and that difficulties accessing Armenian cultural property arise from the placement of landmines, not from the national or ethnic origin of those seeking access.

e. Non-aggravation of the dispute

Armenia v. Azerbaijan

(2) Unanimously, Both Parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.

94. The Court recalls that Armenia has requested it to indicate measures aimed at ensuring the non-aggravation of the dispute with Azerbaijan. When it is indicating provisional measures for the purpose of preserving specific rights, the Court may also indicate provisional measures with a view to preventing the aggravation or extension of a dispute whenever it considers that the circumstances so require (see, for example, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates), Provisional Measures, Order of 23 July 2018, I.C.J. Reports 2018 (II), pp. 432-433, para. 76). In the present case, having considered all the circumstances, in addition to the specific measures it has decided to order, the Court deems it necessary to indicate an additional measure directed to both Parties and aimed at ensuring the non-aggravation of their dispute.

Azerbaijan v. Armenia

(2) Unanimously, Both Parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve 72. The Court recalls that Azerbaijan has requested it to indicate measures aimed at ensuring the

the requesting party are at least plausible.' See also Request for Interpretation-Temple of Preah Vihear, Provisional Measures, Order of 18 July 2011, ICJ Reports 2011, p. 545, para 33: 'the rights which the party requesting provisional measures claims to derive from the judgment in question, in the light of its interpretation of that judgment, are at least plausible'.

non-aggravation of the dispute with Armenia. When it is indicating provisional measures for the purpose of preserving specific rights, the Court may also indicate provisional measures with a view to preventing the aggravation or extension of a dispute whenever it considers that the circumstances so require (see, for example, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates), Provisional Measures, Order of 23 July 2018, I.C.J. Reports 2018 (II), pp. 432-433, para. 76). In the present case, having considered all the circumstances, in addition to the specific measure it has decided to order, the Court deems it necessary to indicate an additional measure directed to both Parties and aimed at ensuring the non-aggravation of their dispute.

3. THE PROBLEM OF THE BINDING FORCE

96. The Court reaffirms that its "orders on provisional measures under Article 41 [of the Statute] have binding effect" (LaGrand (Germany v. United States of America), Judgment, I.C.J. Reports 2001, p. 506, para. 109) and thus create international legal obligations for any party to whom the provisional measures are addressed. [11] Since the preparatory work on the drafting of Article 41 by the committee of lawyers who worked out the Statute of the PCIJ in 1920, there was a controversy over the validity of the interim measures of protection. [12] It is apparent from all the preparatory work that the order for interim protective measures is not binding. The position of the States regarding the binding force of the interim measures of protection indicates that they consider safeguards to be optional. All the States against which safeguards were ordered questioned the jurisdiction of the Court and were not even present at the hearing. Most of them, following the order for precautionary measures, issued statements which stated that they would not be taken into account. [13] Even in the time of the PCIJ, that is, for more than 80 years, we have been dealing in doctrine with different opinions about whether or not orders of interim measures are binding.[14] As noted by Judge Oda 'the provisional measures indicated by the Court in the past have usually not been implemented'. It was only in 2001, in the LaGrand judgment, that the Court for the first time clarified this issue finding that its 'orders on provisional measures under Article 41 have binding effect'.[15] Germany had argued that the measures are binding; the United States had taken the view, frequently expressed by States so far, that wording and history of Articles 41 and 94 of the Charter show the contrary.[16] In this case, the US did not comply with the interim safeguards and executed a citizen of another country under consular protection.[17] Another reason why States have occasionally been non-compliant is that the Court lacks the power to enforce its decisions and that Article

[11] See the paragraph 84 of the order of 16.03.2022, Order of 16 March 2022, Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation), Request for the indication of provisional measures, the Court reaffirmed that its "orders on provisional measures under Article 41 [of the Statute] have binding effect"

[12] See: Ewa Salkiewicz-Munnerlyn, Jurisprudence of the PCIJ and of the ICJ on Interim Measures of Protection, T.M.C. Asser Press, The Hague, 2022, ISBN 978-94-6265-474-7 ISBN 978-94-6265-475-4 (eBook) https://doi.org/10.1007/978-94-6265-475-4, pp. 33-46; Ewa Sałkiewicz-Munnerlyn, Interim measures of protection in the International Court of Justice – order of 16 march 2022 in case Ukraine vs Russia, "The Voice of Law" 2022, Vol. 5, No. 1 (9), item 3

[13] Nuclear Tests case, ICJ, Reports, 1973, p 100, Aegean Sea Continental Shelf case, ICJ, Reports, 1976, p. 5, Fisheries Jurisdiction case, ICJ, Reports, 1972, p. 14

[14] Vice President Weeramantry provides a useful summary of such debates in his Separate Opinion in Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Provisional Measures, Order of 13 September 1993 (1993) ICJ Rep 325, 374–389

[15] LaGrand (Germany) v United States of America), Judgment, ICJ Reports 2001, p 506, para 109 and thus create international legal obligations which both Parties are required to comply with.
Application of the International Convention It the Elimination of all Forms of Racial Discrimination (Georgia v. Russian Federation), Provisional Measures, Order of 15 October 2008, ICJ, Reports 2008, para 147 'Whereas the Court's "orders of provisional measures under Article 41 [of the Statute] have binding effect". Armed Activities in the Territory of the Congo, (Democratic Republic of the Congo v. Uganda), Judgment, ICJ Reports 2005, p. 258.

16 Ibid, at para 93 (argument by Germany) and at para 96 (argument by the United States)

[17] Vienna Convention on Consular Relations (Paraguay v. United States of America), Provisional Measures, ICJ, Reports 1998, Order of 9 April 1998

94 para 2 of the Charter of the United Nations ('[i]f any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment') does not apply to orders of the Court. But it does not mean that the ICJ has no way to sanction it. In that case the Court indicated the interim measures, the State in whose favor certain measures have been indicated, may contain in its final submissions in the pending case a request to this effect. In that case, the Court may grant relief in the form of a declaration that the order has been violated or even take this into consideration in its determination of the compensation due.[18]In legal doctrine and in separate opinions, the position has been taken that orders must be seen as binding because of their specific importance for the protection of the judicial procedure. [19] In the case

Gambia v. Myanmar, the Court reaffirms that its 'orders on provisional measures under Article 41 [of the Statute] have binding effect' and thus create international legal obligations for any party to whom the provisional measures are addressed.

4. CONCLUSIONS

In these two cases, the Court continued its requirements for an indication of the interim measures i.e., irreparable harm, sufficient link between the rights whose protection is sought and the subject-matter of the case in relation to which the request for protection is made, prima facie competence, non aggravation of the dispute and plausibility of rights.

For the first time, two suits were filed simultaneously in the same case, by Armenia and Aerbajdzan.

[18] In the Bosnian Genocide case the Court refused to treat violation of the order for protection as a separate ground for compensation reasoning that 'the question of compensation for the injury caused to the Applicant by the Respondent's breach of aspects of the Orders indicating provisional measures merges with the question of compensation for the injury suffered from the violation of the corresponding obligations under the Genocide Convention.' (See Application of the Convention on the Prevention and Punishment of the Crime of Genocide), (Judgment), 2007, p 43 at [231], para 458); Sałkiewicz-Munnerlyn 2009, pp. 53–71, https://www.ceeol.com/search/article-detail?id=582668

[19] Application of the Convention on the Prevention and Punishment of the Crime of Genocide, (Interim Measures), Order of 13 September 1993, Separate Opinion of Judge Weeramantry 1993, pp. 325, 374–389; Lando M (2017) Compliance with provisional measures indicated by the International Court of Justice. Journal of International Dispute Settlement 8: pp. 22–55; Vucic Mihajlo, Binding effect of provisional measures as an inherent judicial power: An example of cross-fertilization, Annals FLB, "Belgrade Law Review" 2018, No. 4, pp. 127-142.

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NEOLIBERAL INSTITUTIONALISM OF THE EUROPEAN CENTRAL BANK: AN ANALYSIS OF BANKING SUPERVISION REGULATION

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Abstract: *The contemporary world financial crisis is characterized by complexity in global effects, which has not been recorded in economic history so far. The crisis originated in the financial sphere, but it spread to the entire real sector and the world economy as a whole. The question is often asked: was the crisis orchestrated or the result of tectonic disturbances in the functioning of the modern neoliberal credit-market system. Entering into the analysis of the world crisis, it is indisputable that the imposed neoliberal and monetarist model experienced its complete collapse, which fundamentally shook the pillars of neoliberal capitalism. Neoliberalism "opened up" national economies and made them vulnerable to the penetration of Western capital, and unprecedented exploitation through the virtual clapboard and dollar, as national and world money without a real basis and cover. With worthless paper, everything was bought around the world and broke the "disobedient, Basically, it is about the creation of "peripheral states and economies in the interest of large financial capital.*
In the paper, we analyze the scope of financial regulations, primarily banking supervision, with the aim of assessing possible limitations and effects as well as implications for the financial systems of countries on the way to European integration.

Keywords: *European Central Bank, banking supervision, financial stability.*

JEL Clasification: *F58*

1. INTRODUCTORY CONSIDERATIONS: THE POLITICAL ECONOMY OF THE EUROPEAN UNION

The conceptual rupture of the Franco-German economy, as the axis of the EU, minimal economic growth, record unemployment, a flood of refugees, an unclear course of recovery for the economies of the member countries, a strengthened US dollar and increased control of US banks over all banking transactions around the world (to prevent tax evasion) are "global" reasons why investors avoid Europe and why "international business moves" to the East. The European Union is a textbook example of a universal monarchy dominated by the rule of the euro, the destruction of the national economies of European countries and the growth of a specific class of Eurocracy bears all the global and structural features of integral management without sovereign states, peoples and individuals The crisis of public finances and the crisis of the euro common currency

have been threatening the pillars of economic and financial sovereignty of the EU for years, which slows down, deaffirms and renders further expansion and accession of new member states meaningless.The financial crisis of the first decade of the 21st century revealed many limitations and shortcomings in the management and management of financial institutions on both sides of the Atlantic. For today's European Union, we can say that it is a mess - eurocracy - literally the power of the euro - appears as a combination of the monetary and social rule of the bureaucracy and technocracy of the EU. Eurocracy is a new form of political and economic authority and power, whose management techniques derive from the acceptance and spread of US neoliberalism, as the essential imperial model

Since all European bankers are in a banking conflict with each other, the European Central Bank (ECB) takes over the supervision of all the most important banks in Europe. As the "bank of banks" and the mother of European banking, the ECB manages the common currency, controls inflation, issues euro money in circulation, supervises the operations of banks and governments, influences bank balance sheets, determines monetary policy and determines economic growth in the eurozone (regardless of the banking stress in the business banking of Europe and the repositioning of the reputation in the European banking sector). As the world's second largest economic power, the ECB determines the monetary policy of the thirteen most powerful countries with more than 15% of the world's gross domestic product.

The euro has enabled Germany to develop unimaginably, which is based on global and unlimited exports. In this way, Germany exports more than half of the national product, with the aim of suffocating weaker EU members. With such a euro, monetary and fiscal policy are mutually distant and opposed: monetary authority is at the level of the EU, while fiscal policy is at the level of the member states, and this is where all the troubles related to the euro end.

The basic idea of the ECB is to allocate money to the central banks of the member states so that they can pass it on to commercial banks that would place loans to the population and the economy under more favorable conditions. But the bureaucracies of Brussels and Frankfurt have supported an intricate system of conditions and restrictions, since the program is not a classic money printing system like the FED. Therefore, the ECB provides money for the purchase of government bonds from the balance of payments banks to the central banks of the eurozone members, which means that the total amount of money does not change. Banks only replace government debt bonds with cash, i.e. liquid funds, in order to increase lending capacity. By using complex financial operations using the so-called financial innovations (financial derivatives, for example), huge sums of money are invested in speculations that do not lead to evident changes in the real sector, because by concluding various options and futures, stock exchange commodities are traded, which do not exist in given quantities in the real world, but therefore bring a profit that is much higher than what is realized by investing in the real economy (and the expected changes in commodity prices are solved by insurance) (Ristić, et al., 2019). The insured mass of money is invested no more in the real economy than in the virtual economy, where the highest salaries, profits and dividends are.

The anti-crisis measures in the EU, which have been implemented so far, were reduced, as a rule, to state interventions, with which huge budget funds were allocated to save large financial and manufacturing companies from bankruptcy. In this way, the losses of private companies were financed with the taxpayers' funds, which led to the global crisis precisely because of their irresponsible speculations that previously brought huge profits, which went to pay huge dividends to capital owners and leading intemperate company managers. Through the redistribution of budget funds, the loss of large private capacities is socialized and the incomes of all citizens, as taxpayers, are privatized. After the EU's entry into deflation, the ECB immediately loosened its

monetary policy and aggressively launched a program of monetary easing, which included the purchase of government bonds with negative interest rates. The euro fell sharply, yields on government bonds fell to record lows. Thus, the stock markets began to rise strongly, which was supposed to accelerate economic recovery and stop deflationary pressures. But even ECB creations keep lending at a low level. The share of economic and public debt in the social product of peripheral countries in the eurozone is still very high. Fiscal policy is a counter-discipline, to reject the application of short-term instrument measures, as opposed to austerity measures and stimulating reforms (Ristić, Živković, 2019).

In almost all the EU countries that joined it, the increase in the national product per capita was accompanied by enormous costs in the form of growing public debt, which increased faster than the national product. Cyprus, the Czech Republic, Estonia, Hungary, Romania, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia and Croatia are actually the so-called European countries, who live on a credit card (Stiglic, 2012). The external public debt of these countries almost doubled by the very act of joining the EU. Therefore, all economic successes are actually financed by borrowing at the expense of future generations, who don't even ask themselves whether they agree with the "Bećar" borrowing (because they have to pay it back at the expense of the still unrealized income). This, therefore, unequivocally exposes the fact that EU membership is by definition linked to an accelerated increase in the public debt of foreign ballast, which tends to grow with an automatic increase in interest rates. Those same over-indebted countries are now forced to call for help from the famous IMF, which is introducing harsh austerity measures while not being able to access the capital market in order to get favorable loans to refinance their financial obligations, especially investing in future economic growth. In this context, the EU must change in the direction of reaffirming the social market economy. The EU should go further in the direction of federalization, i.e. monetary, fiscal and banking union, and in the direction of transfer union, i.e. redistribution of part of the social product in favor of poor members, if it wants to build a consistent economic system.

Today's Europe is essentially a Jacobin creation, which gradually deprives nations and regions of their sovereignty. The erroneous EU concept of building a kind of empire on anti-imperial grounds is in contrast to the practice of the traditional imperial state, which is organized as a supranational federal union. Therefore, it is necessary to create a decentralized federation or confederation based on the principle of subsidiarity and significant regional autonomy with local and regional structures due to today's unrealistic European state. That is why European unity should no longer be seen through the prism of the free market and the flow of capital, but exclusively through the prism of cultural, spiritual and traditional identity. In addition, it is necessary to reverse the process of decentralization of power in the EU, which was initiated under the guise of fighting the economic crisis and recession, in order to transfer powers from the regions and member states to the Brussels administration and the omnipresent European Commission. The Washington Consensus and the triumph of the neoliberal concept overthrew the welfare state in order for macroeconomic policy to be shaped in the offices of the IMF and for investment funds to cause economic devastation on an unprecedented scale.

The multi-decade increase in external debt to foreign creditors - a mechanism regulated by the IMF - was profiled by the Washington economic actor, which increases wealth - welfare through loans and the misery of the population. This new investor management system for managing crisis slavery is a new stage in economic globalism, as a new form of transformation of economic systems. America has left the printing of its currency unchecked to a consortium of private bankers from whom it normally borrows the necessary money to function. In essence, the IMF is a very profitable financial institution, which as a joint-stock company works exclusively in the interest of

the majority capital owners and global profiteers. The profit is a "profitable combination" of shareholders based on the rigorous placement of financial resources according to the concept of shock therapy of rigid savings, reduction of salaries and pensions, reduction of the public sector "in length and breadth", abolition of subsidies, privatization of state enterprises and public resources, reduction of administration, liberalization foreign trade and prices, and exchange rates and interest rates, but with mandatory structural reforms and principles of neoliberal doctrine. This basically insists on macroeconomic stabilization with mandatory neglect of development. The IMF prefers the fight against inflation, not the fight against recession and unemployment.

The terrifying capitalist economy runs on debts owed to private banks. Even now, decisions about easy money are made by a consortium of private bankers through the FED, who caused the financial crisis by financing the financial derivatives market. In getting out of the crisis, the FED has already "invested" 3.1 trillion dollars. The constant pumping of new dollars resulted in only 3 cents of economic growth, while the rest of 97% went to speculative purposes, so the consequences of the financialization of the American economy were brought to an extreme. Easy money comes from the banking sector as debt and returns to the banking sector again, as a means of financial speculation. That is why the banking sector has developed 30 times) than the real economy of American society in which the "poverty index" (as the sum of the unemployment rate and the real inflation rate) reached up to 32.89. In essence, "easy money" creates "fake securities" in the financial derivatives market, which has reached a staggering figure of $710 trillion, which is almost 10 times more than the world's gross domestic product.

This is how the US government operates on constant borrowing by selling treasury bonds, which leads to economic collapse. Now the FED is using tricks here as well. Namely, a mysterious and fictitious buyer from Belgium appeared for unsold bonds in the amount of hundreds of billions of dollars. The Fed found a buyer and the trade amount was electronically credited to the positive side of the Fed's balance. And who can now verify the veracity of this unilateral operation, especially in the conditions of an invisible and unpublished financial war. Fundamental American values represent a complex system dominated by personal success, free enterprise, wealth, money, competition, reliance on one's own strength, success at any cost and liberal-democratic order, as an institutional framework for proclaiming universal values. In this context, the ideology of liberalism is an ideal support for the market economy, which does not incorporate the adjustment of economic policies in global processes (Stiglic, 2015). The emphasis of IMF reforms is always on savings, as an unavoidable format applied as shock therapy. Otherwise, this international financial cartel needs a financially viable nation, such as, for example. Serbia, which for more than 15 years, has been intravenously connected to IMF and World Bank loans without an alternative.

The economic ratio of the market ideology is maintained in a space without borders, which produces an anonymous globalocracy, a creation without territory and without a state, whose economy has been freed from regulatory interventions. Economization introduced administrative management of the social sphere and biopolitical management of life. Deregulation and a minimal state represent the code of an autonomous economy. The root of globalist and mundialist rule springs from the universal conception of neoliberalism and postmodernism, as all-pervading forms of control and domination of modern capitalism that absorb the entire public and private space.

The totalitarian character of this rule stems from the financial power of capital and the permanent increase in profits. That global system of governance has woven a web of de-sovereignation by states and crypto-elite capital, which turn knowledge into a commodity and exchange value on the market. The utilitarian view of the world has collapsed, in this way, education, science, health and culture. Therefore,

the chosen development strategy does not go in the direction of building the consistency of economic systems in the conditions of globalization, because multinational companies rule and suffocate everything in their way, by creating monopolies and exclusive production rights, credit lines, trade flows, developed barriers, tax privileges, infrastructural privileges, and generally stifling market competition. The globalist competition of today's economic fanaticism is based on the transfer of capital, the relocation of work and the drastic reduction of labor costs. This is now elegantly followed by the legitimate deterritorialization of people, which is structurally promoted by capital through emigration, including almost all restrictions on particular domination.

2. ECONIMIC AND FINANCIAL STABILITY OF THE EUROPEAN UNION

In the Eurozone, the slow growth of economic activity and inflation that is far below the target of 2% represents additional pressure on the ECB to introduce additional alternative measures. So far, the ECB has taken radical steps in the form of lowering the interest rate on deposits to -0.2% and buying assets worth over half a billion euros in secondary markets (mostly in the form of government bonds and bonds of public sector companies), giving an impetus to investment growth, the creation of new jobs and economic recovery. This kind of math on the old continent brought the euro to its lowest value against the dollar. Therefore, investors in the US buy, come and sell government bonds, while Europe buys bonds and sells euros. Along with the reduction of the EU rating, the Swedish model of the welfare economy was resurrected by favoring a policy of general welfare: export orientation of the manufacturing sector, favoring science and education, application of new technologies, ecology, social rights of citizens, and raising the world record of 80% of employed generations from 25 to At the age of 64, having successfully crossed the road from "social to minimal state". Productivity grew in direct proportion to the reduction in the number of working hours. And the key lesson of the Governor of the Swedish Central Bank for the currency crisis was: the deficit is not a problem if it serves to finance research and employment, which is a clear negation of the validity of neoliberal fiscal policies in the EU.

Countries that offer multinational companies preferential tax treatment in the form of favorable tax solutions or agreements actually give those companies illegal subsidies (Gregory, Stuart, 2015). Tax rulings that set the conditions for taxation of international companies in advance have been given the informal name of "letters of support". That is why today those decisions are under public scrutiny, since tax benefits have become an established practice in business, which is used by 1,000 companies without "benefit" for the national economy. France Spain and Italy are the only three countries in the Eurozone that are "doing well" in breaking the rigorous budget rules they voted for during the crisis to improve the rules of sustainable public finances. But an expansionary budget is a perfectly "appropriate" way to achieve this. The ECB program was launched in order to ensure the long-term financing of Euro zone banks, but it did not produce the desired results (Stiglic, 2015).

Targeted long-term refinancing operations (in order to improve the financial stability of European banks) did not strengthen the process of lending to an economy with stagnant growth, that is, mired in zero growth. In the European Union, however, there is a possibility that recession and growth recognition reduce the extended effect because they lead people to invest less and thus reduce future production growth, or because during periods of economic efficiency decline, people lose skills or capital becomes obsolete. It is unthinkable today to have a single currency. Euro with so many independent economic policies, because there cannot be a unified policy without a sufficiently strong mechanism for the needs of the combination, which would curb the monetary and financial spillovers that inevitably occur within the community, which is combined by economic policy at the cost of a radical negation

of national sovereignty without establishing a "national" European sovereignty. And would Germany, in that context, accept that all the economic and monetary dispositions carved in stone of the existing institutional agreements are put on the agenda of standard parliamentary deliberalization, for example, regarding the independence of the central bank, allowing monetary financing of the public deficit, abolishing the limit of 3 % of budget deficit in relation to GDP, reduction of the gap between public debt and GDP. Is a demonstrative bankruptcy in the EU imminent in the conditions of the functioning of the so-called anti-democratic Europe, "austerity" and the so-called EU "union" with multiple currencies

However, the Bundesbank opposes quantitative easing and negative interest rates. Germany's austerity concept is also opposed to the burden of taxes in order to subsidize certain members from the periphery of the eurozone. In such an environment, the only salvation is a full economic, banking and fiscal union, the establishment of which requires a monetary union even though the core countries of the Eurozone resist further risk policies, greater solidarity and rapid integration. The ECB pumps 60 billion euros into the eurozone economy every month, in order to curb inflation and stimulate stronger economic growth. And since the results were missing, Mario Draghi announces that he will further relax the monetary policy and tighten the program, which is (not very scientifically) called quantitative easing.

Neoliberal globalization basically reflects denationalization, which aggressively raises the question of the national state, sovereignty and identity, and in particular, the problem of creating a new transnational statehood, which is subordinated to the interests of transnational companies in achieving "forecasted" profits, which the neoliberal discourse imposes on citizens - consumers of the mass culture economy. The European Union has become increasingly selfish, pushing economic topics into the background. The policy of "easy money" did not stand in front of the specter of depression, which is circulating in Europe. In this context, central banks are conducting a policy of cheap money, keeping the interest rate around zero for almost a full decade.

Thus, big investors, speculators, brokers, financial funds, bankers and oligarchs could choose the freedom to "keep money wherever they want", which in reality amounts to a "quantitative expropriation" of European money by the USA: most of European money is used for purchases US government bonds. In such transactions, the euro is exchanged for dollars, which, due to the increase in supply, lowers its value. Global oligarchs use it to socialize losses. Unrealized oligarchic socialism, since the money obtained from central banks has its own purpose, now they have the task of "hiding everything" and to see the increase in the enrichment of bankers through complex financial contracts, i.e. derivatives. The global financial markets of these instruments have accumulated almost 650 trillion dollars, which is eight times more than the total world GDP. Thus, a parallel financial universe of derivatives was created in which financial obligations arise from an arbitrarily written value that merged with the real environment in an unreal whole. The European Union was conceived as an alliance based on prosperity and individual freedoms, with the renunciation of heritage traditions, archetypal values and, especially, identity.

Europe without ideological, religious and identity benchmarks cannot respect intercultural dialogue, as it is considered a relic of foreign purposes, unnecessary for global societies. This, however, leads to a crisis of multinationality in Europe, which invests in all national interests and protectionism. This again exposes the fact that in Europe there is only a mechanism for the distribution of benefits (funds, common market), but there are no mechanisms for sharing the burden, nor for sharing risks (Eurobonds, banking union, fiscal union). Today, the European Union is going through an "existential crisis" with the method of "programmed chaos" of the

Brussels framework of glamorous, traumatic, supranational regulation.

Therefore, prof. John Friedman already states that the EU is a "failed project" and that he sees the European Union "becoming irrelevant". EU institutions in Brussels are increasingly being described as "museums," which you can "just visit." Geopolitically, Europe today is an Atlanticist entity. To the question of what the EU has done for its individual members, the answer is in the form of an enumeration: it has ensured a single market, freedom of movement of people and capital, a common security policy, a single currency (euro), a complete system of human rights protection, a common monetary policy. But for many it is no longer enough. Namely, the force of colonization, which the EU implements through its legal standards, is imperceptibly but surely carried out by parliamentary democracy in its desire to control every object of economic, social and political life on its territory. Namely, the EU is becoming more and more centralized and alienated from citizens. The "strategy of leaving the EU" appears on the scene, which refers to Great Britain, Gibraltar, Northern Ireland and Greenland (Dželetović, Šubara, 2017). European freedom turned into a contradiction of its own existence. Europe is its own prisoner of its own failed integration policy. The crisis has become an everyday thing, which accumulates discontent, which did not force the Euroleaders to concrete reforms.

The EU built the values on which it was constructed, and with an identity crisis, the weakening of the institutions of the Brussels bureaucracy is to be expected, resulting from "creative destruction" and weak structural geopolitical changes. The EU is no longer something people fight for. People are afraid of increasing risks, starting with Brexit (the exit of Great Britain from the EU) and ending with Grexit (the exit of Greece from the EU); and the rescue plan is no longer sustainable, because in 2016 the EU is already incapable of reacting to a new crisis and the cancellation of the Schengen agreement. At the current moment, European banks are refraining from lending, while state authorities are constrained by budget restrictions. And in order to regulate the European financial system, the European Commission has already turned to the Capital Market Union (CMU), which should create a new possibility for a long-term return to growth and job creation, as well as improving access to finance, especially for small and medium-sized enterprises. By using the new approach, banks could sell their loans on capital markets with minimal risk. At the same time, banks were enabled to turn to the European Central Bank, which decided to accept securitized loans as collateral in exchange for new funds, which should stimulate lending to the real economy, and therefore also shadow banking. In addition, measures have been taken to make it easier for investors to buy the debts of companies owned by banks, as well as fiscally encouraging institutional investors to necessarily take over the debts of companies that are not listed on the stock exchanges (which is a riskier investment than traditional government bonds). But the Libor-fixing scandals, the withdrawal of IBS from the bond market and the revolt of Deutsche's shareholders bankrolled the banking sector (after the collapse of Lemon Brothers), which means that European banking faces a scary future.

Namely, the eight largest European banks have already fired 100,000 employees, paid $63 billion in fines and lost $420 billion in market value. At the very beginning of 2016, European banks were drastically affected by the so-called zero interest rates, which practically meant that banking is going through a metamorphosis that requires a fundamental and radical change in the basic models of existence. That's why the smallest member of the Federal Reserve, as the former creator of the bailout of the financial industry, is quite right to ask lawmakers to rein in banks and protect bonds in particular, which in turn implies passing laws that would allow the largest banks to be broken up to avoid financial "bailouts." "by the state. Even the enacted set of Franny-Dodd laws did not go very far: the biggest banks are still too big to fail. And therefore, they represent a serious

risk to a free economy. For these reasons, it is necessary to break up large banks into smaller banks, into smaller connected chains and into less important financial organizations. At the very beginning of 2016, the ECB announced that it would continue with even more aggressive monetary easing in order to promote weak growth and weak inflation, although the OECD doubted the effectiveness of the unconventional monetary policy and the eventual recapitulation of the European banking crisis (due to zero interest rates, the necessary liquidation of worthless assets, countless uncollectible attempts and forced debt write-off). In 2016, the ECB lowered the basic interest rate, a new part of the package of measures to start the Eurozone economy, and increased the "pumping" of money from 60 to 80 billion euros per month, and in addition to government bonds, corporate securities were also included in the purchase.

At the very start of 2016, global securities markets suffered losses. The turbulent trend has now stopped, but investor risk has increased due to debt saturation in the Chinese economy, as a brake on growth, and the potential devaluation of the yuan may cause a deflationary tsunami in all markets around the world and among all participants in the world currency war). However, the modern world suffers from the problem of "too much supply" and "too little consumption" (Rubibi), as well as the belt-tightening policy of the global Troika (IMF, ECB and European Commission). Even the American patented program of "quantitative easing" and the so-called the monetary facilities of the European Central Bank (of 60 billion euros per month) are not enough to stimulate inflation and start economic growth. Government bonds were considered a "safe house" for financial resources in uncertain business times. However, ten-year bonds with a negative yield are already exposing investors' fear of the long duration of uncertain times, which classically demonstrate the fragility of the current financial order, in which the world's stock markets "knock down" banks whose shares are in free fall. That is why the policy of low, almost zero, reference interest rates of the world's leading central banks is to blame. And this was done in an attempt to break the vicious spiral of deflation to fuel the world economy with cheap creditors. However, this still reduces the possibility of making a profit in banks, which forces them more and more into more and more risky placements. Because of calculated profits, the sale of shares brings the entire financial sector, and even the entire global economy, into a tailspin. As a result, even the grandiose Deutsche Bank recorded losses of 6.8 billion euros in its operations. And the total exposure of all German banks to financial derivatives amounted to an incredible 64 thousand billion US dollars, which is 16 times more than the GDP of Germany and 5 times more than the GDP of the entire Eurozone.

The unusual measures of the ECB stuck the Eurozone in a prolonged period of high inflation, which "generates" minimal economic profit. And, that, because it leads to the failure of the European quantitative easing of negative interest rates, which again follows the credibility of the ECB. Therefore, now a new option in the form of the so-called of helicopter money, which would be distributed directly to households in the eurozone, and that in a special way by the ECB for debt repayment. From the debtor's point of view, this would mean a reduction in indebtedness, an increase in purchasing power and consumption, and confidence in the future of creditors. Such a turnaround should increase investment in European infrastructure projects, which would provide long-term returns and increased macroeconomic impact on investments. The chances of the return of the global recession all over again are increasing in a complicated manner, given that economic growth (in the period from 2008-2015) is still at an unreliable point.

The structural cyclical slowdown in the world economy is unsustainable, and the crisis in politics is a drastic tightening of financial conditions, primarily in developed countries and advanced economies, due to an unsustainable foreign exchange regime, excessive

public debts, overemphasized fiscal deficits, overemphasized monetary doping, too low interest rates, unattainable inflation targets, weakening of competition and impossible growth of employment. And to avoid a new global recession and a new slowdown in potential GDP growth, a new global recession is imperative. "Abenomics plus", which according to the methodology of the American investment bank Citigroup, reflects (signifies) "loose monetary policy combined with fiscal incentives and structural reforms". The EU is already looking at Japan, because the Japanese "Abenomy" is the only one in the Western world that has led to a reversal through its arrows: monetary, fiscal and structural. The monetary arrow helped the economy to get out of deflation by "pushing" inflation and inevitable GDP growth. The fiscal arrow enabled, first of all, firm control over the budget, and then elegant use of the budget for fiscal stimulation. The increase in consumption taxes slowed consumption growth, so the structure of the tax levy shifted the burden to wealthy older residents and to tax breaks to help the young in hopes of increasing employment and productivity. (Aikman, et al., 2019)

The "depoliticization" of the economy carried out is contained in the EU, however, as a Eurocratic warehouse for the modern rule of capital, since it is united solely on the foundations of the European Central Bank (which orders states, deprived of sovereignty, to adopt appropriate measures - a political ultimatum). The euro, as a single currency, is the second pillar of absolute capitalism, through which Eurocracy, as a new form of economic power, governs and spreads neoliberalism, as the European imperial model. As a project, whose fundamental value is profit, it enables the EU to exclude the "demos" from the governing structure in order to build an unrealistic myth about the EU, as the future paradise of a super state, which establishes the dominance of the religion of money. It is, in fact, a financial coup d'état in which transnational financial institutions have assumed the right to dictate financial rules without comment. At the heart of the financialization of the old continent, the euro, as an element of capital dynamics, it became a precise method of government in the policy of public debts and ba interest rates in order to establish real debt slavery, which is cunningly managed by the EU and its so-called Fiscal compact, which rests on the sacred dogmas of a balanced budget balance and debt reduction (Živković, Lakić, et al., 2019). That is why, as a unique European currency, it enabled economists "specialists without intelligence" and agents of financial fanaticism from the speculative phase to take over power so that the dynamics of capitalist globalization would enable market monetarism and materialized reductionism, and the implementation of the ideas of one, world state. Banks use exclusively other people's money and, as a rule, they are naturally criminalized. The global crisis was created in the banking sector, because the banking system functions without regulatory frameworks. The weakening of the common EU currency increases the volume of export orders sent to companies, which can be seen by the Purchasing Managers' Index (PMI), in the zone of single currency, which indicates an increase in economic activity. But despite the cocktail of low oil and raw material prices, the weakening of the euro and the radical monetary easing (QE) measures implemented by the European Central Bank, the so-called preliminary growth of the gross domestic product indicates that the economic recovery of the euro zone has lost momentum and that inflation is far below the target jne inflation of 2%. (Ampudia, et al., 2018)

3. FINANCIAL REGULATORY FRAMEWORK IN THE EUROPEAN UNION

The debt crisis in the European Union is known to have been caused by the interdependence of banking and state financial stability, and together with the absence of a fiscal union, it took on the existential dimensions of the EU project itself. Under the auspices of financial fragmentation within the financial markets of the Eurozone and from the perspective of the

outbreak of the crisis, the EU member states resorted to national interventions, thus closing the national banking and financial markets, which ultimately resulted in the deepening and stronger structural foundation of the crisis and its economic and financial consequences.

In this context, the banking union is the regulatory and institutional response of the EU after the global financial crisis, the first proposals of which have found a place in institutional polemics since 2012. In addition to the key moment and motive for the establishment of such an institutional regulatory arrangement, the reason is to create a union that is connected to the creation of a single market for financial services and free circulation of money, certainly with the tendency of more complete monetary integration. However, the question was raised, which are still current, and that is whether the frameworks, mechanisms and procedures that have been outlined and now instrumentalized and established are really sufficient, whether the EU banking union, conceptually designed, really represents banking integration, and that will the "centralized-common" and "sovereign-national" relationship still present in the financial architecture of the EU, the use of the principle in the implementation of the Basel III agreement "one measure for all", then the non-inclusion of all types of banks, the conflict between the emission and supervisory roles of the ECB (European Central Bank), be a structural conflict in achieving the desired financial stability, which is the ultimate goal. Financial stability in the wider context of the functioning of the EU can be interpreted as a factor in the survival of the common currency and the European Union itself, regardless of interwoven contradictions and constitutional conflict. (Hills, et al., 2019)

The first banking directive, which was adopted way back in 1997, established the principle that the home country (country of origin) is responsible for the supervision and control of its bank in another country where it operates. A little more than ten years later, the second banking directive was adopted, which relied on the more liberal conditions of bank operations at the global level, which provided that a bank that has a permit (license) to operate in any EU country can establish a branch or operate abroad. without the need to obtain any permits issued by local regulatory bodies, central banks. In that period of time, that principle was called the principle of "unique passport". However, despite this, the possibility was left that the host bank from another country could implement regulatory measures if they relate to issues of "public interest", which in the essential and formal sense meant that the control was carried out from the "mother" and the state was fully responsible host. Given that such an institutionalized solution was problematic, the financial crisis itself, which occurred on the global level in 2008 in the USA, caused the stability of financial markets to become a priority of the European Union.

In the years during the crisis and immediately after its outbreak and spillover into the EU, regulatory bodies undertook activities to preserve financial stability at the level of improving regulations governing the financial sector of the EU and strengthening the supervision of the financial sector. In the initial years of the crisis, governments provided huge funds to save their banking sectors. Bank creditors, unlike taxpayers, did not have to bear the cost of this bailout. (Ristic, Živković, 2019)

Over time, the crisis took on the appearance of a vicious circle in which member state governments were less and less able to help their banks. The deepening of the problem was represented by the existence of major consequences caused by the banking sector for the member states. The state of general insecurity and certainly the increase in financing costs was precisely the result of reaching out to the funds of bank creditors. Given the bank-centricity of the market, the monetary union and the single market faced a serious problem. (Malish, 2014)

Looking at the position of the biggest banks ("too big to fall") in Europe and beyond, during the crisis, recent Nobel laureate Jean Tirole pointed out that all banks that benefited from direct state support should be faced

with firm regulation. (Ristić, Živković, 2018) Therefore, the European Central Bank performed the new function of the sole controller of the largest banks in the Eurozone and is responsible for the stability of the banking sector and thus for financial stability in general. However, it represented and still represents the biggest threat to its reputation. (Djukic, 2014)

Each banking sector, generally speaking, has a specific role in the economy of a country. Within the dynamic relationship between instruments, institutions and the market itself, the banking sector performs functions that are of essential importance for the economic activity of the country, which functionally creates a context for economic growth and development. (http/www.nbs.rs/regulative, accessed 20.04.2020) This refers primarily to payment services, savings, insurance, loans, risk protection and the like, where problems in performing these functions have a negative impact on the stability of the financial system and real sector.

This dynamic interaction of institutions, instruments, users of services, markets and information creates a complex context that must be regulated by certain regulations that will have the primary goal of ensuring the stability of the system in the long term. If we think about financial stability in the spirit of this work, we would refer to the claims of Mirjana Jemović, who says in her doctoral dissertation: "In order to preserve and strengthen financial stability, the regulatory framework should be set throughout the life of financial institutions. As such, it includes not only ex-ante components, regulation and supervision, aimed at preventing bank failures; but also ex-post components – the function of last resort, deposit insurance and restructuring policy. Although they are important in different periods of bank operations, it is only through the synergistic effect of all components together that it is possible to achieve preservation and strengthening of financial stability." (Jemović, 2016, p. 107)

If in general this is the backbone of this work, then we point out that the world financial crisis on a global level showed that countries around the world were unprepared for the impact of the crisis and that they did not have an appropriate legal framework for solving problem banks and their operations. Therefore, the rescue of the banks was submitted by the taxpayers of the countries of the world. The only available option was to choose between the implementation of the bankruptcy procedure, which carries a high risk of causing systemic disturbances, and saving the banks using budgetary or other public funds. (http/www.nbs.rs/regulative, accessed 20.04.2020)

The question of the ethics of such ventures is a question that was asked by economic policymakers, citizens and institutions and related to whether banks that perform important functions in terms of economy and growth and considering that they generate profits in times of market prosperity for themselves and their shareholders, while in conditions of crisis and eventual losses, they turn to financial support from the budget. (http/www.nbs.rs/regulative, accessed 04/20/2022)

As banks are otherwise the basic mechanism of external financing of companies in the EU and that the banking system is qualified as bank-centric, which we have already discussed, during the crisis Sedlarević stated (2014) it was fragile and not resistant to financial shocks.

In support of this, we can refer to the results of endurance tests conducted by the European Banking Supervision Service (EBA), which showed that the financial market of the Eurozone, which was shaken by the debt crisis, should be stabilized.

Ristić K. and Živković A. (2019) indicate that at that time banks from 21 countries were tested, which together represented 65% of the banking sector in Europe. The tests were designed as a financial check and were supposed to determine whether banks have enough capital to withstand a scenario of difficult economic conditions.Two scenarios were used, one that took into account current macroeconomic forecasts and the other that assumed an economic shock. The crisis scenario predicted GDP growth of only 0.5% in the euro zone and

a 15% drop in the European stock market, as well as a crisis in the real estate market, with those banks that would not have more than 5% of the core capital compared to their other means in "imaginary" economic conditions will not acquire the conditions to pass the test. (Ristić, Živković, 2018) The results of the tests, although not such a strict test, show exactly what resulted in the need for stricter supervision of banks in the Eurozone, which is a high sensitivity to shocks.

Generally speaking and referring to the Oxford Handbook on Banking, translated and published by the Association of Serbian Banks from 2015, we find a fact that has been permanently confirmed for years, namely that financial systems require developed legal and informational infrastructures in order to function well. Timely availability of quality information is equally important, as it helps to reduce information asymmetries between credit users and creditors. In this sense, empirical results also show that the volume of bank credit is significantly higher in countries where the flow of information is greater. (Demirgus-Kunt, 2015)

According to Demirgus-Kunt (2015), since there have been banks, there have been states that regulate them. Although most economists believe that the role of the state in the regulation and supervision of financial systems is important, the degree of such involvement is an issue that is actively debated. Jemović M. (2016, p. 107-108) claims that the regulatory role of the state contributes to the smooth functioning and development of the overall financial market, and in this sense, banks are subject to special regulation that "preserves" solvency, limits risky behavior, protects clients and enables control of money flows and in that sense fair distribution of financial resources.

Demirgus-Kunt (2015) argues that supervisors are expected to ensure the stability of the financial system and to guide banks in their business decisions through regulation and supervision. However, given the generally limited knowledge and expertise of officials for making business decisions and the tendency to succumb to political and regulatory traps, this approach may not be effective. We can look for the reasons for the weak regulation of banks in the time before the crisis in these attitudes. However, the crisis showed the weaknesses of the functioning of the unsupervised EU banking market, whereby the European Central Bank in the years that followed took the next steps in establishing the so-called Banking unions and which can be systematized as follows:New rules were adopted on capital requirements for banks as well as for the recovery and resolution of bank problems.Stronger prudential requirements for banks, improved protection of depositors and management rules for troubled banks have been provided.

A single rulebook was created for all financial participants in the member states of the European Union.Thus, the crises pointed to the lack of a regulatory framework for the rehabilitation of banks at integration levels. That is why the regulatory reform in this area, especially in the Eurozone, had a double goal: to heal the consequences of the crisis and to create a sustainable political framework in the banking of the European Union or the Banking Union in the long term. (Petrović, P., Ristić, K., 2018)

According to Petrović P. and Ristić K. (2018), the legal basis for the formation of the Banking Union is based on Article 127 paragraph 6 of the Treaty on the Functioning of the European Union, according to which the Council of the EU can, and in this connection in accordance with a special legislative procedure, after consultation with the European Parliament and the European Central Bank, entrusted special tasks to the European Central Bank related to the adoption and implementation of policies related to the prudential control of credit institutions. (Leaven, Valencia, 2018)

The Regulation on uniform rules and a uniform procedure for the recovery and rehabilitation of banks specified the provisions of the Directive in application to the member states of the Unified Supervisory Mechanism, forming the Unified Rehabilitation Mechanism, whereby the member states of the Eurozone, but also other member states of the Banking Union, accepted uniform rules and procedures for the

rehabilitation of banks as a centralized remediation mechanism managed by the formed Single Remediation Committee. The board consists of elected members and representatives of national rehabilitation regulators, and is financed from the centralized fund for rehabilitation. Such a conception determined the existence of a unique mechanism of supervision and rehabilitation where key roles are entrusted to the institutions of the Eurozone and the European Central Bank. (Petrović, Ristić, 2018)

The economic note of the evident need to strengthen the infrastructural capacity of the banking union leads to the conclusion that a deeper focus on banking is necessary in the European Union. This would further mean that it enables the further strengthening of European economic and financial integration regardless of further reviews of fiscal and political integration. There is a question that we will talk about in the next chapter, and that is the scope of such regulation, because if it is not "finely" adjusted and well balanced, it could mean the beginning of new problems of the financial functioning of the EU and questioning its further survival. (Ristić, Živković, 2019, Živković, et al., 2019)

Controversy about bank supervision also refers to debates about systemic risk, which to date is mainly reduced to the consideration of sudden exogenous disturbances, whereby systemic disturbances can have their source in both the domestic and international environment. The concept of stability of the financial system is directly and proportionally related to the concept of systemic risk, and in that sense, systemic risk refers to the probability of the occurrence of certain negative events at the level of the entire financial system. (Drvendžija, 2015) It is of crucial importance to point out the aforementioned because it makes a clear demarcation in relation to the multitude of (micro) risks that can affect a certain financial institution. Systemic risk also "lies" in the fact that the repetitive and procyclical behavior of financial institutions can lead to visible changes in credit activity and indebtedness of economic agents over time, and that they are beyond the control of individual institutions and regulators. According to Drvedžija (2015), the crisis, as well as the preceding period, is an excellent illustration of excessive cyclical fluctuations in the financial market.

The existing institutionalized mechanisms in the conditions of the global financial crisis, but certainly in the time period after, proved to be insufficient and inappropriate for solving the problems of banks that faced serious difficulties in their operations. Given that they did not provide opportunities for sufficiently quick and efficient intervention, nor did they optimally provide conditions for maintaining critical functions in the bank's operations, the concrete key is that there was no framework, draft or plan to preserve the financial stability of the system as a whole. (http/www.nbs.rs, accessed on April 20, 2022)

Because of all this, the awareness of the necessity of having clearly defined rules and mechanisms to act in crisis situations has matured at the international level as well. At the level of the European Union, in May 2014, this finally resulted in the adoption of the Directive on establishing a framework for recovery and restructuring of credit institutions and investment firms (Directive 2014/59/EU on establishing a framework for recovery and resolution of credit institutions and investment firms). This Directive began to be applied in all member states of the European Union on January 1, 2015. (http/www.nbs.rs, accessed on April 20, 2022)

However, a special problem was posed by banks and banking groups in difficulties that operated in several member states of the Eurozone, due to the fragmentation of regulations in national frameworks, which required coordinated action by several member states. Undeniably, the prolonged financial crisis has slowed down the monetary integration of the European Union. "It directly and deeply affected the financial market of the EU, and its combined effect with the public debt crisis affected the banking system of the Eurozone, as the central mechanism for the implementation of a unified monetary policy". (Petrović, Ristić, 2018)

The main characteristics of the conception and institutionalization of the Banking Union in the EU are to raise regulations related to the supervision of bank operations at the level of the Eurozone, namely:

1. supervision, prudential control,
2. rehabilitation and its financing,
3. bank deposit insurance.
4. breaking the connection - the "vicious circle" - between banks and the national public debt,
5. basis of a single mechanism for the liquidation of banks.

In the constitutional sense and in accordance with the stated goals of the Banking Union, we will only mention the key places in the architecture of the union, namely the formation of the Single Sanitation Fund for the member states of the Banking Union. Then the establishment of the European Deposit Insurance Scheme (Eurepan Deposit Scheme - EDIS), which will be valid for the member states of the Banking Union, and is mandatory for the euro zone states. The Bank Recovery and Resolution Directive (BRRD), which is valid throughout the territory of the European Union, the Single Resolution Regulation (SRR), which includes a single bank resolution fund (Single Resolution Fund - SRF) and represents the concretization of the aforementioned directive for the Eurozone and other member states of the Single Supervisory Mechanism. (EuroCommission, 2013; 2014; 2015; Petrović, P., Ristić, K. 2018) We base the reason for not further elaborating the mentioned mechanisms on the fact that they were the subject of earlier research by the academic public, and our goal is primarily to discuss the topic of evaluation and assessment of the effectiveness of the framework Banking Union from the aspect of its functionality, capacity and scope, which follows in the following text.

4. ASSESSMENT OF THE SCOPE OF THE FRAMEWORK FOR BANKING SUPERVISION

The complex system of monetary and fiscal policy coordination, as well as the institutional deficit of integration, influenced the slowness of the adaptation of the banking system to the circumstances of the crisis. The regulations at the national level were not adequate to the developments in the banking and financial markets, which deepened the crisis even more, with the effect of "bank raids" usually manifested in financial crises not being recorded. It was the reaction of the states to the first signs of the crisis by strengthening the "safety net" of depositors, i.e. by raising the deposit insurance limit, that led to the effect of not igniting the crisis in the sense of withdrawing deposits from banks.

Bejatovič (2008, pp. 891-902) indicates that state intervention through recapitalization and bank rescue had all the characteristics of negative selection. Faced with non-performing loans and their write-offs, as well as regulatory requirements for the amount of capital, banks resorted to a more rigorous approach to the credit requirements of healthy clients. Due to the aforementioned circumstances, international practice is moving towards the adoption of regulatory standards for different segments of the world financial market. Regulatory standards mean that rules formulated within international organizations are accepted and applied as part of internal law based on the decisions of competent national regulatory authorities. (Schoenaker, 2018)

The problems that arise even at the time of the establishment of the banking union, and even today, are the euro currency itself, which a certain number of countries have the option of not accepting. The logical unit of the Banking Union is the Eurozone, due to the single currency, centralized monetary policy and integrated banking system. That is why it is only possible to constitute supervision over banks in the area of business supervision, rehabilitation and a unified deposit insurance system. However, a problem can arise when, at the request of the regulatory authorities, in the event that they make provisions for real and potential losses from their income, and to that extent reduce their capital base and do not have adequate capital to cover losses, banks become

insolvent and cannot maintain the stability of their operations in the long term. (Petrović, Ristić, 2018, pp. 234-249)

The Economic and Monetary Union needs a Banking Union in order to ensure the effective transmission of a unified monetary policy, better risk diversification across member states and adequate financing of the economy. Therefore, the completion and further strengthening of the Banking Union will strengthen financial stability by restoring confidence in the banking sector through a combination of measures aimed at sharing and reducing risk. (Shubara, Dželetović, 2017)

Quaitatively, the regulatory framework can be assessed as having been established to ensure different national solutions, not to create lines of discord within the banking union, that is, not to disrupt the functioning of the single market. The framework also provides for prohibitions on trading in financial instruments and goods for one's own account, i.e. trading for one's own account exclusively with the aim of generating profit for the bank and established rules on economic, legal, management and operational connections between separate trading entities and the rest of the banking groups. (Ristić, Živković, 2019)

In deciding on the scope of the Banking Union, the prevailing view was that it must include the member states of the Eurozone due to the mentioned advantages, but that it should also be open to other member states of the European Union, which declare their consent for membership in it, as well as other states after the end of the accession process. Bank supervision, even the most comprehensive, cannot prevent the bank from finding itself in difficulties at some point in time. Risk-taking and profit motivation, the two basic levers of banking investment, despite modern technical means, professional procedures and modern forecasting and assessment models, cannot always match the market flows in which the bank finds itself. (Shubara, Dželetović, 2017)

Bankarska unija se od samog početka suočava sa sumnjama, strahovima i problemima. The biggest obstacle in the past and at the present moment is the insufficient cooperation of national regulatory bodies, especially when it comes to politically sensitive institutions. Although the ECB has significant control capabilities, it still faces limitations in practice. Given that the ECB as a unique supervisor warns of the necessary restructuring of individual banks, the states will not and will not be able to ignore it, because in this way they lose the discretionary rights they had until now. (Mališ, 2014) According to Mališ (2014), in order to give it up, mutual funds must be more than tempting. The fear that is spreading is that the problems of the banking sector are significantly greater than the ability of mutual funds to solve the problems, and that it will not be easy to convince national leaderships to easily agree to such a transfer of sovereignty. And when that happens, it is inevitable that there will be a conflict between the ECB, which will have to prove its authority in its new role, and the national regulators. (Malish, 2014)

5. CONCULDING CONSIDERATIONS

It is already obvious that there are a number of problems in the conceptual and systemic functioning of the Banking Union. Such a complex decision-making system indicates a potential slowness in decision-making. Then the evidently inextricable link between national regulators and their banks and that small banks do not fall directly proportionally indicates the existence of a conflict of interest between the monetary role of the ECB and the supervisory role. In this sense, in the event that the ECB does not have sufficient capacities, primarily institutional and financial, it can opt for selective reporting on the real state of banks that would be subject to restructuring.

Events of the world financial crisis from 2007-2009. showed the weaknesses of deposit insurance as a stability instrument, in addition to the supervision of banks, and in this sense there is a fear that even a well-designed deposit insurance will not always prevent the occurrence of a crisis and that it is an important issue to look at the functioning of the deposit insurance scheme at a time when there is

no crisis. Non-financial institutions can be as significant as commercial banks and sources of systemic risk and can seek access to parts of the safety net even in normal times. Deposit insurance in its conceptual sense can cause both moral hazard and bad agency behavior of the regulator. In this sense, if insurance agencies do not value and administer deposit insurance correctly, it can have the effect of encouraging the behavior of banks to take greater risks and choose riskier portfolios than they would otherwise do in the absence of insurance.

Since, in addition to all of the above, the decision on the formation of the Banking Union is an essential and certainly long-term decision, and that in this sense it also represents the backbone of strengthening monetary integration, we ask the question whether giving such great powers, which were given to the ECB, is the right way to build it continues to establish and strengthen the already shaken consistency and sustainability of EU integration, especially when the question of the legitimacy of the joint bodies of the Union, its leadership, the capacity of institutions and the crisis of the common currency is raised.

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ORIGINAL SCIENTIFIC PAPER

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UNIFICATION OF STANDARDS FOR THE PRODUCTION OF MEDICAL DEVICES – CASE OF THE FREE TRADE AGREEMENT BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF KOREA

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Abstract: *The entry into force of the free trade agreement between the European Union and the Republic of Korea on July 1, 2011 (EFTA) eliminated customs duties on 98.7% of products and removed non-tariff barriers to the export of key goods between them. The agreement in question is in many respects a pioneering solution both due to the broad subject of regulation and the degree of liberalization of trade, but also due to the fact that it is the first free trade agreement concluded by the European Union with an Asian country and the first so-called "next generation". Thanks to the implementation of the provisions of the agreement, the parties managed not only to reverse the negative balance of bilateral trade, but also to change the material structure of imports and exports of goods, among which medical devices play an increasingly important role, together with pharmaceutical products generate an annual trade surplus of EUR 60 billion. This article analyzes the functioning of the medical device market in the context of EFTA EU-Republic of Korea pointing to the need for the parties to take steps to harmonize medical device certification standards with particular emphasis on the potential of MDSAP.*

Keywords: *EU; Republic of Korea; EFTA; Medical; MDSAP*

JEL classification: *K39, L15, L50, L59, L69, N40, N60*

1. INTRODUCTION

The trade agreement between the European Union and the Republic of Korea (FTA) dates back to August 2011, and its formal ratification took place in December 2015. This agreement was the first far-reaching agreement to remove existing trade and customs barriers, as well as the first trade agreement concluded between the European Union and an Asian country. Currently South Korea is in 9th place for the European Union when it comes to exports. Since July 1, 2011, the volume of trade has increased by over 70.8% and in 2021 alone it reached the value of EUR 107.3 billion. The European Union is at the moment the third direct investor in the South Korean market, after Japan and the United States[13] at the same time according to data for April 2022, the European Union became third, after China and the United States, in the ranking of sources of Korean imports.[3] This free trade agreement was the first of the so-called new generation agreements between the European Union and external trading partners.[3]

Despite the abolition of the vast majority of tariffs and such a significant increase in the trade volume between the parties to the agreement, over 11 years of practice also revealed more significant differences, among others in the field of certification of medical devices placed on the market of the EU and South Korea.

2. COMPARASION OF THE LEGAL FRAMEWORK

It's obvious that EU as an organization faces different legal and structural issues than South Korea does, nevertheless serious steps have been already made in order to harmonize and unify standards of introducing medical devices into the common market throughout member states imports. The establishment of a common or single European market has been crucial for European integration since its inception in 1957. This was enshrined in the Treaty of Rome (Art. 2) as the main policy goal of the European Economic Community (EEC) but the process to achieve it has proved very complex and ineffective. The European Union's approach to the harmonization of medical products which can be traded in a single market has evolved. Initially, the general approach was to lay down very detailed rules setting out many technical requirements in meticulous detail. However, rules laid down in such detail involve significant disadvantages: they are difficult to put into effect and are likely to prove incapable of keeping pace with technological developments. Consequently, from the mid-1980s, the legislature decided to take a different approach to technical harmonization.

The advent of the "new approach", as the new strategy was described, took the form of a resolution adopted by the Council on 7 May 1985. (EC, Council Resolution of 7 May 1985 on a new approach to technical harmonization and standards, 1985). That document sets out the two essential elements of the new approach- legislative harmonization covering only the essential requirements and the harmonized (technical) standards playing a central role.

Under the 'new approach', the harmonization of legislation is confined to the essential requirements of products, which are set out in detail in a series of sectoral directives. The fact that a particular product bears the CE marking is a sign that it satisfies those essential requirements. In general, responsibility for attesting compliance with the essential requirements lies with the manufacturer. Products that meet the harmonized standards are presumed to conform to the essential requirements.

The harmonized standards are technical standards that are drawn up, at the national and European Union level, by the bodies responsible for industrial standardization Compliance with the harmonized standards is not mandatory but strongly encouraged by the legislature, specifically using the presumption of conformity. A manufacturer can demonstrate that the essential requirements have been met without adhering to the harmonized standards; in most cases, however, this is an unnecessary complication. In practice, products are usually manufactured following the harmonized standards.

Currently the EU legislative framework on medical devices consists of two new Regulations:

- Regulation (EU) 2017/745 on medical devices (MDR) (Regulation 2017/745, 2017), fully applicable from 26 May 2021.
- Regulation (EU) 2017/746 on in vitro diagnostic medical devices (IVDR) (Regulation 2017/746, 2017), fully applicable from 26 May 2022.

Global medical device industry is characterized by rapid pace of technological innovation.[2] However, in this industry, it takes a long time to launch new products, and there are always regulatory issues due to safety and validity.[7] More patents are issued every year in the medical device field in Europe than in computer, IT communications, and pharmaceutical fields.[11]

In all those fields Korean medical device industry is doing just great with the recent growth rate which is faster than the global

average. From 2014 to 2018, the average annual growth rate of the global medical device market was 4.0% while the Korean market grew by 8.0%[12]

At the moment the framework of Korean legislation regarding medical devices is created by:

- Medical Devices Act (MDA) [9]
- Enforcement Decree of MDA [17]
- Enforcement Regulations of MDA – framework of major regulatory programs and basis for GMP requirements in Annexes [10]
- MFDS notifications of MDA – which is the most detailed regulations for technical requirements, review standards, and proces.
- MFDS standards and guidelines – guidelines for industry and MFDS assessors.

Most detailed regulations for technical requirements, review standards, and processes are regulated as MFDS notifications. Some important notifications for device registration process are Regulation on approval, notification and assessment of medical devices, Standards for manufacture and quality management of medical devices (GMP), Regulations for product classification of medical devices, Re – evalutaion (re-examination) of medical devices

Under the Medical Devices Act (MDA), a medical device is defined as an instrument, equipment, device, material, software or other similar product that falls under any of the following categories, excluding any product that is a pharmaceutical, quasi-pharmaceutical or assistive device regulated under the Disabled Persons Welfare Act Product used to diagnose, cure, alleviate, treat or prevent a disease. Product used to diagnose, cure, alleviate, or correct an injury or impairment. Product used to test, replace, or transform a structure or function. Product used for birth control.[9]

Supervision over Korean medical devices market is held by the Ministry of Food and Drug Safety (MFDS) formerly known as the KFDA. This goverment agency was created in 1996 with the creation of Medical Devices Management Division and Bioproduct Technical Support Division[16], restructured in 2013, when it was renamed and upgraded to a ministry.[18] The MFDS is in charge of the approval of medical devices, GMP standards, and pre- and post-market management of the medical device classification process. MFDS issues decisions on whether a product is a medical device and regulates the manufacture, advertising and sale of medical devices.[14]

A medical device manufacturer must obtain a business licence, a product registration for each product and a GMP certification for each category of product that the company manufactures (there are 26 product categories). GMP is a medical device manufacturing and quality management standard, that is, GMP (Good Manufacturing Practices). One of the most important aspects of GMP is to ensure consistent quality, and validation is performed for this purpose. Validation is the process of verifying through a series of plans and performance results that equipment, processes, and test methods are operating as intended and the results are consistent. Validation is one of the key points of GMP for medical devices along with risk management in that it can prove that the manufacturing and quality control process of medical devices is properly planned, executed and managed.

Medical devices are classified into four classes, depending on the possible health risks they pose, Class I medical devices are subject to a reporting requirement only. This means that the medical device can be manufactured or imported after it has been registered using the online registration system of the MFDS. Information that must be provided includes the product's name, specifications, intended use, operation methods, warnings and origin of manufacture. Classes II to IV consist of medical devices that must be approved by the MFDS. Technical documentation is the most important part of the application for approval. Whether the product is equivalent to existing products is determined by the MFDS-approved third party institution that considers factors such as equivalence in the medical devices' intended use, principles of operation,

material composition, performance, specifications and operation methods. If there is no equivalence, a clinical data report is required. For new medical devices, new technologies, new intended uses for class II medical devices and all class III/IV medical devices, the MFDS requires submission of technical documentation (including clinical trial data) to conduct a review of the medical device's safety and efficacy. The technical documentation for certain class II medical devices designated by the MFDS is reviewed by the MFDS-authorised third party institution.All other technical documentation is reviewed directly by the MFDS.

In addition, a company must obtain GMP certification from an MFDS-authorised evaluation body before submitting an application for product approval. The certification process includes an audit of the manufacturing site. Class II, III and IV medical devices are subject to this audit. A GMP certification is valid for three years while business and product approvals are valid for an unlimited period of time provided that the product is not modified.

To be an official holder of a manufacture or import product registration, an entity must be located in South Korea. Therefore, a foreign entity must establish a branch or subsidiary in South Korea or designate a third party domestic entity to obtain the product registration.

Currently the Korean medical device industry is mostly composed of small - and medium-sized enterprises (SMEs), while the market is occupied by global medical device firms. The medical device market in Korea is largely composed of three groups. Multinational corporations with accumulated R&D capabilities and infrastructure are monopolizing high-tech, high-priced medical devices such as CT and MRI, mainly in large hospitals in Korea. Next, medium and large domestic corporations are increasing their market share by equipping core technologies in such fields as ultrasound imaging devices, dental CT, and in vitro diagnostic reagents. The remaining 90% of SMEs produce low- and mid-priced medical devices.[11].

3. PRACTICAL PROBLEMS AND THE MDSAP

In 2021, Germany was second in the export structure of medical devices from South Korea with a volume of $ 1,498.02. [15] It should be emphasized that such a high position of Germany in the ranking results from the benefits for European importers of bringing medical devices through the port in Hamburg.

For many entrepreneurs, customs clearance in import to Hamburg is a tax advantageous solution, exemption from payment of VAT when importing to Germany and the possibility of cross-border transfer of imported goods will ultimately entail the obligation to pay the VAT due when the equipment is actually sold.

The global development of the medical device market, a part of which is the trade exchange between the European Union and South Korea, illustrates the complexity of problems related to the process of production, certification and implementation of medical devices on the market.

The fundamental problem for all participants of trade between the European Union and South Korea is the issue of recognizing the device as medical or non-medical. Both in the case of the EU and Korea, we are dealing with markets that impose strict requirements in all matters related to the production, marketing and marketing of medical devices. Nevertheless, which device is considered to be a class of medical device in South Korea as the country of origin does not translate into the actual status of that device in the European Union. There is no automatism at work here. The need for a Korean manufacturer to demonstrate European standards and directives that qualify the device as a medical device of a specific class.

Entry into force of the Regulation (EU) 2017/745 of the European Parlament and of the European Council of April 2017 on medical devices (MDR) which sets out new rules for the classification of medical devices. Depending on the duration of use, the degree of invasiveness or the possibility of reuse, medical devices of classes I, IIa, IIb and III are distinguished.

The product classification is established by the manufacturer on the basis of 22 rules of Annex VIII of the MDR Regulation (extension to 18 rules of Directive 93/42 / EEC). Importantly, according to the new guidelines, some products require reclassification to higher classes.

For each medical device, before placing the device on the market, a so-called "Conformity assessment". It is important that all products of class higher than I require the participation of a notified body in the conformity assessment. In the case of class I devices, the conformity assessment procedure is carried out by the manufacturer himself. Class I devices that are placed on the market in a sterile condition, have a measuring function or are surgical instruments are an exception, in which case the participation of the unit in the conformity assessment is limited to these particular aspects. After conducting the appropriate conformity assessment according to the class of conformity, medical devices should be marked with the CE mark.

Both in the current legal situation, as it was during the period in which European Council Directive 93/42 / EEC (the so-called "MDD directive") was in force, a significant source of problems is the customs clearance of a Korean medical product in the European Customs Area. Even the correct formal marking of the device in accordance with EU regulations may result in its detention by the customs authorities and the importer's obligation to present documentation confirming its declared medical class, which, taking into account the classification differences between the European Union and Korea, causes numerous misunderstandings, which are consequently related to storage costs for the importer; and uncertainty.

Another important problem is the need for the entity introducing Korean medical devices to the market to carry out its conformity assessment, which in the case of devices from class II upwards will mean the participation of a notified body. As a consequence, the importer is doomed to a costly and time-consuming process which, at the same time, creates a state of limbo due to the inability to bring the device to the market smoothly.

The dynamics of development and the specificity of the medical market require action at the international level, which will lead to the gradual elimination of the problems described above. Already in 2001 'A model regulatory programme for medical devices: An international guide' was bublished by the World Health Organization (WHO).[5] It has provided a certain framework to assist member states in establishing regulatory programmes for medical devices. It was based on experiences from areas that had already established comprehensive regulatory programmes. The aim was to provide information to nations without medical device regulatory systems that would enable the production of internationally compatible regulations.[6] Another important step was made in 2003 when the World Health Organization published 'Medical device regulations. Global overview and guiding principles' guidance to member states wishing to create or modify their regulatory systems for medical devices.[1]

Regulatory Bodies have limited resources and are hard pressed for enough time. They need to keep pace with the rapid developments in the industry while having to ensure that the safety and performance of the devices is not compromised. Patient safety remains the ultimate aim. Therefore, the regulators looked for a single harmonized strategy for regulatory audits.

In this dynamic and vibrant scenario, the Medical Device Single Audit Program (MDSAP) was launched as a solution that allows a single audit of manufacturers against multiple regulatory requirements.

This program promotes an international approach to auditing and monitoring the production of medical devices. Currently, the official members of the program is Therapeutic Goods Administration of Australia, Brazil's Agência Nacional de Vigilância Sanitária, Health Canada, Japan's Ministry of Health, Labour and Welfare, and the Japanese Pharmaceuticals and Medical Devices Agency oraz U.S. Food and Drug Administration. Obecnie oficjalnymi obserwatorami pozostają European Union, United

Kingdom's Medicines and Healthcare products Regulatory Agency (MHRA), The World Health Organization (WHO) Prequalification of In Vitro Diagnostics (IVDs) Programme, while associate members is Argentina's National Administration of Drugs, Foods and Medical Devices (ANMAT), Ministry of Health of Israel (NEW), Republic of Korea's Ministry of Food and Drug Safety and Singapore's Health Sciences Authority (HSA).

The foundational work done by the Global Harmonization Task Force (GHTF) was taken up by the International Medical Device Regulators Forum (IMDRF) in 2014, which set up a working group to create a harmonized single audit program. The pilot program, launched from 2014-2016, was found effective and therefore in Jan 2017, the MDSAP was officially implemented with five countries participating in it.

The MDSAP audit is based on ISO 13485:2016 with the applicable regulatory requirements of the participating jurisdictions – Australia, Canada, Japan, Brazil, USA – included as areas of focus. Audits conducted to MDSAP follow a closely prescribed process of defined tasks that the auditors have to perform. An MDSAP audit uses a process approach, based on a foundation of risk management, to select samples of procedures and records to examine. The audit is focused on how risks are identified and addressed. The audit process is described in the MDSAP Audit Model.

The MDSAP Companion Document originally identified the audit tasks that have to be covered and the links to the applicable regulatory requirements for participating jurisdictions. In September 2020, the Companion Document was combined with the description of the MDSAP Audit Approach in a single document. This updated, combined MDSAP Audit approach document did not make fundamental changes to the audit process but there are some minor changes to a few of the audit tasks. Changes in the updated document provide clarification on some of the audit tasks, particularly in relation to some of the regulatory requirements from MDSAP participating jurisdictions. The updated document also includes a new Annex containing a quick reference guide to the reporting timeframes for adverse events and advisory notices for the MDSAP jurisdictions.[4] Despite of the fact thatthe MDSAP remains mostly voluntarily program (mandatory for a medical device license only in Canada) and manufacturers still have to follow pathways of approving and registering medical devices in each country, nevertheless it's already clear how beneficial and perspective this program is.

Thanks to a single audit program, manufacturers can approach ISO 13485: 2016 requirements along with the regulatory compliance of the five participating jurisdictions which are built into the QMS requirements. The need for multiple audits is eliminated. Seconly, it optimizes resources, effort, and producer's time. One of the most significant advantages of the MDSAP program is it's standarization and therefore a serious improvement of audit's predictability which helps to reduce subjectivity.

4. CONCLUSIONS

The global covid pandemic and the progressive aging of the populations of many highly developed countries make modern solutions in the field of medical technologies extremely desirable. The increased demand for medical devices obviously affects the value of the market, which is expected to reach $ 491.4 billion in 2023, with an annual growth rate of 4.8%. [8] Another factor stimulating the market of medical devices is the unprecedented development of new technologies, especially in the field of electronics and IT, and their easier than ever transfer.

The examples of South Korea and the European Union perfectly illustrate the above-mentioned trends. They are also examples of how restrictive the medical device market can be. Numerous, nationally and regionally differentiated, legal requirements imposed on manufacturers and the devices themselves are primarily aimed at protecting the most important value, which is human health and life. The same restrictions, however, contribute to

the aggravation of unfavorable phenomena in the sphere of trade consisting in discrepancies in the sphere of requirements and certification standards, which in turn result in the generation of a frequent state of uncertainty among exporters and importers. Undoubtedly, the scale of globalization of the modern world and the multifaceted nature of its integration should also translate into the plane discussed in this article.

Many years of successful operation of EFTA between the European Union and South Korea, despite the lifting of numerous barriers, did not in any way affect the certification procedures of the parties. Harmonization of production and certification practices should be considered a necessity if the aim is to maintain and disseminate uniform high production standards, user safety and optimize the liquidity of economic transactions. The interest shown by both the European Union and South Korea in the MSDAP program should be considered a positive sign that may herald the extrapolation of common certification practices and standards in the legislation of the FTA parties.

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LEGAL SCIENCES
PRESENTATION OF THE DOCTORAL DISSERTATION

THE ROLE OF THE SERBIAN ORTHODOX CHURCH IN PROTECTION NATIONAL INTERESTS IN KOSOVO AND METOHIJA – METHODOLOGICAL AND POLITICAL-LEGAL ASPECTS

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The subject of research in the doctoral dissertation is the Serbian Orthodox Church in the protection of national interests in Kosovo and Metohija, from the founding of the Serbian state until today. In the theoretical-empirical elaboration of such a complex subject of research, with a unique interdisciplinary scientific approach, with the application of the hypothetical-deductive, comparative and historical method, as well as the method of analyzing the content of documents, real social phenomena from the history of Serbia, the Serbian Orthodox Church (SPC), the history of political- legal theories and historically confirmed moral, state-building, Orthodox religious, cultural, artistic and literary facts were brought into functional relationships and connections between the Serbian Orthodox Church and its influence on the construction, preservation and protection of the national interests of the Republic of Serbia in Kosovo and Metohija. In this complex scientific endeavor, a unique conclusion was reached that the Serbian Orthodox Church throughout its entire history had a significant, and in some historical periods decisively, influenced the protection of the fundamental interests of the Republic of Serbia in Kosovo and Metohija and, in doing so, equally took care of the preservation of the sacred canonical, national and cultural heritage in the spirit of the Constitution of the Republic of Serbia, the Constitution of the Serbian Orthodox Church and canonical church law.

The doctoral dissertation fully confirmed the general hypothetical assumption that the protection of the national interests of the Republic of Serbia in Kosovo and Metohija throughout history, to a significant extent, depended on the functional and institutional action of the Serbian Orthodox Church in that area. Theoretically and empirically, he proved that the Church confirmed itself as an important national institution that was always on the bulwark of the defense of the Serbian people and their national interests and often represented their only protection. This significantly contributed to the Serbian people building trust in their Church throughout the centuries. As a social institution, the Serbian Orthodox Church suffered a lot, but that never separated it from the people.

The alaboration of the topic of the doctoral dissertation contains new scientifically argued positions, judgments, conclusions, definitions and classifications as well as scientific explanations of certain segmental factors of the research subject. Several key results emerge from

the totality of research results in the doctoral dissertation.

The first refers to proven facts that the protection of the national interests of the Republic of Serbia in Kosovo and Metohija throughout history depended on the functional and institutional action of the Serbian Orthodox Church in that area.

The second result refers to the axiomatic position that until a final, mutually acceptable, compromise solution is reached, Kosovo should be treated as a temporarily occupied and illegally seized territory that should be kept in the position of an entity not recognized under international law, while at the same time integrating the area where the majority of Serbs live into a single constitutional, legal, political, economic, social, cultural, information-commu-nication, technical-technological, security and spiritual, Orthodox – religious, system of Serbia.

The third result of the research refers to the prediction of the future behavior of Serbia, which needs to act wisely, offensively and strongly politically in international institutions so that Kosovo never becomes an independent state entity.

The fourth result of the research points to the vital national and state interest of Serbia in the future, to preserve the spiritual and political unity of the Serbian people in Kosovo and Metohija through the smart actions of all social institutions, to develop a unified state in a unified Europe, and to direct its strategy of economic development in the function of regional connection with neighbors, leading a pragmatic and efficient policy of further integration and overcoming accumulated disputes from the past.

The fifth research result in the doctoral dissertation argues that Serbia in Kosovo and Metohija should, above all, protect its economic interests in natural, energy and water resources, forest resources, agricultural and church land, which constitutes 56% of the total land area in Kosovo and Metohija.

The sixth result reached in the doctoral dissertation is that the Serbian Orthodox Church and other social institutions in Serbia should work even more persistently and efficiently to preserve the national identity and cultural treasures of the Serbian people in Kosovo and Metohija, above all, the Serbian language, the Cyrillic alphabet, Serbian customs, traditions, family celebrations, folk costumes, Serbian cars and other traditional features of national and cultural identity, especially on their protection from various isms and possible historical modifications.

Research results based on epistemological and historical facts will have significant implications on the overall attitude of public and non-state institutions of Serbian society towards the preservation and protection of the national interests of the Republic of Serbia in Kosovo and Metohija. The obtained results warn the legitimate representatives of the Serbs to lead a wise policy in the turning points of future history, to develop Serbia demographically and economically, to strengthen it spiritually, politically and militarily, to strengthen it socially and culturally, to sanctify it religiously, respecting the Orthodox faith and the Serbian Orthodox Church, and to never, without immediate necessity, do not put Serbia in a position to lose its demographic biological basis at the expense of other interests in the territory of Serbia, the Western Balkans and Southeastern Europe.

FINE APPLIED ARTS
PRESENTATION OF THE DOCTORAL ART PROJECT

TOWARDS A NEW ICON, BECAUSE THE PRESENCE OF GOD IS IN ALL THINGS

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In his doctoral thesis, the author tried to explain how the basic senses, which help us to know the world around us, are closely connected with the transcendent, sublime, experience of the sacred. That is why the paper began with an explanation of the importance of touch, which is the most widespread and evolutionarily oldest sense that even the simplest animals have. It helps us to feel the world around us, it is the sense we trust the most, but, in a strange way, it is also responsible for our connection with the world of metaphysical reality, beyond the limit of sensory perception. It is shown how man's need to create religions and worship deities, and the development of civilization that followed, was always helped by works of art that tried to show and approximate the imagined, invisible and "otherworldly". This is what the author of the doctoral thesis tried to show in practice, with an exhibition of oil paintings and paper collages that correspond with this written work.

It started from the assumption that the need for religion is the need to worship someone

of a supernatural being that creates, arranges and rules the world, inherent in human beings since their origin. Artists painted and sculpted the image of God, or they were forbidden to do so, because the image of God cannot be depicted, which depended on the religion they belonged to. Nevertheless, it was always possible to show God's presence, to show his power and energy through some intermediary and manifestation, that is, "announcement" in the real world.

In his doctoral thesis, the author reflected on the process of replacing religion with science and on the development of contemporary art with an emphasis on the directions that are important for his poetics. In the explanation of his artistic poetics, a comparison was made with the poetics of an important contemporary artist, Anselm Kiefer, with similar starting points and aspirations. It is pointed out what are their similarities and what are the differences in the understanding of the world and art. It is shown that the mythical way of thinking is important for the author's poetics, which tries to realize a new, modern approach to the creation of an icon - the depiction of the image of God and the depiction of surreal presence in general.

Starting the construction of the image from the position of enformel (experimenting in the matter of color), but often retaining and even consolidating the form, the author tried in his doctoral artistic work to make his contribution to the creation of art, and then society, which

will be based on those basic, all-human values that have been and remain the same from prehistoric times to the present day.

Given that all things in the world are connected and God's presence is in all things (or at least that's what all the world's religions claim), the author tried to show and explain the magical things that happen in the twilight area between the otherworldly and the real, the everyday. That space can hardly be explained scientifically, because it is something that, perhaps, does not exist in reality. Freud, and especially Jung, tried to explain its origin as a product of our subconscious and our superego. Despite this indeterminacy, people, since their inception as conscious beings, created systems to explain it, which had a huge, if not crucial, impact on the development of the entire civilization.

CRITERIA AND RULES FOR SUBMISSION OF AUTHOR'S PAPERS IN THE PUBLISHING PLAN OF THE MAGAZINE MB UNIVERSITY INTERNATIONAL REVIEW (MBUIR)

Article 1.

"MB University International Review - MBUIR" (further: Journal) is the journal of "MB" University.

The journal provides open access (Open Access) and applies Creative Commons (CC BY) copyright provisions. The magazine is of open type and its content is freely available to users and their institutions. Users may read, download, copy, distribute, print, search, or access the full text of the articles, as well as use them for any other legally permitted purposes without seeking prior permission from the publisher or author, provided that they cite scientifically correctly to the sources, which is in accordance with the definition of open access according to BOAI.

According to the classification of the Ministry of Science, Technological Development and Innovation of the Republic of Serbia, the magazine is classified in category M54 - a scientific magazine that is being categorized for the first time. It is referenced in the national database of scientific journals of the National Index and meets all the requirements of the conditions for editing scientific journals that are categorized for the first time.

Article 2.

The journal publishes the results of analytical, experimental, basic and applied, diagnostic, prognostic and futurological research from various narrow scientific areas of the social studies and humanities:

- Management and business
- Economy
- Political and legal sciences
- Information society
- Theory of visual art.

Article 3.

The journal is available in printed and electronic open access versions. It is published in English: two times a year according to the following dynamics:

- number 1 (January-May),
- number 2 (August-December).

Article 4.

In the journal MB UNIVERSITY INTERNATIONAL REVIEW, the following author's papers (hereinafter referred to as works) are published:

1. Scientific works according to the categories of the Ministry of Science of the Republic of Serbia - original scientific work, review work, short or previous announcement, scientific criticism, i.e. polemic and work in the form of a monographic study, and a critical edition of scientific material previously unknown or insufficiently accessible for scientific research, which have not been published and have not been simultaneously submitted to other journals for publication;
2. Professional papers - professional papers, i.e. contributions in which experiences useful for the improvement of professional practice are offered, but which are not necessarily based on the scientific method; informational contribution (editorial, commentary, etc.); presentation (of books, scientific conferences, computer programs, case studies and other public scientific conferences), as expert criticism, that is, polemics and reviews.

Article 5.

Papers from Article 1 are submitted to the Editorial Board of the Journal, written in English and proofread by a qualified person. References are cited in the original language and numbered in order of first appearance in the text. It is preferable that the references are not older than ten years, which depends on the subject of the work.

The text and graphics are prepared according to the Technical Instructions, which form an integral part of these Criteria and Rules.

Article 6.

The following rules apply to the works listed in Article 1 under point 1.

Papers are submitted with an abstract at the beginning of the text, in the length of 100 to 250 words or 10-15 lines and with 5 to 8 keywords. The abstract is translated into Serbian and becomes a summary.

The volume of work should be up to one author's sheet (about 30,000 characters, with white spaces). Due to the peculiarities of the scientific field or discipline from which the paper is written, there may be deviations in the scope, provided that the number of letters with white spaces is not less than 20,000 nor more than 45,000, which is resolved in agreement with the Editorial Board of the Journal. For particularly justified reasons (social importance of the topic, co-authorship of internationally recognized scientists, scientific discovery, etc.), the editorial staff of the journal may exceptionally allow the publication of an article of a larger volume, but not larger than 2.5 pages (75,000 characters).

Papers of a theoretical nature should have one author, exceptionally two, and papers of an empirical nature a maximum of three.

Article 7.

Papers from Article 1 under item 2 are submitted to the Editorial Board of the journal written in English in the length of 60 to 150 lines, with a description in Serbian of 100-250 words or 15 to 20 lines. These works are signed by one author.

Article 8.

All works that are the subject of these Criteria and rules are submitted to the Editorial Board of the Journal electronically to the e-mail address: mbuir@ppf.edu.rs.

A brief biography of the author of up to 10 lines, a personal photo of the size for an identity card and the following information about the author (or authors) in English must be submitted with the paper:

1. first name, middle initial, last name,
2. academic title - in Serbian and English,
3. affiliation – name and address of the institution (company), and for pensioners the name and address of the previous workplace,
4. email address,
5. year and place of birth,
6. mobile and landline phone numbers,
7. residential address.

The data listed in Article 5, under serial numbers 1, 3 and 4, along with the photo, are printed in the Journal and represent an electronic database.

Article 9.

Papers listed in Article 1 under item 1 of these Criteria and Rules are subject to review by two blind reviewers for a given scientific discipline.

The work is reviewed by two independent reviewers, to whom the text is submitted electronically without indicating the author's name. The reviewers submit their opinion to the Editorial Board of the Journal also electronically. The names of the reviewers are known exclusively to the Editorial Board of the Journal.

If the review is positive, the author is informed that the paper has been accepted for publication.

If, in the opinion of the reviewers, an intervention is needed in the work, the author is obliged to carry it out or to give up the request for publication of the work. This conclusion applies to all authors if the work is a joint work of authorship.

In the event that the reviewers do not agree on the assessment of the work, the Editorial Board of the Journal appoints a third reviewer (possibly several), whose opinion is delivered to the previous reviewers and the author without mentioning the names of the authors and reviewers. The final position is taken by the Editorial Board of the Journal based on the opinions of all reviewers.

Reviewers of the work are informed about the performed intervention.

In all cases from the previous paragraphs, the Editorial Board of the Journal is included.

Article 10.

In the scientific presentation of the author's works, the Journal will act in relation to socially responsible behavior, which implies non-acceptance of:

- works that do not rely on recognized scientific methodologies, and which are used in research (improvisations of scientific thought),
- general information, political and scientifically unfounded announcements and other texts that are not based on scientific research and analysis and have a weak basis in science,
- texts that shock and amuse the public quasi-scientifically, speculations in science and the like,

- texts that encourage religious, national, racial intolerance and gender inequality,
- review texts of textbook and manual content,
- generally of all texts that cannot withstand scientific criticism,
- texts that contain plagiarism or auto-plagiarism,
- texts in which other authors are insulted or attacked.

The views presented in this article form the basis for the evaluation of papers by reviewers and the Editorial Board of the journal. They are also the basis for the actions of the Editorial Board and the Journal Council.

Article 11.

Under equal conditions, according to these Criteria and rules, authors of works who are members of the Publishing Council, editorial board and reviewers of works in the journal have priority.

In case the work is classified in the group of priority scientific information (rapid communication), the Editorial Board will act according to the opinion of the reviewers.

Article 12

In case of a dispute that is not resolved between the author - the Journal's Editorial Board - the Editorial Board, the decision is made by the Journal's Publishing Council on the basis of these Criteria and rules.

Article 13.

Papers accepted for print and electronic presentation become the property of the Journal and may not be reprinted without the consent of the Editorial Board of the Journal.

The Publishing Council and the Editorial Board of the Journal are interested in the works published in the Journal being used for further publication with the indication of the publisher, volume, number and year of publication of the Journal, for which the future publisher is given written consent.

Article 14.

The author is obliged to sign a declaration that the work is not plagiarized, or contains self-plagiarism. The works will be checked and the Editorial Board of the Journal will act in accordance with the Law on the Protection of Copyright and Related Rights ("Official Gazette" No. 104/2009, 99/2011 and 119/2012, 29/2016 - decision of the US and 66/2019).

Article 15

These Criteria and rules are a public document, they are published at the end of each issue of the journal and are applied by the Editorial Board and Editorial Board of the Journal from the day of publication on the journal's website.

The editorial board of the journal is obliged to inform each author and reviewer of the papers with these Criteria and rules.

INSTRUCTIONS FOR AUTHORS

1. Manuscript of the paper

The manuscript of the paper is submitted in electronic form (MS Word) in A4 format, font Times New Roman, size 12 pt for the text, including the abstract, without spacing. The paper is sent to the e-mail address: mbuir@ppf.edu.rs. A written statement by the author stating that the paper is an original paper (signed and scanned statement) is submitted with the paper. The condition for the paper to enter the review procedure is that it fully meets the technical criteria prescribed by this instruction. The paper must be proofread, i.e. must meet the spelling language standards of the English language.

2. Number of authors

The number of authors on one paper is limited to a maximum of three authors. Papers of a theoretical nature should have one author, exceptionally two, and papers of an empirical nature a maximum of three. Preference is given to articles written by only one or two authors (single author and co-authored paper).

3. Read language

The manuscript is submitted in English. If it is accepted, it will be published in the language in which it was submitted, with the obligation that the title and content of the summary at the end of the paper be in Serbian. Also, if the language of the paper is one of the world languages that is used in domestic or international communication in a given scientific field, and which is not English, the title and abstract must be in English.

4. Scope of paper

The article should have approximately 30,000 characters, including white space (1 author's page). It can be shorter or longer, provided that the number of characters with white spaces is not less than 20,000 or more than 45,000. For particularly justified reasons (social importance of the topic, co-authorship of internationally recognized scientists, scientific discovery, etc.), the editors can exceptionally allow the publication of an article of a larger volume, but not larger than 2.5 pages (75,000 characters).

5. Tables and formulas

Create tables exclusively with the table tool in the MS Word program. Tables must have titles and be numbered in Arabic numerals. Paper with formulas using the formula editor in MS Word.

6. Graphics and photographs

Graphic representations (pictures, graphs, drawings, etc.) and their descriptions should be treated as a separate paragraph with an empty line above and below. Drawings and photographs must have signatures, and all illustrations must be numbered with Arabic numerals, according to the order of appearance in the text.

Graphics in electronic form should be in one of the following formats: EPS, AI, CDR, TIF or JPG. If the author does not know or uses a specific program, it is necessary to agree on the format of the record with the technical editor of the journal. Graphics should not be drawn in MS Word! Photographs must be clear, contrasting and undamaged. It is not recommended that the author scan the images himself, but to leave this sensitive paper to the editors. If drawings and photographs are not included in the electronic version, they must be clearly marked where they should be placed. Labels in the text must match those in the attached images (or files).

7. Organization of the manuscript

The paper must contain the following elements, in the following order:

7.1. The title of the paper should describe the content of the article as faithfully as possible. The title of the paper should use words suitable for indexing and searching. If there are no such words in the title of the paper, it is preferable to add a subtitle to the title.

The running title is printed in the header of each page of the article for easy identification, especially copies of articles in electronic form.

7.2. Information about the author(s) and affiliation are listed below the title of the paper with the full name and surname of (all) authors, without the function and title of the author, which are not listed. The names and surnames of local authors are always written in their original form (with Serbian diacritical marks, diacritical marks of letters of world languages or diacritical marks of letters of national minorities and ethnic groups), regardless of the language of the paper. Along with the author's first and last name, the full (official) name and headquarters of the institution where the author is employed, and possibly also the name of the institution where the author conducted the research, is indicated. In complex organizations, the overall hierarchy of that organization is indicated (from the full registered name to the internal organizational unit). If there are more than one author, and some of them come from the same institution, it must be indicated, with special marks or in another way, from which of the mentioned institutions each one comes from. The e-mail address of the author must be specified. If there are more than one author, as a rule, only the address of one author, responsible for communication on the occasion, is given. For example: Name and surname, name of the institution where the author is employed (affiliation), e-mail address of the author.

7.3. A summary or abstract is a short informative presentation of the content of the article, which contains the aim of the research, the methods used, the main results and the conclusion. It is in the interest of the author that the abstracts contain terms that are often used for indexing and searching articles.

The summary or abstract should be in English, the same language as the paper itself. In terms of length, it should be 100 to 250 words or 10-15 lines and should be between the title of the paper and the keywords, followed by the text of the article.

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In the instructions for authors, we provide several examples of citing sources according to the type of reference:

- Books: surname (comma), first name (period), year of publication in parentheses (period), title in italics (period), place of publication (colon), publisher (comma), page number if the author wishes to state (period).

  [1] Đorđević, S., Mitić, M. (2000). *Diplomatsko i konzularno pravo*. Beograd: Službeni list SRJ, 56-58.

  [2] Đurković, M. (ured.) (2007). *Srbija 2000-2006: država, društvo, privreda*. Beograd: Institut za evropske studije.

  [3] Lukić, R. (2010). *Revizija u bankama* (4. izd.). Beograd: Centar za izdavačku delatnost Ekonomskog fakulteta.

  [4] Danilović, N., et al. (2016). *Statistika u istraživanju društvenih pojava*. Beograd: Zavod za udžbenike (ako je u knjizi broj autora veći od tri).

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- Articles: surname (comma), first name (period), year of publication in parentheses (period), title of the article (period), title of journal in italics (comma), volume number and journal number in parentheses (comma), pages on which it is found article (period).

[1] Kennedy, C., Michael, B., Stephen, B. (1970). Police in Disasters. *Survival*, 6(2), 58–68.

[2] Mišić, M. (1. feb. 2012). Ju-Es stil smanjio gubitke. *Politika*, 11.

[3] Kennedy, C., et al. (1970). Police in Disasters. *Survival*, 6(2), 58–68. (if the number of authors of the journal article is more than three)

- Articles from the anthology: last name (comma), first name initial (period), year of publication in parentheses (period), article title (period), U or In (colon), editor's last name (comma), editor's first name (period), in parentheses office. or ed. (dot), the title of the proceedings in italics and in parentheses the pages on which the article is located (dot), place of publication (colon), publisher (dot).

[1] Radović, Z. (2007). Donošenje ustava. U: Đurković, M. (ured.). *Srbija 2000–2006: država, društvo, privreda* (27-38). Beograd: Institut za evropske studije.

[2] Brubaker, R. (2006). Civic and Ethnic Nationalism. In: Brubaker, R. (ed.). *Ethnicity without Groups* (132-147). Cambridge: Harvard UP.

[3] Danilovic, N., et. al. (2016). The Role of General Scientific Statistical Method in Futurology Research. In: Termiz, Dž. et al. (eds.). *Nauka i budućnost* (199-217). Beograd: Međunarodno udruženje metodologa društvenih nauka (if the number of authors of the anthology article and the number of editors of the anthology is more than three).

- Internet sources: surname (comma), first name (period), year of publication in parentheses (period), article title (period), journal name in italics (comma), pages on which the article is located (period), Downloaded from or Then the http address and the download date in parentheses.

[1] Hall, S. (1992). Th e Question of Cultural Identity. *Modernity and Its Futures*, 274-316. On http://www.library.auckland.ac.nz/ereserves/1224039b.pdf (February 25, 2023).

It is recommended that the references not be older than 10 years, depending on the topic of the paper

7.7. The summary (Summary) is given at the very end of the paper in Serbian, which can be the same as the summary (abstract) at the beginning of the paper, and it can be somewhat longer, but no more than 1 page.

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If information from the paper cited in the previous footnote is cited or referred to, but from a different page, Ibid is cited, followed by a comma and the page number. Example: [Ibid, 54].

7.10. Acknowledgments are listed in a separate note, after the conclusion, and before the literature. The thank you note presents: the name and number of the project financed from the budget, that is, the name of the program within which the article was created, as well as the name of the scientific research organization and the ministry that financed the project or program. The thank you note can also contain other elements.

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