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Original Scientific Article

CORRUPTION - DEVIATION IN POST-CONFLICT BOSNIA AND HERZEGOVINA¹

Biljana MILOŠEVIĆ-ŠOŠO, PhD, assis.prof.²

University of East Sarajevo -

Faculty of Philosophy, Department of Sociology

Abstract: The author will try to explain deviant phenomena of corruption and its presence in Bosnia and Herzegovina. It is known that corruption, as a form of organized crime, occurs in post-conflict societies - which Bosnia and Herzegovina is - with characteristic crisis of morality and disturbed system of values. Corruption implies multiple outcomes for the whole society and all its segments, because of the negative social phenomenon, which has enormous political, legal, economic, social, cultural, moral and other consequences. The article describes the types, aspects and extent of corruption in our society, and the possibilities and ways of combating them. The word corruption etymologically comes from the Latin word "corruptio" meaning wickedness to commit depravity, debauchery, bribery or forgery³ (Vujaklija, 2007:480). Corruption in any society is a complex phenomenon, and in our culture it is most commonly identified with willingness to receive a bribe. Bribery is a universal phenomenon present in all modern, civilized, societies and nations. However, regardless of how complex this phenomenon is, it is perceived as dishonest and criminal directly endangering the economic, political and social power of the society. Corruption is also present in the highest levels of government in the form of judgment processing in the judicial or law enforcement system. The prevalence of this form of corruption is a clear indication of the kind of rule of law that reigns in a country. It is typical for underdeveloped countries and societies in transition. Corruption is often an obstacle to private and foreign investment, trade and economic development where certain business activities of private companies may be affected by crime in various forms from blackmail and extortion, carried out by organized criminal groups, through serious fraud, vandalism or threats. These forms of actions prepare fertile ground for the spread of organized crime.

Keywords: Corruption, Bosnia and Herzegovina, Crime

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² milosevic_biljana@yahoo.com

1. Corruption as deviant phenomenon in Bosnia and Herzegovina

Any attempt to define and indicate corruption within different societies is determined by a variety of economic, political, social, historical, moral, cultural and other factors, and therefore there is no single definition that would be acceptable. But, what is certain is that nothing like corruption could erode the effectiveness of social institutions. Corruption in a society is a very complex phenomenon, and in Bosnia and Herzegovina is most commonly identified as bribery – receiving a bribe. A common element in all these attempts to define corruption is somebody's abuse of legal, political and economic power, in order to illegally gain profits, and political position for himself/herself, another person or legal entity (Vuković, 2007: 105). Socio-legal definition of corruption could include moral deviation, negative changes in government systems value, social pathology, criminal acts and offenses. The problem of corruption is relating to illegal and immoral actions directly affecting society's political, financial, economic and other public institutions, as well of key public figure functions in the private sector that exploiting their positions and institutions with the aim of illicit enrichment, realization of personal interests or power abuse. Modern sociological surveys indicate that corruption is a global phenomenon, which occurs in the early stages of many civilizations. Therefore, we can say that it is as old as the human civilization, and that it has taken on new forms with the later development of society and the state. Bribery, as corruptive activity, is a universal phenomenon that is present in all modern societies. However, no matter how widespread corruption is, it is seen as dishonorable and criminal activity. It threatens the economic, political and social power of the state, because it contributes to creation of poverty.

The main characteristics of corruption are:

- the absence of the rule of law and inert judicial system;
- the presence of organized crime in the economic and political activities;
- developed practice of bribery in all spheres of social life;
- the presence of various forms of conflict of interests;
- a complex political and administrative system;
- high level of poverty;
- distorted social values (Maric, 2007: 409).

Corruption is closely linked with politics, and its power is soaring in all societies. Manifestations of corruption occur in the following three categories: additional payments to a public official for exercising or obtaining of a

favour/favours or speeding up the accomplishment of rights that are legally entitled to an individual or business entity; bribery violation of any law or by-laws, and acquiring rights that the corrupter is not entitled by law; bribery in order to change the law, adjustment or legal regulations favouring the interests of the corruptor, in order to receive goods or services (Vukovic, 2003: 170).

Talking about corruption we have to say that it mainly involves the highest levels of government, as it occurs in connection with various forms of prosecution or adjudication. The prevalence of these forms of corruption is a clear indication of the kind of rule of law present in a society. Corruption is a typical social deviant phenomenon in underdeveloped societies and societies in transition, such as ours. The first and the third most common type of corruption belong to the classical corruption, while the other form involves crime. Because of the involvement of the two types of corruption, there is confusion between obtaining rights and violations of the law, but in both cases, a public servant misuses his/her official position. The latest research on corruption in societies in transition proves that the most common types of corrupt behavior is *bribery to exercise rights and bribery to violate the law*, and the least common *bribery is done by businessmen in order to change the law or bylaws* (Vukovic, 2007: 71). The first type of corruption occurs due to a mismatch between the prescribed rights and given opportunities of their realization; practically showing that political power, on the one hand, and bureaucracy, on the other, are delaying the exercise of rights. In this way, the user is *forced to speed up the procedure*, and it is usually performed by a public servant never directly offending the law, but by intermediaries taking some form of compensation instead, so that it is difficult to collect any evidence for the committed actions. This is a blatant example of non-functioning rule of law. Another type of corruption refers to a direct violation of the law. Acting authority a public servant violates the law by taking money for a certain service or by covering up criminal acts (bid rigging, work permits, arranging a disability pension, faking paperwork for goods at the customs... etc.). The difference between the first and the second type of corruption is that the first is not implemented without some form of "preparation", and the second type is reduced solely to receiving monetary compensation for career advancement and status. The third type of corruption, as shown in sociological researches, is increasing in Bosnia Herzegovina, while this is one of the most widespread forms of corruption in the Western world, and is commonly recognized as *lobbying*. It includes a series of "bound" political, economic and business factors in order to implement the rule of law or make such decisions that will eventually be respected. In addition to the corruption types mentioned, other characteristics could be perceived through several aspects. The first one is a sociological aspect that indicates to the main causes of corruption and unequal distribution of social power available, autocratic regimes, monopolies, poorly developed civil society and legal system. Another, relatively newer form of corruption in our society is nepotism. The economic aspect of corruption is the one that brings the greatest social harm with the existence of gray economy or black market. The political aspect of corruption essentially indicates the roots of corruption, since it involves a variety of political interests

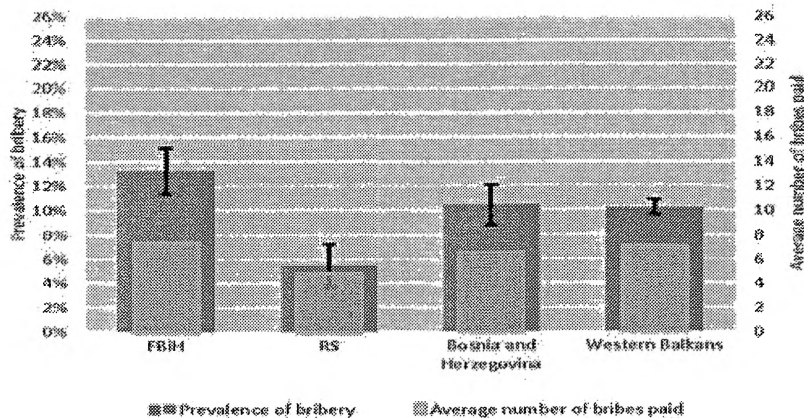
in the public sphere. Once we have a society that involves corruption it clearly forms political apparatus that controls all spheres of the society. The cultural and ethical aspect indicate a lack of moral, ethical attributes in a society, as well as compromised system values. This aspect best reflects the moral staggering of system social institutions. When comparing most vulnerable countries to corruption internationally, we usually think about governments in some poor Asian, African countries, then nations in transition - like some Eastern European countries. According to Transparency International - corruption monitoring agency formed in 1993 and based in Berlin/ Germany - the primary position in the international corruption in politics is led by corporations and businesses in most developed countries such as Austria, Switzerland, Netherlands, Great Britain, Germany and USA. This is somewhat expected, since some of the mentioned countries are not signatories of the "Convention Against Corruption", adopted by the General Assembly of the UN in 2003, currently signed by 22 members, as well as the "Anti-Bribery Convention" of the OECD, signed in 1990 and currently having 41 members.

2. Transparency of corruption in Bosnia and Herzegovina

Corruption is a global phenomenon evident in every society, in a different form and shape, particularly manifested in societies under transition from a totalitarian regime going through a process of changes, such as in Bosnia and Herzegovina. Corruption related offenses are usually manifested through the act of giving or receiving bribes, abuse of official position or authority, receiving compensation through power of influence for certain decisions being implemented, issuing or obtaining unauthorized trade secrets with accepting bribes or bribing voters etc... According to S. Bolčić, corruption is the essential condition caused by dysfunctional society, and further deepens the process of social destruction. That way we enter the vicious circle in which corruption is making changes in society. Petty corruption is socially undesirable phenomenon that becomes a habit, and is now considered as regular business procedure. In this explanation, we find justification in Durkheim's theory that it is difficult to distinguish normal from pathological phenomena, because their standards are burdened by existing stereotypes and prejudices. In addition, the fact is that corruption is transforming a society of small social differences to a society with great social differentiation. It characterizes the decline of working-class citizens into poverty, while other groups are becoming very rich, which causes the emergence of social apathy, because most of the people are facing the fact that opportunities are becoming unavailable (Bolčić, 2003).

The following section will describe the results of a survey on the presence of corruption and its manifestations among the BH population, conducted by UNODC, with part of the research on articles about corruption in printed media, which was carried out for the purpose of the author's thesis. Researches were conducted in 2010, 2011 and 2012. The survey was conducted

in the period October, 22. - November, 28.2012, when 1997 people were interviewed. In order to conduct researches in Bosnia and Herzegovina, UNODC has partnered with the PRISM Research Agency, a respected agency for social, media and marketing research, with recognized technical capacity and expertise to carry out extensive research of the business sector. PRISM Research Agency has collaborated with UNODC and other relevant organizations in Bosnia and Herzegovina (including the Chamber of Commerce and numerous business organizations) in order to develop the most relevant questionnaires, guidelines for interviewers and other survey needs. Instruments and methodology were reviewed, tested and improved through meetings with participants, a regional technical workshop organized by UNODC and a pilot survey was conducted in June 2012. The main aim of the research was to produce evidence based assessment, facts, forms and nature of corruption and crime that affects the business sector, to strengthen the integrity and transparency between public officials and the business sector and promote a favorable environment for the enterprise developments in Bosnia and Herzegovina. The research was focused on the extent and patterns, as well as the most common types and modalities of corruption affecting the business and corporations. Bribery is one of the most widespread forms of corruption in this region. A bribe becomes spread due to shortage of certain sources, by the ability to exercise certain rights or use of services (Milosavljević, 2003: 252). According to a UNODC research, bribery presence rate is calculated as the number of companies/adult citizens (aged 18 to 64 years) who, at least once during the 12 months prior to the survey, gave money, gifts or favour, to any public servant, among the adult citizens who had at least once in this period been in contact with a public official. The average number of bribes given refers to the average number of bribes given by all bribe-payers, i.e. those who gave a bribe at least once during the 12 months prior to the survey. When comparing companies and individuals in entities (see Figure 1), the presence of bribery rate is higher in the Federation of Bosnia and Herzegovina (13.2% enterprise and 25.3% within the population) than in the Republic of Srpska (5.5% enterprise and 10.5% population). In contrast, the average number of bribe instances given by companies is somewhat higher in the Federation than in the Republic of Srpska (7.4% vs. 4.8%), and among the population it is similar comparing to the cases of bribery (5.7% versus 5.2%).

Figure 1:**Prevalence of bribery and average number of bribes paid, Bosnia and Herzegovina and western Balkan region (2012)**

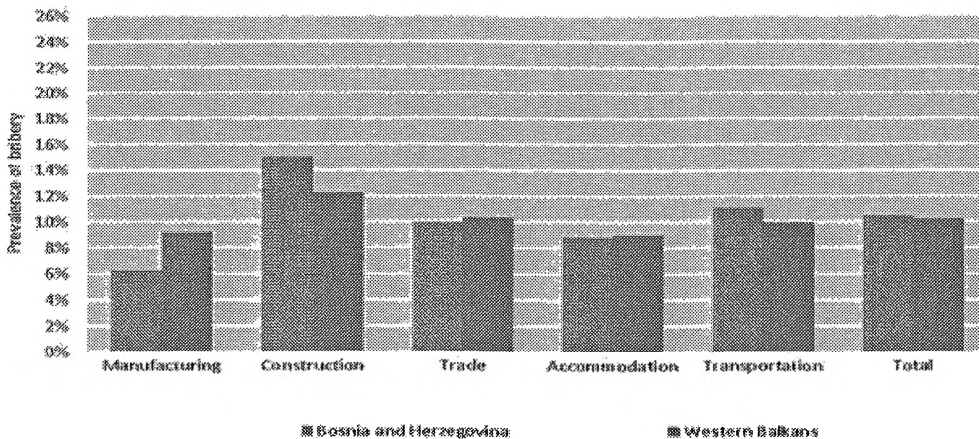
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Compared to other countries in the region, regarding the economic sector bribe (see Figure 2), BH leads with bribery occurrences in two sectors, the construction sector and transportation and storage services. The construction sector (15% versus 12.2%) and transport and storage sector (11.1% versus 9.9%) have a significantly higher presence of bribery. The service sector of hospitality and food industry (8.8% vs. 9.0%) and the sector of wholesale and retail (9.9% vs. 10.3%) indicated rates of bribery closer to the regional average.

Looking at the average amount of bribes in all economic sectors, we can see that the average percentage of the manufacturing sector and construction together (562%) is significantly higher than the average amount of bribes paid (see Figure 3). On the other hand, the average amount of bribe paid in the sector of wholesale and retail (256%), in the sectors of hospitality and transport industry together (205%) is below the national average.

Figure 2:

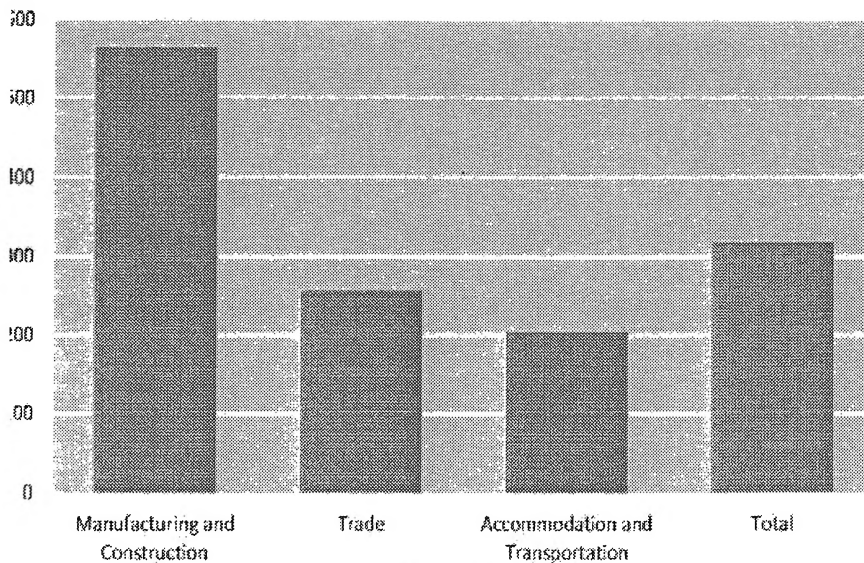
4 Prevalence of bribery, by economic sector, Bosnia and Herzegovina and western Balkan region (2012)



Source: http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Prevod_izvjestaja_BHS_fina_za_stampu_ispravljeno.pdf

Figure 3:

8 Mean bribe size paid by businesses to public officials (in BAM), by economic sector, Bosnia and Herzegovina (2012)



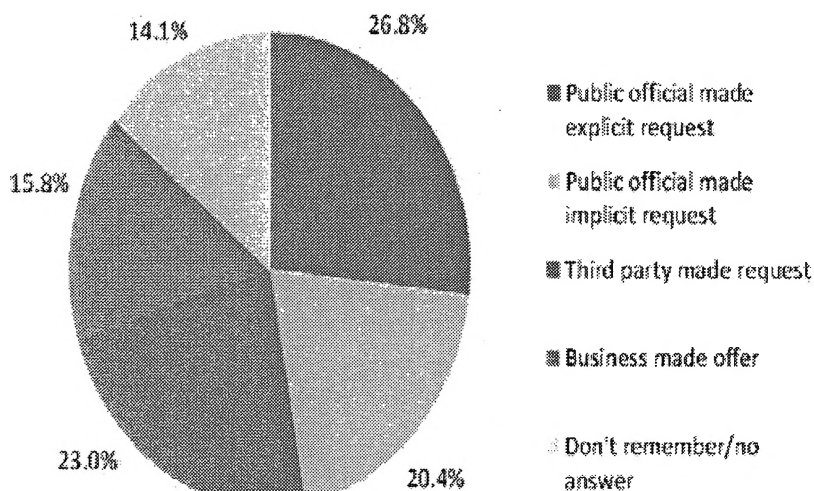
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The most important purpose of giving a bribe is to "accelerate business procedures" (29.1%), which would, otherwise, have lasted a long time. The other myth is that it is "enabling the completion of a procedure" (17.4%) and "better treatment" (14.4%). At the same time, approximately one in ten bribes (8.6%)

gives no specific direct benefits for the companies that paid them, assuming that these "sweets" will encourage public officials to implement procedures in favour of such companies in future interactions (see Figure 4).

Figure 4:

Percentage distribution of bribes paid by businesses, by modality of bribe requests and offers, Bosnia and Herzegovina (2012)



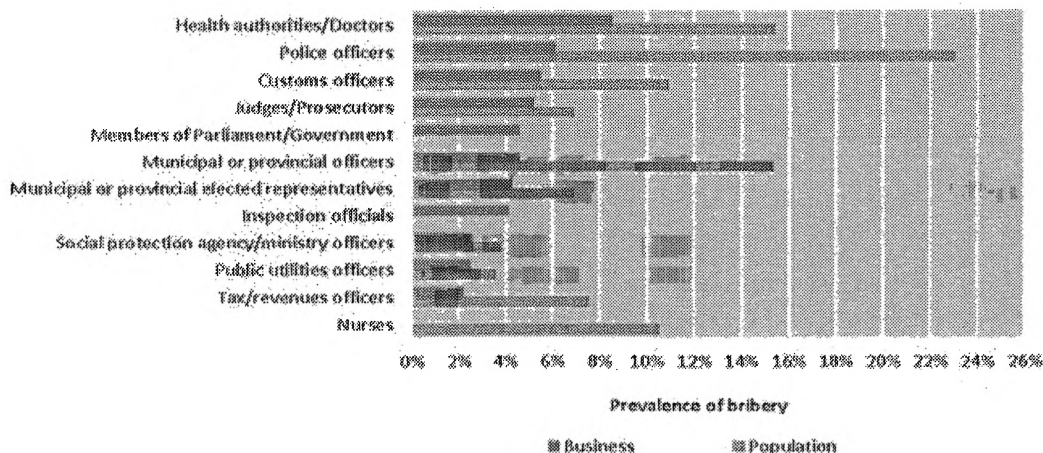
Source: http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Prevod_izvjestaja_BHS_fina_za_stampu_ispravljeno.pdf

The presence of bribery is calculated as the number of companies that gave money to a public official, a gift or a favor, at least once during the 12 months prior to survey, taken from the percentage of companies that have achieved at least one contact with a public official during the same period. In this table, the presence of bribery is calculated separately for each type of public servants.

Codes of ethics, policies and guidelines and their implementation through meetings, are more frequent among large companies than among those who have fewer employees as shown in Figure 6. Paying bribes between business entities is done in various forms: money, goods, food, beverages and valuables. In the world of business in Bosnia and Herzegovina, money is the mayor form of bribe payment method among private business sector, enterprise and public officials. However, food and beverages also play an important role when talking about illegal transactions between business representatives (Figure 7).

Figure 5:

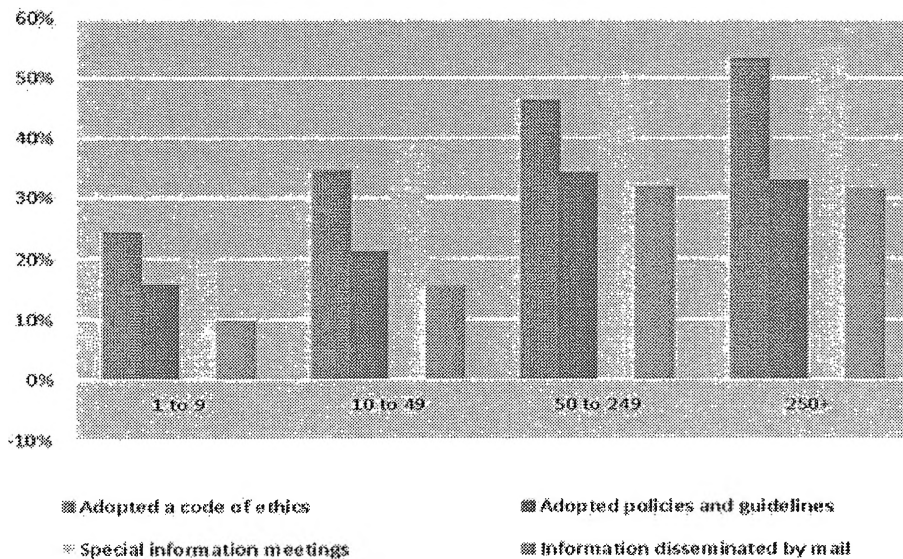
14 Prevalence of bribery to selected types of public official who receive the bribe, by businesses and the population, Bosnia and Herzegovina (2010-2012)



Source: http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Prevod_izvjestaja_BHS_fina_za_stampu_ispravljeno.pdf

Figure 6:

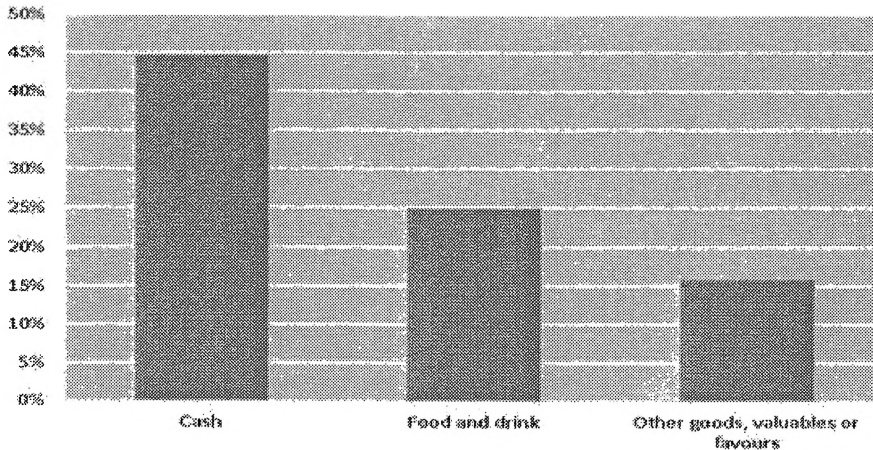
Percentage of businesses that have adopted an internal code of ethics, by number of employees, Bosnia and Herzegovina (2012)



Source: http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Prevod_izvjestaja_BHS_fina_za_stampu_ispravljeno.pdf

Figure 7:

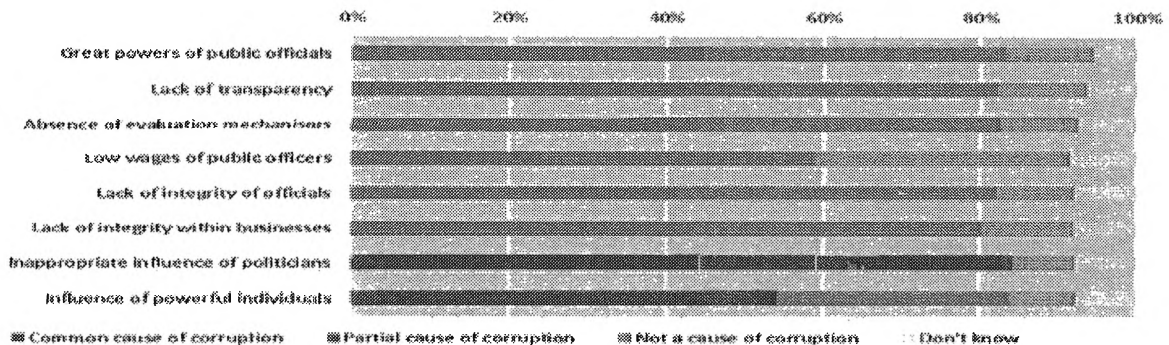
Percentage distribution of bribes paid by businesses to private sector business entities, by type of payment, Bosnia and Herzegovina (2012)



Source: http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Prevod_izvjestaja_BHS_fina_za_stampu_ispravljeno.pdf

Figure 8:

26 Percentage of business representatives who consider various issues to be a common cause of corruption/partial cause of corruption/not a cause of corruption, Bosnia and Herzegovina (2012)



Source: http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Prevod_izvjestaja_BHS_fina_za_stampu_ispravljeno.pdf

Only investigating business representatives being involved in the corruption cases can shed light on some of the causes of corruption that effective anti-corruption strategy is usually focused on. Data shows that nearly half (47.8%) of business representatives considered the lack of transparency as common cause of corruption. Furthermore, majority of 40% and 45% of business representatives in Bosnia and Herzegovina believe that the main causes of corruption lies in the great power of public officials, lack of integrity in

enterprises, inappropriate influence of politicians and the influence of powerful individuals (Figure 26). A quarter of the business representatives (24.3%) believe that the main cause of corruption is the low income of public officials. (see Figure 8)

The following data is mainly related to the interpretation and explanation of empirical data obtained by applying content analysis of the three most influential daily newspapers in Bosnia and Herzegovina („*Glas Srpske*“, „*Dnevni Avaz*“ and „*Jutarnji List*“). We decided to examine the "clear" side of the view of BH nations to corruption and how the printed media have been reporting about such deviations. The sample was researched among the total of 218 issues of daily newspapers: „*Glas Srpske*“, „*Dnevni Avaz*“ and „*Jutarnji List*“, where we analyzed 73 issues of „*Glas Srpske*“ (33.5%), 82 of „*Dnevni Avaz*“ (37.6%) and 63 issues of „*Jutarnji List*“ (28.9%) in the period January, 06. - August, 30. 2010. Among all articles on corruption cases authors expressed their views through extremely negative, negative and neutral attitudes, where the existence of corruption was illustrated with 10 examples (33.3%). (see Table 1)

Table 1: Number and Percentage distribution on answer about attitudes towards corruption

Author's view on corruption	Number	Percent (%)	Valid percent	Total
Very Negative	10	4.6	33.3	33.3
Negative	10	4.6	33.3	66.7
Neutral	10	4.6	33.3	100.0
Total	30	13.8	100.0	-
Insufficient	188	86.2	-	-
Total	218	100.0	-	-

„*Glas Srpske*“ had a total of 7 articles on the topic of corruption, two of them with extremely negatively expressed author's attitude or 28.6%, 3 with a negative attitude or 42.95 % and 2 with a neutral attitude or 28.6%. „*Dnevni Avaz*“ also published a total of 7 articles on this topic; 2 with extremely negative author's views or 28.6%, 4 with a negative attitude, or 57.1%, and 1 article with a neutral view, or 14.3%. „*Dnevni Avaz*“ was clearly mostly judgmental towards this socially deviant phenomenon comparing to the other two analyzed newspapers (M = 1.86). „*Jutarnji List*“ has paid most attention to this phenomenon with the total of 16 articles published, 6 of them with extremely negative attitudes or 37.5%, 3 with a negative attitude, or 18.8%, and 7 with a neutral attitude, or 43.8%. The highest level of tolerance for this phenomenon was demonstrated in this daily newspaper (AS = 2:06). (see Table 2)

Table 2: Percentage distribution about author intensity in the sample of news paper

Newspaper	View intensity authors expressed in AC the article sample			AC
	<i>Positive</i>	<i>Negative</i>	<i>Neutral</i>	
Glas Srpske	2 28.6%	3 42.9%	2 28.6%	2.00
Dnevni Avaz	2 28.6%	4 57.1%	1 14.3%	1.86
Jutranji List	6 37.5%	3 18.8%	7 43.8%	

After examining the presented results this research shows how corruption creates obstacles for the development of BH society. We have to say that presence of petty corruption is equally important as the cases of corruption between business partners. As a consequence, there is damage to both business and commercial sector, because it prevents foreign investors investing in the already poor economy in these areas. So, corruption has developed a series of common negative phenomena such as extortion, financial fraud, blackmail, and even occurrence of violence. Awareness of the existence of this type of crime is recognized among the population in BH, but the very little evidence of corruption indicates to a high level of discretion in government or other social and economic institutions. Nations in the process of transition, such as BH, represent a fertile ground for corruption, especially in the privatization of a large number of companies that are out of state owned property privatization, without adequate or with poor legal regulations. According to Transparency International sources for the year 2000, among 99 countries that are compared by the degree of corruption of public officials, former members of the SFRY have the highest coefficient among underdeveloped countries. Recognizing the devastating details many international organizations have undertaken a number of activities to prevent and combat corruption in cooperation with the legislative and judicial branches of BH government, but the government structure and its authorities seem to be obstructing those activities.

3. Fighting corruption in Bosnia Herzegovina - instead of conclusion

Expansion of corruption and its accompanying negative phenomena are the result of developments in this region in the period from 1990 onwards, and are manifested by a high rate of poverty, deterioration of the economic sector and finally, inability to manage the transition from state to private corporate ownership. Every aspect of pointing to the existence of corruption in our society is already in some way a fight against it. Given that this is a systemic problem, the fight against it must be deep and precise, starting from each individual to the whole society. Bosnia and Herzegovina has already taken some steps and measures for combating corruption-related activities such as the adoption of new

Law on Conflict of Interest, Law on Financing of Political Parties, Access to Information Act. Also, Criminal Code of BH enriched its paragraph on extortion and abuses of public property for personal purposes, and Bosnia and Herzegovina became a member of the United Nations Convention Against Corruption (UNCAC). In order to fight against corruption we should definitely have an active civil society, and in order to do that, we have several NGOs making up the network (ACCOUNT). Also, all media organizations could make significant contribution in fighting against corruption, by trying to publicly present cases of corruption and those who commit such acts, showing and alarming on all its negative aspects. But, despite all the steps taken, the rate of corruption remains significantly high. The notion of transparency is crucial in eliminating these deviations. Since corruption exists in many developed and stable countries, the civilian sector can certainly help to prevent and lower corruption level, because with its members being active, inventive, committed and determined, the question of fight against corruption will be in the focus, even thinking the battle is won. Corruption will always potentially be part of the society (Pope, 2000). However, it should be noted that for better and more organized action, fighting against corruption should go on reducing its causes. It is a symbol of anomie, ethics and the disintegration of our society, and certainly not in favor of our common future that we all want to create and project a positive image of our society.

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КОРУПЦИЈА – ДЕВИЈАЦИЈА ВО ПОСТКОНФЛИКТ НА БОСНА И ХЕРЦЕГОВИНА

Биљана МИЛОШЕВИЌ – ШОШО

Апстракт: Авторот ќе се обиде да ги објасни девијантните феномени на корупцијата и нивното присуство во Босна и Херцеговина. Познато е дека корупцијата, како форма на организиран криминал, се случува во постконфликтните општества – како што е Босна и Херцеговина – со карактеристична морална криза и нарушен систем на вредности. Корупцијата имплицира повеќе исходи за општеството како целина и сите негови сегменти, поради негативните општествени феномени со огромни политички, правни, економски, општествени, културни, морални и други консеквенци. Статијата ги опишува типовите, аспектите и степенот на корупција во нашето општество и можностите и начините за справување со нив. Терминот корупција етимолошки потекнува од латинскиот термин „corruptio“ со значење нечесност и впуштање во изопаченост, разврат, поткуп или фалсификат (Vujaklija, 2007:480). Корупцијата во било кое општество е комплексен феномен, а во нашата култура најчесто се поистоветува со подготвеноста да се прима мито. Подмитувањето е универзален феномен, присутен во сите модерни, цивилизирани општества и нации. Сепак, без оглед на комплексноста на феноменот, тој е согледан како нечесен и криминален директно загрозувајќи ја економската, политичката и општествената моќ на општеството. Корупцијата исто така е присутна во највисоките нивоа на власта во форма на преиначување на пресуди во судскиот систем или во спроведувањето на законите. Превалентноста на оваа форма на корупција претставува јасна индикација за видот на владеење на правото во една земја. Таа е типична за неразвиени земји и општества во транзиција. Корупцијата често претставува пречка за приватните и странските инвестиции, трговската размена и економскиот развој, каде одредени бизнис активности на приватните компании можат да бидат погодени од криминал во различни форми, од уцена до изнуда од страна на организирани криминални групи, преку сериозни измами, вандализам или закани. Овие форми на акција претставуваат плодно тло за ширењето на организираниот криминал.

Клучни зборови: корупција, Босна и Херцеговина, криминал.