

CORRUPTION IN LAW ENFORCEMENT AGENCIES IN BOSNIA AND HERZEGOVINA, THE CAUSES AND CONSEQUENCES

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Abstract: *Corruption is a devastating phenomenon that negatively affects the work of democratic institutions at all levels, questions the rule of law, jeopardizes economic growth and prosperity, and deepens inequality and poverty. Corruption is so widespread that even the sector that should be the bearer of activities in the fight against corruption - the police, have not remained immune, which is also the case in Bosnia and Herzegovina. Given the complexity of the corruption, the aims of the research are multifaceted: to determine the causes, consequences and the perception of active police officers employed in SIPA, Republika Srpska MoI, and the Sarajevo Canton MoI of corruption committed by fellow police officers, and what type of corruption is involved in most cases; to discover the factors that prevent BiH police officers from reporting acts of corruption to competent institutions and to determine the number of reported and prosecuted criminal acts of corruption committed by police officers in the mentioned law enforcement agencies in the last five years. The method used to achieve the stated goals is both qualitative and quantitative. Qualitative method includes desk, archival, and content analysis of relevant scholarly and expert sources as well as the analysis of the reports by the Prosecutor's Offices of Bosnia and Herzegovina, Republika Srpska and Sarajevo Canton with regards to the number of reported and prosecuted cases of corruption committed by police officers. Primary data was collected through semi-structured questionnaire, composed of relevant questions related to the presence of corruption in law enforcement agencies. The 300 respondents include police officers in all ranks employed in the mentioned law enforcement agencies. The conducted research has proven the presence of corruption, its poor reporting and prosecution, established its causes and consequences and proposed the methods of eradication.*

Keywords: *Bosnia and Herzegovina, corruption, law enforcement agencies, police officers, prosecution*

JET classification: *D73*

INTRODUCTION

“Every Day in BiH Must Be Anti-Corruption Day”

Michael Murphy, US Ambassador in BiH
Sarajevo, 01 December 2022

Corruption is the cancer of every modern society, which is spreading unstopably, destroying the healthy fabric of society and the state. It is a devastating phenomenon that negatively affects the work of democratic institutions at all levels, questioning the rule of law, but also the overall functioning of the state and its economic growth and prosperity, and deepens inequality and poverty. The word corruption comes from the Latin word “*corruptus*” which means bribed, spoiled, contaminated. Although corruption has received special attention in recent decades, the phenomenon of corruption is as old as human societies. The first cases of corruption in society, more specifically in the judiciary, were recorded in 3000 BC during the first Egyptian dynasty. Corruption also existed in ancient India, China, Greece, and the Roman Empire (Graycer and Prenzler, 2013).

Globalization processes, which gained a special momentum at the end of the last century, influenced the growth of economies, simultaneously increasing the potential for corruption. Although it is very difficult to accurately assess its scope, according to the World Bank data “international bribery exceeds US\$1.5 trillion annually, or 2% of global GDP and ten times more than total global aid funds” (World Bank, 2020). 2022 Transparency International report states that “nearly one in four people paid a bribe when they accessed a public service”. Based on the same report, 57% of people around the world believe that their government is not making enough efforts to fight corruption, and that the police and elected representatives are the most corrupt segments of society with 36% (TI Global Corruption Barometer, 2022).

In some countries, corruption is so prevalent that it has become a way of life. It is not surprising given the fact that strong and determined state institutions are needed to bring corruption under control, which many countries lack. Namely, according to the Freedom House data, 50 years ago only 43 countries were considered free democracies, 38 countries were considered partially free, while 69 countries could not be classified as free. Five years ago, that number increased to 87 free democracies, 59 partially free, while 49 countries entered the latter category. In terms of percentages, this would mean that 50 years ago 35% of the world’s population lived in free democratic countries, while in 45 years this percentage has slightly increased to 39% (Kesselman et al., 2019).

Throughout history, many authors and scholars have studied the concept of corruption, its causes, forms and methods of eradication. What exactly is corruption? Corruption, in the broadest sense, means abuse of a trusted position for personal gain, as well as dishonourable and immoral behaviour. Elected government officials are most often involved in corrupt activities, however, the private sector is not immune to corruption either. Given the fact that corruption and human society have developed and evolved in parallel, today we have numerous forms of corruption: bribery, fraud, favouritism, embezzlement, extortion, manipulating elections, under-the-table transactions. Transparency International defines corruption as „the abuse of entrusted power for private gain“ (Transparency International, 2023). Corruption refers to all types of

abuse of official position carried out for self-interest. In the practical sense, corruption is most often identified with the acceptance of a bribe by an official, who demands or receives a gift or some other benefit or who accepts the promise of a gift or other benefit in order to perform or fail to perform an official act within the scope of his authority (Brooks et al., 2013). It can be political or economic in nature. In the political sphere, public office is used for the unjustified acquisition of political power, while in the economic sphere it is about the acquisition of material profit.

Corruption is so widespread that even the sector that should be the bearer of activities in the fight against corruption - the police, that is, law enforcement agencies (together with the judiciary), have not remained immune to corruption. This is especially the case in Bosnia and Herzegovina, both due to weak and poorly functioning government institutions, and the strong influence of politics on the work of law enforcement agencies. One of the definitions of police corruption states that “police corruption means acts involving the misuse of authority by a police officer in a manner designed to produce personal gain for himself or for others” (Goldsten, 1975, p. 43). Goldstein believes that any bribe taken by a police officer is corruption, but not all police corruption is a bribe. In essence, the criminal offense implies asking for, receiving, taking something that should not be taken, with the aim of influencing the official actions taken by the same. All definitions of corruption basically have something in common, and that is the acquisition of benefits achieved through various abuses prohibited. Police corruption does not only refer to taking bribes, it can also refer to “turning a blind eye” to criminal acts committed by management, colleagues and politicians, hoping to improve his position at work and bring him a promotion by doing so. Corruption is very often connected with other types of criminal offences, especially organized crime, which inevitably results in the absence of the rule of law in the country.

The degree of corruption in the BiH law enforcement agencies is increasing every day, and the reasons for this are numerous: low salaries, lack of integrity of police officers, dysfunctional institutions, corrupt management, influence of politics on their work, etc. The latest research conducted by the BiH Transparency International shows that corruption in Bosnian and Herzegovina is deeply incorporated in each segment of the society and that the citizens of Bosnia and Herzegovina are losing confidence in the state and its institutions. According to the Corruption Perception Index (CPI-Corruption Perception Index, 2022) for countries in Europe, BiH is in third place, with a score of 35, and ranks 110 out of 180 countries. In addition, Bosnia and Herzegovina has the worst rating compared to the countries in the region and has not made any progress in the fight against corruption, primarily due to the obstruction of necessary reforms (Transparency International, 2022).

Finally, it should be emphasized that based on data from Transparency International's Advocacy and Legal Advice Centres, it seems that police corruption reached its peak during the COVID-19 restrictive measures, including the lockdown. “In many countries, police officers and soldiers are demanding bribes from people who pass roadblocks, stay out past curfew, and want to leave quarantine centres. They are even demanding bribes from essential workers, like doctors and nurses, who are trying to get to or home from work” (Transparency International, 2022).

METHODOLOGY AND HYPOTHESES

Corruption is a negative phenomenon that affects political and economic development of every country, leaving behind unfathomable consequences to safety, security, and the well-being of the entire population. Given that the number of criminal acts of corruption committed by police officers in all the BiH law enforcement agencies has recently increased, the aim of this research is to determine the perception of active police officers, employed in the State Investigation and Protection Agency, Ministry of the Interior of the Republic Srpska, and the Ministry of Interior of Sarajevo Canton in relation to this trend, i.e., in relation to corruption committed by fellow police officers, and what type of corruption is involved in most cases. Bearing in mind the fact that it is not only the police that is under the strong influence of politics in Bosnia and Herzegovina, but also the judiciary, which at the same time shows serious signs of biased and unprofessional behaviour, the research aims, in addition to the above, to determine how much members of these law enforcement agencies have confidence in BiH judiciary and whether they dare to report acts of corruption to competent judicial agencies. Consequently, the research endeavours to determine the number of reported and prosecuted criminal acts of corruption committed by police officers in the law enforcement agencies in Bosnia and Herzegovina in the last five years.

Finally, through this research, the goal is to determine the shortcomings of the political, judicial and police system, which influence the increase of corruption in BiH law enforcement agencies such as 1) small monthly income, 2) the absence of the principle of integrity and responsibility, 3) corrupt management, and 4) the lack of efficiency of institutions in processing corruption cases. On the other hand, the research aims at discovering the factors that prevent BiH police officers from reporting acts of corruption to competent institutions, such as: 1) retaliation by the employer in the form of professional degradation, disciplinary measures, mobbing, dismissal; 2) lack of protected reporting channels, 3) absence of whistleblowing protection, 4) lack of institutional framework, and 5) distrust in state institutions.

The method used to achieve the stated goals is both qualitative and quantitative. Qualitative method, by means of which the secondary data was collected, includes desk, archival, and content analysis of relevant scholarly and expert sources. In addition, data from the reports by the Prosecutor's Office of Bosnia and Herzegovina, the Special Prosecutor's Office of Republika Srpska and the Cantonal Prosecutor's Office of Canton Sarajevo have also been used as a secondary source of data concerning the number of reported and prosecuted cases of crimes of corruption committed by police officers in active duty in BiH law enforcement agencies. On the other hand, primary data was collected through semi-structured questionnaire, composed of relevant questions related to the presence of corruption in law enforcement agencies committed by police officers. The respondents include police officers in all ranks employed in the State Investigation and Protection Agency, Ministry of the Interior of the Republic Srpska, as well as Ministry of Interior of Sarajevo Canton. Finally, analysis of the collected data was performed, against the backdrop of the aim of the research and the hypothesis.

The following hypotheses will be tested within the framework of the research:

H1- Corruption as a negative phenomenon is also present in law enforcement agencies in Bosnia and Herzegovina.

H2- Crimes of corruption committed by police officers are rarely or almost never reported to the competent authorities.

H3- Reported criminal acts of corruption committed by police officers are processed inefficiently and with unfavourable outcome.

H4- Corruption committed by police officers employed in law enforcement agencies negatively affects the safety of society as a whole and citizens' trust in these institutions.

LITERATURE REVIEW

The available scientific literature on the topic of corruption is numerous and extensive, while the topic of corruption in law enforcement agencies is present in a somewhat smaller volume. The data resulting from research into the presence of corruption in law enforcement agencies, especially in Bosnia and Herzegovina, are particularly scarce. The analysis of the existing academic sources combined with the analysis of primary data that is collected through the survey from the competent law enforcement agencies and prosecutor offices in Bosnia and Herzegovina, will provide useful quantitative as well as qualitative data. The literature review explores the concept of police corruption, its causes, consequences, and potential solutions, with special reference to the negative implications that corruption has for the whole society.

What is police corruption?

Police corruption has been a persistent issue in law enforcement agencies around the world. In other words, corruption in the police exists as long as the police itself. There are very few police agencies today that have remained completely immune to this extremely harmful social phenomenon. Although the concept of corruption itself is quite well known, the question arises as to what constitutes corruption in the police. There are numerous opinions and disagreements on this issue. In general, police corruption refers to any unethical or illegal behaviour by police officers or law enforcement officials that violates their sworn duty to serve and protect the community. In this context, Derenčinovic points out that the concept of corruption depends on the starting point of the person who tries to define it: "corruption is a process in which at least two people participate, through an illegal exchange in order to achieve their own income, and they act to the detriment of the public interest, violating moral and the legal norm, the foundations of democratic development, and the rule of law" (2001, p. 12).

Goldstein in his classical work "Police Corruption: A perspective on its nature and control" defines police corruption as the "abuse of authority by police officers in order to obtain personal benefits for themselves or others" (1975, p. 19). According to him, "corruption is endemic to policing" given the fact that "the very nature of the police work is bound to subject officers to tempting offers" (1975, p. 3). Roebuck and Barker define corruption as "deviant, dishonest, improper, unethical or criminal behaviour by a police officer" (1974, p. 5). Stoddard, further on, referred to the police corruption as 'blue coat crime' for it necessarily involves abuse of position: "what is corrupted is the 'special trust' invested in the occupation" (1968, p. 134). Against the background of this reflection, Punch and Kleining offer a more extended and comprehensive definition of the police corruption: "when an official receives or is promised significant advantage or reward (personal, group or organisational) for doing some-

thing that he is under a duty to do anyway, that he is under a duty not to do, for exercising a legitimate discretion for improper reasons, and for employing illegal means to achieve approved goals” (1996, p. 166).

Sherman notes that “most police departments have members who commit corrupt acts from time to time. Only some police departments, however, become corrupt police departments” (1978, p. 32). In this regard, if it is not brought under control, corruption in the police threatens to take on a systemic character, spreading throughout the department, infecting every element of the organization. In this situation, corruption ultimately overshadows all other problems, exerting a very negative influence on the professional and efficient work of the police, which becomes exclusively occupied with persuading personal gain. In this context, Wilson in his book “The Police and their Problems - A Theory” emphasizes that the public perceives police officers as an organization and not a profession. Namely, the corrupt, unprofessional and unethical behaviour of a police officer can threaten the integrity of the entire police agency, unlike, for example, a doctor or a professor, where the corrupt behaviour of an individual rarely discredits the entire educational or health institution (1963). According to Lawrence Sherman, an additional problem is the development of a special dimension of dependence within which the police officer performs the so-called “psychological adjustment by which they rationalize their behaviour” (1974, p. 213).

Derenčinović divides corruption into individual, indirect, systematic and competitive. He also explains the concepts of active and passive briber, which he calls corruptor, as well as the causes of corruption, which differ in terms of intensity and consequences. He considers systemic corruption to be the most intriguing, which, based on the previous research conducted by Transparency International, is present in almost all administrative and state bodies, and which is deeply rooted in all pores of society. He believes that it represents a ‘mirror’ of a state’s system that affects the economy of the country and favours the development of economic crime, but also has a negative impact on government administration. Derenčinović presents corruption with the following equation:

$$K=M+D-O$$

(Corruption = monopoly + discretion – responsibility)

Bošković in his book “Organized crime and corruption” went a step further and observed corruption in a wider context together with organized crime. Bošković is one of the authors who directly connects corruption, organized crime and politics, that is, the state. The mentioned author believes that the main goal of organized crime is acquiring illegal profit and property benefits, where the connection with the organized criminal groups, including the connection with politics and political parties, is especially important. Organized criminal groups in this way have a certain degree of protection from detection and criminal prosecution, which further facilitates their activities. Using corruption, they control state bodies or individual officials, including judges, prosecutors, and even police officers (2004).

In the opinion of numerous authors, these are some of the most common corrupt activities in which law enforcement agencies are involved in relation to citizens: bribery, police brutality and violence, opportunistic theft (stealing from crime victims, accident victims, arrestees), abuse of power, using excessive force, official miscon-

duct, perjury, changing court testimony, extortion, protection of illegal activities and offenders, racism, favouritism, nepotism, neglect, fabrication, destruction, and planting of evidence, covering up criminal activities committed by fellow officers, undermining criminal investigations, unauthorized access to official documents and files or their unauthorized modification, and theft of valuable items gathered on an official duty (Barker and Roebuck, 1973). In addition to the above, Goldstein introduces the concept of internal corruption, which includes falsifying attendance records, giving passing (undeserved) grades in training, unauthorized influence on the promotion process, favouritism when choosing the dates of annual vacations and days off, or even bribing superiors for assigning special work tasks (1975).

Finally, Barker and Wells emphasize an interesting fact that numerous definitions of corruption do not include activities such as drug use, drinking, sleeping on duty, sex during working hours, speeding, disobeying traffic signs, feigning illness and other forms of present deviant police behaviour for the simple reason that this kind of behaviour does not result in the acquisition of material benefits. It is important to emphasize that police corruption is an ethical issue as well as an administrative and criminal one, and when defining corruption, it is necessary to consider the motive, the means and the goal. In this regard, police corruption must not be limited to material benefit, because profit can come in the form of various services that ultimately result in promotion and/or improvement of personal status, prestige, and influence (1981).

The causes of the police corruption

According to Dobovšek, one of the main causes of the spread of police corruption is the fact that corruption has long been a ‘skeleton in the police closet’, a taboo topic that was neither allowed nor wanted to be discussed at official meetings. On the other hand, its many forms are certainly a significant stumbling block in combating police corruption. As one of the main causes of corruption, Dobovšek states the interference of politics in the work of law enforcement agencies. In addition, police officers face the darkest side of people every day, they are continuously exposed to threats and death, and risk their lives in the service of the community, being often underpaid for the work (2009). The extent to which the underpayment of police officers is an important factor in the spread of police corruption is evidenced by Sir Paul Condon, the Commissioner of the Metropolitan Police (1193-2000): “If you’re not paying your police officers a wage they can live on, you are almost inviting them to indulge in malpractice... it’s getting tougher and tougher for young police officers to make ends meet. That doesn’t mean they all go off and do bad things, but if you’re serious about integrity you must make sure there is a reasonable level of pay and conditions that ... doesn’t tempt them into malpractice” (1998).

Furthermore, police officers have realized through their work that those who are called criminals do not have a ‘monopoly’ on criminal activities, nor can corruption be tied to a certain level or rank in police agencies. Another significant problem is the so-called police culture (high degree of solidarity among colleagues and secrecy). The police officer will often withhold his support to the internal control departments that investigate the misconduct of their colleagues. According to Sherman and Reiner, the unwritten rule of the ‘blue curtain of secrecy’ is rarely questioned among police officers, who thus knowingly or unknowingly enter the vicious circle of corruption,

even though they themselves have not done anything unethical. Secrecy becomes ‘a protective armour shielding the force as a whole from public knowledge of infractions’ (Reiner, 1992, str. 93). The code of silence in police agencies is a very complex and multi-layered problem: first, it has a very negative effect on new recruits who, from the beginning of their careers, accept corruption as an integral part of their work; second, it represents a kind of discouragement to managerial structures that police corruption can be eradicated, and third, it represents a way of controlling and manipulating fellow police officers (Ivković, 2005).

Klockars et al. state lack of effective oversight and accountability mechanisms within law enforcement agencies, integrity of management (or absence thereof), complex bureaucracy, possibility of abuse of regulations, employment of officers with criminal connections, inadequate training and supervision, lack of professional standards, frequent temptations and contacts with members of the criminal milieu, and plethora of opportunities presented to police officers, almost on a daily basis, as important factors that cause the spread of corruption. The next factors that cause corruption are low managerial and public visibility of police actions, even managerial support for police misconduct. In other words, police officers spend most of their working time in the field without the direct supervision of a superior, which allows them to imperceptibly violate and circumvent the rules. In addition, they have significant access to ‘private space’, i.e., the places where a criminal offense was committed, which are off-limits to the public. Political environment and political culture are certainly important factors that influence the level of corruption in police agencies. Inefficient and corrupt judiciary, which is the case in Bosnia and Herzegovina, can also contribute to the feeling of an unjust society suitable for the development of the police corruption (Kania, 2004).

Consequences and the potential solutions to the police corruption

The consequences of police corruption can be far-reaching, including erosion of public trust in law enforcement agencies, reduced effectiveness in combating crime, miscarriages of justice, perpetuating systemic discrimination and inequality, and impaired democratic governance. According to Goldstein “The existence of corruption clearly impairs an agency’s credibility in enforcing the law” (1975, str. 211). Corruption can also lead to the violation of human rights, particularly when officers engage in activities such as torture, extortion, and extrajudicial killings. Ultimately, entrenched police corruption can lead to a culture of impunity, with the police officers feeling they can engage in corrupt activities without fear of consequences. Jackson and Bradford (2010) elaborate on the concept of trust, and the factors that influence it, such as incompetence, inefficiency and unprofessionalism of individual police officers. There is a relationship between citizens and the police, and the citizens and the institution. Trust in the institution means that citizens believe that the police are professional, efficient, and honest, that they represent the interests of citizens and society as a whole and that they fight to protect their property and security. Trust can contribute to the improvement of police work and encourage them to be more responsible. On the other hand, trust can encourage citizens to participate in police work (Punch, 2009).

There is a widespread notion that the problem of corruption is practically unsolvable, not in any society, not in any state, having in mind the complexity and multi-layered nature of this social phenomenon and the fact that it relates to an even

more complex manifestation of human nature, human behaviour, and social and political norms. However, law enforcement agencies cannot afford such fatalistic thinking about corruption, no matter how demanding and challenging it may be to keep it under control. Although widespread, it must not be forgotten that many police agencies manage with great success to maintain a high level of integrity, professional and ethical behaviour of their officers (Gilman, 1995). Control, reduction and ultimately the complete eradication of corruption from the police ranks must be a constant commitment of police leadership, no matter how colossal and frustrating the task may be. This goal can only be achieved through the strong commitment of all members of law enforcement agencies and continuous raising awareness about the perniciousness of the corruption on the work and functioning of police agencies, but also on the society. Additionally, special attention should be paid to the exchange of knowledge, experience, and best practices not only between domestic agencies for law enforcement, but also foreign partner institutions, in order to find the best and most effective tactics and techniques to fight corruption (Bošković, 2000).

To address police corruption, several measures can be taken. According to Graycar and Prenzler, these include improving oversight and accountability mechanisms within law enforcement agencies, increasing transparency in police operations, strengthening ethical standards, and enhancing the training and education of police officers. Additionally, establishing independent oversight bodies can help to monitor and investigate police misconduct. Efforts to combat police corruption also involve implementing and enforcing strict ethical standards and codes of conduct for police officers, increasing transparency and accountability in police operations, and promoting community engagement and oversight of law enforcement agencies. Additionally, effective training programs and ongoing support for officers can help prevent corruption and improve professionalism and ethical behaviour in the police force (2013).

Heineman and Heimann propose the introduction of high standards in the recruitment, screening and training of police officers, with a special emphasis on integrity, ethical and moral behaviour. They also accentuate stricter compliance with rules and regulations, especially the code of ethics, stricter internal control and supervision, raising public awareness of the importance of reporting corrupt acts committed by police officers, adoption and consistent implementation of anti-corruption strategies, as well as measures in the prevention and fight against corruption (2006). According to Dobovšek, police corruption can be suppressed if an adequate legislative and institutional framework for combating corruption is established, the public is educated and awareness is raised about the pernicious practice of bribing police officers not only for the work and efficient functioning of law enforcement agencies, but also for the state security. A strategic approach is needed in the systematic fight against corruption and a greater emphasis on ethical policing, although it is unlikely that it will be possible to completely eradicate corruption in the police (2009).

ANALYSIS OF CORRUPTION IN LAW ENFORCEMENT AGENCIES IN BOSNIA AND HERZEGOVINA

The security system in Bosnia and Herzegovina is decentralized and operates at four levels. The first is the national one, headed by the BiH Presidency, which is responsible for enacting the security policy of Bosnia and Herzegovina. When it comes

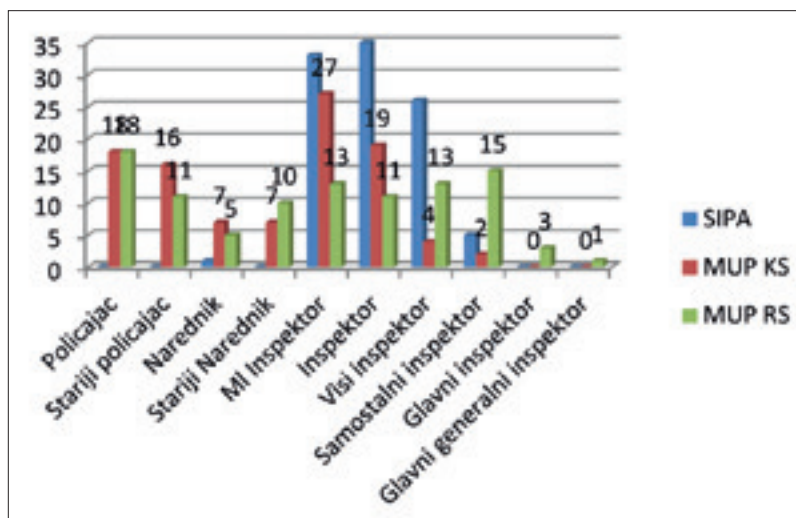
to public security at the state level, there are four law enforcement agencies that operate within the Ministry of Security of Bosnia and Herzegovina: Border Police, the State Agency for Investigation and Protection, the Directorate for the Coordination of Police Bodies and the Civil Protection. Lower, entity levels include the Ministries of Internal Affairs and Civil Protection of the Republika Srpska and the Federation of Bosnia and Herzegovina. In addition, there are ten Cantonal Ministries of the Interior in the territory of the Federation of Bosnia and Herzegovina (as the third level), operationally and administratively independent from the Federal Ministry of the Interior. The Federal Ministry of Internal Affairs and the cantonal Ministries of Internal Affairs have connected information systems and common databases based on electronic data processing. According to the territorial principle, the Ministry of Internal Affairs of the Republic of Srpska has five Public Security Centres (CJB), directly subordinated to the Police Directorate and the Ministry of Internal Affairs of the Republic of Srpska. The structure of the Ministry of Internal Affairs of the Republika Srpska is centralized with clear coordination and subordination. Local police administrations are the lower level of the security system in Bosnia and Herzegovina (Vijeće Evrope, 2022).

A major problem in the functioning of the mentioned law enforcement agencies is the overlapping jurisdictions and the impossibility of defining their boundaries. The police system of Bosnia and Herzegovina is based on the principle of coordination as a concept of hierarchical relationship in management, which implies an organizational pyramid, feedback links and horizontal linkages, with the side connections with other services and organizational units. This means that the Ministry of Security of Bosnia and Herzegovina and agencies at the state level do not have a commanding function over entity ministries of the interior and agencies, and the Federal Ministry of the Interior does not have the same function over the cantonal ministries of the interior, which reflects the decentralization of the police system in Bosnia and Herzegovina. Due to this, there is an overlap of responsibilities, which results in agencies working under the jurisdiction of another agency, this being especially noticeable at the state level (Greco, n.d.).

While conducting research into the presence of corruption in law enforcement agencies in Bosnia and Herzegovina, a questionnaire was created, which consisted of 12 closed-ended questions with multiple answers. The research was conducted in the period from December 2022 to February 2023 and included 300 respondents, active police officers within the State Investigation and Protection Agency, Ministry of Interior of Republika Srpska and the Ministry of Interior of Sarajevo Canton, holding various ranks. Of the total number of respondents, 76 were women (35 from SIPA, 13 from Sarajevo Canton MoI and 28 from Republika Srpska MoI), while 224 were men (65 from SIPA, 87 from Sarajevo Canton MoI and 72 from Republika Srpska MoI). Table 1 shows the ranks of respondents by police agency.

Regardless of the reform processes that are being attempted in the police structures, they still present an obstacle for BiH on the way to Euro-Atlantic integration. Lately, it has been noticeable that the media report almost daily on police operations, stating that there is an increased number of arrested police officers who are linked to the commission of various criminal acts, primarily corruption (Lalić and Đurić, 2017). However, the research conducted in SIPA, RS MoI and SC MoI, which included 300 respondents, showed that only 14% of the total number of respondents, i.e., 41 of them,

Figure 1: Ranks of respondents by police agency



Source: Authors

stated that they found themselves in the situation being offered to participate in any type of corruption. In relation to the mentioned question, a difference was observed in the answers between the police agencies, where only 4% of respondents in SIPA answered affirmatively to the mentioned question, while the percentage in the SC MoI was 24%, and in the RS MoI 13%.

In response to the next question, which referred to the type of corrupt act that was offered to them, the respondents answered that it was about receiving/giving bribes (46%), abuse of official position (17%), negligence (17%), fraud (12%) and disclosure of official restricted documents (8%). Table 1 shows the type and number of corrupt acts by agency:

Table 1: If someone offered you to participate in a corrupt act, can you indicate which act it was:

	SIPA	SC MoI	RS MoI
Receiving or giving bribes	3	16	8
Abuse of official position	1	5	4
Negligence	1	4	5
Embezzlement	0	0	0
Fraud	0	0	0
Disclosure of restricted documents	1	5	1

Source: Authors

Police officers were mostly unaware of the presence of corruption committed by police officers in other police agencies, which is corroborated by the fact that 70% of the total number of 211 respondents (SIPA 85, SC MoI 64, RS MoI 62) replied that they were not familiar with that. In other words, 36 respondents from the SC MoI, 38 from the RS MoI and 15 from SIPA answered affirmatively to the question: “During your service, have you been aware that any of your colleagues from your or another police agency, in any way, were involved in corruption? When asked to specify the

type of corrupt acts, 58 respondents answered that it was about receiving or giving bribes, 37 indicated abuse of official position, 24 negligence, 4 embezzlement, 2 fraud, 13 disclosure of restricted documents, and 5 other corrupt activities.

The dark number of crimes, especially corruption, present in the law enforcement agencies or committed by the members thereof is particularly large. This is evidenced by the fact that only 53% of respondents stated that they reported corruption committed by their fellow officers, while 47% of respondents stated that they failed to do so. The police officers who declared that they did not report the above-mentioned criminal acts, mostly cited the lack of protected reporting channels, lack of institutional framework, retaliation of the employer in the form of professional degradation, disciplinary measures, and dismissal, as well as the mistrust in state institutions as the reason for not reporting. Most of the reported criminal acts committed by police officers were prosecuted, with a large number of those reported being declared guilty, and only a small number were acquitted. The majority of the respondents were not familiar with the sentence imposed, while 21% of the respondents stated that the perpetrators were sentenced to 1-3 years in prison, 10% stated that they knew that the perpetrators were sentenced conditionally, while only 3 % of respondents knew that the perpetrators were sentenced to more than 3 years prison time.

Prosecution of the criminal acts of corruption committed by police officers in BiH

One of the main priorities in the fight against corruption, the institutions in BiH should focus on, is the establishment of the rule of law that is derived from efficient laws, the functioning of institutions, and the restoration of their credibility, especially judiciary (Deljković and Lučić-Čatić, 2011). Corruption existing in the law enforcement agencies undermines their credibility and represents fertile ground for establishing a symbiosis between corruption and organized crime. Activities carried out in the last five years by the Prosecutor's Office of Bosnia and Herzegovina, the Cantonal Prosecutor's Office of the Canton of Sarajevo and the Public Prosecutor's Office of the Republic of Srpska in the prosecution of perpetrators of corruption will be presented in this part.

Table 2: Number of indictments filed by the Prosecutor's Office of Bosnia and Herzegovina in the last five years with the number of the accused for the corruption:

	2020		2019 ¹		2018		2017 ²	
	Indict*	Offend ^o	Indict	Offend	Indict	Offend	Indict	Offend
Receiving bribes	4	7					2	2
Giving bribes	1	1					1	1
Receiving a reward or other form of benefit for influence peddling	1	1						
Abuse of position or authority	4	7			2	7	1	3

¹ In 2019, in organized crime cases, 19 indictments were filed against 66 persons, of which 2 indictments have elements of corrupt actions, while in corruption cases 5 indictments were filed against 11 persons.

² The report of the BiH Prosecutor's Office for 2017, states that the largest number of reports received during that year relates to economic crime and corruption, and that during the reporting period, 135 reports were received for criminal acts of corruption against 306 persons.

Negligence					2	2		
TOTAL	10	16	7	11	4	9	4	6

Source: Authors' calculations based on the data of the Prosecutor's Office of Bosnia and Herzegovina

* Number of indictments filed

° Number of the accused in these indictments

The website of the Prosecutor's Office of Bosnia and Herzegovina, contains reports that have been found to be non-standardized and to differ greatly from year to year, and the last report that was published was for 2020. The reports were not classified by the perpetrators of the crimes, so it was not possible to determine what was related to the police officers. In addition, the BiH Prosecutor's Office did not respond positively to the request for information related to the criminal acts of corruption committed by the police officers employed in the BiH police agencies in the last five years. The data contained in the reports that could be found on the website are presented in the following tables.

Table 3: Number of indictments filed by the Cantonal Prosecutor's Office of Sarajevo Canton in the last five years with the number of the accused for the corruption:

	2021 ³		2020		2019		2018	
	Indict*	Offend°	Indict	Offend	Indict	Offend	Indict	Offend
Receiving bribes	22				3			
Giving bribes	49		7					
Receiving a reward or other form of benefit for influence peddling								
Abuse of position or authority	1		9		21	7		
Negligence	24		1		4	2		
TOTAL	134	190	17		28		33	53

Source: Authors' calculations based on the data of the Cantonal Prosecutor's Office of Sarajevo Canton

* Number of indictments filed

° Number of the accused in these indictments

In response to the request for information related to criminal acts of corruption committed by police officers employed in any police agency in BiH in the last five years, the Public Prosecutor's Office of Republika Srpska submitted information that in the requested period, 40 reports were received against police officers for criminal acts of corruption. 35 cases were closed, of which 14 were closed with an order not to conduct an investigation, 11 reports were closed with an order to suspend the investigation, five reports were investigated with an indictment filed, five cases were closed in another way, i.e. by merging with another case, while five reports remained unresolved. Charges were brought against eight police officers. Two police officers were convicted, one of which was suspended, and was sentenced to a minor fine of 1,500 KM, while the other police

³ The report of the Cantonal Prosecutor's Office of the Sarajevo Canton for 2021, states that they achieved the best results in the Federation of Bosnia and Herzegovina related to corruption: "significant indictments for corruption related to the prosecution of a large number of police officers from the Traffic Unit of the Sarajevo Canton MoI who were accused of receiving and giving a bribe and illegal issuing/obtaining driver's licenses without passing a driving test."

officer was sentenced to one year prison time. The court did not issue verdicts against four persons, while the indictment was rejected against two persons.

Finally, it would be worth mentioning several cases of arrests of members of the law enforcement agencies in Bosnia and Herzegovina, which were well covered by the media. The first case is from August 2020, when 18 police officers working in the Traffic Unit of the Sarajevo Canton MoI Police Administration were arrested within the operation code named “Gift 1”. They were suspected of having committed more than a hundred criminal offenses under Article 380 of the FBiH Criminal Code over several years (Receiving bribes and other forms of benefits) and Article 383 of the FBiH Criminal Code (Abuse of position or authority) (Dnevni Avaz, 2020). The next operation from January 2023 is the one code named “Sparta”, in which three members of the SC MoI were arrested for corruption. They were “suspected of stopping vehicles with foreign license plates, while performing official duty, and taking money from the drivers in the name of payment of the fine without paying the money into the Sarajevo Canton’s budget” (Faktor, 2023). In addition, in March 2023, 6 people were arrested in the Banja Luka area, including the former and the active police officers of the Ministry of Internal Affairs of the Republika Srpska and the of the then Advisor to the Minister of Security in Bosnia and Herzegovina. They were arrested on charges of the following crimes: collaboration with a criminal group, unauthorized traffic in narcotic drugs, abuse of official position or authority, obstruction of the process of finding and presenting evidence (Faktor, 2023).

CONCLUSION

According to the BiH Transparency International’s latest research, BiH has fallen again in the Corruption Perception Index, and now definitely occupies the lowest place in the region in terms of corruption, while in Europe only Russia and Ukraine are in a worse position. The impossibility of an effective fight against organized crime, as well as the deterioration of the rule of law and the efficiency of the judiciary, are cited as the main reason for the decline of Bosnia and Herzegovina and other countries of the Western Balkans. It was emphasized that there are plethora of corruption scandals in Bosnia and Herzegovina involving high officials, so that the public has lost confidence in democratic institutions that are supposed to combat all forms of organized crime, including corruption (Transparency International, 2022).

Numerous studies indicate that corruption is deeply rooted in every segment of Bosnian society and the state. There are myriad problems that contribute to the development of corruption in Bosnia and Herzegovina since the end of the war and despite numerous legal solutions and institutions in charge of fighting corruption, the situation is getting worse every day (Lindov et al., 2014). In recent years, there has been a connection developed between organized crime and corruption, in which members of various police agencies are often involved, both at the state, entity and cantonal levels. However, considering the nature of the work and the position of police officers in society, these acts often remain a “dark figure of crime”. It is evident that the number of reported criminal acts of corruption committed by police officers is extremely small, and even in the cases in which they are reported, either the crimes are not prosecuted, or the sentences are minimal. At the round table held in March 2023 on the topic of the effective fight against systemic corruption, organized by Transparency International

BiH, the Embassy of Sweden in BiH, and the EU Office in BiH, the head of the EU delegation and the EU's special representative in BiH, Ambassador Johann Sattler stated, among other things that corruption is a pressing problem in the country, hinders future generations and economic and social progress.

The consequences of corruption can be classified into two categories: socio-economic and socio-political. Socio-economic consequences are manifested by jeopardizing the market economy, reducing the social product, decreasing investments, increasing the indebtedness of the country and the poverty of people. The socio-political consequences are reflected in the endangerment of democratic institutions and the increase in the costs of the functioning of the social community, the emergence of citizens' distrust in state institutions, the increase in the rate of organized crime, the destruction of the moral values of society, and the emergence of a sense of apathy among citizens.

Since law enforcement agencies are one of the most important components in charge of public security, it is necessary to implement appropriate reforms aimed at training such personnel who will be able to respond to all modern security challenges such as terrorism, organized crime, corruption and other criminal acts. As one of the most worrying factors linked to corruption in law enforcement agencies is the selection of police officers for employment. Recently, the influence of corruption on the mentioned process has also been observed with money being often requested for employment. Institutions in Bosnia and Herzegovina have so far failed to show determination in the fight against systemic corruption, as evidenced by numerous lengthy court processes related to high corruption, which is present in the legislative, executive and judicial authorities, and which is reported daily by various media portals.

In order to rectify this situation, a systematic and thorough implementation of reforms is necessary, including amendments to the Law on the High Judicial and Prosecutorial Council, the Law on Prevention of Conflicts of Interest, the Law on Courts, as well as strengthening the protection of corruption whistleblowers, depoliticization of public enterprises and thorough reform of judiciary. It is also necessary to achieve visible results in terms of investigations, criminal prosecutions and final judgments in cases of organized crime and corruption” (Transparency International BiH, 2023).

“Not only is there no strategy, policy or activity of state institutions to prevent corruption, but state institutions, completely captured by political control, focus their activities almost entirely on dealing with corruption. Unfortunately, corruption has become the primary reason for the existence of institutions. A special danger for the state is the complete symbiosis of organized crime and state institutions, which will lead to further destabilization of the country and the collapse of its security.”

Srdan Blagovčanin, Chairman of the BiH
Transparency International Steering Committee

Based on the above, the conclusion arises that the initial hypotheses have been fully proven.

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