CRIMINAL OFFENCES AGAINST THE ECONOMY IN THE REPUBLIC OF SERBIA 2018-2023

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PURPOSE

Economic crime is a negative phenomenon in all countries, both in developed and developing ones. As such, it is a serious obstacle to economic security and economic development, and a serious obstacle to the accession of the Republic of Serbia to the European integration process. Economic security is considered "a part of national and an element of individual security" (Radović-Stojanović, Tomić & Ljubojević, 2024, 324). Ensuring economic security, economic development and European integration of Serbia is up to the state. It is the state that holds the position at the very top of the economic pyramid (Dašić, Dašić & Trklja, 2021, 439). The state achieves its goals by applying various measures including monetary and fiscal policy measures, "as well as by the criminal activity of its security services in the field of preventing and suppressing organized economic crime" (Nicević & Ivanović, 2012, 88). Considering the topic of our paper, we will perform an analysis of criminal offenses against the economy in the Republic of Serbia in the period from 2018 to 2023. Economic crime is a socially negative phenomenon. The economic system and economic relations, i.e. the economic security of the country, are protected by fighting against all types of economic crime. There is no single definition of economic crime. There are several reasons for that. One of the reasons is the different manifestations of economic crime in different social communities (due to different socio-economic and political relations). Even within the same social community in different periods of time, economic crime manifests itself differently (due to changes in the form of property). In any case, the consequences of economic crime are numerous: "The consequences of criminal offenses in this area are the creation of unfair competition on the market, the reduction of jobs, the reduction of the quality of public services due to the reduction of budget revenues, the emergence of the gray economy, illegal markets and more" (Cvetković & Kešetović, 2018, 43).

In Serbia, as well as in the rest of the world, there are currently no more precise data on how much damage economic crime has caused to the economy and the population. There are many reasons why it is impossible to estimate the total cost of economic crime (Grabosky, 2001). The prevalence, frequency and techniques of certain forms of economic crime evolve over time, constantly adapting in terms of their organisation, depending on the skills, networks and locations of those involved (Lord & Levi, 2023). Regardless, the overall impact of economic crime on the economy of a country is huge, causing damage first of all to the state, then to various economic entities, as well as to individuals.

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DESIGN/METHODS/APPROACH

The goal of the paper is to analyse criminal offenses against the economy in the Republic of Serbia in the period from 2018 to 2023 and to indicate new measures and methods of combating it. In accordance with the topic of our paper, the level and movement of criminal offenses against the economy in the Republic of Serbia in the period from 2018 to 2023 were analysed. An insight into the data, scope and scale of economic crime can be found in the publications of the Statistical Office of the Republic of Serbia, such as Judiciary Statistics - Adult Offenders.

The analysis of data published by the Statistical Office of the Republic of Serbia refers to the period from 2018-2023, for the purpose of a more complete overview of the development of this phenomenon. Special attention was paid to the analysis of basic data on the adult perpetrators of criminal offenses against the economy, namely: reported perpetrators (number and %), accused (number and %), convicted perpetrators (number and %), reported perpetrators by region of Serbia (number), convicted perpetrators according to imposed criminal sanctions (number).

The approach to this research includes various techniques, starting with literature review, analysis of official publications of the Statistical Office of the Republic of Serbia, and statistical data processing including calculation of percentages. During the research, the following methods were used: the method of analysis and synthesis, the method of induction and deduction, the method of generalisation, the method of concretisation and statistical method.

The aim of this analysis is to compare the level of criminal offenses against the economy in the Republic of Serbia, as well as by region. The data source are statistical publications of the Statistical Office of the Republic of Serbia, namely, Statistical Releases in the field of Judiciary.

FINDINGS

In order to get a more complete picture of the situation regarding the level of criminal offenses against the economy in the Republic of Serbia, in this paper we will use the statistical data of the Statistical Office of the Republic of Serbia.

"Criminal offenses against the economy in the Republic of Serbia from 2001 until the transfer of the effects of the global financial and economic crisis to Serbia in 2009 decreased by 48.3% for reports, 60.1% for accusations and 62.2% for convictions." Since 2010, their number had been increasing again until 2015. Since 2015, economic crime in the Republic of Serbia has been declining as a result of intensified efforts in the fight against economic crime undertaken by state authorities during this period" (Radović-Stojanović, 2021, 104, 105).

In the continuation of the paper, we will survey the analysis of criminal offenses against the economy in the period from 2018-2023.

Table 1. *Reported Adult Perpetrators of Criminal Offences, Total and Against the Economy, Number and %, 2018–2023*

Year	Total		Against the Economy	
	Number	%	Number	%
2018	92874	100	2767	3
2019	92797	100	2461	2.7
2020	74394	100	1814	2.4
2021	80632	100	1946	2.4
2022	82958	100	1921	2.3
2023	74504	100	2172	2.9

Source: Statistical Office of the Republic of Serbia, 2023, 1. (for the period from 2018 to 2022, Statistical Release no 184); Statistical Office of the Republic of Serbia, 2024, 1. (for 2023, Statistical Releases no 186)

From table 1, looking at the period from 2018 to 2023, one can notice the change of periods of decline (2018-2020 and 2023) with periods of growth (2021-2022) in the total number of reported adult perpetrators. In 2018, which we will take as a base, we have the largest number of adult perpetrators (92,874). In 2019 we have a decrease of less than 0.1%, in 2020, the decrease of 20%, in 2021, the decrease of 13%, in 2022, the decrease of 11%, and in 2023 the decrease of 20%. In the observed period, 2020 was the year with the lowest number of adult perpetrators. As for the number of adult perpetrators of criminal offenses against the economy in relation to the total number of adults against whom criminal charges were filed, the percentage expressed in 2018 was 3%, in 2019 2.7%, in 2020 2.4%, in 2021 2.4%, in 2022, 2.3%, and in 2023 2.9%. The period from 2018 to 2022 shows us a trend of decreasing the number of reported perpetrators of criminal offenses against the economy, while 2023 is characterised by a slight increase in their number.

Table 2. *Accused Adult Perpetrators, Total and Against the Economy, Number and %, 2018–2023*

Year	Total		Against the Economy	
	Number	%	Number	%
2018	35146	100	1683	4.8
2019	32360	100	1345	4.2
2020	29389	100	1166	4.0
2021	31870	100	1207	3.8
2022	30406	100	1070	3.5
2023	31101	100	1087	3.5

Source: Statistical Office of the Republic of Serbia, 2023, 2. (for the period from 2018 to 2022, Statistical Release no. 184); Statistical Office of the Republic of Serbia, 2024, 1. (for 2023, Statistical Release no. 186)

The total number of accused perpetrators in the period from 2018-2023 show the alternating periods of decline and growth. Annually, that number is around 30,000 accused adults. The situation regarding the number of accused perpetrators for criminal offenses against the economy in relation to the total number of accused adults, expressed as in terms of percentage in 2018, is 4.8%, in 2019 4.2%, in 2020 4.0%, in 2021 3.8%, in 2022 3.5%, and in 2023 3,5%. These data also tell us that the number of accused adult perpetrators for criminal offenses against economy has been decreasing in percentage.

Table 3. *Convicted Adult Perpetrators, Total and Against the Economy, Number and %, 2018–2023*

Year	Total		Against the Economy	
	Number	%	Number	%
2018	29750	100	1144	3.8
2019	28112	100	1008	3.6
2020	25487	100	842	3.3
2021	27508	100	885	3.2
2022	26200	100	762	2.9
2023	26919	100	859	3.2

Source: Statistical Office of the Republic of Serbia, 2023, 2. (for the period from 2018 to 2022, Statistical Release no. 184); Statistical Office of the Republic of Serbia, 2024, 2. (for 2023, Statistical Release no. 186)

The total number of convicted adult perpetrators in the period from 2018 to 2020 recorded a slight decrease, after which the year 2021 was characterised by an increase in the number of convicted adult perpetrators. In 2022 there was a decrease again, and in 2023 a slight growth. The percentage data regarding the number of adult perpetrators convicted for criminal offenses against the economy in relation to the total number of adult perpetrators convicted are as follows: in 2018 3.8%, in 2019 3.6%, in 2020 3.3%, in 2021 3.2%, in 2022 2.9%, and in 2023 3.2%. So, from 2018 to 2022, there was a decline in the number of adults convicted of crimes against the economy. In 2023, there was a visible increase in the number of adults convicted of crimes against the economy (13% more than in 2022).

In the continuation of our paper, we will perform an analysis of reported adult perpetrators according to the criminal offenses against the economy in 2023 in total for the Republic of Serbia and by regions, namely: Region - North, which includes the Belgrade Region and the Vojvodina Region; and Region - South, which includes the Region of Šumadija and Western Serbia, the Region of Southern and Eastern Serbia and the Region of Kosovo and Metohija. Please note that since 1999 the Statistical Office of the Republic of Serbia has not had data for the Region of Kosovo and Metohija because it is under the jurisdiction of the United Nations and resolution 1244.

Table 4. *Reported Adult Perpetrators of Criminal Offenses Against the Economy by Regions of Serbia, 2023*

Criminal offenses against the economy	Total	Serbia - north		Serbia - south		
		BR	RV	RŠWS	RSES	RKM
	2172	639	661	559	313	-
Fraud in performing economic activity	62	17	20	24	1	-
Insurance fraud	12	9	1	2	-	-
Embezzlement in the performance of economic activity	114	25	34	39	16	-

Abuse of trust in performing economic activity	11	5	3	2	1	-
Tax evasion	416	113	121	106	86	-
Non-payment of withholding tax	3	-	1	1	1	-
Abuse of the position of responsible person	225	71	63	81	10	-
Abuse connected to public procurement	25	1	5	16	3	-
Abuse in the privatisation process	4	-	-	4	-	-
Conclusion of the restrictive agreement	7	1	6	-	-	-
Accepting bribes in performing economic activities	18	2	14	-	2	-
Giving bribes in the performance of economic activity	5	3	-	-	2	-
Causing bankruptcy	2	1	-	-	1	-
Damage to creditors	16	1	8	6	1	-
Illegal production	28	5	8	14	1	-
Illegal trade	177	34	59	46	38	-
Smuggling	8	1	4	1	2	-
Disabling control	7	4	1	2	-	-
Unauthorised use of someone else's business name and other special marks of goods or services	139	21	34	66	18	-
Damage to business reputation and creditworthiness	3	1	-	2	-	-
Disclosure of business secrets	11	1	3	1	6	-
Forgery of money	51	6	8	30	7	-
Falsification of securities	1	-	-	-	1	-
Falsification and abuse of payment cards	756	270	278	135	73	-
Forging characters for value	1	-	1	-	-	-
Money laundering	62	42	2	1	17	-
Abuse of authority in the economy	8	5	2	-	1	-

Abbreviations: BR – Belgrade region; RV – Region of Vojvodina; RŠWS – Region of Šumadija and Western Serbia; RSES – Region of Southern and Eastern Serbia; RKM - Region of Kosovo and Metohija. Source: Statistical Office of the Republic of Serbia, 2024, Statistical Release no 186, 5.

As indicated in Table 1, the total number of reported adult perpetrators of criminal offenses against the economy in Serbia in 2023 was 2,172. The listed criminal offenses against the economy in the Republic of Serbia reveal that the largest number of reported adult persons have committed the criminal offense of forgery and misuse of payment cards (756 or 35% of all listed criminal offenses against the economy). It is followed by the tax evasion (416 or 19%), abuse of the position of responsible person (225 or 10%), illegal trade (177 or 8%), unauthorised use of someone else's business name and other special marks of goods or services (139 or 6%) and embezzlement in the performance of economic activity (114 or 5%). These 6 criminal offenses account for about 83% of the total number of registered adults for criminal offenses against the economy. The smallest number of reported adults is for the criminal offense of falsification of securities (1), forging characters for value (1) and causing bankruptcy (2). Taking into consideration the regions, it is noticeable that there is almost the same number of registered adults for criminal offenses against the economy with permanent residence in the Region of Vojvodina (661), the Belgrade Region (639) and the Region of Šumadija and Western Serbia (559), while the Region of Southern and Eastern Serbia has the lowest number of reported adult perpetrators of criminal offenses against the economy (313). Analysing the type of criminal offense against the economy by individual regions, the following situations are observed.

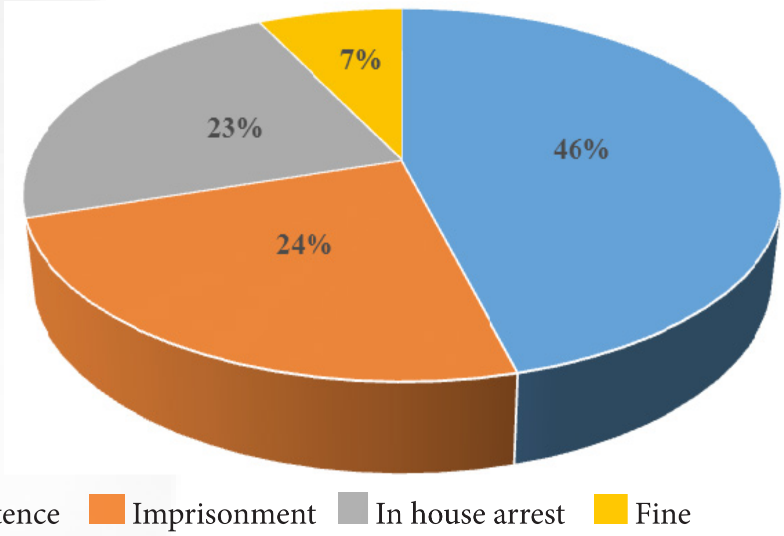
For the Belgrade region, these are the numbers: fraud and misuse of payment cards (270 or 42% of all reported adult perpetrators of criminal offences against the economy in that region), tax evasion (113 or 18%) and abuse of the position of responsible person (71 or 11%) are leading, while at the bottom of the table we found disclosure of business secrets (1), damage to business reputation and creditworthiness (1), smuggling (1), damage to creditors (1), causing bankruptcy (1), conclusion of the restrictive agreement (1) and abuse connected to public procurement (1). It is interesting that there were no perpetrators at all for the criminal offenses of forging characters for value, falsification of securities, abuse in the privatisation process, and non-payment of withholding tax.

In the Region of Vojvodina, forgery and abuse of payment cards consist of 278 or 42% of all reported adult perpetrators of criminal offences against the economy in that region, tax evasion 121 or 18%, abuse of the position of the responsible person 63 or 10% and illegal trade 59 or 9%, while at the bottom of the list there are forging characters for value (1), disabling control (1), non-payment of withholding tax (1) and insurance fraud (1). There are no adult perpetrators of falsification of securities, damage to business reputation and creditworthiness, causing bankruptcy, giving bribes in the performance of economic activity, and abuse in the privatisation process. The only adult perpetrator of the criminal offense of forging characters for value in the entire territory of the Republic of Serbia is from the region of Vojvodina.

The region of Šumadija and Western Serbia have the largest number of adult perpetrators for the criminal offenses of falsification and abuse of payment cards (135 each or 24% of all reported adult perpetrators of criminal offences against the economy in that region), tax evasion (106 or 19 %), abuse of the position of the responsible person (81 or 14%) and unauthorised use of someone else's business name and other special marks of goods or services (66 or 12%). There is one perpetrator per each of the following offenses - money laundering, disclosure of business secrets, smuggling, and non-payment of withholding tax. There are no registered adult offenders for the criminal offense of abuse of authority in the economy, forging characters for value, falsification of securities, causing bankruptcy, giving bribes in the performance of economic activity, accepting bribes in performing economic activities, and conclusion of the restrictive agreement. All 4 perpetrators of the criminal offense of misuse in the privatisation process in the Republic of Serbia come from the Šumadija Region and Western Serbia.

The Regions of South and East Serbia include the largest number of reported adult perpetrators of tax evasion (86 or 27% of all listed criminal offenses against the economy in that region), and falsification and abuse of payment cards (75 or 24%), while only one for abuse of authority in the economy, falsification of securities, illegal production, damage to creditors, causing bankruptcy, non-payment of withholding tax, abuse of trust in performing economic activity, and fraud in performing economic activity. The only perpetrator of the criminal offence falsification of securities in the Republic of Serbia comes from this region.

In the continuation of the paper, we will present a graphic representation of the imposed criminal sanctions for convicted adult perpetrators of criminal offences against the economy in % for the year 2023.



Source: Author's projection based on: Statistical Office of the Republic of Serbia, 2024, 9, 10.

Graph 1. *Imposed Criminal Sanctions for Convicted Adult Persons Against the Economy (%), 2023*

Out of a total of 859 adult persons sentenced for criminal offenses against the economy, the most imposed criminal sanctions refer to suspended sentences (393 or 46% of all types of criminal sanctions imposed for criminal offenses against the economy), imprisonment (207 or 24%), in house arrest (193 or 22%) and fine (63 or 7%). An insignificant share of 0.02% in the total number of adult persons convicted of the criminal offense of anti-violence, i.e. with one imposed criminal sanction pertains to : "community payback service and revocation of a driver's license" (for the criminal offense illegal trade), "corrective measures" (for the criminal offense of forgery and misuse of payment cards) and "declared guilty and acquitted (for the criminal offense of causing bankruptcy), while for the criminal sanction "court warning" there is not a single convicted person.

Table 5. *Convicted Adults by Criminal Offences and Imposed Criminal Sanctions, 2023*

Criminal offenses against the economy	**T**	**I**	**F**	**SS**	**IHA**
	859	**207**	**63**	**393**	**193**
Fraud in the performance of economic activity	26	11	-	8	7
Insurance fraud	1	-	-	1	-
Abuse of trust in performing economic activity	13	1	-	8	4
Embezzlement in the performance of economic activity	88	9	-	58	21
Tax evasion	199	48	13	97	41
Non-payment of withholding tax	7	1	2	3	1
Abuse of the position of responsible person	79	27	-	27	25
Abuse in connection with public procurement	20	5	-	14	1
Conclusion of the restrictive agreement	2	1	-	-	1

Accepting a bribe in the performance of economic activity	3	1	1	-	1
Giving bribes in the performance of economic activity	24	1	1	22	-
Causing bankruptcy	1	-	-	-	-
Damage to creditors	4	1	-	2	1
Illegal production	28	8	3	13	4
Illegal trade	88	5	23	54	5
Smuggling	21	6	2	10	3
Disable control	10	3	1	5	1
Unauthorised use of someone elsess business name and other special marks of goods or services	48	10	7	24	7
Damage to business reputation and creditworthiness	-	-	-	-	-
Disclosure of business secrets	-	-	-	-	-
Forgery of money	18	12	1	2	3
Falsification of securities	3	1	-	2	-
Falsification and abuse of payment cards	123	47	6	7	62
Forging characters for value	2	1	-	-	1
Abuse of authority in the economy	1	-	-	1	-
Misleading customers	3	1	1	1	-
Money laundering	47	7	2	34	4

Abbreviations: T - Total, I - Imprisonment, F - Fine, SS - Suspended sentences, IHA - In house arrest Source: Statistical Office of the Republic of Serbia, 2023, 9, 10.

Looking at the table 5, we notice that the most convicted adults are for the following criminal offenses against the economy, namely: tax evasion (199 or 23% of all convicted adults for the criminal offenses against the economy and imposed criminal sanctions), falsification and abuse of payment cards (123 or 14%), illegal trade (88 or 10%), embezzlement in the performance of economic activity (88 or 10%). On the other hand, the least convicted, 1 per each offense, is for the criminal offenses insurance fraud, causing bankruptcy, and abuse of authority in the economy.

Of the 207 adults sentenced to imprisonment, the majority were convicted for the criminal offenses of tax evasion (48 or 23%), falsification and abuse of payment cards (47 or 23%), abuse of the position of a responsible person (27 or 13%), and the least (1 each) for criminal offenses abuse of trust in performing economic activity, non-payment of withholding tax, conclusion of the restrictive agreement, accepting a bribe in the performance of economic activity, giving a bribe in the performance of economic activity, damage to creditors, falsification of securities, forging characters for value, and misleading customers. There were no persons sentenced to imprisonment for the criminal offenses of insurance fraud, causing bankruptcy, damage to business reputation and creditworthiness, and disclosure of business secrets.

Thus, 63 persons were sentenced to fines. Most of those convicted were for the offences of illegal trade (23 or 37%) and tax evasion (13 or 21%) and the least (1 each) for accepting a bribe in the performance of economic activity, giving a bribe in the performance of economic activity, disable control, forgery of money, and deceiving customers. There were no persons convicted to pay a fine for criminal offenses fraud in the performance of economic activity and insurance fraud, abuse of trust in performing economic activity, embezzlement in the performance of economic activity, abuse of the position of the responsible person, abuse in connection with public procurement, conclusion of the restrictive agreement, causing bankruptcy, damage to creditors, damage to business reputation and creditworthiness, disclosure of business secrets, falsification of securities, forging characters for value, and abuse of authority in the economy.

As stated above, the largest number of adults were given suspended sentences for criminal offenses against the economy (393). The following criminal offenses are the most common: tax evasion (97 or 25%), embezzlement in the performance of economic activity (58 or 15%), and illegal trade (54 or 14%).

The least suspended sentences (1 each) refer to the criminal offenses of insurance fraud, abuse of authority in the economy, and deceiving customers. There were no suspended sentences for the following crimes: conclusion of the restrictive agreement, accepting a bribe in the performance of economic activity, causing bankruptcy, damage to business reputation and creditworthiness, disclosure of business secrets, and forging characters for value.

The most common criminal offenses committed by the convicted adults (193) with the criminal sanction "in house arrest" are falsification and abuse of payment cards (62 or 32%), tax evasion (41 or 21%), abuse of the position of the responsible person (25 or 13%), and embezzlement in the performance of economic activity (21 or 11%), and the fewest convicted (one per each offense) were for the criminal offences of non-payment of withholding tax, abuse in connection with public procurement, conclusion of the restrictive agreement, accepting a bribe in the performance of economic activity, damage to creditors, disable control, and forging characters for value. With the criminal sanction of "house arrest", there were no persons convicted of criminal offences: insurance fraud, bribery in the performance of economic activity, causing bankruptcy, damage to business reputation and creditworthiness, disclosure of business secrets, falsification of securities, abuse of authority in the economy, and misleading customers.

ORIGINALITY/VALUE

The consequences of criminal offenses against economy are negative for enterprises, the entire economy and the country, and it is necessary to permanently monitor this type of crime and proactively and continuously implement effective measures to prevent and suppress it. It must be a priority item for creators of economic policy because this negative phenomenon affects the country's economic stability, national security, democracy and the rule of law.

Since economic crime today is characterised by an increase in sophistication and complexity, the methods and fight against it should also be improved and modernised. As the support for the fight against the economic crime, we propose the following measures:

- Tightening of the penal policy for violators of the law in the field of economy. Please note that the penal policy must be harmonised with the regulations of the European Union. Undeniably, Serbia must "find its own solutions in accordance with its own traditions and institutions" (Dašić & Trklja, 2023, 372). While some would argue that severe penalties do not always deter crime, or that increasing penalties are unlikely to achieve a commensurate decrease in crime, one should not ignore the potential usefulness of punishment for economic crime (Grabosky, 2001, 158).

- Trainings and evaluation of experts who participate in the detection and prosecution of perpetrators of criminal offenses against the economy. This is necessary because the ways in which criminal offenses of economic crime are committed in modern conditions are increasingly complex, perfidious and increasingly difficult to detect and prove (Tanjević, 2018, 237). The reasons for this are continuous adaptation to new circumstances such as changes in socio-economic relations, legal regulations, as well as the development of technical achievements. That is why it is necessary that the state is always ahead of crime, and this is achieved by applying modern achievements, improved material and technical means in investigative activities, as well as constant training of all participants in criminal proceedings. This particularly applies to state bodies "which in their daily work come across information relevant to investigations" (Strategy of Financial Crime Investigations for the period from 2015 to 2016, Official Gazette of the RS No. 43/2015) of economic crime and which are instructed to cooperate with the police and judicial authorities.
- Effective horizontal and vertical cooperation between relevant institutions responsible for collecting data and conducting investigations (police, competent prosecutor's office, courts and other state bodies and institutions of regulatory and supervisory bodies).
- Increasing the salary of state and municipal officials who work to detect and prosecute criminal offenses against the economy.
- Raising awareness among the population about possible ways of committing criminal offenses in the field of economy, which would report them if there are grounds for suspicion. Within the framework of preventive measures, this measure represents a key element in the comprehensive formation of economic and legal awareness of the population.
- Simplification and automation of procedures for the provision of all types of services (either state or municipal) in order to reduce opportunities for corruption schemes. The transparency of the procedure must be in the first place, which is the basic condition for reducing corruption. Economic growth is lower in countries where corruption is more developed (Čudan, Kekić & Dimitrijević, 2023, 13).

By applying these and various other measures to combat economic crime, we will have a reduced dynamic of criminal offenses against the economy, a reduction in material damage to the state and society, as well as a reduction in the enormous economic benefits that various criminal organisations achieve through their activities in the field of economic crime. Achieving these tasks is possible, among other things, with the application of quality legal and by-law solutions and other legal acts. "This creates the foundations of legal security, which is the main component of a quality business environment" (Dašić, Župljanić & Pušonja, 2023, 106). As a consequence of the implementation of modern measures, there is an increase in the trust of citizens in the state apparatus, primarily due to efficient processing, adjudication and confiscation of property benefits resulting from criminal offenses against the economy. Taking into account the above, special attention must be paid in the future to the prevention and suppression of all types of economic crime as a factor endangering the economic security of the country.

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