

Criminal Justice in Serbia: The Effectiveness of Addressing Drug Trafficking

Darja Koturovic,¹ Paul Knepper²

Drug trafficking criminal groups operate as loosely-organized networks, interrelated through diverse transnational networks, successfully circumventing law enforcement efforts. Given the impact of the social context on the emergence of criminal networks, social network analysis is deployed in an innovative manner to map the network of Serbian institutions designed to address drug trafficking groups and identify potential barriers to their effectiveness. Initial findings indicate the existence of various structural holes at the level of legislation and implementation, with high potential to provide smooth functioning of illicit networks. The study utilizes elite interviewing in a sample of 50 state officials and civil society representatives to explore the effectiveness of state actions and the influence of a particular social context in this process. Mapping of the institutions and positioning their competencies within the network may have the capacity to indicate specific obstacles which can significantly hamper the efforts of the institutions and efficient multiagency and regional cooperation.

Keywords: drug trafficking, criminal networks, social network analysis, Balkan route, corruption, Serbia

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1 Introduction

During the last decades, the region of former Yugoslavia has come into the spotlight as an increasingly important route in the global drug trafficking system. Reports constantly indicate that the so-called 'Balkan route' represents the key drug trafficking path through South East Europe (Michaletos, 2009; United Nations Office on Drugs and Crime [UNODC], 2014). Due to its geographic position, as a crossroad between East and West, Serbia lies on the main path of the 'Balkan route' and experiences a plethora of problems related to growth of organized crime. To address this, the Government of Serbia has made the fight against drug trafficking groups and corruption top priorities. Such an approach is an attempt to send a clear message, both domestically, that there will be no impunity for such crimes, and internationally, that Serbia will act as a security partner capable of preventing spreading of crime into Europe.

Concurrently, the boundaries of conventional international cooperation in the field of law enforcement and judiciary have changed, mainly due to swift mobility, significant diver-

sity of structure and communication methods of criminal organizations (Shelley, 2002). In this line, the fight against organized crime and drug trafficking groups remains one of the most significant priorities of the international cooperation due to the consequences and high risks for the society associated with this phenomenon. The multiple impact of organized crime is reflected in general fear in the community, a lack of trust in the state institutions and generation of huge financial resources commonly used to fund other criminal activities such as terrorism.

In the period of extensive legal reforms performed in Serbia, coupled with strong emphasis on regional collaboration in drug trafficking suppression, further knowledge on functioning of criminal networks and adequate mapping of the affected institutions could offer significant information to future policy making.

This study explores the role of state institutions in suppressing drug trafficking in an attempt to identify potential structural holes that hinder the effectiveness of such efforts. Considering that Serbia lies on the Balkan route, examining how these criminal networks can be addressed represents a transnational crime problem. In view of the increased regional and international cooperation against drug trafficking and organized crime, it is of importance to assess the actions undertaken by the state, as they may be a vital link for addressing the problem of international drug traffic.

¹ Darja Koturovic, M.A., researcher and Ph.D. candidate at University of Sheffield, United Kingdom and South East European Research Centre, Greece. E-mail: dkoturovic@seerc.org

² Paul Knepper, Ph.D., Professor of Criminology, School of Law, University of Sheffield, United Kingdom. E-mail: p.knepper@sheffield.ac.uk

2 Review of Background

Transnational criminal networks appear to be major beneficiaries from globalization, the use of IT in international financial exchange and political and economic transition in South East Europe (Shelley, 2002; Trifunović, 2007; Williams, 2001). Research in different transition countries supports that widespread corruption associated with weak governance and state institutions, facilitates proliferation of organized crime and reinforces illicit activities of transnational criminal organizations (Anastasijević, 2006; Michaletos, 2009; Shelley, 2002; Vasić, 2010).

Such criminal networks often use the '*Balkan drugs route*', the main path by which narcotics and in particular heroine are smuggled into the European countries (Michaletos, 2007; UNODC, 2011). Balkan route, or the Pan European Corridor X, involves several South East European states, which play significant roles in the distribution of heroin, cocaine, cannabis and synthetic drugs, including Albania, Southern Bulgaria, FYROM, Serbia, Montenegro, Bosnia and Herzegovina and Croatia (Annual progress report on Serbia, 2013; Trifunović, 2007). Reports indicate that there are basically two or three main routes of transporting heroin towards the EU, including southern and central path (Afghanistan, Iran, Turkey, Bulgaria, Greece, former Yugoslavian republics, towards Italy), and northern part through Hungary towards Austria/ Germany (International narcotics control strategy report, 2010; UNODC, 2013). Serbia has been recognized as a source, transit to the EU, and destination country (International narcotics control strategy report, 2014; Michaletos, 2007; Trifunović, 2007).

The majority of the South East European states passed through a decade of armed conflicts and massive political transformations, which created social confusion and vulnerability to crime. The development of organized crime was further boosted by a number of factors, including political sanctions accompanied with a range of economic problems and social and political consequences. A combination of unconsolidated democracy, unstable politics, affected institutional capacity, and high centralization of power in ruling elites resulted in severe social tensions and 'empowerment' of black economy. This state of play contributed to the weakening of public institutions which became vulnerable over time to diverse methods of external pressure, providing a fertile ground for the growth of corruption. Additionally, during the 90s, the enforcement agencies and secret services have developed close ties with illegal groups throughout the region.³ This 'pact'

³ As a direct successor of the former Yugoslavia's SDB (state secret security service, often associated with different forms of cooperation with criminal networks), the Serbian SDB inherited most

between the secret services, corrupted political actors and organized crime has established strong grounds for the development of various criminal networks with a considerable social impact. The rising compromise between public officials and informal actors ultimately resulted in apprehension of the institutions by criminal groups, seriously impacting their integrity even nowadays.

Organized crime in Serbia became an integral part of economical and political structures during the 90s, while criminal groups mainly generated from ethnic conflicts and had significant involvement in political murders in Serbia (Nikolić-Ristanović, 2004). Moreover, the utilised routes of smuggling cigarettes, gas, oil, cars and other products throughout the region and neighbourhood countries, established a strong traffic structure unaffected by state actions.

Research performed by UNODC indicates that organized crime groups in the region are motivated by profit as a common goal rather than national interests, which allows close cooperation among diverse individuals regardless of their ethnicity, political or religious beliefs (UNODC, 2008; see also Trifunović, 2007). For instance, reports on organized crime commonly note that involvement of individuals in a criminal network is often associated with their multiple roles in different types of criminal activities (Bjelajac, 2008; UNODC, 2011). Apparently, investigations in practice often lead to identification of multiple criminal offences, for instance, it is frequently reported by law enforcement agencies that arrests associated with drug trafficking led to discovery of human trafficking as well. Likewise, a recent study emphasizes that arms smuggling in Southeast Europe is consistently linked to drugs trafficking (Porobic, 2010). The author underlines that police reports reveal how police operations aimed at organized crime groups often lead to seizures of large quantities of both drugs and arms. Similar findings have been reported in other studies on organized crime in Southeast European region (Anastasijević, 2006). Confirmations of multiple linkages among individuals and their activities in criminal networks introduce an important inquiry regarding the functioning of these groups. The assassination of Serbian Prime Minister

of the old agents and practices (Hajdinjak, 2002). UN sanctions imposed on Serbia led to the creation of diverse criminal groups engaged in the trade of fuel, cigarettes and other scarce goods. Smuggling operations were used for financing various covert operations, political assassinations and achievement of other political goals. Due to the lack of civil control, the Serbian SDB continued to fund its activities through drugs, weapons and other goods smuggling. After the democratic changes in 2000, information about the links between politics and criminal groups arising from the secret services became more available.

Đinđić⁴ and subsequent murders of prosecution witnesses demonstrated a clear message of organized crime's resistance to the social change and a warning to the political structures that distortion of the formed symbiosis will not be simple.

These demonstrations of power result in conceptual differentiation between traditional and "new" forms of organized crime. It has been put forward that traditional crime groups require the state to retain their financial profit, thus using corruption as an operative tool to affect the state in which they have a vested interest (Nikolić-Ristanović, 2004). In contrast, criminal groups that emerged in the South East Europe originated from ethnic conflicts, obtained power due to weak governance and have no interest or loyalty to the state. They function as transnational networks, take advantage of institutionalized corruption and demonstrate more power over the state institutions than the traditional criminal groups. This particular feature of the criminal networks requires specific attention when it comes to Serbian drug trafficking groups.

Overall, Balkan drug trafficking networks erode democracy, inhibit development of stable societies and may also succeed in subverting law enforcement throughout Western Europe (Hajdinjak, 2002; Trifunović, 2007; UNODC, 2008). Coupled with the global financial crisis, there is a potential for these groups to increase their power and influence on the local governments and institutions. The effects of governmental actions have not yet been assessed, but there are indications that an important strike to drug trafficking groups is in progress.

3 Method

3.1 Social Network Analysis as a Method to Study Drug Trafficking and Organized Crime

Modern conceptualizations support that traditional structure of organized crime groups such as the top-down

⁴ Serbian Prime Minister Zoran Đinđić was killed on March 12th, 2003, in the courtyard of the government's offices in Belgrade, allegedly by organized criminal group representatives. The indictment was filed against 44 people for their involvement in organizing the murder of Djindjic. The accused were members who were reportedly closely connected to the Zemun criminal gang and the disbanded Special Operations Unit (JSO) established by the Ministry of Interior. The main suspect for organizing the assassination was former commander of the JSO, Milorad Ulemek. The trial commenced on December 2003, at the District Court in Belgrade (the Department for Organized Crime) and lasted until May 23, 2007, when all accused were found guilty and sentenced to a total of 378 years in prison. This was one of the key points that resulted in a shift of state policy towards an active fight against organized crime.

hierarchy of mafia, has been replaced by business-like structures that operate as loosely-organized networks of cells (Finckenaue, 2005; Morseli, 2009; Paoli & Fijnaut, 2004; Shelley, 2005). Consistent with these standpoints, social network analysis is often utilized as an approach to study 'dark networks' (Garay Salamanca, Salcedo-Albarán, & de León-Beltrán, 2010; Sparrow, 1991; van Duyne, 2003; Williams, 2001). Researchers support that fluid network structure provides drug trafficking groups with numerous advantages including adaptability, wide-scale recruitment and resilience (Ayling, 2009; Shelley, 2005). Moreover, networks have greater capacity to exploit new modes of communication and international collaboration than state actors whose activities are based on hierarchical models (Williams, 2001). Drug trafficking groups are constantly under pressure to develop diversified approaches to protect their interests in the face of law enforcement efforts, and thus often recruit facilitators in government, especially in the security services. This type of organization provides greater efficiency, organizational flexibility and hinders law enforcement efforts to identify and position group members (Shelley & Picarelli, 2002). Moreover, transnational criminal groups lack specific ideology, and often use political corruption as a tool for their ends, infiltrating in this way into the political system (Morselli & Giguere, 2006; Shelley, 2005). This is of concern since critical social determinants of organized crime refer to the quality, independence and integrity of the institutions safeguarding the rule of law, including police services and the judiciary.

It has also been put forward that application of social network analysis for the study of the 'dark networks' may be useful to indicate a particular social context that influences the behaviour and 'performance' of actors in such systems (Garay Salamanca, Salcedo-Albarán, & de León-Beltrán, 2010; Klerks, 2001; Malm, Kinney, & Pollard, 2008). Following this line of inquiry, the impact of social context was addressed in studies on developing and transitional countries and particularly in Southeast Europe. For instance, the contextual environment in former Yugoslavian states including the ongoing conflicts, embargo and associated state-led criminal activities, played an important role in the establishment of strong organized crime groups in the region. In this specific context, multi-ethnic organized crime groups in the Balkans closely cooperated among each other and other European and transnational criminal groups (Porobic, 2010; Nikolić-Ristanović, 2004).

Social network analysis (hereinafter: SNA) is often implemented in law enforcement investigations to provide data regarding individual members of illicit drug networks, the relationships among these actors as well as potential network weaknesses. In terms of scientific research on criminal organizations, SNA has been applied to study networks' structure, methods of functioning, interconnectedness of the key pla-

yers, etc. Data is often retrospective i.e. researchers are able to obtain access only after the state institutions have the necessary information and are willing to provide them. It appears that multiple sources of data could ensure greater validity, that is, a combination of sources could be an effective method to confirm information.

Along with the perception of criminal organizations as loose networks, a traditionally apparent presence of legitimate actors in a variety of criminal contexts is of major concern, as it indicates that state actors often closely cooperate with these groups (Antonopoulos, 2008; Block & Chambliss, 1981; Chambliss, 1978; Chevrier, 2004; Di Nicola & Zoffi, 2005; Kleemans & van de Bunt, 2003; McIlwain, 2004; Middleton & Levi, 2005). This implies that corruption is closely associated with growth of crime and should not be perceived as an independent problem. As Shelley argues, compartmentalizing these phenomena limits the capacity to scrutinize and address the diverse forms of transnational crime (Shelley, 2005).

Even though there is little empirical research focusing on the link between corruption and organized crime in transition countries, a number of authors emphasize the interdependent nature of these phenomena (Michaletos, 2007; Nikolić-Ristanović, 2004). For instance, in Serbia, criminal analysts suggest strong linkages between organized crime and public sector corruption, with criminal networks greatly relying on corruption to ensure the protection from law enforcement efforts, facilitate money laundering and ensure legal investments based on illicit trade (Nikolić-Ristanović, 2004; Trifunović, 2007).

As Warburto (2007) argues, corruption represents a complex, multi factorial phenomenon, closely associated to the fundamental complexity of human social relations. Similarly, Della Porta & Vannucci (1999) emphasizes that corrupt actors must exchange a range of favours in order to protect themselves within the system, referring to this scheme as a market of 'corrupt exchanges'. Therefore, for corruption to occur, the overall system must be susceptible for such illicit activity.

In this line, in view of the aforementioned influence of the social context on the emergence of criminal networks in a given state or a region, Southeast Europe offers a particularly beneficial social context for transnational criminal groups. That is, in transition countries, the large profits generated by drug trade make criminal networks powerful actors who exert influence on politics and business. As a result, they are able to penetrate the highest spheres of government, impact the political agenda and develop close relationships with diverse circles of power, hindering law enforcement investigations. Considering that a number of scientists and security analysts

support that 'it takes a network to fight a network' (e.g. Walker, Holling, Carpenter, & Kinzig, 2004), the question arises whether and to what extent the state institutions have the capacity to efficiently suppress criminal networks.

Nevertheless, lessons learned show that weakness of the state generates greater vulnerability of the political system to withhold challenges. The association of the growth of organized crime and public sector corruption has been confirmed in a study that used qualitative and quantitative data analysis in a large sample of countries (Buscaglia & van Dijk, 2003). A composite index of organized crime utilized in the study of Buscaglia & van Dijk (2003) indicated that there is greater prevalence of organized crime in countries characterized by weak rule of law, monopolistic practices and lack of justice efficiency. Moreover, questionable independence of the judiciary and increased political interference in the appointment of civil servants was positively related with higher levels of organized criminal activity. Likewise, a recent study by van Dijk (2007) demonstrated that high levels of corruption and money laundering strongly correlated with weak rule of law, low justice integrity and lack of responsible institutions.

In the context of affected social bonds coupled with sophisticated interaction methods developed by criminal networks, it appears difficult to destabilize such networks. Finally, the extent of institutionalized corruption and social inertia represent key complicating factors in any attempt to suppress crime in the Balkans. According to Bresson (1999), an institutionalized model of corrupt networks involves 'informal social exchanges', within which corruption becomes an extension of 'social legal networks' and utilizes a range of personal interests to maintain its function in case of potential socio-political change.

Similarly, the resilience perspective suggests that for combating illicit drug networks, both strategic and operational pathways are necessary (Ayling, 2009). The application of social network analysis therefore appears to be useful for mapping the functioning of the relevant institutions in a given social context. Given the secretive nature of both corruption and organized criminal activities, there is limited ability to produce valid data on the extent of corruption attributable to organized crime. The advantage of utilizing social network analysis lies in its capacity to detect potential structural holes that hinder effective institutional functioning. That is, instead of focusing on the criminal networks as a particular phenomenon, understanding the capacity of the state networks to suppress this activity might be more constructive and offer additional insight regarding the enduring existence of the trafficking groups.

3.2 Implementation of SNA to Study Criminal Justice Response

This study utilizes social network analysis (SNA) to investigate the actions of the government and civil society in addressing drug trafficking networks. This approach results from the common standpoint of contemporary authors that drug trafficking groups function as social networks cellular in structure (Ayling, 2009; Morselli, Giguere, & Petit, 2007; Shelley, 2002; von Lampe, 2006; Williams, 2001) and that the state should therefore develop a similar network to address this phenomenon.

Commonly applied for mapping criminal networks, social network analysis is deployed in an innovative manner to map the state institutions' network designed to address drug trafficking groups. The participating institutions are conceptualized as nodes, aiming to explore the functioning of the network of state institutions as a '*response network*' and determine the strength of links between them.

Mixed method design is applied in the study. The study draws upon a variety of official sources, including official court/police statistics; data from Special Court on Organized Crime and Special Prosecutors' Office for Organized Crime on drug trafficking and organized crime cases; reports of international organizations; annual CSOs' reports on drug trade, organized crime and money laundering; important journal and newspapers articles by prominent authors in printed and online media. These multiple sources are analyzed in order to map the existing knowledge on drug trafficking in Serbia and the results of state action in this regard.

Additionally, multiple interviews are conducted with state officials, the judiciary and civil society organizations. The purpose of the interviews is to obtain more comprehensive knowledge on the work of institutions engaged in drug trafficking suppression, as well as to get more insight into the particular social context in which the institutions function. The sample includes 40 state officials from the main institutions in the field of combating organized crime and drug trafficking, namely the Special Court for organized crime, the Prosecutors' Office for organized crime, regular courts/prosecutors' offices, Ministry of Justice, Ministry of Interior, border points, as well as international organizations OSCE, UNDP, UNODC. Interviews are also conducted with 10 representatives of relevant CSOs active in the field of organized crime, corruption and the rule of law⁵.

Elite interviewing is used for data collection. Interviews are semi-structured. Participants have been preselected on

the basis of their position, competence or field experience. Snowball effect was used as a complementary strategy to obtain more comprehensive data on a specific issue. Interviews are conducted in Serbian language and translation/back translation is performed. The questions are grouped in accordance with the 'type of participants' and are analyzed accordingly. Individual meetings were organized with each participant after obtaining signed consent forms. The participants were assured about confidentiality, access and utilization of data, storage methods, and timeframe of data storage upon study completion. All the collected data is anonymised. Confidentiality of personal and other important data is ensured in each case. Any information obtained during the study shall remain anonymous, i.e. any identifying data and other personal information is protected by coding and will not be disclosed at any time. Considering that the majority of the participants perform official duties, their exact position will not be disclosed in cases when this would clearly indicate the person's identity. In these situations, reference to the institution as a source is made without disclosing the specific function the participant performs. Therefore, only coded names are used in any written material (records, transcripts, quotations) to ensure that contextual information does not immediately imply the source's identity. All the participants have been informed about the use of audio recording during the interview. Recorded data is used only for the purpose of transcript development, which enables exploration of the key content of the conversation, and subsequent thematic analysis.

The mapping of the institutions and positioning their competencies within the network may have the capacity to indicate specific obstacles which can significantly hamper the efforts of the institution and efficient multiagency and regional cooperation. In order to identify such obstacles, betweenness centrality, degree centrality and density measures will be utilized. Patterns of relationship will be explored to detect subgroups, identify central points and the strength of these links. This process will be used to identify structural holes among institutions or obstacles to efficient regional and multiagency cooperation. Concurrently, this method may indicate which institutions are more effective in addressing the problem of drug trafficking, how they are structured and whether such models could be used to inform the system reform. The analyzed data obtained through the interviews offer qualitative results, which will be supplemented by the implementation of social network analysis.

4 Results

Given that this study is still in progress, the results presented and discussed in this paper represent initial findings.

⁵ For instance, YUKOM, Partners for Democratic Change, CHRIS Network.

The obtained data have been analysed using content analysis, whereas the data will be subsequently analysed in the social network analysis software to quantitatively measure the relationship among institutions and determine the strength of the links between them. Quantitative results arising from social network analysis will be used to test and prove the validity of the initial findings. The presentation of the criminal justice response given below stems from diverse means and information provided by different respondents.

4.1 Legal and Institutional Framework

The criminal procedure system in Serbia is subjected to an ongoing reform during the last decade. The Criminal Procedure Code (Krivični zakonik, 2005, 2009, 2012) adopted in 2001 was amended in 2009, aiming to suppress organized crime and strengthen enforcement against narcotics and corruption, but failed to address a number of problems. The Amendments introduced the plea agreement in Serbian criminal proceedings for the first time. In 2006, a new Criminal Procedure Code was passed, but has never entered into force.⁶

In the period between 2011 and October 2013, two Criminal Procedure Codes were applicable in Serbia. The first is the 2001 Criminal Procedure Code (Zakonik o krivičnom postupku, 2001, 2002), which was implemented before the courts and public prosecutor's offices of general jurisdiction until October 2013. The second is the new Criminal Procedure Code adopted in 2011 (Zakonik o krivičnom postupku, 2011, 2012, 2013, 2014) applicable in cases falling within the jurisdiction of Prosecutor's Office for Organized Crime as of 15 January 2012. The new Code introduces prosecutorial investigation aiming to expedite processing of criminal offenders, increase the trust in the judiciary, and reduce frequent conflicts between the police, prosecution, and courts that have plagued the criminal justice system.

The new Criminal Procedure Code (Zakonik o krivičnom postupku, 2011, 2012, 2013, 2014) introduces a significant number of new features which *inter alia*, contribute to the more efficient work of judicial authorities in the fight against organized crime and corruption. Some of the key changes involve presentation of evidence at preliminary hearings, a fundamental change to trial advocacy practice and the roles

⁶ The new Criminal Procedure Code passed in 2006 aimed at better alignment of the criminal justice system with the newly reformed judicial system. Nevertheless, the Code did not address the lack of parity between the prosecution and defense, inefficient management of resources, and unclear application of prosecutorial discretion and plea bargaining. Facing widespread criticism from members of the Serbian Bar, the 2006 Criminal Procedure Code never entered into force.

and responsibilities of prosecutors and defence attorneys, measures to increase the use of plea bargaining, new evidence-gathering techniques, witness protection standards, and the ability to use mediation in certain criminal proceedings.

Legislative changes to the Criminal Code (Krivični zakonik, 2005, 2009, 2012) have also been adopted. Particular attention was given to the chapter on corruptive offences which was broadly criticized by professional public and international bodies due to potential 'abuse' of the generic offence referred to in the Article 359 (abuse of office) of the Criminal Code (Krivični zakonik, 2005, 2009, 2012) in the private sector (Annual progress report on Serbia, 2012). Abuse of office appears to be the most common type of corruptive offences, possibly indicating the over use of this offence by the prosecution due to difficulties in proving other specific offences (i.e. tax evasion or other economic criminal offenses). To address this, the reference to private sector has been deleted in 2013; however, re-qualification of cases in progress remains unclear.

With regard to institutional framework relevant for combating organized crime and drug trafficking, two institutions with special jurisdiction have been established in 2003, namely the Special Department of the Belgrade District Court and Special Prosecutors' Office for Organized Crime, competent for the offences with elements of organized crime. Their introduction was aimed at improving the state's capacity to combat drug trafficking and organized crime groups acting in the region. The work of the Special Prosecutors' Office for Organized Crime and the Special Court is evaluated as very effective by the experts of the European Commission, particularly given the increased number of cases (Annual progress report on Serbia, 2012). The Ministry of Interior has established special units, but operational capacity needs to be further strengthened by criminal intelligence system and a safe platform for communicating between law enforcement bodies. Furthermore, special investigative measures in criminal investigations should be performed by the police rather than the security intelligence agency (Annual Progress Report on Serbia, 2013).

There are no precise data on the extent of drug trafficking, mainly due to lack of joint databases, statistical and risk analysis. Moreover, the participants referred to imprecise track record of drug seizures, inadequate storage of seized drugs and precursors and their highly problematic destruction as some of the key challenges.

Police cooperation in the field of fight against organized crime and drugs trafficking appears to be effective, as Serbia actively cooperates with regional law enforcement agencies, some EU Member States, the Interpol and Europol. For in-

stance, data indicate that almost 70–80% of criminal proceedings in 2009 have been initiated due to mutual cooperation of the Prosecutors Office for Organized Crime with the prosecutors and law enforcement agencies in the region (Ministarstvo pravde Republike Srbije [Ministry of Justice], 2012).

In the related field of corruption, the Anti-Corruption Strategy (Nacionalna Strategija za borbu protiv korupcije u Republici Srbiji za period od 2013. do 2018. godine, 2013), and its accompanying Action Plan have been adopted in 2013 setting up a series of measures to tackle this phenomenon. The institutional framework involves the Anticorruption Council, as the body advising the government on anti-corruption policy, and the Anti-Corruption Agency, competent for monitoring the anticorruption strategy, asset declarations, prevention of conflicts of interests, supervision over integrity plans and political party financing.

Nevertheless, investigation on high level corruption remains scarce, particularly in connection with money laundering and the origins of such financial resources. Serbia has no legal framework governing inexplicable wealth, which further hinders the state's potential to effectively investigate 'white collar crime'. The interviewees also related to the need to further improve inter-agency cooperation by connecting institutional data bases and intelligence exchange platforms.

4.2 Seizure and Confiscation of the Proceeds from Crime

The confiscation of assets is governed by the Law on Seizure and Confiscation of the Proceeds from Crime (Zakon o oduzimanju imovine proistekle iz krivičnog dela, 2013), aimed at contributing to organized crime suppression. This law is being implemented as of 2009, but has not achieved significant results in terms of systematic confiscation of the proceeds from crime. The 2013 amendments to the Law on Confiscation of the Proceeds from Crime are expected to enable sale of movable properties without court authorization, and expand the list of individuals from whom the proceeds from crime can be seized. The competent institution is the Directorate for management of seized assets.

The collected data indicate that in the period from 2009 to 2013, the Directorate for management of seized assets obtained monthly income from renting seized real estate, or provided such real estate for voluntary purposes, whereas 2 seized houses have been provided as 'safe-houses' for victims of human trafficking, domestic violence etc. (Ministarstvo pravde Republike Srbije [Ministry of Justice], 2012). On the basis of the plea agreements in 2012 the government seized 1 luxury apartment, 6 apartments, 4 vehicles, a certain amount

of money, several weapons, mobile phones and luxury watches. According to data, plea agreements account for about 500,200,000.00 RSD of material gain confiscated in 2012 alone. Subsequently, in 2013, seizure of items used to commit criminal offenses and proceeds from crime was envisaged in 18 plea agreements. On this basis, 6 cars, the equipment from the laboratory for the production of skunk worth nearly \$3 million, and 43.520 EUR and 11.267 RSD have been seized from the defendants. In addition, plea agreements provided for the confiscation of property derived from crime i.e. the prosecution confiscated one house, one duplex apartment, and a shop and land ownership in two parcels during 2013.

Nevertheless, the overall amount of seized or confiscated property implies that not much progress has been achieved. A downward trend with respect to seized property is notable and can be explained by a number of factors. Principally, financial investigations are rarely used to trace the money flows from criminal activities, as there is a significant lack of expertise in this field and insufficient modern investigation techniques. As one of the interviewed prosecutors stated, even though criminal offenses involve large sums of money, the seizure is hindered by the procedural obstacles i.e. once the prosecution discovers the proceeds of the crime; seizure is only possible after the initiation of the official investigation. These intervals enable the offenders to dispose of the funds and prevent significant confiscation in practice. Finally, investigations into the money flows supporting criminal networks rather than single individuals are proposed as potentially more constructive.

4.3 Penal Policy

Penal policy in Serbia is often criticized by the professional public, experts and the media, particularly in regards to sentencing serious criminal offences. It is argued that courts pronounce conditional sentences for serious crimes, whereas minor offences are sentenced with imprisonment. These perceptions usually result from the sole description of the statistical data on judicial decisions, without considering the individualization of the sentence or other circumstances of the concrete case. Likewise, data indicate that courts tend to pronounce sentences within legally stipulated minimum (Delić, 2010). Moreover, regular acceptance of various mitigating circumstances by the courts leads to conclusions that penal policy is "inadequate" or "soft", and should therefore be directed by legislative changes in order to effectively suppress crime (Delić, 2010; Mrvić-Petrović & Đorđević, 1998; Ćirić, Đorđević, & Sepi, 2006). However, according to Stojanović (2008), frequent legislative amendments often result from lack of consideration of scientific and experts' standpoints and political polarization and are therefore inefficient. The aforementioned legislative changes are, nonetheless, expected

to impact penal policy to a certain extent. Namely, the 2011 Criminal Procedure Code provides the possibility of sentencing the defendant based on a plea agreement with a penalty lower than the legally provided minimum, but still within generally accepted sentencing rules and respecting the specifics of the individual case. This sentencing framework enables the court to support and approve the plea agreement if the reasons given for the decision are well explained and proposed by the public prosecutor and defence counsel within the plea.

The relationship of drugs and crime in the criminal justice system is of particular importance for the analysis of state policies on drug trafficking. Data indicate that the number of drug dependent individuals in Serbian prisons has doubled in the period from 2005 (31.68% of the prison population) to 2013 (44.43% of the prison population). Approximately half of inmates nowadays have been incarcerated due to possession of drugs or drug related offenses such as possession and sale, and the crime was committed to support drug use or under the influence of drugs (Administration for Enforcement of Criminal Sanctions, 2013).

However, one of the key obstacles to objective analysis of penal policy refers to the lack of statistical data, since courts, prosecution and police do not perform aggregate analyses. Thus, evaluations are based on separate statistics which makes them incomparable and questions validity of results. Moreover, relevant authorities do not keep statistical data on drug related offenses, which further complicates the analysis, as it remains unclear whether individuals are prosecuted due to possession of drugs for personal use or for the actual criminal offense involving unauthorized sale of narcotics. Several interviewees noted that precise data on drug use compared to the trade of narcotics in regards to the plea agreements concluded for the offense of Unauthorized Possession of Narcotics referred to in the Article 246 of the Criminal Code (Krivični zakonik, 2005, 2009, 2012) would indicate whether individuals are prosecuted for drug trafficking or solely for personal use. In addition, when discussing penal policy for organized crime and drug trafficking cases, it needs to be borne in mind that indigent individuals often lack access to legal aid, while mandatory defence is stipulated only in case of offences punished with imprisonment over 8 years (Zakonik o krivičnom postupku [Criminal Procedure Code], 2011, 2012, 2013, 2014), whereas members of organized crime groups have the potential to hire lawyers.

Overall, such sentencing trends result in lack of individualized sentences, recidivism related to lack of consequences, and potential reinforcement of further criminal behaviour. There is also a need to address current sanctioning policies and selective prosecutions. Recurrent and at times controver-

sial changes in legislation aimed at increasing justice efficiency and suppression of crime, coupled with multiple postponement of their implementation, appear to hinder adequate criminal justice functioning.

4.4 The Role of Plea Agreements

Plea agreement is perceived as an effective tool for fighting crime, particularly organized crime. The key feature of a plea agreement is the defendant's consent to cooperate with the prosecution, admit the charges and provide the investigation with evidence of a serious crime, thus contributing to the resolution of the case. The plea agreement must contain an agreement on the type, extent or the scope of the penalty or other criminal sanction (Škulić, 2010). Prison sentences for offences of organized crime are served in the Special Department at a closed, high security penal institution.

Statistical data on plea agreements were obtained from the Special Court for Organized Crime and the Prosecutor's Office for Organized Crime. This data was substantiated by the perceptions of the parties implementing this procedure in practice. Data provided indicate that the use of plea agreements has been gradually increasing since 2010 to reach its peak in 2013. In 2010, plea agreements were signed in two cases, for the offenses of Illegal Border Crossing and Human Trafficking of the Criminal Code. Subsequently, in 2011, the number of cases notably increased, reaching a total of 10 plea agreements. Plea agreement was signed in 6 cases for criminal offence of Criminal Alliance (Article 346 Para 2 of the Criminal Code), in connection to Tax Evasion (Article 229 of the Criminal Code). Furthermore, a plea agreement was signed in 3 separate cases of Money Laundering referred to in Articles 231 Para 6 of the Criminal Code (Krivični zakonik, 2005, 2009, 2012), Giving Bribe (Article 368 Para 2) and Receiving Bribe (Article 367 Para 1) of the Criminal Code.

During 2012, the number of plea agreements significantly increased to reach a total of 58 cases. Most of the agreements related to the offense of Criminal Alliance (Article 346 of the Criminal Code – Krivični zakonik, 2005, 2009, 2012), that is, there were 24 cases in total, often connected with Unauthorized Production and Distribution of Narcotic Drugs (Art. 246 of the Criminal Code – Krivični zakonik, 2005, 2009, 2012). There were 16 cases of plea in 2012 for the criminal offense Unauthorized Production and Distribution of Narcotic Drugs. In 2013, 53 plea agreements were signed, with 19 plea agreements signed for the criminal offense of Unauthorized Production and Distribution of Narcotic Drugs. Also, there were two cases with a total of 14 defendants who have been convicted of a criminal offense of Unauthorized Production and Distribution of Narcotic

Drugs. In another case, the final judgment has been issued for the criminal offense of Unauthorized Production and Distribution of Narcotic Drugs on the basis of plea agreements concluded with nine defendants.

This overview indicates that Unauthorized Production and Distribution of Narcotic Drugs and Criminal Alliance (Art. 346 of the Criminal Code – Krivični zakonik, 2005, 2009, 2012) were the most common criminal offenses in the period from 2010 to 2013, along with Money Laundering (Art. 231), Human Trafficking and Illegal Border Crossing (Art. 350), Abuse of Authority (Art. 359), Receiving Bribe (Art. 367) and Giving Bribe (Art. 368). These offenses are usually linked, as the cases before the Special Court for Organized Crime involve the participants in organized crime groups that often commit a variety of criminal offenses. Also, often the cases involving more than one defendant complicate and prolong the negotiations on the plea.

The minimum criminal sanction which may be proposed in the plea is not provided by law. The 2011 Criminal Procedure Code (Zakonik o krivičnom postupku, 2011, 2012, 2013, 2014), solely provides that in case of a plea agreement, the penalty or other criminal sanction or other measure is proposed in accordance with criminal and other law. Overall, analysing the sentences agreed upon in the plea agreements in the reference period, it appears that, where the offenses involved organized crime members, the sanction was usually about half of the highest prescribed sanction. This trend is justifiable, considering the gravity of the offenses and the higher risk for the society that they entail.

Despite positive results in implementation of the plea agreements, certain obstacles remain, mainly associated with the attitudes of the public, the prosecution and the media. Considering that the new legislation is now implemented before all the courts in the country, it is expected to contribute to additional and more efficient use of the plea agreements in the future.

5 Discussion

Preliminary analysis of the collected data indicates that Serbia has over time developed a 'response network', as a criminal justice response to drug trafficking in practice. It appears that the network is well structured and based on international best practices, however still influenced by a number of difficulties.

Focusing on governmental responses to drug trafficking with regard to legal and institutional framework, several ini-

tial conclusions arise. Revisions of the legislation have been designed to address legal and administrative loopholes, empower judicial authorities, asset forfeiture and introduce more severe sanctioning. Despite these efforts, the track record of investigations, prosecutions and final convictions in drug trafficking cases remains weak.

A series of revisions of the normative framework still appear to be fragmented and inconsistent, with implementation being one of the key obstacles to efficient functioning of the criminal justice system. The lack of implementation represents a notable pattern, most frequently cited across institutions as one of the key obstacles. Problems with implementation are often associated with socio-political context and absence of the so-called political will. The need for existence of political will, regularly cited in the media as well, indicates that institutions remain weak and dependent on current political options. This correlates with the recorded overall citizens' perceptions regarding trust in judiciary (World Bank Judicial Functional Review, 2014). Discussing the fragmented results, the participants repeatedly referred to difficulties in intra-institutional cooperation, hindering efforts to finalize specific cases (e.g. prosecution often denotes the police as inadequate and *vice versa*, whereas the judiciary is cited by most of participants as unsuccessful). Increased use of plea agreements is perceived as encouraging and boosting efficiency, while assets seizure remains unsatisfactory.

Concurrently, the Anti-corruption Strategy and Action Plan offer an adequate framework for addressing corruption, but implementation with regard to drug trade related corruption is yet to be assessed. Most of the participants mentioned lack of full independence of law enforcement and judiciary, lack of pro-active work, and frequent media leaks as the main challenges to effective corruption suppression. Corruption cases are addressed by specialized prosecutors; however there is no similar level of expertise in the police or the judiciary, hampering the adequate finalization of cases.

Overall, lack of reliable data on organized and drug related crime hinders in-depth analysis of the effects of criminal justice policies. Finally, it seems better cooperation between the government and civil society in documentation and monitoring of drug trafficking related cases would contribute to state efforts in suppressing this phenomenon. Further research is needed regarding available solutions that would efficiently pile up the identified structural holes and increase cooperation among competent institutions in addressing the phenomenon of drug trafficking.

5.1 Limitations

Certain constraints of this research refer primarily to the research area of organized crime which is *per se* difficult to explore, as there is a lack of reliable data and a great deal of reluctance from the official institutions to share information. Available information on criminal networks refers only to those cases that have been traced or reported to the relevant law enforcement agencies. There are also challenges inherent to the social network analysis, such as high search complexity and profound reliance on the field knowledge. Furthermore, there is a delay in accessing criminal justice data, common for the state administration and the judiciary.

6 Conclusions

The phenomenon of drug trafficking in South East Europe directly threatens the interests of the region as well as the broader international community. Serbia has made the fight against drug trafficking groups and corruption top priorities, but the effects of state actions have not yet been assessed. Precise assessment of organized and drug related crime in the country is lacking, which complicates reliable evaluation of state efforts against these phenomena. Initial findings point to active operations of various criminal groups engaged in drug trafficking, mapping the role of Serbia in the Balkan route network. Likewise, the participants' responses offer a 'map' of legislative and institutional responses designed for drug trafficking suppression. Concurrently, certain political and social difficulties in Serbia continue to hamper effective work of the relevant institutions and successful state-to-state cooperation in combating drug trafficking.

Contemporary revisions of the normative framework are aligned with international best practices; however, implementation remains inconsistent, hindering efficient functioning of the criminal justice system. Nevertheless, the application of social network analysis may offer important conclusions on identified structural holes that have high potential to provide smooth functioning of illicit networks. This may put forward the importance of redesigning the system on the basis of regional and international cooperation and lessons learned.

References

1. Administration for Enforcement of Criminal Sanctions. (2013). *Annual report on prison administration work*. Belgrade: Ministry of Justice of Republic of Serbia.
2. Anastasijević, D. (2006). Organized crime in the western Balkans. In *First Annual Conference on Human Security, Terrorism and Organized Crime in the Western Balkan Region, Ljubljana*, 23–25 November, 2006. Graz: European Training and Research Centre for Human Rights and Democracy. Retrieved from http://www.humsec.eu/cms/fileadmin/user_upload/humsec/Working_Paper_Series/Working_Paper_Anastasijevic.pdf
3. *Annual progress report on Serbia, 2012*. (2012). Brussels: European Commission. Retrieved from http://ec.europa.eu/enlargement/countries/strategy-and-progress-report/index_en.htm
4. *Annual progress report on Serbia, 2013*. (2013). Brussels: European Commission. Retrieved from http://ec.europa.eu/enlargement/countries/strategy-and-progress-report/index_en.htm
5. Antonopoulos, G. A. (2008). Cigarette smugglers: A note on four 'unusual suspects'. *Global Crime*, 8(4), 393–398.
6. Ayling, J. (2009). Criminal organizations and resilience. *International Journal of Law, Crime and Justice*, 37(4), 182–196.
7. Bjelajac, Ž. (2008). *Moderno ropstvo* [Modern slavery]. Belgrade: DTA.
8. Block, A., & Chambliss, W. J. (1981). *Organizing crime*. New York: Elsevier.
9. Bresson, C. J. (1999). Corruption networks, transaction security and illegal social exchange. In P. Heywood (Ed.), *Political corruption* (p. 49). Oxford: Blackwell.
10. Buscaglia, E., & van Dijk, J. (2003). Controlling organized crime and corruption in the public sector. *Forum on Crime and Society*, 3(1 & 2), 3–34.
11. Chambliss, W. J. (1978). *On the take: From petty crooks to presidents*. Bloomington: Indiana University Press.
12. Chevrier, E. (2004). The French government's will to fight organized crime and clean up the legal professions. *Crime Law and Social Change*, 42(2–3), 189–200.
13. Ćirić J., Đorđević, Đ., & Sepi, R. (2006). *Kaznena politika sudova u Srbiji* [Penal policy of the courts in Serbia]. Beograd: Centar za mir i razvoj demokratije.
14. Delić, N. (2010). *Exclusion of mitigation of punishment in certain cases*. Belgrade: Faculty of Law.
15. Della Porta, D., & Vannucci, A. (1999). *Corrupt exchanges: Actors, resources and mechanisms of political corruption*. New York: Aldine De Gruyter.
16. Di Nicola, A., & P. Zoffi (2005). Italian lawyers and criminal clients: Risks and countermeasures. *Crime Law and Social Change*, 42(2–3), 201–225.
17. Finckenauer, J. O. (2005). Problems of definition: What is organized crime? *Trends in Organized Crime*, 8(3), 63–83.
18. Garay Salamanca, L. J., Salcedo-Albarán, E., & de León-Beltrán, I. (2010). *Illicit networks reconfiguring states, social network analysis of Colombian and Mexican cases*. Bogotá: Metodo Foundation.
19. Hajdinjak, M. (2002). *Smuggling in Southeast Europe: The Yugoslav wars and the development of regional criminal networks in the Balkans*. Sofia: Centre for the Study of Democracy.
20. *International narcotics control strategy report. Vol. I, Drug and chemical control*. (2010). United States Department of State Bureau for International Narcotics and Law Enforcement Affairs.
21. *International narcotics control strategy report. Vol. I, Drug and chemical control*. (2014). United States Department of State Bureau for International Narcotics and Law Enforcement Affairs.
22. Kleemans, E., & van de Bunt, H. G. (2003). The social organisation of human trafficking. In D. Siegel, H. G. van de Bunt, & D. Zaitch (Eds.), *Global organized crime: Trends and developments* (pp. 97–104). Dordrecht: Kluwer.
23. Klerks, P. (2001). The network paradigm applied to criminal organizations: Theoretical nitpicking or a relevant doctrine for in-

- investigators? Recent developments in the Netherlands. *Connections*, 24(3), 53–65.
24. Krivični zakonik [Criminal Code]. (2005, 2009, 2012). *Službeni glasnik Republike Srbije*, (85/05, 88/05, 107/05, 72/09, 111/09, 121/12).
 25. Malm, A. E., Kinney, J., & Pollard, N. R. (2008). Social network and distance correlates of criminal associates involved in illicit drug production. *Security Journal*, 21, 77–94
 26. McIlwain, J. S. (2004). *Organizing crime in Chinatown: Race and racketeering in New York City: 1890–1910*. Jefferson: McFarland.
 27. Michaletos, I. (March 9, 2007). The Balkans: The soft underbelly of the European narcotics market? *Sebianna.com*. Retrieved from <http://www.serbianna.com/columns/michaletos/011.shtml>
 28. Michaletos, I. (April 18, 2009). The new international of organized crime in the Balkans. *Serbianna.com*. Retrieved from <http://www.serbianna.com/columns/michaletos/047.shtml>
 29. Middleton, D. H., & Levy, M. (2005). The role of solicitors in facilitating 'organized crime': Situational crime opportunities and their regulation. *Crime, Law and Social Change*, 42(2–3), 123–161.
 30. Ministarstvo pravde Republike Srbije [Ministry of Justice RS]. (2012). *Godišnji izveštaj za 2012. godinu* [Annual report, 2012]. Retrieved from <http://www.mpravde.gov.rs/>
 31. Morselli, C. (2009). *Inside criminal networks*. New York: Springer.
 32. Morselli, C., & Giguere, C. (2006). Legitimate strengths in criminal networks. *Crime, Law & Social Change*, 45(3), 185–200.
 33. Morselli, C., Giguere, C., & Petit, K. (2007). The efficiency/security trade-off in criminal networks. *Social Networks*, 29(1), 143–153.
 34. Mrvić-Petrović, N. & Đorđević, Đ. (1998). *Moć i nemoć kazne* [The power and weakness of the punishment]. Beograd: Vojnoizdavački zavod.
 35. Nacionalna strategija za borbu protiv korupcije u Republici Srbiji za period od 2013. do 2018. Godine [National Anti-corruption Strategy of the Republic of Serbia for the period from 2013 to 2018]. (2013). *Službeni glasnik Republike Srbije*, (57/13).
 36. Nikolić-Ristanović, V. Ž. (2004). Organized crime in Serbia: Media construction and social reaction. In G. Meško, M. Pagon, & B. Dobovšek (Eds.), *Dilemmas of contemporary criminal justice* (pp. 685–695). Ljubljana: Faculty of Criminal Justice and Security,
 37. Paoli, L., & Fijnaut, C. (2004). General introduction. In C. Fijnaut, & L. Paoli (Eds.), *Phantoms of organized crime, corruption and terrorism* (pp. 1–19). Nijmegen: Wolf Legal Publishers.
 38. Porobic, J. (2010). *Arms availability and its impact on drug trafficking: A Balkan perspective* (Policy Brief Series, no. 13). Global Consortium on Security Transformation. Retrieved from http://www.securitytransformation.org/images/publicaciones/179_PolicyBrief13-Arms_availability_and_its_impact_ondrug_trafficking_A_Balkan_perspective.pdf
 39. Shelley, L. I. (2002). The nexus of organized international criminals and terrorism. *International Annals of Criminology*, 40(1/2), 85–92.
 40. Shelley, L. I. (2005). The unholy trinity: Transnational crime, corruption, and terrorism. *Brown Journal of World Affairs*, 11(2), 101–111.
 41. Shelley, L. I., & Picarelli, J. T. (2002). Methods not motives: Implications of the convergence of international organized crime and terrorism. *Police Practice and Research*, 3(4), 305–318.
 42. Sparrow, M. K. (1991). The application of network analysis to criminal intelligence: An assessment of the prospects. *Social Networks*, 13(3), 251–274.
 43. Stojanović, Z. (2008). Krivično zakonodavstvo i kaznena politika, 2001–2008 [Criminal law and penal policy, 2001–2008]. *Pregled RS*, (4), 43–68.
 44. Škuljić, M. (2010). *Krivično procesno pravo* [Criminal procedure law]. Beograd: Pravni fakultet.
 45. Trifunović, D. (2007). *Special report: Terrorism and organized crime in South-Eastern Europe: The case of Bosnia-Herzegovina, Sandžak, and Kosovo*. International Strategic Studies Association.
 46. United Nations Office on Drugs and Crime [UNODC]. (2008). *Crime and its impact on the Balkans and affected countries*. Vienna: Vienna International Centre. Retrieved from http://www.unodc.org/documents/Balkan_study.pdf
 47. United Nations Office on Drugs and Crime [UNODC]. (2011). *World Drug Report 2011*. New York: United Nations.
 48. United Nations Office on Drugs and Crime [UNODC]. (2013). *The illicit drug trade through South-Eastern Europe*. Retrieved from http://www.unodc.org/documents/data-and-analysis/Studies/Illicit_DT_through_SEE_REPORT_2014_web.pdf
 49. United Nations Office on Drugs and Crime [UNODC]. (2014). *The illicit drug trade through South-Eastern Europe*. Retrieved from http://www.unodc.org/documents/data-and-analysis/Studies/Illicit_DT_through_SEE_REPORT_2014_web.pdf
 50. Van Dijk, J. (2007). Mafia markers: Assessing organized crime and its impact upon societies. *Trends in Organized Crime*, 10(4), 39–56.
 51. Van Duyne, P. C. (2003). Organizing cigarette smuggling and policy making, ending up in smoke. *Crime, Law and Social Change*, 39(3), 285–317.
 52. Vasić, M. (2010). Niko ne može sam protiv organizovanog kriminala: Intervju – Ivica Dačić, ministar unutrašnjih poslova [No one can fight alone against organized crime: Interview with the Minister of Interior of the Republic of Serbia]. *Vreme*, (1004).
 53. Von Lampe, K. (2006). The cigarette black market in Germany and in the United Kingdom. *Journal of Financial Crime*, 13(2), 235–254.
 54. Walker, B., Holling, C. S., Carpenter, S. R., & Kinzig, A. (2004). Resilience, adaptability and transformability in social ecological systems. *Ecology and Society*, 9(2). Retrieved from <http://www.ecologyandsociety.org/vol9/iss2/art5/>
 55. Warburto, J. (2007). *Driving to anti-corruption utopia without a roadmap: Assessing the theoretical basis for corruption prevention strategies of global institutions* (CIES e-working paper, No. 31/2017). Lisboa: Centre for Research and Studies in Sociology.
 56. Williams, P. (2001). Transnational organized crime. In J. Arquila, & D. Ronfeldt (Eds.), *Networks and netwars: The future of terror, crime, and militancy* (pp. 61–97). Retrieved from http://www.rand.org/content/dam/rand/pubs/monograph_reports/MR1382/MR1382.ch3.pdf
 57. *World Bank Judicial Functional Review*. (2014). Retrieved from <http://www.mdtfjs.org.rs/en/serbia-judicial-functional-review>
 58. Zakon o oduzimanju imovine proistekle iz krivičnog dela [Law on Seizure and Confiscation of the Proceeds from Crime]. (2013). *Službeni glasnik Republike Srbije*, (32/13).
 59. Zakonik o krivičnom postupku [Criminal Procedure Code]. (2001, 2002). *Službeni glasnik Republike Srbije*, (70/01, 68/02).
 60. Zakonik o krivičnom postupku [Criminal Procedure Code]. (2011, 2012, 2013, 2014). *Službeni glasnik Republike Srbije*, (72/11, 101/11, 121/12, 32/13, 45/13, 55/14).

Kazensko pravosodje v Srbiji: učinkovitost obravnavanja trgovine z mamili

Mag. Darja Koturovic, raziskovalka in doktorska kandidatka, University of Sheffield, United Kingdom;
South East European Research Centre, Greece. E-pošta: dkoturovic@seerc.org

Dr. Paul Knepper, redni profesor za kriminologijo, School of Law, University of Sheffield, United Kingdom.
E-pošta: p.knepper@sheffield.ac.uk

Kriminalne skupine, ki trgujejo z drogami, delujejo kot ohlapno organizirane mreže, med seboj povezane z različnimi nadnacionalnimi mrežami, ki se uspešno izogibajo prizadevanjem organov kazenskega pregona. Glede na vpliv družbenega konteksta na nastanek kriminalnih mrež je analiza družbenih mrež razvila inovativen način za kartiranje mreže srbskih institucij, namenjenih za obravnavanje skupin, ki trgujejo z drogami, in odkrivanje morebitnih ovir za njihovo učinkovitost. Začetne ugotovitve kažejo na obstoj različnih strukturnih lukenj na ravni zakonodaje in njene implementacije, kar predstavlja velik potencial za zagotavljanje nemotenega delovanja nezakonitih mrež. Študija je uporabila elitne intervjuje v vzorcu 50 državnih uradnikov in predstavnikov civilne družbe, da bi preučila učinkovitost državnih ukrepov in vpliv določenega družbenega konteksta v tem procesu. Kartiranje institucij in umeščanje njihovih pristojnosti v okviru mreže lahko predstavlja zmožnost pokazati na posebne ovire, ki lahko bistveno ovirajo prizadevanja institucij ter učinkovito medagencijsko in regionalno sodelovanje.

Ključne besede: trgovina z drogami, kriminalne mreže, analiza družbenih mrež, Balkanska pot, korupcija, Srbija

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