DEFENDOLOGY

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EDITORIAL

SAFETY REQUIRES A REFORM OF DEMOCRACY, THE NECESSITY OF ITS MAINTENANCE, LIMITATION OF POWER, CREATION AND NOT CHEATING

Dear readers, friends of written word, thinkers, admirers of creation, fighters against cheating, we give you the thirty-first issue of the journal *Defendology*. This is your and our first-category journal, which advocates the safety of us all, safety as a supreme law, democracy connected with prosperity, **but is against all forms of radicalism, extremism and terrorism.**

The Editorial staff of *Defendology* has managed in these economically difficult and in general socially unstable times to maintain its continuity for sixteen years in a row. In the future, **the Editorial staff will put emphasis on improving the quality of the journal, primarily through the use of quoting standards, anonymous review and bilingual issue in the Serbian and English language.** Also, it is very important to say that the Editorial staff will publish in the future more original scientific papers from domestic and foreign authors. **Let's stop plagiarism and immorality in science and education.** This is the only way for *Defendology* to become a respectable and quoted journal in a foreseeable future, not only in the country but abroad as well. These goals represent a great challenge which requires a long-term systematic approach and responsibility both form the Editorial staff and authors. As you know, your and our journal *Defendology* contributes largely to the development of safety and democratization of society. **Human sense of righteousness makes democracy possible and its sense for injustice makes democracy necessary.** The experts of the *European Defendology Center* constantly emphasize **that democracy is not a luxury of the rich, but it needs to be in the service of all forms of social layers,** simply because **human nature cannot tolerate any form of oppression.** It is in the interest of safety of all groups associated with the government that they do not serve as an instrument of government power in favor of terror against regime opponents. History testifies that the unlimited power of an individual, one party, leads to the unpredictability of their decisions, **and the legal system cannot be affected by political fights.**

Southeastern Europe in the sense of safety and geopolitical is very important. It is for these reasons that we need a scientific journal open to different academic points of view and approaches. *Defendology* is open to a wide range of authors from the country, from the Southeastern Europe countries and other countries in the world to scientifically, thoroughly, objectively and ideologically unburden present the results of their theoretical and empirical research.

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This issue provides the readers with scientific and expertise papers on different topics such as: **police and society, peer violence, safety and defense, local administration management.** The column *Police and society* analyzes communication aspects of community policing and the authors discuss the impact of ethical hatred in Bosnia and Herzegovina and violence at football matches. Peer violence is a growing social problem discussed in the following column, where specific theoretical views and issues in practice are discussed, with possible recommendations for the improvement of status in the region. The column *Defense and safety* discusses the rule of law in the armed forces in democratic societies. Also, there is an expertise paper on the protection of important persons. The column *Local administration management* discusses the issues of successful local community management, whose economic and social stability is a prerequisite for the stability of society in general. We hope that the diversity of topics in this issue will give our readers, depending on their interests, an opportunity to gain new knowledge which they can use in their scientific-research work or practice.

We invite all interested parties to try to together, thoroughly and scientifically research and educate themselves and others and finally together with the system institutions restore the honor of education. Courage, courage, more courage…

Editor-in-Chief

Contents

POLICE AND SOCIETY

THE INFLUENCE OF COMMUNICATION SKILLS IN STRENGTHENING THE CITIZENS' TRUST THROUGH THE CONCEPT OF COMMUNITY POLICING

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Abstract:

The main feature of the democratic police work is the idea that police activities are carried out in cooperation and with the consent of citizens. Therefore within the key principles of democratic police work, despite three basic tasks in order to maintain the security of citizens (maintenance of public peace, law and order, protection and respect of fundamental rights and freedoms of the individual and prevent and combat crime) the police has the additional task that directly relates to providing assistance and services to citizens.

The last task, the police carries out under the concept of community policing which basically represents a collaboration between the police and the community in identifying and solving community problems. Community policing is a democracy in action. It requires active participation of local government, civil and business leaders, civic organizations, schools, other public institutions and citizens. Based on this concept, the police is not any more the only guardian of order and peace, but all members of the community become active allies in efforts to provide security in their neighborhood. This paper examines the impact of the communication skills of police officers in the process of gaining the citizens' trust. It should be emphasized that trust is the key aspect that enables successful implementation of the concept of policing in the community. The authors of the paper will define the necessary communication skills in the field of verbal, nonverbal and paraverbal communication that the police officer should possess and practice in daily contact with citizens.

*   **Keywords:** community policing, communication, skills, trust, security, education, cooperation.*

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1. INTRODUCTION

Every institution in a democratic society is in a direct connection with the fulfillment of certain basic needs of the citizens. The police like institution exists in order to fulfill the need for security and safety of every individual in the society. Specifically, the main duties of the police are to maintain public tranquility, law and order; to protect the individual's fundamental rights and freedoms; to prevent, detect and combat crime; to reduce fear; and to provide assistance and services to the public (United Nations, 2002).

In last few decades in many contries, the fulfillment of all the duties of the police is not equall. While being under enormous pressure to counter the rising tide of organized crime and the new threats to international and national security, including those emanating from global terrorism, police often happens to put more focus on fulfilling obligations that refer to fighting against crime. Therefore, it neglects the equally important task of the police, which is to provide assistance and services to the public. As a result, there are situations where there is no consistent and quality contact with the citizens, and the citizens are lowering their trust towards the police, they are distancing from them. This situation has huge influence on the change of the primary role of the police, and in great percent unable police to sucesed in its mission to create sense of security and safety in its citizens.

That is the reason why, the democratic societies work on the continius development and full implementation of the concept of community policing (Friedmann, 1996). These concepts, in fact, it implements the main feature of the democratic police work, the idea that police activities are carried out in cooperation and with the consent of citizens end progress is made when there is a shift "from a control-oriented approach to a more service-oriented approach" (International Helsinki Federation for Human Rights, 2001).

2. CONCEPT OF COMMUNITY POLICING

Community policing is a democracy in action. It requires active participation of local government, civil and business leaders, civic organizations, schools, other public institutions and citizens. Based on this concept, the police is not any more the only guardian of order and peace, but all members of the community become active allies in efforts to provide security and to enhance the safety and quality of neighborhoods.

Trought the concept od community policing, police develop and implement their activities according to the needs of the public and the State and emphasize assistance to those members of the community in need of immediate help. The police must be responsive to the community as a whole and strive to deliver their services promptly, and in an equal and unbiased manner (Crawshaw, 1994).

Community policing has larger implications. Through their activities the police should be part of society's common efforts to promote legal protection and a sense of security. The additional monitoring of the control of crime and prevention, the new emphasis on the community members as active participants in the process of solving problems and furthermore the central role of the patrol police officer in the community policing requires a crucial shift in the skills available to the police officer.

The foundations of a successful community policing strategy are the close, mutually beneficial ties between police and community members. Community policing consists of two complementary core components, *community partnership* and *problem solving*. To develop community partnership, police must develop positive relationships with the community, must involve the community in the quest for better crime control and prevention, and must pool their resources with those of the community to address the most urgent concerns of community members.

3. IMPORANCE OF TRUST IN POLICE - CITIZENS RELATION

Public trust and confidence in the police are prerequisites for effective policing. Without this trust, the public will not be willing to report crimes and provide the police with the information needed to work successfully (Greenwood & Huisman, 2005). Confidence and trust in the police may be particularly low among minority populations who have previously experienced biased, and possibly repressive, treatment by the police (e.g. not receiving adequate protection, being criminalized). Because of it, the police-minority relations must be cultivated and co-operation and mutual understanding strengthened (United Nations, 1979).

One of the crutial roles in bulding trust between police and community members has patrol officers. Patrol officers are the primary providers of police services and have the most extensive contact with community members. Community-based policing approaches require from police officers skills to respond locally and to determine policing priorities in partnership with the community. Dedicated community policing officers should be assigned to permanent neighborhood patrol in specific geographical areas, serving as contact points as well as guarantors for law and order. They need to remain in the same area for several years to establish trust. The neighborhood patrol officers, backed by the police organization, helps community members mobilize support and resources to solve problems and enhance their quality of life. Community members voice their concerns, contribute advice, and take action to address these concerns. Creating a constructive partnership will require the energy, creativity, understanding, and patience of all involved.

Effective community policing depends on optimizing positive contact between patrol officers and community members. Patrol cars are only one method of conveying police services. Police departments may bring police closer to the community and supplement automobile patrols with foot, bicycle, scooter, and horseback patrols, as well as adding "mini-stations". It will allow better interaction with citizens as opposed to driving around in cars. Regular community meetings and forums will afford police and community members an opportunity to air concerns and find ways to address them.

In some communities, it will take time to break down barriers of apathy and mistrust so that meaningful partnerships can be forged. Trust is the value that underlies and links the components of community partnership and problem solving. A foundation of trust will allow police to form close relationships with the community that will produce solid achievements. Without trust between police and citizens, effective policing is impossible.

4. THE INFLUENCE OF COMMUNICATION IN COMMUNITY POLICING

As mentioned before, the police patrol officer is in a constant contact with the citizens. In all of this process, he/she is transering and receiving information as a basic reason for the existence of the communication cicle. But, in the same time he is trying to reach an additional effect, which is to strengthen the relationship and to increase the level of trust in the talker. To be effective, police patrol officers must utilize *basic communication skills* that involve hearing verbal messages, perceiving nonverbal messages, and responding verbally and nonverbally to heard and perceived messages. (Cloutier, 1996). Beside basic communication skills, police patrol officers need *special communication and conflict resolution skills*, because neighborhoods within the communities can often be split with respect to the legitimacy of particular lifestyles and their views on appropriate forms of policing (Independent Commission on Policing for Northern Ireland, 1996).

First, the police officer has to be able to build positive communication relations with the citizens. Therefore, it has to have good knowledge of the structure of the public in the area of his responsibility Another thing is that the police officer should become aware of its own personal opinions, prejudice and stereotypes when working with people different by ethnicity, religion, race etc.

The direct contact wth the citizens puts the police officer in a very important role. When people are communicating with the police, they have sense that they are communicating as with an institution. In addition, trought the communication they build trust or mistrust in the whole police system. Because of that, the police officer has to possess basic communication skills that will give her/him opportunity to use the verbal and nonverbal messages in the purpose of building positive relations. The basic communication skills are consisted out of:

- Verbal skills
- Nonverbal skills
- Paraverbal skills

4.1. Verbal skills

These skills help the police officer to be actively and verbally engaged in the communication process. In this group of skills it can be found the following elements:

- Paraphrasing and summarizing
- Empathy
- Incouragement
- Asking open questions
- The use of silence

During the conversations with the citizens, the police patrol oficer will have an opportunity to speak with different kind of people. Some of them can express themselves very clearly, but some of them not at all. *The use of paraphrasing and summarizing* in the communication enable the police patrol officer to test its understanding of the received message. Paraphrizing, actually, means repetition of the heard message with similar or same words. One of the phrases used while paraphrasing is: "If I understood you well,

what you are trying to say is …" Summarizing is taking the meaning of what has been said in just one sentence. Usually, summarizing is used when the speaker is expressing himself in details. The summarizing can be very helpful when the police potrol officer has to deal with citizens that tend to explain situations vaguelly and with out any focus. Here is an example for summarizing: "What I understood is that you want to point out these three things one …, two…, three…"

During the conversation, when the police patrol oficer is in the role of a listener, he/she should not be passive and should not have cold face gesticulation, if he/she has an intention to be engaged in a continuous communication. The active listening means giving *incouragament* to the communication. It is, usually, done through occasionally and naturally confirmation that we are following the speaker by pronouncing loudly or quietly the words: aha, yes ect, or by using the conjunctions, „…and, …and than". Even though, these may look not so important segments, but their power in maintaining the continuity is surprisingly strong.

Acording to the main aim of communication between the police oficer and the people from the community, to build trust and sens of security, emtaphy is one of the crucial communication skills. Empathy is very important in giving depth to the relation in the communiation process. In every communication, we transfer words that represent inner experiences of the reality. Often, there are personal feelings incorporated in that exchange of words, especially if the individual is personly attached to the subject of speaking. In such situation, the police patrol officer must be skilfull to respond the best he can. The involvement of the feelings can be very crucial for the communication process. Talking about something personal can block the person. As a result, the individual will transfer the message on a more superficial and rational level. In order not to lose the "color" of the information and not to receive it in "black and white" format, the police patrol officer have to show empathy, which meens understanding for the feelings of the others. Empathy can be shown through face gestures or through concrete verbal confirmation. One of the phrases, used at the beginning of a sentence with empathy, is the following: " I can notice that in that situation you were feeling …. (anger, happiness, sadness etc)". This will make people to feel they are understood and therefore the conection will be stronger. In same time the police patrol officer have to be aware of the side effect of the empathy. Sometimes the other side can have impression that the listener is not only understanding them, but that he/she is also agreeing them. This can make problems if the police patrol officer is in a role of doing mediation in the community.

During the communication, the police patrol officer should be engaged in the process by *asking questions.* Depending on the answers that we are receiving, we can devide the questions in open and closed. The closed questions are yes or now questions and are usually formed with the questional words: Is/Are/Was/Were/Do/Did? On the other side, the open questions give opportunity for wide and detailed answers. If the question is "How?" the answer will be description of how something has happened. If the question is "What?" the answer will be description of the content of the situation. If the question is "Why?" the answer would give the reasons of what has happened. It is important to mention that it is recommended instead of "Why?" to be used the word "What?" because "Why?" can sounds interrogative and the other side may have the impression that is attacked. As a result, the person may have negative impact on the problem resolution, he/she may try to hide or add information, or give unuseful and unclear information.

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The use of silence is another tool in the group of verbal skills. Usually, in the wester cultures the silence is interpreted in a negative aspect. It is used in situations where something is not right, someone is being acused or in situations when there are strong emotions involved and a fight is about to start. However, the silence can be also used as a communication tool. Usually, that is the space where the police patrol officer is processing the information. The silence can also be the space where the citizen is making inner contact with the experiences he/she is talking about or when he/she is forming the thoughts and evaluating whether the spoken words correspond with his/her first intention. For the purpose of implementing active listening it is important to leave little empty space - silence between the moment when the citizen ends with the talk and the moment when the police patrol officer starts with its reaction. In that way the police patrol officer can be aware of the fact whether the citizen has end, his/her thought, has more to add or is going through an emotional process and needs time to express himself/herself.

4.2. Nonverbal skills

It is scientific proven that in the interpersonal communication only 8% of the information is transfered verbally (through the meanings of words). When it comes to the rest 92%, 55% are transferred nonverbally (body language) and 37% are transferred paraverbally (manner of speaking). In many occasions, these 92% of the information are also mentioned as "reading between lines" (Mehrabian & Ferris, 1967).

The nonverbal speech is consisted of the following elements:
- Body position and dynamics in body movement;
- The distance between the speakers;
- Face gesticulations;
- Nervous tics;
- Eye contact;

The body position reflects the inner state of the human being. The position when the citizen is standing, sitting, moving or doing something similar, is actually reflecting the inner feeling of the person who is talking. For instance, when the person has his/her arms crossed and attached to the body means that he/she is taking defensive attitude in the discussion.

Another aspect that it has to be taken into consideration is the *dynamics in body movements*. If usually, people succeed in controlling their face gesticulation, the observation on the dynamics of their body movement can clearly show certain inner change. For example, this can be noticed in a situation when individuals met for the first time. Even though they make pleasant facial gesticulations, unconsciously they take close positions with their bodies (hands and legs crossed) that show their real emotional state.

The distance between the speakers can also be carrier of a certain part of a message. In order to communicate effectively with people, whether in his own culture or in others less familiar, police oficers need to understand accepted boundaries. The use of space between people who are communicating has been studied extensively. Here is a brief description of space in the communication process: Public space ranges more than 3 meters and usually is the distance maintained between the audience and a speaker. Social

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space ranges from 3 meters and is used for communication among business associates, as well as to separate strangers using public areas such as beaches and bus stops. Personal space ranges from 1,2 meters and is used among friends and family members. Intimate space ranges 0,5 meters and involves a high probability of touching, as in whispering and embracing. We reserve intimate space for parents, our children, spouses, and close friends. In interpersonal communication between citizents and police patrol officer the apropriate distance is miving from social space to personal space.

Another part is the dynamic of changing the distance. In certain part of the discussion the speaker can lower the body, change the position of the chair or can make small step backword. All of these movements are actually showing that the person is uncomfortable with the subject of discussion and he/she wants to avoid it.

Face gesticulations can transfer the particual part of a message that words are not able to explain. Usually, the face gesticulations hold the intensity of the experienced situations that are being described in the discussion. They represent the mood of the citizen and in the same time can show the current inner emotional reactions of shame, security, embaressment, uncertainty, an intention to hide some information etc

The most often used *nervous tics* are: shaking the legs, rubbing the hands, quick movements of the sholders up and down, scratching in very short intervals, touching the hair when there is no need of it etc. The nervous tics are consisted of: lips bighing, intensive eye twinkling, lifting the forehead etc. Thanks to these signs, the police patrol officer can notice that the citizen is feeling, consciously or unconsciously, uncomfortable to present the entire information. In such situation, it is important to use the techniques of active listening in order to help the citizen to express himself/herself in details.

The eye contact is also very important segment of the communication. Looking in someones eyes can mean having full attention, but in the same time if it lasts longer and it is overemphasized, it can be experienced as rood and offensive. Another example can be when the person is avoiding eye contact, if that happens with a person that do not do that on regular basis, than it should be taken as a clear sign that maybe he/she does not want to share the story completely or something similar.

Here it is important the emphasize the fact that there are lot of researches that are trying to decode the body language. Part of them has managed to give general interpretation of certain positions, but it should not be forgotten that the body language is not universal. Every person can have different body language and therefore general interpretations and assumptions cannot be taken into consideration. However, the understanding of this can help the police patrol officer to take into account all the aspects of one person and to successfully interpet the body language of the speaker.

4.3. Paraverbal skills

The next group of communication skills is connected with the verbal expression, but it not refering to the content of the words, but on the manner of talking. In this group are included the following elements:
- voice color and voice altitude;
- speed of talking;
- diction;

- breaks between words and sentences.

Every person has its own manner of talking which is changing depending on the content that he/she is trying to convey. For making quality interpretation of the information, it is important to be aware of every paraverbal element. By following the changes in the speech, the police patrol officer can be able to "see" the hidden messages that the words cannot tell. For instance, when the voice amplitude is higher and the diction is placed on the personal pronouns as it is in the following example, "**I (!)** do not know what it is all about!" That was **his (!)** obligation" it can be seen that the person is using either defensive or attacking attitude.

The basic communication skills are not the only necessary skills that the police patrol officer needs to possess in order to create mutual trust on the field, he/she should also take into consideration the communication skills needed for conflict resolution and handling emotionally intense situations.

Every human being experiences conflict. It is a factor of human interaction. Whenever two or more human beings are involved in communication there is potential for misunderstanding, and hence, conflict. How we handle conflict is key to our own wellbeing and to developing and maintaining good relationships.

These multiple and sometimes conflicting interests require patrol officers to function not only as preservers of law and order, but also as skillful conflict manager. There are at least three tools to use in this situation:
- Negotiation: Arranging or managing through discussion or compromise.
- Persuasion: To move by argument to a new position or belief.
- Mediation: Intervening in conflict with intent to resolve through discussion.

Demands on police from one community of interest can sometimes clash with the rights of another community of interest. For example, a community group may oppose certain police tactics used to crack down on gang activity, which the group believes may result in discriminatory arrest practices. The police must not only protect the rights of the protesting group, but must also work with all of the community members involved to find a way to preserve neighborhood peace. For this process to be effective, community members must communicate their views and suggestions and back up the negotiating efforts of the police. In this way, the entire community participates in the mediation process and helps preserve order. The police must encourage a spirit of cooperation that balances the collective interests of all citizens with the personal rights of individuals. There is no single universal formula for community-based policing and any community-based policing programmers must be formulated and implemented taking into account local political and cultural environments (OSCE, 2002).

The conflicts within communities are as important as the commonalities. Police must recognize the existence of both to build the cooperative bonds needed to maintain order, provide a sense of security, and control crime. Police must build lasting relationships that encompass all elements of the community and center around the fundamental issues of public safety and quality of life. The key to managing this difficult task is trust.

When there is a conflict situation, emotions are very high. Usualy the predominant emotion is enger. In those situation police oficer have to use apropriate approach to

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help bouth sides to find the best solution for themselves. In those situation police oficer can use this approach:

- Practice good listening skills.
- Avoid interruption.
- Acknowledge feeling
- Repeat instruction calmly when challenged.
- Do not rise voise or try to persuade angry people.
- Be responsive by verifying the person's message.
- Be specific about what you are going to do to help.

With the use of those skills they will be able to respond positively to people with negative behavior and deal tense situations with professionalism. With the successful application of communication skills within the community policing, the police officer will help the community members to mobilize their support and resources to solve problems and improve their quality of life. The community members will increase their concern; they will participate by giving advices and will take concrete steps to deal with the problems. With this the idea of the concept of community policing will be fully fulfilled.

5. CHALLENGES IN DEVELOPING COMMUNICATIONS SKILLS OF POLICE OFFICERS

In general, training are the usual metod to expand the police officers knowledge and to improve their skills. Modern learning and training programmes include elements of both trainer-centred and police oficer-centred learning. The trainer-centred or didactic training approach focuses on presenting knowledge and information from trainer to police oficer by instructing or lecturing, keeping the police oficer in a rather passive role. The police oficer-centred learning approach puts the focus of training upon the needs of the police oficer, involves their active participation and follows an experiential learning-cycle. This includes referring to previous experience and using case studies based on real life incidents. This approach is based on the assumption that adults relate their learning to what they already know and that they learn best if they are provided with examples which they can understand from their own experience (Knowles, 1980). Changing values and attitudes, including stereotypes, which are often deeply rooted among adults, is particularly challenging and requires skilful trainers and long-term processes.

Initial and continuing in-service training and education should be made available in all areas of police activities at regular intervals and for all ranks of the police. The training must reflect the principles of democratic policing (Council of Europe Parliamentary Assembly, 1979). This means, in an operational context, that the police should be trained in applying the law, police ethics (including those related to corruption), codes of conduct and human rights standards. During the training it is, however, not enough to talk about ethical principles as abstract entities. They need to be tested against real and concrete policing dilemmas in the form, for example, of role plays.

Training should not only ensure that officers are fully aware of the sanctions that will be applied if they break the rules, but also that democratic values and international

standards in policing and human rights are an essential part of the beliefs of every professional police officer.

Training for policing in multicultural environments/communities should focus on issues such as cultural and religious awareness, mediation and community relation skills, problem-solving and partnership approaches, language training, and training in human rights.

In order to raise the awareness of police officers of their integral role in the community they serve, civilian trainers should be included in the training staff of police academies. Some lectures might even be delivered at public or private universities, where police cadets would be learning together with full- or part-time students. Subjects might include constitutional law, criminal matters and human rights.

6. CONCLUSION

Building trust will not happen overnight, it will require ongoing effort. To build this trust for an effective community partnership police must treat people with respect and sensitivity. The use of unnecessary force and arrogance, aloofness, or rudeness at any level of the agency will dampen the willingness of community members to ally themselves with the police. Efective usage of apropriate communication skills will have huge positive impact of the process of bulding citizen's trust and it will help sucefull implementation of concept of community policing.

With appropriate communicational approach the citizens will became active element and trought contious cooperation with the police they will work on higher level of secutiry in the society.

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Policing football violence and ethnic hatred in Bosnia and Herzegovina

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Abstract:

This paper explores the link of the ethnic hatred and violence during football games in Bosnia and Herzegovina. Bosnia and Herzegovina went though destructive war (1992-1995) which involved armed conflict between three ethnic groups' i. e. Bosniaks, dominantly Muslims, Serbs, dominantly Orthodox and Croats, dominantly Catholics. The war left behind around 100.000 casualties, and large number of displaced person. Behind the human casualties and destruction of property and infrastructure, hatred between ethnic groups can be considered as one destructive of the consequences of the war. Sports events in such a social environment are the trigger, the reason of the ethnically motivated violence. Policing football violence in ethnically complex environment is a great challenge for police force in Bosnia and Herzegovina.

Key words: football, violence, hatred, Bosnia and Herzegovina, policing

1. INTRODUCTION

The title of this paper indicates that violence occurs at sporting events. Specifically, violence frequently occurs among football spectators. It seems football violence does not occur in one specific country or culture. Throughout the world where football is played the potential of violence could occur. When football violence takes place it occurs

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in a crowd. The football stadium is packed with people. Generally, the football stadium is over crowed or filled to capacity with people.

When groups of people gather for either a formal or informal event a crowd may be formed. Just because a number of people happen to be together in one place does not necessary constitute a crowd. For a crowd to exist there has to be a sense of common participation and a sense of the group as a whole. A crowd is a temporary group interacting in physical proximity with relations to some common interest or focus of attention. Generally, there exists some degree of emotional interaction among a group of people. Under these circumstances interaction within the group often behave or react in similar ways.

Underlying crowd behavior are specific processes which operate simultaneously to change the behavior of individuals. These behaviors include emotional interaction, increased feeling of anonymity, progressive weakening of inhibitions and heightened suggestibility. Emotional interaction reveals an individual is affected by the responds to what is going on in his presence. The individual is influenced by the way he observes the emotional response of others. The feeling of anonymity occurs within a crowd when the individual loses his sense of personal identity. His emotional response reflects that of the larger group in which his personal behavior is not conspicuous. An individual obtains a weakening of inhibitions through a process of socializations when the attitudes and mores of the group are internalized. Inhibitions are broken down with individual responsibility decreased. People lose anonymity in the crowd and will often do things in a crowd which they would not do as an individual. The final point to be discussed in crowd behavior is heightened suggestibility. In a crowd an individual is more open to suggestibility. The individual is more likely to do things which he might not otherwise do. [2]

Generally sporting events have spectators which are large enough to be considered crowds. Typically, sports crowds are found in scheduled events and usually attended by sports fans. Sports spectators consider themselves as active participants, and partisans supporting the home team which may be the reason why they are at times disorderly and even violent (Guttmann, 2006: 111).

Violence increased in the later part of the twentieth century in the United States and periodically occurred during football games. In American college towns post game riots occasionally occurs after a championship game. In the United Kingdom violence during soccer games is not uncommon. In the last decades of the twentieth century, football hooliganism became global. Young European or Latin American men were frequently involved in violence. Belgians, Germans, and Italy all had incidents of soccer hooliganism (Guttmann, 2006: 123-124). Yugoslav fans had a reputation for unspeakable behavior. Vrcan and Lalic claim "that the epidemic of 'virulent ethnic hatred' that ravaged Croatia, Bosnia, Serbia and Kosova 'appeared first among soccer fans' (Vrcan & Lalic, 1999: 177-178).

2. REVIEW OF THE LITERATURE

In 1994 *Understanding Soccer Hooliganism* was published dealing with hooliganism in England. A hooligan can be described as "a disorderly and noisy young person

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2   Information for crowds was taken from unpublished notes in a sociological class taken by Dr. Michael J. Palmiotto from Professor A.S. Youngman.

who often behaves in a violent and destructive way; young thug or ruffian" (Kerr, 1994: 5), Kerr claims that hooligan acts have little to do with what is occurring in the game. He also indicates that soccer hooligans claim allegiance to a specific team as a matter of convenience to allow them to perform hooligan acts. Soccer hooliganism, according to Kerr, has been a recurrent problem since the 1960s but there has not been any satisfactory suggestions as to why English soccer hooliganism is continuing and what actions can be taken to solve the problem. The book deals with soccer hooliganism in England prior to the early 1990s.

Football Hooliganism published in 2005 is an updated version of *Understanding Soccer Hooliganism.* The authors look not only at football violence in England but also on the continent of Europe. Specifically they mention Germany, Netherlands, Italy, Belgium and Greece, Czech Republic, Demark and Eastern Europe. Steve Frosdick and Peter Marsh trace the origins of football violence, review football violence in Britain, and examine the level of football violence in Europe. They also look at the profile and behavior of European fans. For example, they found that the German fans, unlike the British generally are from the middle economic class of society and are divided into three classifications; consumer oriented, football oriented, and adventure oriented. Several other European countries are discussed such as Italy, France, and Netherlands. Also discussed are British theoretical perspectives along with the media and football, football violence and alcohol. The authors conclude with a section on tackling football violence. The British police "approach to reduce football violence is reactive—increasingly sophisticated policing, surveillance and monitoring techniques, segregation of fans, etc" (Frosdick & Marsh, 2005: 153).

Sports Fan Violence in North America provides several theories on Collective Behavior which can lead to spectator and sports violence. One theory expounded by Neil J. Smelser "argues that the explanations of violence lies in social problems ingrained in the fabric of society. Semelser' theory is useful because of its comprehensive approach to collective violence, particularly fan violence (Lewis, 2007: 8-9). Another theory on collective behavior is expounded by Clark McPhail "argues that crowd violence research must be clear on the variables that he or she is studying when looking at sports fan violence" (Lewis, 2007: 11-12). His theory is concerned with what individual do in crowds. To examine individual behavior McPhail developed thirty-four categories of behavior to describe the various activities of crowd behavior.

In addition to collective behavior the book also has a chapter on solutions to the problem of fan violence. Solutions recommended included alcohol reduction, police reaction to fan violence, athletes and coaches' responsibility, and a section on mass media and fan violence. It appears that all the previous individuals may have responsibility for decreasing soccer violence. For example, the police should not overact. If they do, this may lead to fan violence.

A 1996 *Sociological Review* article reviews football spectator behavior in Argentina. This articles traces soccer in Argentina from its early development to the date this article was published. An interested point made in this piece is the involvement of politics in soccer clubs. It should be mentioned that organized football in Argentina preceded democratic politics in Argentina. A review of the Argentina Football Association (AFA) indicates the link between the organization and politics. The authors reveal that twenty-nine or one-third of AFA Presidents between 1934 and the time this manuscript was pub-

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lished were appointed as government officials. This study reveals that no government has failed to be involved in the AFA's business and no AFA presidency has failed to seek government support (Duke & Crolley, 1996: 281). The authors state that been useful to the Argentina government for the following reasons: "it could regulate and control population; serve to generate political adhesion; act as a unifying element in society; exacerbate nationalist feelings; could be used as a stepping stone to more powerful positions and to strengthen local businesses" (Duke & Crolley, 1996: 281).

On October 19, 1999 football hooliganism of one incident in England became the study of this paper. On this date a championship game took place in Velodrome between Manchester United and Olympic Marseilles. The fans were separated by a fence, Marseilles fans harassed United fans. In return United fans returned with appropriate comments which were not very civil. Marseilles fans threw objects over the fence at United fans. The objects thrown could cause physical harm such as batteries and bottles. The United fans were prevented from returning missiles to the Marseilles fans by security personnel; eventually the United fans began assaulting the security personnel (King, 2001).

This study of hooliganism discusses the status of the group. Status groups exclude specific people based on their lifestyle, skin-color, language, or gender which separate them from the dominant group. The dominant group is united by similar interests and an acceptable life style by the group. Incidents such as Veldrome result in a collective memory which binds the group together. King writes, "A common understanding of the meaning of a fight to the group has to be established as a collective memory for the hooligan firm to sustain itself" (King, 2001: 572). According to King, it is socially necessary that hooligan groups establish common memories about fights. The collective action of hooliganism has to be accepted as a collective action and not an individual action if the hooligan group is to be solidarity (King, 2001: 582).

Soccer hooliganism can not only lead to serious injury but also to death. In March 1997 in a small Netherlands town a prearranged and well organized confrontation resulted in the death of a 35 year old man who was beaten and stabbed to death (Kerr & de Koch, 2002: 1). This study provides a detailed review of the incident. The authors emphasize that there a number of unanswered questions pertaining to the incident, for example—what caused the incident or why were only a few people injured. Kerr and de Kick conclude "that the occasional death and serious injuries are necessary to maintain a perception of risk among hooligans (Kerr & de Koch, 2002: 9).

The study between two British soccer teams took place between the Southampton Saints and the Portsmouth Pompey and evaluated segregation of the crowd. Frosdick delineates that there are two forms of crowd segregation. They are:

First, policing has to prevent spectators getting onto the field of play. There are three reasons for this: to prevent attacks on players and officials; to prevent the two sets of fans from fighting on the pitch; and to minimize disruption from protests or celebration.

Second, policing has to keep the two sets of supporters apart. (There are some special occasions….) But in general terms, fans have to be separated inside the stadium and, sometimes, they have to be separated outside the stadium as well. This is all to prevent injuries, damage and public disorder (Frosdick, 2005: 151).

This paper does indicate several valuable findings, such as disorderly behavior has to be segregated or that the arrival of a large group of spectators is more of a concern than the arrival of a small number of spectators.

The next study "contributes to the science of crowd dynamics and psychology by examining the social psychological processes related to the relative absence of 'hooliganism' at the Finals of 2004 Union Europeene de Football Association" (Stott, Livingston, Adang, & Schreiber, 2008: 115). The soccer championship was held in Portugal. This study researches the relationship of low profile policing and social psychology of an international football championship in crowd behavior. The researchers hold that their "data suggests that low profile policing works because it manages crowd events in such a manner that avoids the forms of intergroup interaction, collective psychology and intergroup relations that the literature on crowd psychology proposes are necessary for widespread escalations and rioting to occur" (Stott et al., 2008: 134-135). The study further suggests the "importance of identification between crowd participants and the police, which may function as the psychological tool through which public order can be successfully maintained" (Stott et al., 2008: 135). The researcher supports Stott and Pearson premise (Stott & Pearson, 2007) that those in quest of violent behavior are defused and may lose their influence over the soccer spectators. The last study examines the World Cup 2006 which was held in Germany. This study continues the research of the Portugal Championship of 2004 discussed in the last study. The finding of the last study found that interaction of low profiling policing with spectators led to less violence. The researchers of the 2006 World Cup concluded that:

The German security concept did not incorporate nor implement a full, friendly and firm low profile philosophy, through it bore many of its features. We would suggest that the friendly and firm 'low-profile' should not be seen as just another tactic, but that it involves a whole philosophy, and strategy that needs to be understood and applied within the whole operation and by all officers involved. These results have implications for police training and education; not least of which is the need for a close liaison between police practices and scientific research in order to provide police forces with up-to-date expertise and to avoid practices that are based on outdated knowledge (Schreiber & Adang, 2010: 253).

There are too many studies and articles published on soccer hooliganism to cover in this review of the literature. The literature reviewed was selected to be incorporated into the study of football violence in Bosnia and Herzegovina. To summarize our review it is recognized that the study of crowds and collective behavior is a basic starting point in any study of crowd violence. Various fields contribute to the study of collective violence such as criminologist, sociologist, psychologist and anthropologists. It has generally become accepted by collective behaviorist that individual will do acts that they would not normally do individually. Once might say they become brazen.

The literature indicates that football violence initiated in Great Britain in the 1960s and was a major problem during that decade and continues up to the present time periodically, Football violence has spread from the United Kingdom to western and Eastern Europe. Football hooligans joined clubs in the United Kingdom to claim allegiance to a specific team as a matter of convenience to allow them to perform hooligan acts. As mentioned in the first review soccer violence has nothing to do with the game. In the second review the reviewer holds that the European hooligans more posh than the British.

The book on sports violence in North America brings out that sports violence may be due to social problems. This book also cover show the following could play a role in reducing sports violence: reduce the consumption of alcohol, how the police react to a situation and the coaches, athletics and news media. The review of Argentina soccer brings out the political role politicians can play in soccer. The politicians use the soccer federation to control the populations as well creating a national feeling. Although there are not many studies on political influence in soccer this does not mean it is non-existent.

The piece on 1999 football hooliganism in one British city reveals how violence can be initiated and escalates to serious injury and even death. The next study deals with planned hooligan confrontations which lead to the death of one person and severe injuries on several others. This piece brings out that the police could segregate opposing spectators from confronting spectators supporting another team or from a different football club.

The last two studies cover crowd behavior and review how the football games were kept under control with a relative absence of hooliganism. The first study looked at the 2004 Union Europeene de Football Association held in Portugal and the second studies examine the Word Cup 2006. Both pieces recommend the low profile of policing. Interaction between the police and spectators may maintain order thereby diffusing hooligan behavior.

3. NATIONALISM AND POLITICS IN SPORTS IN
BOSNIA AND HERZEGOVINA

Nationalism is especially present in Bosnia and Herzegovina, and its roots can be seen in a relatively low level of material development, low level of political culture, as well as historical, ethnical, religious and cultural contradictions (Podunavac, 1982; Vejnović, 2003; Puhalo, 2009; Šalaj, 2009).

In the Balkans the relation between sports and politics is significantly present (Stakić, 1996; Koković, 2000; Kovačević, 2000; Koković, 2001, Kovačević, 2001; Koković, 2004). Sports and politics have the same social-psychological structure, because they both incorporate three important elements: game, competition and spectacle. Politicization of sports events has been particularly present during the periods of social tensions and conflicts in the Balkans in the last two decades, specifically in Bosnia and Herzegovina. The relation between sports and politics can be seen in political dissatisfaction, where conflicts are manifested in sports and the sports arena becomes the political arena and a place for demonstration of nationalism, chauvinism, ethnocentrism and violence. Politicization of sporting events played an important role in ethnical homogenization and polarization before the wars on the territory of the former Yugoslavia in the 1990s and into the twenty-first century. During armed conflicts the sports arena became the military arena. Observing the relation between sports, politics and politically motivated violence at sporting events is especially important for politically unstable areas which have a long history of ethnic hatred, intolerance and violence. One event of the last century was demise of the former Yugoslavia. A sporting event which was a prelude into national conflicts was the football match between FC Crvena Zvezda and Dinamo on May 13, 1990 held in the stadium Maksimir in Zagreb. That event was an explicit example of the relation between sports, politics, nationalism and violence, and that kind of pattern of

behavior is a recurrent phenomenon in the Balkans. Bosnia and Herzegovina went through a destructive war (1992-1995) in which all three ethnical groups participated: Bosniaks (Muslims), Serbs (Orthodox), Croats (Catholics). The war claimed 100,000 victims and it left behind a large number of displaced persons (Tabeau & J. Bijak, 2005). Aside from human victims and material destruction, international hatred is one of the most destructive consequences from the former war. The war has left hatred behind as a dominant subjective consequence (Milosavljević, 2004: 370) which is constantly present at football matches and other sporting events. Existing symbolic and real conflicts draw its strength from historical contradictions, consequences from the war and social disintegration in Bosnia and Herzegovina and they create new national and religious hatred. Violent communication in sports is becoming a part of collective memory, because it strongly influences emotional and cognitive system of the individual and entire social groups. Sporting events in disturbed social environment are the triggering events, i.e. they are the causes for ethnically motivated violence in the society where these relations have been traditionally violated.

The research of cause-effect relation between hatred and violence during sporting events in nationally and religiously divided Bosnia and Herzegovina is important for deeper understanding of both ethnical hatred and the role of law enforcement forces for prevention of violence in sports and everything related to it.

4. NATIONALISM, SPORTS AND VIOLENCE IN BOSNIA AND HERZEGOVINA

The manifestation of national hatred and violence in sports on the territory of the former Yugoslavia, including Bosnia and Herzegovina, has another genesis. Football matches in particular represent a specific arena for demonstration of national animosities, and sporting events represent a simulation of war with confronted fan groups - conflicted sides. Sporting event by itself is a peripheral act which represents a polygon for demonstration of national intolerance and hatred. Nationalism, sports and violence in ethnically divided Bosnia and Herzegovina have to be viewed from the aspect of political instances in the entire region of the former Yugoslavia. Every sporting event which implies members of different national groups represents an arena for manifestation of national frustration, outlet of dissatisfaction, aggression and violence (Kovačević, 2001: 407). Therefore, there is no sports competition where athletes from Croatia, Bosnia and Herzegovina will compete without an incident or a major security threat.

When it comes to violence in sports in ethnically divided Bosnia and Herzegovina there is one specific thing and this is violence in sport, i.e. ethnically motivated violence in local communities which manifests itself during, and especially after the sports matches. Sporting events in ethnically heterogeneous environment represent the time of social tension and increased security risk because of frequent march-pasts of fans in the settlements where groups of ethnic minorities live, demonstration of nationalisms, display of nationalistic symbols, nationalistic music, insults, attacks, frequent smashing of windows on religious buildings and craft shops whose owners are members of other ethnic group.

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There are many examples of violence at football matches as well as violence caused by a football match. One of these examples is the confrontation between the FC *Sarajevo* and the FC *Siroki Brijeg* fans which was supposed to take place on October 4th 2009. With the arrival of Sarajevo fans to *Široki Brijeg* there was a confrontation between the fan groups and a confrontation with the local police. During this incident fire arms were used, and one fan of the FC Sarajevo was killed. The incident led to national antagonism between Bosnians and Croats in Bosnia and Herzegovina. Protests were held in Sarajevo, Tuzla, Zenica, and two days after a gathering was organized in Široki Brijeg in which 1,000 people took part and where Ustasha[3] icons and paroles, such as *For Home ready[4]*; *Stamp on, stamp on Balije[5]* and similar dominated (Cvjetičanin, Sevima Sali-Terzić, & Dekić, 2010: 15).

Aside from football matches played within the state borders, matches played abroad in which Bosnia and Herzegovina does not take part in pose a threat to international relations when national groups from Bosnia and Herzegovina culturally identify themselves with that team or national team of the same nationality. Such events can be interpreted as arguments which support Samuel Huntington's thesis on civilization conflict (Huntington, 2000).

A good example of this was the match from the European Championship between Croatia and Turkey in Vienna on June 6th 2008. After the match there was a conflict in Vienna between Turkish and Croatian fans, and disorders were reported in the rest of Europe after the victory of Turkey. The media broadcasted that the Turkish celebrated in their cities the victory over Croatia with fireworks. At the same time there were disorders and conflicts in Bosnia and Herzegovina in the areas where Bosniaks and Croats live. Sixteen police officers were slightly injured in Mostar, and sixteen minors were arrested. Three police officers were injured in Stolac, and eight people were arrested. One person was injured and four were arrested in Čitluk. One police officer was injured in Capljina, and five people, four of which were minors, were arrested. Nine vehicles were damaged in Neum. Majority of disturbers were drunken minors. Small incidents were reported in Žepča as well. Two people were injured in the conflict between two fan groups, and six vehicles were damaged. Minor incidents were reported in the places of Middle Bosnian canton. Several windows on restaurants and the post office were broken in Vitez, Bugojno, Travnik and Novi Travnik. There were seven hundred police officers involved in this canton. The victory of Turkey was celebrated in Sarajevo, where the sound of car sirens, firecrackers and fireworks could be heard late into the night, and the traffic was jammed. There were no assaults and conflicts.[6]

One of the examples of ethnically motivated violence in Bosnia and Herzegovina after the sporting events outside of Bosnia and Herzegovina, in which teams from Bosnia and Herzegovina do not take part in, was the football match between Serbia and Australia at the World Championship in South Africa in 2010. After the defeat of the national team of Serbia, disturbances in Banja Luka where majority of residents are Serbs

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3   The Ustashi was a Croatian Nazi organization established in 1929. In April 1941 the Ustashi were appointed to rule the Independent State of Croatia, a puppet state of Nazi Germany, by the Nazi Germany.
4   For Home ready is an Ustashi greeting, the equivalent to Nazi greeting Sieg Heil.
5   Offensive name for members of Bosnian people.
6   Celebration in Istanbul, disorders in Europe. http://www.index.hr/vijesti/clanak/slavlje-u-istanbulu-neredi-u-europi-/391978.aspx. Website visited on November 6th, 2010.

were reported. A group of local fans which supports the national team of Serbia smashed the shop windows of some Croatian companies such as *Kraš*, *Varteks* and *Croata*. Aside from Croatian companies the vandals also desecrated Islamic religious objects.[7]

5. POLICE ENGAGEMENT IN PREVENTION OF VIOLENCE IN BOSNIA AND HERZEGOVINA

According to the Constitution, Bosnia and Herzegovina is a decentralized state made up of the Federation of Bosnia and Herzegovina and the Republic of Srspka. Bosnia and Herzegovina adopted at the state level the Law on sports in Bosnia and Herzegovina (Official Gazette BiH, 27/08) which included a special law for determining ways and measures for prevention and suppression of violence and inappropriate conduct of viewers at sporting events. International obligation of Bosnia and Herzegovina for legal regulation of this matter comes straight from the European Convention on violence and inappropriate conduct of viewers at sporting events, especially at football matches, which was approved by the European Council in 1985. The Republic of Srpska adopted the Law on prevention of violence at sporting events which implies regulation from the above mentioned European Convention (Official Gazette RS no. 24/14). In the Federation of Bosnia and Herzegovina, which is made up of ten cantons, this issue is not uniquely regulated. In some cantons there are special laws on prevention of violence in sports, while in others this issue is regulated by the provisions from the Law on public order (Mitrović, 2009: 24). The fact that Bosnia and Herzegovina has a decentralized legal system and a system of law enforcement forces, i.e. that there is absence of unique law and statistical data related to the implementation of the mentioned laws, makes it difficult to see the real situation of violence in sports.[8]

It is important to mention that the Law on prevention of disorder at sporting events is currently undergoing a parliamentary procedure and it proposes the establishment of police cooperation between all police agencies in Bosnia and Herzegovina, including the cooperation at the inter-entity and inter-canton level, as well as the cooperation with the Police of District Brčko in Bosnia and Herzegovina, in order to establish exchange of information and mutual trust and help train and equip the police for public disorder, in accordance with modern police standards and without political or ethnical influence (Mitrović, 2009: 24).

Regardless of different legal regulations, there is no big difference in the work of law enforcement agencies in Bosnia and Herzegovina when it comes to safety at sporting events. Special emphasis is given to matches between clubs of different national backgrounds. Such sporting events are considered highly risky and the police always give special attention to them. On general, safety at sporting events is one of routine jobs the

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7 Serbian fans started smashing things around Banja Luka after the defeat at the WC. Their main target were window of Croatian shops Kraš, Varteks and Croata, as well as the mosque Gazanferija http://metro-portal.hr/srpski-navijaci-nakon-poraza-na-sp-razbijali-po-banja-luci/43348.

8 Neighboring countries such as the Republic of Serbia and the Republic of Croatia adopted special laws on fight against violent and inappropriate conduct at sporting events in 2010, which imply strict criminal and offense sanctions for delinquents stipulated by this law. However, this did not give the expected results on how to decrease the volume of violent acts and inappropriate behavior at sporting events (Šuput, 2010: 250)

police perform in securing the property and personal safety of citizens and preserving public order. Previous experiences of safety at highly risk sporting events in Bosnia and Herzegovina have shown that this problem requires a high level of preparation, training and organization. In that sense, the task of the police regarding safety at sporting events requires a complex approach based on professionalism andthorough operative plans which are based on quality security evaluations. Violence and disorder are not only present in the area where a sporting event is held. Very often incidents take place in other locations, especially in places with different nationalities. Such events represent a special challenge for the police, because they happen regardless of the spatial distance where the sporting event is taking place and they represent ethically motivated violence which brings in turbulence among minority communities and negatively influences international relations. Ethnically divided places are especially important such as the city of Mostar which is divided into Croatian and Bosniak part. When football matches are held, according to the police, they are regarded as highly risky, disorders are frequent and there are always injured people, and safety of such sporting event is top priority for the police and during that time the whole police department is mobilized, and the overall atmosphere and tension in the city resemble a war day. In order to prevent ethically motivated violence the police are implementing an increased number of activities for protection of minority communities and their religious buildings, which are a constant target of fan groups. There is an increased number of patrols and police officers included in the safety of buildings and areas that are, according to the evaluation, thought to be endangered, contacts with members of minority communities, their representatives and clergymen. Programs of police engagement in these situations are especially important.[9]

Safety at sporting events implies a number of activities. After the announcement of the upcoming sporting event the organizer of the manifestation has to report the event to the police according to the Law on public gatherings and public gathering of citizens. The organizer of the manifestation has to report the public gathering to the police within 48 hours, and the police in return evaluate and assess the character of the gathering, and based on these facts give a positive or negative decision. The management of the club can undertake a series of measures and thus positively influence the possibility of unwanted incidents by talking to the leaders of fan groups on regular basis, addressing the fans thorough the media and pointing put the importance of fans on the results of the club and so on. Based on earlier evaluation a plan for safety is designed which has to include the following elements: type of event, time of the event, venue of the event, duration of the manifestation, a number of expected viewers, necessary technical means and vehicles, an ambulance and police dogs, etc.

5.1. Police engagement in prevention of violence in sports in the Republic of Srpska

The Law on prevention of violence at sporting events in the Republic of Srpska (Official Gazette no. 24/14), was adopted in 2004 and it represents the first law of this

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9 The information was taken from the unpublished result of a doctoral thesis: *Hate crimes in Bosnia and Herzegovina* by Velibor Lalić, PhD. Candidate with the Faculty of Security Studies, University of Belgrade, Serbia.

kind in Bosnia and Herzegovina and it specifies detailed measures for prevention of violence and inappropriate conduct at sporting events, measures for safety of viewers, players and other participants of sports manifestations, the rights and obligations of the organizer of sporting events and the authority of special organs and liability for those who do not respect the Law. The Law entails a series of manners that are understood as violence and inappropriate behavior at sporting events, and these are: physical assault, assault on participants of the sporting event, physical confrontation between the participants of the sporting event; throwing of objects on the field or in the auditorium that can jeopardize the lives of the participants, physical integrity of people or their property, causing hatred or intolerance which can lead to physical confrontation between the participants of the sporting event; causing disorders during arrival, i.e. departure from the sports facility or inside the facility, disturbances during the sporting event or jeopardizing the safety of the participants of the sporting event or the third parties; damaging of the sports facility, equipment, device and installations of the sports facility where the match is held; unauthorized entrance into the sport field, official premises and corridors of the sports facility where the sporting event is held and into the auditorium of the opponent's lodge; brining and using of alcohol and other drugs; bringing in and using of pyrotechnics and other objects and things which can endanger the safety of the participants of the sporting event or disturb the course of the sporting event.

The measures that can be undertaken for prevention of violence and inappropriate conduct at sporting events can be divided into many criteria such as:
- Based on time when they are applied there are measures before, during and after the sporting event;
- Based on degree of danger there are measures which are undertaken at regular sporting events and measures undertaken at highly risky sporting events;
- Based on the subject who applies the measures there are measures undertaken by the organizer of the sporting event, measures undertaken by the guests as well as measures undertaken by the police, i.e. agency for safety at sporting events.

The Law states the obligation of preventive action against violence in sports, such as the encouragement of proper conduct of fans through cooperation between the clubs and the fans. The organizer of the sporting event is obliged to provide adequate security service or to hire legal entity or agency for protection of persons and property which will provide physical protection and maintenance of order at the sporting event. The organizer has to establish collaboration with the local police where the sporting event is held in order to undertake measures necessary for maintaining public order; secure the presence of ambulance and fire department. When it comes to measures undertaken at highly risky sporting events - the legislator paid special attention to highly risky sporting events. Highly risky sporting events entail international sporting events, important home sporting events, sporting events which accommodate a large number of viewers or fans of guest clubs and other sporting events when special occasions indicate that there might be outburst of violence and inappropriate conduct. When highly risky sporting events are in question, the organizer has to provide before the beginning, during and after the end of the event sitting tickets, i.e. adequate number of tickets for standing which, in regard to the capacity of the sports facility, does not jeopardize the safety of the sporting event partici-

pants; secure separation between home and guest fan groups by selling tickets at separate and special selling points; provide separate entrances, exits and part of the auditorium for the guest fans and media coverage of the event for the viewers, and invite and encourage viewers to behave properly. The obligations of the guest club are: to inform the organizer of the event three days before the match about all the necessary elements relevant for the reception of the club and its fans, to establish collaboration with its fans in joint organization of going to the sporting event and distribution of tickets, and to undertake other necessary measures so its club and fans would not be the cause of violence and disorder at the sporting event.

The police can undertake necessary measures in order to prevent violence and inappropriate conduct of the viewers, and specifically instruct the guest fans to move in specific directions during their arrival to and departure from the sports facility, order the organizer of the sporting event to remove depicted deficiencies on the sports facility or oversights in the organization, and forbid the entrance, i.e. remove from the sporting event the person whose conduct shows signs of possible violent and inappropriate behavior. 24 hours before the beginning of a highly risky sporting event, the police inspect the sports facility and gain insight into the organizer's preparations for the event. The Law forbids selling of alcohol at the driveways, nearby vicinity or inside the sports facility three hours before, during or after the end of the event. Offenses from this group are understood as serious offenses which entail very strict sanctions. The Law does not stipulate criminal liability for breaking of the provisions of this law.

6. CONCLUSION

Violence in sports is a phenomenon which is present in most modern societies, although social conditions that shape sub cultural groups prone to violence can vary from society to society. Violence in sport in multiethnic Bosnia and Herzegovina is specific due to a close relation between politics, nationalism and sports. Sporting events in which teams of different ethnical background take place are not just sporting events, they are also places for demonstration of nationalism and ethnocentrism. Through sports antagonisms from past come to life, the match becomes the thing of proving pride and demonstration of ethnic groups. Football matches are considered as events of high security risk because their represent *trigger events* for violence of greater proportions. It is especially important to point to one specific thing by which violence in sports in Bosnia and Herzegovina distinguishes itself from other societies. Namely, when this issue is concerned the main problem is violence in the area where the sporting event is supposed to take place. In Bosnia and Herzegovina the importance of the venue of sporting event is not relevant, nor is it relevant if the teams are from Bosnia and Herzegovina or not. Sporting events that take place outside state borders and whose teams are from different countries that ethnical groups identify themselves which are often the cause for violence, especially in ethnically mixed places. All this represents specific challenge for the police, not only in the close and wide area of the event, but especially in local communities with ethically mixed population. Policing in multiethnic society during these events requires special attention, resources and community policing programs in order to prevent violent acts which can lead to tension and violence of greater proportions.

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PEER VIOLENCE

Social context and the consequences
OF PEER VIOLENCE AND BULLYING

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Abstract:

This paper will deal with peer violence and bullying problem which is present in all schools. The differences between countries in this regard can only be seen in prevalence, frequency of specific forms of school violence and its acuity. This is not only a current but an alarming problem as well, which requires reduction and resolution. Family and society crises have lead to the appearance of physical forms of violence in schools. The domain and forms of peer violence and bullying are not only the symptoms of school crisis, but also the loss of identity of school, teachers (low-quality teachers) and their profession, and also students' identity. Sharp social inequality in society encourages school violence and ethnical intolerance and conflicts, although it is not the basis for violence in society and in school. Of course, school as a social institution is a source of symbolical violence, through organization and management, but also through authoritarian teaching styles, syllabuses, textbooks, "hidden" syllabus. All this contributes to school violence which complements violence in family, on the street and violence in mass media. Of course, there is no way to recognize a victim, so this paper cannot answer all the questions related to this problem, but rather it should be dealt with systematically with the help of all relevant social subjects who are directly or indirectly involved in the educating process.

Key words*: peer violence and bullying, school violence, abuser, violence.*

INTRODUCTION

Everything that offends human rights is considered violence, and this is an attack on physical integrity and dignity. The threat of use of violence is also violence.

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Norwegian sociologist Johan Galtung[2] introduced the terms of direct, structural and cultural violence (Galtung, 1990: 2). Direct violence implies a perpetrator and actions whose results are visible. "Violence - means" is a term related to freely chosen actions used by perpetrators to accomplish their goals (e.g. a group of people decide to assassin someone). "Violence - symptom" denotes actions without a purpose which occur more like uncontrolled explosions or a way of expression of deeper discomfort, which is the result of social discomfort. It is possible to redirect it towards non-violent forms of fighting, which requires a long-term action with the aim of eliminating causes (economic, political, social) or minimize the consequences (victim protection).

Structural violence is violence with unknown perpetrator. Many people realize that their lives are in danger, that their human rights are violated, and that a direct link between the victims and the violent act cannot be discerned. We are referring to people deprived of freedom in a political totalitarian regime, people who live in poverty due to economic status, and whose integrity has been violated due to racial, sexual or religious discriminations and similar. "Therefore, economic, political or social structure can have more devastating consequences than weapons and bombs" together (Galtung, 1990: 294). Cultural violence implies those cultural aspects which were used for justification or legitimization of direct or structural violence. There are no violent cultures, those that portray violence in all aspects, but there are cultures with violence (repression through ideology, religion, etc.). The term non-violence has two meanings: rejection of violence on the one hand and action methods without violence on the other. Non-violence is not the state of being passive, but it is rather an active, constructive, creative dealing with conflicts.

School violence is getting wider and wider and is adopting more serious forms. Most often it is the result of violation of human rights. Peer violence and bullying, domestic violence, and any other form of violence oppose moral and legal norms (including the United Nations Convention on Rights of the Child). Child abuse starts at an early age, and then it continues in school and wider social setting. Different forms of peer violence and bullying are often referred to in the social literature as the product of a social crisis. School crisis symptoms are represented by forms of violence between students, students and teachers, students and school staff (employees), and all this leads to the erosion of the identity of school, students and teachers. Although it appears to be an internal problem, more serious forms of violence in schools are closely related to the forms and causes of violence at home, groups of peers, schools, cities and societies in general.

Violence among children has become a trend and is manifested in all forms, from physical (hitting, pushing, taking away and destroying of things), psychological (threat looks, money extortion, grimaces), to verbal (any form of ridiculing, mockery, insulting, hurling), social (name calling, social isolation), sexual, as well as electronic (abuse on the Internet, Facebook profile and mobile phone). Violence is both present among the boys and the girls. Boys express violence through fights and girls express it verbally, by insulting, making mockery and hurling. Parents' and the child's worst fear is that they become victims. Nothing is scarier than the situation when basic human rights are deprived, that range from socializing with people they want to be with, being on

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2 An international negotiator in forty conflicts all over the world, Norwegian mathematician and sociologist Johan Galtung is the founder of the modern peace study and a member of the Committee for a Democratic UN.

school corridors whenever one feels like it…, or in a situation when these rights are taken away from the child. This happens in peer violence for no obvious reason. School violence all over the world and here has adopted different forms, it is present in high schools, urban and rural settings, and the victims are usually children, but teachers as well. The amount of aggression with which the young for the smallest reason attack their peers, beat them up, kill them is surprising. It is not comforting, but in England, Austria, Netherlands, Hungary, Czech… the experts say that juvenile delinquency is on the rise. Abusers are mainly in school but outside it as well. Peer violence is often associated with physical and psychological violence, so it is very difficult to classify these forms of violence.

Recession has led to social changes, it has a negative influence on the relation between the children and the parents. Parents are preoccupied with their work, existence, and the young are left to their own. If we look at some of the worst cases that shook up the public, it is perfectly normal to ask the following question: What do abusers have in common? What kind of families do they come from? Practice shows that these are dysfunctional and problematic families, but which are well-off, and the thing that connects them is the fact that the children are left to their own. Both carry a risk of becoming violent. Parents from troubled families do not recognize the needs of their children because they are preoccupied with their problems, in the same way parents who are too busy to recognize the needs of their children. How to recognize that a child is a victim? Some forms of an abused child can point to it.

1. THE PROBLEM OF UNDERSTANDING PHYSIOGNOMY OF PEER VIOLENCE

Violence can be treated as rejection of specific values, but also as a fight for new values, because it draws its energy from the man's weak self-respect, from his doubt into his own values. The rise of violence in everyday life, as well as in schools and educational institutions, represented one of the phenomena of the 20th century, with a rising tendency in the 21st century. As a modern social disease, violence is present in all social aspects, which means there is no sphere which has not been affected by it. Violence takes place and is present in the media, in politics, on the street, at sporting events, in the family, in schools, in kindergartens, at work, in public transport, in religious institutions, in culture, within international frameworks, etc. We live in the times of violence and violent times, and it cannot be avoided in everyday life and everyday studying. Violence over children is a general problem that burdens all societies, cultures and all the regions in the world. Millions of children all over the world are daily victims of violence. Violence cause suffering to children, it threatens their lives and development, and the consequences are frequently severe and long-lasting. Violence among children is undoubtedly very old. The fact is that some children are frequently and systematically harassed and attacked by other children, and most adults had similar experience when they went to school. School is an institution where children are spending more and more time and along with educational it has also got a pedagogical function, as well as to transfer socially desirable values. Given the fact that a lot of children congregate at school, it often becomes the center of peer violence. "Violence or bullying is a situation where a student is repeatedly subjected to negative actions of another student or from other students" (Olweus, 1998: 19).

Violence among children is defined as any form physical or psychological violent behavior directed towards children and the young from their peers with the purpose to harm. Regardless where it takes place, it can vary in form, weight, intensity and time and it implies repetition of the same pattern and it keeps an unequal relation of strength, weaker against stronger or a group against an individual (Ministry of Education and Culture of the Republic of Srpska, 2008: 4). There are many forms of violence, and the most common forms are: physical, psychological, and emotional or verbal, social, electronic and sexual violence.

Intentional abuse of a child by another child or group of children may involve different types of behavior:
- verbal: hurling, making mockery, belittling, threatening
- social: avoiding, ignoring, activity exclusion, gossiping and spreading malicious gossip
- psychological: property damage, theft and throwing of things, threatening looks, following
- physical: pushing, knocking down, hitting and similar[3]

Based on some research conducted in BiH it can be said "physical violence is a dominant form among peers, 45%, while the emotional form of violence is 34%. Other forms of violence such as social, economic, sexual and other are 4-7%. This proves that abusers choose those forms of abuse that leave the deepest traces on the psyche of the victims and due to them the victims suffer most" (VESTA, 2006: 23).[4] Violence can be committed by an individual-abuser or a group, and the target is an individual-victim or a group. In the context of violence among school children the target is usually an individual - a student" (Sinobad, 2005: 21). When the term violence is used, one should bear in mind that this does not imply a conflict between two students of same physical and mental strength. Therefore, violence implies the existence of unequal strength between the abuser and victims, i.e. the student - the victim exposed to negative treatments has a hard time defending himself and is helpless compared to the abuser. In the paper, the terms violence, victimization, bullying and the problem abuser/victim will be approximately

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3 Violence through use of physical means is more present with boys, while girls use more subtle and indirect ways of abuse such as slender, gossiping and manipulation through friendly relations (stealing away "the best friend". Abuse without the use of physical force (words, gestures, etc.) is more present among boys. In short, boys were more often victims, especially the perpetrators of direct violence. In general, it has been proved that the relations between boys are mostly rougher, harsher and more violent than among girls (Olweus, 1998: 28).

4 There is an obvious difference in the opinions between pedagogues and students. In percentages, 25% students think that violence between peers in schools takes place frequently, while pedagogues think it is 10%. Approximately we have the same percentage when the answer "sometimes" is concerned, students think it is 52% and pedagogues 66% of cases. 52% of answers for "once" combined with the answer "frequently" gives 77%. These data were obtained in focus groups as well. "Peer violence in elementary schools in these municipalities is not that present. Students who go to high schools commit violence against students who go to elementary school." (an interview conducted at elementary school "Đurđevik", Zivinice);
"Peer violence is on the rise in schools, but in smaller communities, and suburbia and countryside schools it is not that present." (an interview conducted at elementary school "Safvet beg Bašagić");
"School violence has always been present and will always be present, but the disturbing fact is the rise and forms in which it manifests itself." (an interview conducted at elementary school "First elementary school "Srebrenik"). Peer violence in schools (VESTA, 2006: 19).

used in the same meaning. According to Olweus, aggressive behavior is a permanent individual characteristic and it can be said that one can be an abuser or a victim for a long time, sometimes even for years. Violence can be seen as an integral part of dissocial behavior and as violation of regulations of established (conduct disorder) behavioral patterns. From that point of view it is reasonable to assume that the young who are aggressive and prone to abuse others are exposed to increased danger of problematic behavior at later age, such as alcohol and crime.[5]

2. SOCIAL AND EDUCATIONAL FACTORS WHICH GENERATE PEER VIOLENCE

From the anthropological point of view, the man is a violent being not only because of his nature but because violence is taught, acquired through socialization process in a specific social and cultural context, because it can survive even without violence. Hence, violence is only meaningful and relevant to the man and he sees it as he sees the antipode to violence - non-violence. Social reality is determined by the unfinished process of transition, destroyed prior value system, while the new one has not been formed yet. In such value context legal norms are not respected, which change in the same way as political-party elites in power, and current minimal principles and norms as well. Thus, society gets stuck into anomy. This leads people and the young to depression and hopelessness. In this way, a favorable ambience is created for the expansion and strengthening of all forms of deviant behavior of children, students, youth and adults. Many of them turn into abusers and behave aggressively, and a lot of them become their victims, victims of different forms of violence. Schools and educational institutions are a part of social system and it manifests itself directly or indirectly, it also influences the organization and functioning of school. While observing violence in school, it is necessary to consider the social context, because violence is not an abstract phenomenon. Violence should always be put into a context and observed in that way. Violence in schools, which is upsetting the public, is an expression of conflict and violence in students' family, violence at work and in institutions where parents work, and violence on the street, in the city where students live and go to nearby schools. When the family aspect is concerned in relation to generating violence with children one should bear in mind the significance of emotional relation between the children and the parents. Lack of attention and warmth undoubtedly increases the danger of violent behavior of the child and his hostility towards others. The lenience of the parent-guardian towards the child is also important. In general, if the educator shows lenience or tolerance and does not set strict boundaries of violent behavior towards peers, towards brothers and adults, the level of child's aggressiveness will increase. Not enough attention and love, and too much freedom in childhood will undoubtedly contribute to the development of aggressive behavioral pattern. Another important factor

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5 Detailed research of D. Olweus undoubtedly confirms this fact. "Approximately 60% of boys who were identified as abusers in degrees 6-9, were at least once convicted of crime by the age of 24. Worse than that is the fact that 35-40% of former abusers was accused three or more times by that age, while this was the case with only 10% of observed boys who were not abusers or victims in degrees 6-9. Accordingly, former school abusers, as grown-up young man, were involved in heavy, relapse crime four times more." (Olweus, 1998: 44)

of family education which directly influences the child's behavior is the application of the method called "power confirmation" from the parents' side, such as physical punishment and violent emotional outbursts. This confirms the saying "violence begets violence". The fact is that is necessary to set strict boundaries and determine the child's behavioral rules, but this cannot be done with physical punishment. Most of children's unacceptable activities, including violence and dissocial and criminal behavior, usually manifest themselves when parents are unaware of what their children are doing or when the adults are away. Poor life conditions in childhood lead to aggressive behavior and violence with children. School violence is spreading more and more and it is obtaining more dramatic forms. It is the most common form of violation of human rights. School violence, family violence, and any other form of violence are contrary to moral and legal norms (including the UN Convention on the Rights of the Child). Child abuse starts at early age, and then it continues throughout the whole socialization process which takes place in school and society. Different forms of school violence are referred to in literature as the product of a social crisis. The symptoms of school crisis represent forms of violence between students, students and teachers, student and school staff (employees), and all this leads to the erosion of the identity of school, students and teachers. Although it seems an internal problem, more acute forms of violence in schools are closely related to the forms and causes of violence in the family, peer group, school setting, in the city and society on the whole. Social context is completed by the media, especially TV, the Internet, video games and similar. Social research in many countries contributes to this fact. Children and students are mostly a passive audience and they easily become the subjects of manipulation for experts which create media contents. Research results show that there is a link between displaying violence in media and violence later on in real life. Television completely suppresses family as a setting where cultural heritage is transferred and exchanged between generations. The expression "TV children" - understood literally - points to the fact that TV has taken over the role of the parent. And the time they spend in front of a screen to the detriment of personal communication has concrete consequences - including even the destruction of symbolic and spiritual world of the child. However, TV is not the source of violence with students and the young today, but also the Internet, computer games and images, mobile phones, which send terrifying messages, pornography and different forms of violence. This is the basis for the market production of computer and video games and motion pictures which, among many things, show brutal scenes of violence which are current in the school market. This production branch is very profitable for business owners, but it poses problems to students, their parents, local community and society as a whole. This is not just typical for the Republic of Srpska and Bosnia and Herzegovina, but for many modern societies where global technology is rapidly expanding.

3. TYPICAL CHARACTERISTICS OF PEER VIOLENCE PARTICIPANTS

According to D. Olweus, typical violence victims can be recognized based on insecurity and timidity, unlike other students. Also, the victims are often quiet, timid and careful. "When they are attacked by other students, they reaction is manifested through crying and retreating. Besides, victims suffer from the lack of confidence and they have a negative attitude towards themselves and their position, often, they think they are failures,

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they feel stupid, ashamed and unattractive" (Olweus, 1998: 39). At school they are either alone or abandoned and basically they have no friends in the class. They are not violent in nature and they do not tease others and for this reason violence cannot be interpreted as a result of the fact that victims themselves provoke their abusers. These children have a negative relation towards violence and are almost always physically weaker from the other children.

Based on typical characteristics of victims, Olweus categorizes them into two groups:
  - A passive and subjective type of victim
  - A provocative type

Behavior and attitudes of passive victims show others that they are dealing with insecure and worthless persons who will not respond to an attack or insult. Passive victims tend to be timid or susceptible to the pattern of reaction combined with physical weakness.

The second type of victims, the provocative type, is characterized by a combination of timidity and aggressive patterns of behavior. Children in this group have trouble focusing thus causing agitation and irritability around them. Their behavior causes many students in the class, often the whole class, to react negatively to such behavior. Hyperactive children belong to this group.

What sets apart a typical abuser from other children is the aggressiveness he shows towards his peers. Generally, abusers have a positive attitude towards violence and are more prone to violent behavior than the other children, and are often aggressive towards the adults, teachers and parents as well. Also, they often tend to be rash and have a desire to control others and have no compassion for the victim. "A common point of view among psychologists and psychiatrists is that aggressive and violent individuals "below the surface" hide anxiety and insecurity. I have dealt with the assumption about hidden insecurity of the abuser using "indirect" methods such as hormone stress, and special personality tests. The results did not show at all the common point of view, but quite the opposite: the abuser either showed very little anxiety and insecurity or they were close to average. The interviewees did not suffer from lack of self-respect." (Olweus, 1998: 42) Some students participate in violence, but they do not usually take an initiative and as such are classified as passive abusers, followers and disciples. Typical abusers, therefore, can be determined by an aggressive reaction pattern connected with physical strength.

4. HOW TO PREVENT VIOLENCE BETWEEN CHILDREN?

Bosnia and Herzegovina has not been very successful in the area. Compared to its "neighbors" in the region whose Government is interested in dealing with this problem, in BiH this problem has not been studied and analyzed enough.

The process of constructive resolution of conflict is not simple but it is possible. Experts have been studying it for years and practically perfecting methods for non-violent resolution of conflict. The main objective of the program should be the elimination of present problems abuser/victim in a school setting and outside it and prevent the occurrence of other problems.

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Prevention of violence in educational-pedagogical institutions should prove the safety of students, better working qualities in institutions and long-term acquiring skills necessary for a constructive and non-violent way of solving future problems. No form of child abuse should be justified, but any form of violence can be prevented. In this respect, an urgent joint and efficient action of system is necessary to reduce violence by using all available social forces and resources in education and in other sectors which can support these activities (police, social services, health, local administration, civil sector).

The approach aimed at reducing school violence requires an analysis of its causes and motives and based on that a more comprehensive strategy and program should be made for the fight against consequences, but for prevention of violence at all levels of social organizations. Such strategy and program should be made complementary and adjusted with the concept of promotion of human rights, especially with the concept of children's rights. It is necessary to point out that the educational policy for prevention and reduction of school violence should include in the process of education not just students but teachers, parents and school setting. Only this kind of policy and not partial can prove to be effective in practice in the prevention of and reduction of school violence and social violence as a whole. These policies need to be put into operation and applied in medium-term with the evaluation program and the resulting changes. Programs for reduction of school violence should include the following: 1) individual (students that manifest some form of violence); 2) students' family; 3) class (classroom); 4) school as an institution; 5) city or local community and 6) educational system as a subsystem of social system.

The UN does not have a unique strategy or prevention policy and reduction of school violence. However, based on obtained knowledge in every country there is some sort of action or programs. Some countries undertake national initiatives, some local and regional, but some countries undertake initiatives at the level of a concrete school. These initiatives are often well organized programs which can include teaching programs, individual work with students exposed to risk and other measures. For example, the D. Olweus's Program against ridiculing students in Norway is widely used (along with other initiatives), in Austria, Finland, and Germany, and is being considered in Iceland. Program for safer schools is widespread in Portugal and the United Kingdom, in the region of Andalusia/Seville in Spain there is a Program for safety, and in Sweden A Forsta program is used. All these programs are well planned and printed as brochures for school staff and students, and they are all in standardized form. Programs are monitored with a specific level of evaluation of their efficiency. Some of the initiatives are not aimed at the reduction of violence, but are aimed at improving preventions. For example, Denmark has a Parliamentary day for children when they can express themselves (and vote) regarding the question of school and how to improve it. This can motivate the population and citizens, and it can include practical suggestions related to school violence. Such attempts are similar to "parliamentary days" implemented in France and Sweden. There are other similar programs aimed at improving the atmosphere in the classroom and school, through education of teachers and the other staff in school in order to secure personal and social education of students. One such program is "to know - to live" which is used in Iceland.

In order for schools to successfully prevent and reduce peer violence, they need to become the center of learning and acquiring knowledge, but also the center of sports activities and cultural-entertaining lives of the young, in order to organize their unorganized free time and favoring nightlife at cafés, clubs and reluctance. It is necessary to

establish a bridge between schools and parents (family) and students in order to improve the care of children, their education and learning, paying attention to who they friends are and how they spend their free time.

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DEFENCE AND SECURITY

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"CITIZENS IN UNIFORM" - THE OUTCOME OF THE QUEST FOR THE RULE OF LAW IN THE ARMED FORCES

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Abstract*:*

In search of realization of the principle of legality in the armed forces the paper deals with the translation of the German concept "Citizens in Uniform". Furthermore, the paper also suggests principle answers about the relation between legality and opportunity in the organization and functioning of the armed forces and it formulates the criteria of legality. The application of these criteria can serve for the evaluation of the domain of the rule of law in concrete armed forces, and comparative legal comparison with others. The criteria can be used as a test for legality of legal acts which regulate military organization. Those who practice law and those who are connected with armed forces can use it for the interpretation and application of law.

Key words: Silent Leges inter Arma, military command, models of dismissal of administrative and command authorizations, the concept "Citizens in Uniform", the concept of "Internal management", legality criteria.

1. INTRODUCTION

The rule of law represents one of the principles of modern constitutionalism, which permeates all forms of state organization. Compared to the armed forces, it is most present in the realization of the democracy principle and civil control over the armed forces, as an expression of dominance over civil society, in order to protect the citizens form the repression of the state power apparatus.

The paper does not deal with the rule of law over but with the rule of law within the armed forces. The focus is on the soldier[2], who is not only a defender of civil society,

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2 The term "soldier" is used further in the text for the members of AF - military persons of all ranks and both genders.

but also a citizen-potential victim of the mentioned repression. The starting point of view is in the Recommendation of the Council of Europe Parliamentary Assembly No. 1742/2006 (Human rights of the members of AF, article 2 and 4) which says that the "… members of the armed forces are citizens in uniform who must enjoy the same fundamental freedoms, including those set out in the European Convention on Human Rights (ETS No. 5) and the revised European Social Charter (ETS No. 163), and the same protection of their rights and dignity as any other citizen, within the limits imposed by the specific exigencies of military duties.", and that this question deserves attention because "…the exercise of their rights by members of the armed forces in certain member states exceed what is acceptable under the terms of the Convention."

Considering the status of the soldier, especially in times of peace when he will, fortunately for us all, spend most of his service, the answers to the principle questions are sought: Where is the limit of legitimacy of state repression and where does the rule of law begin? What are the necessities of military service and to what degree do they justify the limitation of human rights and freedoms of soldiers? How to find legitimate solutions to this problem in a democratic society?

Difficulties which follow the search for answers are numerous. There are different understandings about the role of the armed forces in society, the specificity of their organization and the social influence they have. Namely, the organization and functioning of the armed forces as an instrument of force is traditionally determined by the ancient Latin moral *Silent Leges inter Arma*, which is not difficult to understand in this context as a negation of the rule of law. At the same time, special attention is given to military command[3], as an instrument for activating military force and specific social relation of submission, and whose content seems to condemn the realization of social values of equality and freedom, which the rule of law strives for. It is for this reason that the answers will be sought within legal-theoretical consideration of the relation between two basic, mutually confronted patterns of regulation of social relations within armed forces-command and (objective) law which regulates the military service.

In order to gain useful and purposeful knowledge on this topic, the research will be methodologically focused on specified useful questions[4] with a stipulate-pragmatic defining[5] of key terms and the consideration of their mutual relation. In this sense, command will be understood as not only factual, but a phenomenon with pronounced values and normative features, and perceived by the methods of integral law theory.[6]

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3 The term "command" is used further in the text instead of the term "military command" and "command and control".

4 "…unilateral understanding of science exclusively as a system of knowledge and that science should be treated as a human activity directed at gaining new knowledge about reality…" (Žižić & Stojanović, 2009: 82).

5 The author uses a stipulate definition to suggest or define a new meaning of X expression because he believes that it will be more useful for a particular activity than the present meaning… The second variation of conventionalism will be defined as stipulate-pragmatic: it, besides the relativity and subjectivity of the definition, points to its purposefulness." (Visković, 1981: 20-21).

6 Every form of social practice is one concrete sensory-value-thought totality… Integral theory can clarify and completely explain on a discursive level what every lawyer does on a daily basis with more or less theoretical self-awareness" (Visković, 1981: 302-303).

2. DOMAIN OF THE PRINCIPLE OF THE RULE OF LAW IN THE ARMED FORCES

2.1. The rule of law in civil society and in the armed forces

The principle of the rule of law is considered a basic value of civil society, along with the rules and freedoms of citizens, free market, autonomy of social institutions, division of power and democratic political culture (Marković, 1999: 554).

The term comes from the Anglo-Saxon legal tradition and it first appeared in the XII century, as an expression of confrontation against concentrated power in the hands of an omnipotent king. It marked the centuries of evolutional process of strengthening of legal power, which guaranteed subjective rights to the citizens based on the law and thus suppressed arbitrary power. A similar term to legal country appeared in continental legal tradition much later, in the XIX century, as a result of fight, in this case against arbitrary state management, portrayed in the term police state. Basically, the legal state primarily meant judicial control of the legality of proceedings of the state management.

The paper does not broadly elaborate on the differences and similarities between these terms. On the contrary, it deals with the terms which resulted in the fight against concentrated power and the need for the citizens' protection against it. This attitude is confirmed by some of the widely accepted understanding of the rule of law, which will be listed below.

Albert Venn Dicey believes that the essence of the rule of law is: (1) absence of arbitrary power (power is limited and controlled by the law); (2) legal equality (power is limited by the rights and freedoms of citizens); (3) judicial protection of individual rights and freedoms.

Franz Neumann defines the rule of law as guarantees: (1) predictability of state action towards the citizens; (2) citizen protection against unpredictable state actions.[7]

Philippe Lauvaux finds guarantees of the rule of law in: (1) independence of judicial function; (2) fundamental rights respect; (3) the content of proclaimed rights (essential and procedural guarantees of fundamental rights; (4) the role and position of the opposition (protection of minority rights); (5) protection of democratic order.[8]

What would this principle represent in the armed forces? There are different ways of understanding the principle and the role of the armed forces in society. First, in accordance with methodological commitment of stipulate-pragmatic definition of the terms from the paragraph 1 in the paper, the terms from the proposed definitions should be put in the context of military organization, which requires "the operation of concep-tual discriminative reality" (Visković, 1981: 22), and then single out those meanings which will be useful in the paper.

To begin with, it can be said that the core of the principle or the rule of law in the armed forces is to provide the citizen and the soldier with an autonomous area of rights and freedoms, in which he is protected from illegitimate intervention from the state. Such protection includes material-legal and procedural-legal guarantees of subjective rights of the soldier.

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7 More in: Milosavljević, 2011: 14-15.
8 More in: Lovo, 1999: 88-100.

2.2. ARMED FORCES IN A DEMOCRATIC SOCIETY

2.2.a. The role, the principles and specific features

"The military is, on the one hand, an autonomous and differentiated factor in the state, and, on the other hand, a state organ and as such an integral part of the state apparatus" (Marković, 1999: 424). The stated points out to the outlines of problems the paper deals with, i.e. duality of the nature of the armed forces: on the one side, it represents a state organ bound by law, and on the other side, an autonomous instrument of sovereign political power which functions based on the principles of use of force. The principles of its organization reflect this dichotomy in a democratic society. And they are: hierarchical structure, centralized command, unconditional obedience and responsibility, professionalism, depoliticization and subordination to civil authorities (Marković, 1999: 426). The quoted autonomy is different from other state organs, because being bound by law gives advantage primarily to military power in those dangers where the law no longer bears significance as a pattern of regulation of social relations. Such dangers are always unpredictable, and unfortunately unavoidable; no matter how much the legislator is assiduous and farsighted in standards, numerous examples testify that insecurities which the future brings can render the legal frame completely inadequate. The only thing left is the use of force, outside the borders of the law but for the protection of the law.

Engaging the armed forces is always a fatal undertaking, because we are dealing with a structure whose numerousness, complexity and factual power have no match in any concrete society. The complexity of structure requires the need for the most simple and efficient management, which allows the functioning of the structure based on the will of one man. Comparison with Hobbs's Leviathan seems appropriate: "The only way to establish such power which could defend them from foreign evasions or mutual harm,… is to transfer their power onto one man or group of people which can with the majority of voices subdue their wills to one will only… That is much more than agreement and unanimity; it is a real unity of them all in one person…" (Hobbs, 2004: 122). The adequate instrument for activating that power is command, which will be more discussed in paragraph 2.2.b.

Another specificity of the armed forces which needs to be taken into account is: as an instrument of force, they can represent a danger for civil society if not controlled properly. Having in mind the process of their professionalization, we are dealing with an employer which employs, as a rule, the highest number of state employees (soldiers) in a specific employment (military service). This is how the effects of management of this segment of state organization reflect on the society on the whole. Realistic approach prescribes that they should be regarded as: means of waging war; a guarantee of political order and stability; interest group; alternative to civil governing (Milosavljević, 2011: 167-170).

2.2.b. Command as an efficient instrument of military power in a case of emergency

The previous section shows that command entails the use of military force in order to remove a threat which the law itself cannot eliminate. In these situations, the ef-

ficiency of command is crucial, which is matchless compared to all the other forms of management: the will of the superior is conducted mechanically; the orders are short and clear, they are passed on in the fastest possible way, and are executed on time, without delay and unconditionally. Thus, any threat is eliminated adequately, both for the country and the individual.

The use of force for the purpose of eliminating threat is a necessity in the mind of every lawyer, which he encounters in constitutional law (the status of state emergency), international humanitarian law (the principle of military emergency), criminal and civil law (necessary defense and outmost necessity). By generalizing the contents of the mentioned legal institutions it can be said that the state of necessity, as a generic term, gives a character of permissibility for the use of force or at least absence of liability for those who use it in order to eliminate a threat to themselves or others. In this context, a threat can relate to all forms of endangering an individual-citizen and a soldier, military unit or state. This leads to the use of military force by soldiers, military units and the armed forces in the country or abroad, which we will address here as military operations.[9]

In order to secure the legality of the use of force, the law should always, proportional to threats and risks, set an adequate framework for the use of command: "Hence, the relation between the legal norm and the executive organ is a public-legal issue…a free realization of the state's aim only within the legal framework, and in case of emergency, i.e. in a case of the so called legal state emergency, and even against the law" (Kelzen, 2007: 76).

The issue of realization of the right measure in command authorizations in any concrete situation requires a lot of attention and precision: "Therefore, the status of state emergency is similar to a dangerous drug given to an extremely sick patient: if the undertaken measures of coercion and temporary suspension of human freedoms and rights are carefully planned and properly used, the state and the people will be saved. If this planning is exaggerated, and the rescue of the state and the defense of its endangered order comes down to autocracy and strengthening of authoritarian, and sometimes tyrannical power, such misuse of the status of state emergency becomes fatal for the state and the people" (Čavoski, 2003: 131).

Therefore, command represents a form of regulation of social relations in military operations, because it is the most efficient possible instrument for initiating military force in a state of emergency.

2.3. The nature and the content of military command

The term command is of English and French (commandement) origin, and it is defined as giving orders, ordering. Generally, command as a social relation manifests itself in all areas of human life where inequality of subjects is present, and thus in the armed forces as well. Command as a paradigm of force and an inequality relation is as old as society itself, and it reflects the ruling social relations.[10]

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9 "Military operation are coordinated military actions of the state in response to a developing situation... to resolve the situation which is favorable for the state." (*Military operation,* http://www.en.wikipedia.org/wiki/Military_operation)

10 More in: Military Encyclopedia, Volume 4, 1972: 457.

Approaching command as a social relation with its sensory, value and thought dimensions, the paper discusses its factual, then value and normative aspects, which will serve as a complete consideration which will be presented at the end of this section.

2.3.a. Factual aspects of command

They can be best understood and analyzed in military-doctrinal[11] considerations, where command is traditionally perceived as a specific form of management.[12] These definitions are mostly similar, which is definitely the result of a need for military-doctrinal compliance (interoperability, standardization[13]) of the armed forces with participation in multinational military operations of collective safety. For example, several definitions are discussed here:

One of the definitions in military doctrine of the USA is: "Command is the authority a commander in military service lawfully exercises over subordinates by virtue of rank and assignment. Command and control are an exercise of authority and ordering from a properly assigned commander over designated and annexed forces for the accomplishment of mission. Command and control functions are performed through an arrangement of personnel, equipment, communications, facilities, and procedures employed by a commander in planning, directing, coordinating, and controlling forces and operations in the accomplishment of the mission" Operations, 2001: 5-2, 5-71).

The standardized definition of command of the NATO member-states has five meanings: (1) The authority vested in an individual of the armed forces for the direction, coordination, and control of military forces. (2) An order given by a commander; that is, the will of the commander expressed for the purpose of bringing about a particular action.
(3) A unit, group of units, organization or area under the authority of a single individual.
(4) To dominate an area of situation. (5) To exercise command, and control as a command function: "That authority exercised by a commander over part of the activities of subordinate organizations, or other organizations not normally under his command, which encompasses the responsibility for implementing orders or directives. All or part of this authority may be transferred or delegated." (NATO Glossary of Terms and Definitions, 2010, 2-S-9, 2-S-14)

Here are some insights into specific psychological and sociological aspects: "Command and Control: The establishment of common intent to achieve coordinated action.... "the creative expression of human will" is in the service of "a mission". Control: Those structures and processes devised by Command to manage risk. (McCann & Pigeau,1999: 1).

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11 "Military doctrines are critical components of state safety politics or big strategy… Given that resources are scarce it is necessary to choose the most convenient military means in order to achieve o political goals… It is necessary to provide regulations which would determine how the armed forces should be structured and used so they could react to known threats and possibilities" (Pouzn, 1992: 13).

12 "Management is the act of getting people together to accomplish desired goals and objectives using available resources efficiently and effectively. Management comprises planning, organizing, staffing, leading or directing, and controlling of the organization ...or effort for the purpose of accomplishing a goal." *Management,* downloaded from: http://en.wikipedia.org/wiki/Management

13 More in: *Interoperability,* http://www.nato.int/docu/interoperability/interoperability.pdf and *NATO Standardization Agency,* http://www.nsa.nato.int

The analysis of the above mentioned leads to the understanding of the structure of command as a social relation, i.e. (1) subjects, (2) actions and (3) the objects of command.

(1) Command subjects are military persons, with the exception of supreme commander, which is in accordance with the principle of civil control, always a civilian (an individual or a collective organ). From the standpoint of their legal status, these persons display a full legal and businesslike capability, they either voluntarily become soldiers (professional soldiers) or by legally stipulated public commitment (a soldier's military service).

The rights and obligations of subjects and their interpersonal relations depend on their position in the armed forces. In short, the status of a soldier in a hierarchy is determined by: first of all, the obligation to unconditionally, undisputedly and completely comply with the will of the person whose rank in the hierarchy is superior, second of all, the authority and responsibility to, for the purpose of and within frameworks which are set by the expression of will of a superior, imperatively require from subordinate persons to comply with his will. Authority resides on high hierarchy ranks, and authority implies stipulated authorizations.

Authority, as well as the responsibilities of the subject, rises in the same way as his rank in the military hierarchy moves bottom-up. At the same time, the authority in decision making is only limited to a discretional grade that moves within range, which gives him authority contained in the command of a superior.

(2) Command activity will be discussed as a psychological process and meaning attached to this process.

As a psychological process, it seems that command is a rational process of military decision making: "[It is] essential that all leaders from subaltern to commanding general familiarize themselves with the art of clear, logical thinking" (Operations, 2001: 5).

On the other hand, having in mind that command implies confronting uncertainty, it is said that: "…war is an irrational business par excellence. It being the quintessential task of commanders to send men to their deaths, the incentives associated to the gainful pursuit of peace often do not apply and must be replaced by an appeal to irrational motives..To motivate others a commander must be motivated himself, or else cheat all of the people all of the time." (van Creveld,1985:16)

Therefore, we are dealing with a thoughtful process regulated by the rules of war craft and logics, which is not necessarily rational and ethical, but is purposeful and motivating. Of course, we are talking about a creative process. The result of this process is an expression of will and materialization through transfer of information by: documents, speech, body movement, the media and similar, which represent the physical side of this process, which will be in this paper referred to as a command act.

The subjective meaning of this process is contained in the awareness about the obligingness of practical action on the orders of a superior. In the objective sense, this process is an undertaking of solving interpersonal relations and directing practical activity of a smaller or larger number of subordinates, organized into military units. The distinction between functional and target responsibility of command is made: "First, command must arrange and coordinate everything an army needs to exist- its food supply, its sanitary servise, its system of military justice, and so on. Second, command enables the army to carry out its proper mission, which is to inflict the maximum amount of death and

destruction on the enemy within the shortest possible period of time and at minimum loss to itself" (van Creveld,1985: 5-6).

(3) The other part of the quote, which talks about target responsibility of command- destruction of the enemy, points to the object of this undertaking. One should bear in mind that this is not the only task of the armed forces; they can include the fulfillment of international obligations, help to civil society, protection of citizens and similar. However, the purpose of this undertaking is clear: and that is to efficiently and economically use resources of military power (people, property) for achieving the military objective.

Therefore, seen as a factual phenomenon, command manifests itself as a creative, binding and materialized expression of will of a man with authority, whose aim is to introduce military organization and to direct its practical activity for the purpose of achieving the military objective.

2.3.b. Value aspects of command

When we think about values, where command is understood as a social relation, any philosophical and axiological approach in the context of this paper would first raise a question of legitimacy of the use of state power, and then command as *modus operandi*, which activates this power. Viewed from the aspect of civil society and values it represents, it can be said without a doubt that state coercion is justified only when it functions as a form of safety which provides rights and freedoms for the citizens in civil society. The role of the armed forces should be viewed in that context, which as a part of state coercion needs to provide military help in relation to the enemy and successfully deal with any challenges that can endanger the society. Accordingly, command as the most efficient means of regulation and direction of the armed forces needs to secure their functioning in accordance with this understanding of that role, i.e. as a successful organization which protects civil society and its citizens. Also, command needs to protect soldiers as well, for two reasons: first, they are also the citizens of that country, and second, numerous experiences testify that dissatisfaction within the army can endanger the society more than a foreign enemy.

This is how social values, which command as a social relation, needs to provide, can be brought down to achievement of two goals: (1) efficiency of the military organization, i.e. the ability to use all the resources available to the armed forces in a way which secures military success, and (2) protection of civil society, citizens and protection of soldiers themselves (legal and factual safety).

2.3.c. Normative aspects of command

Command cannot be just understood as a mere factual and arbitrary power, but as ordering of the state in accordance with the law.

"The state is defined as a relation where there are those who command and govern, and those who obey and submit to this governing… Ruling is legitimate only if it is exercised in accordance with legal order, and is valid if represented by an authorized person…" (Kelzen, 2010: 279-280)

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Second, the law enables command to use material means of coercion- by using military-disciplinary sanction. Sanction is, according to Kelzen, a primary form of norm[14], which determines it essentially. Analogously, military-disciplinary sanction should significantly determine command. We are talking about a specific coercion technique, adjusted to the needs of the armed forces, which functions as a work-legal (because it is regulated by *lex specialis* in relation to general work legislation), and criminal-legal repression (under specific conditions, substitution of criminal sanction with disciplinary sanction[15]). As such, it has to be flexible enough by giving a superior, as an entity responsible for the status of military discipline, broad authorizations: first, to decide whether it is going to employ specific conducts at all, and second, to discretionally evaluate the seriousness and characteristics of violation of military discipline, and decide on the sanction, whose primary function is general prevention, i.e. the effect it has on subordinates. Military-disciplinary repression is necessarily connected with motivation and it has always been an important tool in the hands of a commanding officer. This is very well composed in the quote of the Chinese military leader Sun Tzu from the 6th century BC: "Treat your soldiers as you would treat your children... If your goodness prevents you from taking them into a battle, and your consideration and friendship prevent you from executing your orders and establishing order, then they will be spoilt and useless like small children. Reward your soldiers, but punish them as well. If you only apply one of the two, they will like spoilt children get adjusted to the pleasures or dissatisfaction. This has a bad influence and it renders the army useless."[16]

Therefore, command gets a normative form, among others, from being related to legal order, and military-disciplinary sanction as a specific coercion technique determined by the law.

2.3.d. Command and commanding acts - a short summary

The time has come to sum up the considerations of the nature of command and to remind of its contents which will be useful in the paper.

Therefore, command is an instrument which activates military power in situations determined by internal and international law, war craft rules and military ethics, which through acts of command efficiently regulates and directs the military organization in military operations and protects the society, the citizens and the members of the armed forces.

Command is realized through individual orders, which are here understood as expressions of will of a legally authorized superior who abides a subordinate to act precisely, completely and timely in order to accomplish the military objective, but under the threat of military-disciplinary and criminal-legal sanction. Every form of materialization of these orders in the paper is referred to as command.

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14 "Therefore, the norm which stipulates...a conduct that avoids coercion is the legal norm only under the assumption that it...is used as an expression of what the legal norm points out as correct and complete: an act of coercion must function as a consequence of opposite conduct. That is the legal norm in its primary form..." (Kelzen, 2007: 28)

15 See article 246w KZ BiH (SG BiH 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10)

16 Sun Tzu, 2009:120.

2.4. The law and command as forms of regulation of
social relations in the armed forces

Specified ways of defining through integral consideration of social, psychological, value and normative aspects can easily lead to confusion in understanding (objective) the law and command as different social phenomena. This is why the paper briefly looks at the mutual relation between the two phenomena.

First, it can be said for both the law and command that they are ways of regulating social relations. Both of them direct people towards acceptable forms of behavior in order to realize social values, and obeying both of them is conducted through organized material coercion, i.e. state sanction.

Second, some theoretical approaches do not even make a distinction between the law and state command: for example, "A pure law theory, from its universal point of view, always directed at the wholeness of the legal order onto a so called state will, and in a private business, just like in state command, sees a state act, i.e. a factual state of creating law, which can be seen as a unity of legal order" (Kelzen, 2007: 75). Similarly: "One action is seen as a state act if it represents the execution of the legal order." (Kelzen, 2010: 285)

Third, command is mostly determined by specific *lege artis*, and these imply the rules of war craft, which reflect a natural state of causality, and not social conventions as is the case with the law. This leads to the conclusion that command is just a factual occurrence, determined by natural laws, and not by social conventions. On the other hand, the stated claim can be refuted by argument that there is a significant difference between war craft and other scientific disciplines, which allows plurality of competing considerations and opinions. The state here determines the compulsory learning-military doctrine, which is formalized and materialized (maybe it is better to say: dogmatized) by military-doctrinal regulations prescribed by the highest state and military authorities, which are determined not only by war craft rules, but by positive law, strategic and geo-political considerations. The notions they contain and natural and social laws, Visković defines as technical rules: "Technical rules are a prescriptive expression of social and natural objective laws in the service of human action as means to specific goals… Of course, technical rules can be the subject of normative statements…" (Visković, 1981: 174). This is exactly what happened to the rules of war craft- they have become the content of normative statements in military regulations, acts which have a technical, political but also a political character and which also direct soldiers towards proper conduct in order to achieve goals determined by the war craft rules.

Fourth, command orders are different from legal norms. Although the command order sometimes really reminds of the legal norm[17], because it is also a prescriptive statement- the state order, under the threat of sanction, used by state power to realize its social interests and goals, is a case of a too subjective and, for legal standards, arbitrary expression of individual will.

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17 "The legal norm is a social requirement sanctioned by material coercion which is by creation, application and cessation related to the organization…of authorities and is formally-comprehensively determined in a hierarchical system of same demands where cohesion, completeness and distinctness are achieved through special techniques and which has a function of realizing specific social interests and goals." (Visković, 1981: 257)

2.5. The rule of law in the armed forces and command

Paragraph 2.1. gives a principal stance on the content of the rule of law within the armed forces, which is composed of material-legal and procedural-legal guarantees of one autonomous area of law and freedom, which protect the soldier form illegitimate state intervention. After considering the context of military organization, which should embody this principle, a logical question is how to balance given contents with, at least, incompatible command demands which are summarized in paragraph 2.3.d. Inconsistency is the result of the dual nature of the armed forces as an autonomous apparatus of force, on the one side, and state organ, on the other side, which is discussed in paragraph 2.2.a. The dichotomy of this is portrayed in two forms of social relation regulations, which are derived from two types of the armed forces authorizations: (1) command authorization for the regulation of military power and (2) jurisdictions for the realization of subjective rights of the soldier, which he is entitled to as a state organ and employer. Considering the mutual relation of stated jurisdictions, it is necessary to clarify the question of the domain of the rule of law in the armed forces.

3. MODELS OF RESOLUTION OF COMMAND AND ADMINISTRATIVE AUTHORITIES

In search of the models of resolution of the mentioned dichotomy the following will be taken into consideration:
(1) The principle of the rule of law would not have any sense unless it meant something in the armed forces, just as it means something in any state institution, so each solution needs to be sought by securing unreserved validity and application of this principle. In this respect, it is necessary to provide material and procedural guarantees of the realization of subjective soldiers' rights.
(2) Command is an irreplaceable pattern of regulation of social relations in a state of military emergency, because it provides the most efficient use of force in military operations.

The above stated is not easy to reconcile, and insisting on one without taking into consideration the other leads to unacceptable results: one extreme is the strengthening of militarism[18], and the other is the weakening of operational capabilities of the armed forces.

Namely, giving too many command authorizations may seem legitimate in a concrete situation, but there is always a threat of misuse of power, which is pointed out by Karl Friedrich: "Even the United States of America should remain unaware of the terrible dangers a big military establishment can have on the constitutional order if its lead-

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18 "The military establishment uses its resources for compensatory power over soldiers…the most important ability of the militaristic way is to abundantly use power for the purpose of suppressing division in the army and outside it…the power of the military establishment has become the main threat to civil and democratic power." (Prpić & Bačić, 1994: 135)

ership loses its trust into the validity of the Constitution. The military personnel, as other experts, should serve and not govern, as the famous saying goes. One way of achieving this is to make believe that the military personnel is committed to freedom. That is one of the most serious issues of modern constitutionalism" (Friedrich, 2005: 77).

Also, any objective look at the armed forces needs to mean that the military culture by itself is not the best grounds for the respect of human rights: "Nevertheless, in some countries members of the armed forces…are exposed to abuse, brutality, violence, torture and other forms of illegal conduct. Such practice can lead to serious accidents, injuries, disabilities, death and suicide. Unfortunately, such practices are institutionalized as a part of a wider military culture characterized by impunity of perpetrators and absence of respect of human dignity" (Leigh & Born, 2008: 22).

The mentioned military culture is a logical result of confronting harsh demands of the military service, which include extreme psychological and physiological strains and confronting life and health risks. There are many examples in recent history, from Napoleon to Stalin, which show that the secret to success of the military organization resides on a powerful manipulation and submission of man, under the pretention of nationalistic and collective ideology and charisma of the leader. Every realistic approach cannot, even in these modern times, ignore the fact that a smaller or bigger dosage of manipulation is necessary for the soldier to identify the general interests with his own, because "…nor does a man, the statistical one, willingly tolerate the power and the law which condition the life in community, nor does a standard man easily take hold of a weapon to kill another man risking his own life in the process, the danger of being annihilated" (Pavlović, 1994: 206).

Thus, the military culture is both a product and a victim of this manipulation.

On the other hand, mechanical subjecting of command to legal norms has weakened the efficiency of the instrument vital to the safety of the state. It is completely logical that extensive broadening of domain of subjective rights in the armed forces leads to, ac-cording to American general Sheehan, to excessive "socialization", "liberalization", "so-cial engineering", which "weakens the military competence"[19] and leads to neglecting of rigorous demands of the military service.

This is what Machiavelli has in mind when he is talks about the Italian mercenary armies, which have subjected their own interests to common interests: "Furthermore, they used all available means so they would spare themselves and soldiers from effort and fear; in battles they did not kill but captured each other, without ransom. They did not storm on cities at night; those in fortified cities did not attack camps; they did not build breastwork around the battlefield or trenches; they did not fight during winter. All this was acceptable according to the military regulations and they were introduced, as it was already explained, to avoid effort and danger. This is how they, finally, lead Italy to shame and slavery" (Machiavelli, 2002: 71-72).

The above mentioned points out that the domain of the rule of law in the armed forces should be sought in the balance between stated extremes, which can be formulated in this way: The armed forces are just like any state organ bound by the governing prin-

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19 *Sheehan: Gays weakened European militaries,* Navy Times, downloaded from: http://www.navytimes.com/ news/2010/03/ military_dontask_hearing_031810w/, video transcript of the hearing in front of the Military Committee of the USA Senate at: http://www.youtube.com/watch?v=v70r0kbqY0

ciple of law, and the realization of this principle should be sought in the balance of their command and administrative authorizations (the realization of subjective rights of soldiers is regularly realized in administrative procedure). Especially, command as a specific form of the regulation of social relations in the armed forces is related to this principle in military operation emergency conditions, but only under the condition that it serves emergency purposes, i.e. to protect the legal order.

Having in mind the above mentioned, possible models of resolution could be formulated as (1) compromise, which implies one form of regulation of social relations in the armed forces, where command and administrative authorizations are gained and mutually mitigate and limit each other, and (2) non-compromise, which implies the distinction between command and managerial authorizations. The models are graphically presented in pictures below.

Pictures 1 and 2 show referential rules (military doctrines and ethics and material positive law) and the principle way of using authorizations for realization of the armed forces' goals, which are formulated, in accordance with the understanding of dual nature of the armed forces presented in paragraphs 2.2.a, as (1) a military success and (2) realization of subjective rights of soldiers. The arrows point to the ways of regulation, which are here referred to as "command" and "administrative procedure". In picture 2 the interrupted line marks the boundary between separate spheres of deciding. The advantage of the compromise model is the intertwining of command and administrative authorizations as a simpler solution which can be put into operation by a simpler structure of the armed forces. However, the disadvantages are obvious: (1) the model does not provide procedural guarantees for realization of subjective rights, because the accumulation of authorization, similar to the status of ruler in an absolute monarchy, the administrative procedure can be easily replaced by command and thus stultify the possibility of judicial control of legality; (2) threat from excessive "socialization" and "liberalization" of the armed forces, which makes the weakening of its militant capability obvious.

The non-compromise model assumes a clear distinction between administrative and command authorizations, so it is more complicated in that sense, because it predicts "two ways" in the regulation of relations, which would undoubtedly make the armed forces' structure more complex. On the other hand, the advantage of the model is that it provides material and process guarantees for the realization of subjective rights, because it secures an autonomous way of decision making exclusively based on the law and in this way enables judicial control. Furthermore, this model abolishes the danger of excessive "socialization" and "liberalization" of the armed forces, which makes command more efficient in relation to the compromise model.

Picture 1 Compromise model
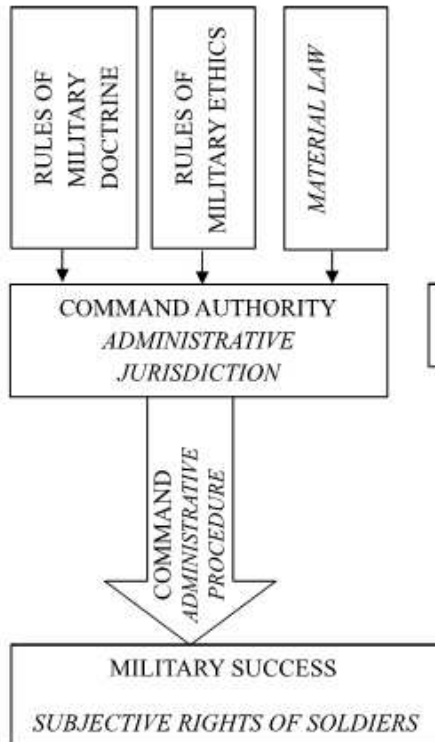
Picture 2 Non-compromise model
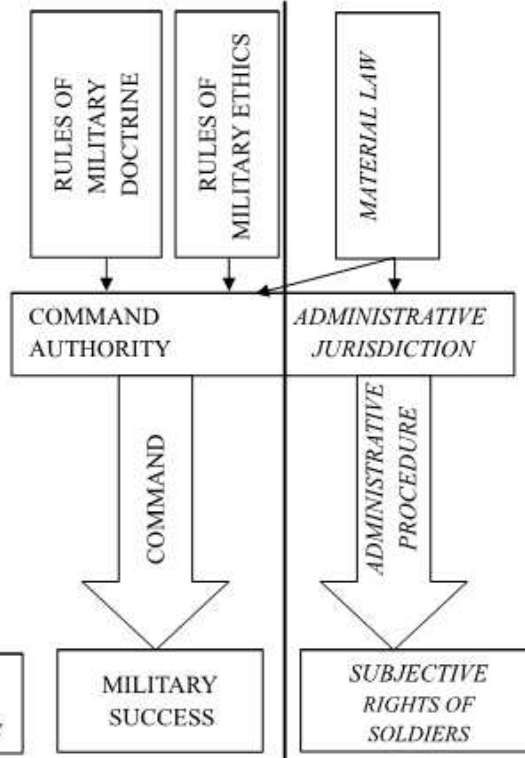
After considering the advantages and disadvantages of both models, the choice of the non-compromise model is imminent. The balance sought here cannot be compromise, because the juncture and mutual mitigating of different authorizations would represent compromise of both systems of regulation and hinder the realization of social values they strive for. To summarize: with a clear distinction, the two systems should exist independently of each other as much as possible.

Choosing of the non-compromise model raises the question how to separate these two systems of regulation. It is clear that the law has to set the limit between them, depending on the degree of danger, i.e. the seriousness of the emergency. This is how the sovereign power will narrow the area of social relations which command relates to with the use of legal norms, and when the state finds itself in a state of emergency, adequately expand.

By using the same symbols from pictures 1 and 2, the picture 3 shows the dynamics of making a distinction between decision making spheres; the left side shows emergency states, aligned with gradation from smaller to bigger degree of social danger. The interrupted line separates and shows how to increase command authorizations with an increased level of threat, and at the cost of subjective rights of soldiers.

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Picture 3 The dynamcis of making a distinction between decision making spheres
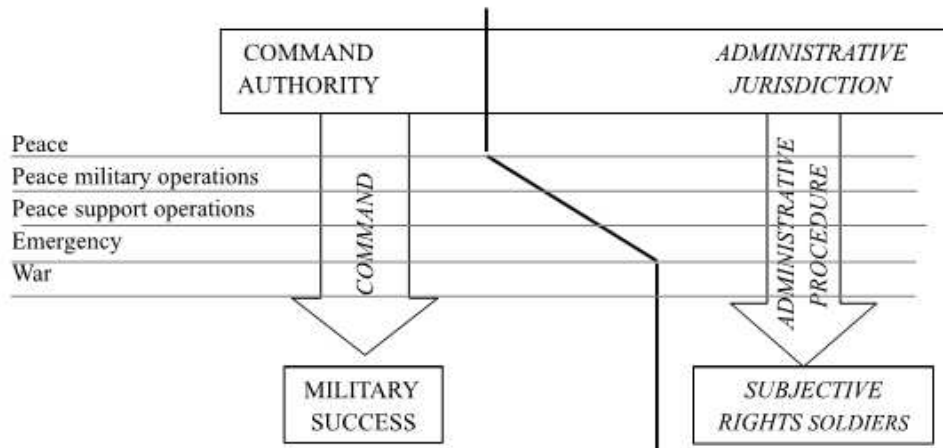
4. IS THE CONCEPT "CITIZENS IN UNIFORM" SOLUTION TO THE PROBLEM?

4.1. The content of the concept and the rule of law in the armed forces

If we focused again on the status of the soldier, we could conclude that he is divided between duty imposed on him by bureaucratized and hierarchical military organization and the right to claim his autonomous area which gives him freedom. This contradiction is really essential, because "it is difficult not to remain excepted on the path divided by those who compete too much for freedom, and those who have too much authorization" (Hobbs, 2004: 9).

According to the Recommendation of the European Parliamentary Assembly No. 1742/2006, which was discussed in paragraph 1, the solution to the problem lies in the concept "Citizens in Uniform", which was first developed within the Concept of Internal managing of the Federal Republic of Germany. The concept is more or less accepted in most European countries, under different names and concepts.[20] Starting with the inviolability of human dignity[21], the state organizations are liable for the implementation of this concept, which comprises three elements:

(1) Military person ready to act;
(2) A citizen aware of his responsibilities;
(3) A free person (Zentrum Innere Fuehrung 2008:11).

We can identify social values that these three elements strive to: The first element is directed to the realization of social and psychological conditions for the purpose

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20 European Organization of Military Associations is dedicated to the principle "Citizens in Uniform" and it demands equal rights and treatments for soldiers." See: http://www.euromil.org
21 Article 1 of the Fundamental Law of the FR Germany

of reviving ideals of solidarity and sacrifice for the common well-being[22], and the third to ideals of civil society: freedom, equality and justice. Ultimately, the first element is of deontological character and it relates to duty and collectivism notions, and the third to freedoms and individualism; the second element tries to explain and reconcile the first and the third by pointing out the need for sensible acceptance of values which are embodied in the first and the third element. Viewed like this, the concept is mostly ideological; formulation of ideals is indeed praise worthy, but finding the ways for putting them into the sphere of real is definitely a lot harder.

The mentioned German concept of Internal managing defines the two following obligations of the institutions for the realization of the concept's goals:

(1) to familiarize the personnel with political and legal basis of the military service, as well as the purposes and meanings of military missions;

(2) promote the integration of Bundeswehr and the military personnel into the state and society and create a greater public interest and understanding of their missions;

(3) increase the will of the military personnel to perform their duties conscientiously and maintain discipline and firmness within the armed forces;

(4) to make sure that the internal structure of the armed forces is organized based on respect of human dignity and legal and constitutional organization, in the way it strengthens the effect of the armed forces' mission (Gleumes, 2005: 11).

The Germans additionally supported this concept with amendments on the Constitution, when they introduced in 1956 the independent institution of Parliamentary commissioner of the armed forces, with the right to "safeguard basic rights to assist the Bundestag in exercising parliamentary control over the Armed Force."[23] There are many affirmative attitudes on the validity of this institution, but we will quote Karl Friedrich: "…a widely spread desire to avoid going back to militarism lead to the establishment of the position parliamentary commissioner who would be, since he directly answers to Bundestag, responsible for the complaints concerning military misuses and similar activities… All in all, the commissioner served as someone who constantly disturbed the others and in this way he executed his duties" (Friedrich, 2005: 475).

It is not difficult to comment such concept: (1) There is no doubt that the contents of the concept are of ideological and program character, so it is pointless to ask the question to what degree can this concept really be realized. If we take into consideration sociological and psychological factors important for the realization of this concept then one skeptical approach could dispute the possibility of the realization of such social preconditions for the realization of mentioned elements, as well as psychological characteristics of the personality which should consciously accept confronted social values. In short, a citizen should rationally comprehend and accept a completely contradictory de-

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22 "…and deeply convinced that happiness is hidden in freedom, and freedom in courage, do not be afraid of war dangers…because a reasonable man humiliation pains more because of cowardice than imperceptible and momentary death in a war feat, hoping for the common well-being." (Pericles's speech); (Tukidid, 1999: 106)

23 Article 45. b. of the Fundamental Law of the FR Germany: downloaded from: http://www.iuscomp.org/gla/statutes/GG.htm#45b

mand: to be dedicated to oneself and freedom and, at the same time, be ready to sacrifice oneself for the others; (2) The concept conceals a life reality that choosing a military calling is largely determined by a social position rather than dedication to specific social values; (3) The concept was developed in completely different social circumstances in relation to today's, i.e. it was designed for mass, unprofessional armed forces during the Cold War, which are approached based on public duty, and not for small and professional ones, which are joined voluntarily; (4) Constant readiness, conscious subjection to military organization, the feeling of responsibility and duty, dominate over the individual's freedom, and collective social values over individual. This seems reasonable if there is no other way for overcoming a threat, but what to use when there is no threat, or legitimate reason to limit freedom?

From the point of view of legal science, the mentioned concept clearly and logically embodies stated goals, which binds the armed forces and other state institutions. It is easy to question the realization of the concept, but it cannot be reproached when one takes into consideration the benefits of the soldier's status that the country is responsible for. Namely, (1) it is precisely defined that the soldier is entitled to all the rights and freedoms as any other citizen; (2) all state organs have to promote the dignity and freedom of the soldier; (3) human dignity, the constitution and laws are the basis of the organization and internal structure of the armed forces; (4) the armed forces are the subject of the constitutional and legal organization as any other state institution; (5) a full integration of soldiers and armed forces into society and state is promoted; (6) anti-discriminatory character of stated goals is evident; (7) the independent institution is responsible for complaints about military misuses.

4.2. Legality criteria

In the end, it is necessary to ask the following question: If the non-compromise model of resolution of relations of command and administrative authorizations (paragraph 3) is a purposeful solution for the regulation of social relations in the armed forces, does its application necessarily lead to the realization of the concept "Citizens in Uniform", as is suggested in the paper? First, it is necessary to clarify that the concept has a broader domain, because it comprises the obligations of all institutions, and not just the obligations of the armed forces. Narrowing only on the armed forces, it can be said that the application of the model is definitely focused on the realization of goals of the concept, but that the answer is only acquired through the concretization and formulation of clear criteria, which can be presented in this way:

(1) Material and process guarantees of human rights of soldiers in positive law, which regulates the organization and functioning of the armed forces. This includes the questions of constitutionality and legality, legitimacy taking away and limiting human rights and freedoms of soldiers, as well as the validity of mechanism for protection of subjective rights.

(2) The identification of the military service with the general regime of working relations within the limits of necessity of the military service, which are strictly interpreted and adjusted to the degree of social danger.

(3) Civil and democratic control over the armed forces and the existence of independent control institutions. This does not only apply to the control over, but to control within, in the sense of constant and careful monitoring of occurrences and processes in armed forces.

(4) In the legal frame, when military command is concerned there is a clear distinction in the area of regulation of social relations in the armed forces (command, law).

(5) From the legal-technical aspect, there is a clear distinction in the armed forces between the acts which are used in the application of law and command acts.

(6) The legal service of the armed forces enjoys institutional guarantees of independence and impartiality in the application of law and it is incorporated into state administration.

The realization of stated criteria undoubtedly leads to the realization of this concept. In that sense, this concept, although hardly achievable, represents an adequate response to the question of realization of the rule law in the armed forces.

5. CONCLUSION

Law in the armed forces should not be a victim of militarization by being reduced to a mere form and serving as command, but quite the opposite: command should serve the rule of law.

The principle of the rule of law crucially determines the organization and functioning of the armed forces in a democratic society. In order to secure the implementation of this principle in the armed forces, a civil society needs to secure an adequate framework, in which positive law as a system of regulation of relations dominates over military command, but which in a state of emergency provides positive law with necessary autonomy for efficient functioning in order to eliminate the state of emergency.

Respect of human dignity of soldiers implies seeking ways in which command cannot influence the realization of rights and freedoms of soldiers regulated by the constitution and laws. This is necessary because threats, due to which the armed forces exist, may serve as a justification for discrimination even when these threats are no longer present. This form of manipulation brings the soldier into a humiliating position, which can be compared to a permanent state of emergency.

The solution presented in the paper resembles the untying of the Gordian knot: the intertwining of command and administrative authorizations cannot be separated, but a clear and consistent distinction between these authorizations can be made, as well as between material and process rules of decision making.

The Recommendation of the Council of Europe Parliamentary Assembly No. 1742/2006, which contains the definition of the soldier as a "Citizen in Uniform", represents a credible basis for the regulation of depriving and limiting soldiers' human rights. At the same time, a legitimate basis for deprivation and limitation of soldiers' human rights are exclusively necessities of a military emergency in military operations.

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PREVIOUS OPERATIONS OF SECURING AND PROTECTING OF PERSONS

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Abstract:

This paper discusses the need for risk analysis and methods for successful execution of the protection of public figures, especially figures that are on the high state, military, political and police functions, as well as those who have large financial resources and capital. This is one attempt to model what has to be done in technical terms, especially in the preventive work, in order to avoid (minimize) threats towards the protected person. Security jobs are part of the professional activities of security and protection of persons, and as such are essentially the same for public and private security sector.

Key words: *Securing and Protection of persons, Collection of data and information*

INTRODUCTION

In the recent years there has been a need for a serious approach to protecting public figures, primarily figures on the high state, military, political and police functions, as well as those who have large financial resources and capital, that is persons from the world of business, entertainment and sports.

Bearing in mind the fact that in our region there has been a significant failures in securing the protected persons, primarily in the actions involving previous operations of security of persons that would ultimately lead to a tragic outcome of the persons, thus inflicting the incalculable damage to the State as a whole.

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This paper is an attempt to model what should be done in technical terms, especially in preventive work, in order to avoid threats towards the protected person, regardless of the fact whether the person is in the high state function, for whose protection the government, through its professional bodies (police, army, security services), is responsible, or if the person is from the world of business, entertainment etc. that personally take care of the part of the personal security, which they certainly need more than ordinary citizens, actually those persons who for their private security hire the private security sector.

It is considered that the previous operations of securing persons form professional part of operations of security and protection of persons and that are basically the same for state and private security sector.

In the focus of attention of the previous securing operations there is information, i.e. collecting, processing, analysis and use of information in securing persons. In fact, nowadays, there is an unaccepted opinion that the protected person is secured by a bodyguard, and very little attention is given to the previous operations such as:

- collection of personal data;
- selection of individuals involved in securing persons;
- collection of data related to the person's place of residence;
- collection of data related to the person's workplace;
- prevention of the leakage of the person's data;
- identification of individuals who may endanger the protected person;
- anti-bug check;
- anti-diversion check;
- sanitary-epidemiological measures;
- medical protective measures;

1. THE NOTION OF PREVIOUS OPERATIONS IN SECURING THE PERSONS

Previous operations of securing persons represent a set of measures, actions and procedures taken as preventive and elimination of all possible risk related to the protected person.

The measures, actions and procedures taken are intended to preserve the protected person before the onset of the actual threat to life and health, and have a preventive effect on the potential sources and types of threats to life and health of the protected person.

The grounds of prevention lie in well-educated, well-trained and well-equipped service of security and protection of persons, whose efficiency seem daunting to potential offender of the violation of the protected person's security.

Previous operations of security include:

- Assessment of security and vulnerability of the protected person;
- Collecting data on the protected person;
- Collecting data on the potential carrier of threats by the residence place of the protected person;

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- Collecting data on the potential carrier of threats by the workplace of the protected person;
- Collecting data on the potential holders of threats by the workplace of the protected person on travel;
- The prevention of data leakage on the activities of the protected person;
- Development of culture and training in the environment of the protected person;

1.1. The security assessment and vulnerability assessment of the protected person

The security assessment is a continuous and lasting thought process of the responsible individuals who are entrusted with ensuring the security and protection of a person, in which new threats and risks, to which the protected person is exposed, need to be constantly identified and anticipated, based on which appropriate physical, technical and other protective measures are planned.

This thought process involves:

a) assessment of the broader district and micro-location that the protected person uses for residence (location, relief, climate, population in the region, communications, distance from health institutions, distance from police station, ways of maintaining links with these institutions and the headquarter, etc.);

b) assessment of the potential threats by the protected person's place of residence;

c) assessment of the potential threats by the protected person's workplace;

d) assessment of the safety of communication used by the protected person;

e) assessment of the most safety-sensitive locations for the security of the protected person;

f) assessment of the data leakage in terms of threatening the protected person security;

g) distance from police station and health institutions;

h) possibility of intervention of these forces, if necessary;

i) possibility and methods of applications of the electronic and mechanical means in the protection of the person;

j) possibility of cooperation with the police (mostly of the private security sector);

k) assessment of the most reasonable option of the person's security;

l) maintaining connections among the team members for security reasons and possibility of maintaining connections with the police, health institutions etc.

After the risk assessment of the protected person, the decision about the method and degree of security of the protected person is made, and it generally includes the following:

1) responsibility for the protection of person (it is necessary to designate a person responsible for security);
2) the type and the extent of the physical protection;
3) the type and the extent of the electronic and mechanical protection;
   - anti-burglary;
   - anti-diversion;
   - anti-bug protection;
4) the type and the extent of the chemical and biological protection (control of food, water, drinks and other items used by the protected person);
5) laboratory analysis of fuel used by the protected person, performed as needed. If the protected person travels by aircraft, fuel analysis shall be required.

1.2. Collection of data on the protected person, persons engaged in the security and other important data affecting the quality of security of the protected person

It is one of the most sensitive segments of the previous operations in the protection persons, because generally the protected individuals find it very hard to allow violation of privacy and this information is best collected directly from the protected persons with a lot of attention, with the adequate composition of the list of questions that a person should respond.

Before collecting any data on the protected person, it is important that the person is presented with the importance of the collection of these data and the necessity of teamwork. While working on the security of person, security awareness and culture of the protected one should constantly be developing and rising to a higher level, and to do so among the family members and the entire team that secures the protected one.

The protected individuals should at no time decide on their security on their own, and mutual trust and direct cooperation between the protected one and the security team should exist.

Timely data on all plans and activities of the protected person should especially be collected, and as such must be protected by special measures and may not leak neither from the protected person, nor from those individuals in contact with the protected person within their daily work duties.

Collection of data on health condition, severe disease and drugs used by the protected person is of great significance. This information, with the approval of the protected one, should be collected in cooperation with the doctor of the protected one.

When it comes to private security sector and engagement of the private security of the person, apart from the data that a potential protected person would provide, it is necessary to do the check of the protected person. This is necessary because there is a large number of people in the business world in need of security, who are involved in the various activities on the edge of legality, or in jobs that can be characterized as criminal.

Furthermore, the selection of people involved in security of individuals needs to be adequately performed, which is achieved by establishing criteria for personal attendants, drivers, servants and employees who are related to the protected one in business terms.

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For individuals who perform the direct physical security, it is necessary to possess a high level of psycho-physical fitness, and that they have been trained for security of persons, and that have a high level of general and safety culture.

Before hiring the person to secure the protected person, there shall be a complete check of potential candidates. In the state security sector, this is not a particular problem because the potential candidates are mostly military or police employees.

In the private security sector, special attention must be paid to the part of personnel selection, and the check of the private security sector may be carried out by private detectives, which any serious security agency should include, while the checks are to be carried out with the consent of the candidate.

Complete checks of the potential candidates for securing persons, involve the following information:

1) Identification data:

Name, surname, parents' names, ID number, previous names and sobriquet, if any, day, month and year of birth, place, municipality and country of birth, nationality and citizenship (current and past), place of residence, street and number, phone numbers, e-mail address, etc. Apart from these data, additional ones are collected: where has the person lived, where has the person worked, whether the person speaks foreign languages, the level of knowledge, educational background, specialty, whether the person resided abroad and the reason of residence.

2) Social data:

a) **Social data by the place of residence**: marital status, name of spouse and other close family members, whether family members are employed, and where Property, income, real estates, reputation in the community where he or she lives, vice inclinations and asocial behavior.

b) **Social data by the workplace:** workplace, consistency in work, work habits and work discipline, professionalism, respecting for legality, the successes and rewards, punishments, relationship to other employees.

c) **Data criminogenicity**: whether the person is convicted for some crimes or not, if so, by which court, the amount of punishment, when and where was he serving the sentence, if the person committed a criminal act, it is to determine how it is committed, the availability of data on whether the person is now involved in illegal activities, which ones, and since when the doubt exists. Furthermore, has the person been convicted of misdemeanor, if so, why and when. Also, is the person socializing with a group of criminogenic individuals, and does he or she meet with criminal entities, and which ones (Kostić, 1984: 79-82).

3) Data available from the administrative procedures of the internal affairs:

Whether the person owns a vehicle, where is it registered and what is it's number, driver's license number, also whether the person possesses weapon (the amount, and types of weapons) and the number of firearm list, as well as the existence

of doubts about whether the relevant person is in possession of a weapon that unlawfully keeps and carries.

4) Special abilities

Whether the person is familiar with martial arts and which ones, also the specific knowledge of sports discipline (diving, climbing, parachuting, caving, management of aircraft and vessels), and whether there are some other specific hobbies and skills.

Skills related to electronics, computing, metalworking, welding, etc., the use of explosives, and bladed weapons.

Personal skills such as speech and movement imitations, the degree of conviction during oration, and the like.

5) Positive and negative personal traits

a) Temperament

Whether the person is: confident or not, also restrained or unrestrained, emotionally mature or immature, secure or fearful, independent or dependent, initiative or passive, etc

b) Character

Is it related to the person that is brave or coward, honest or dishonest, consistent or inconsistent, persistent or dispirited. Features related to temperament or character are especially important for the individuals that are intended for direct security of the protected person.

6) Relations

a) **Family relations**: starting from the close family, it is necessary to address the criminogenity, foreign ties, thus criminogenic individuals in the country. At each relationship the degree of consanguinity, as well as the degree of interdependence and psychological connection should be emphasized;

b) **Friendship** bonds: those who should be addressed to are individuals with whom there is a psychological interdependence and relationship that include superiority and inferiority should be particularly emphasized, especially if they relate to material or financial superiority and inferiority. Criminogenity in relationship, moral quality, how and when they became friends should be particularly addressed;

c) **Acquaintances:** Should be processed the same as friendship bonds with the note whether some of these individuals can be linked with the proponents of criminal activity;

d) Individuals who with their workplace or position can contribute to resolving operational tasks related to the protected person, i.e. those who, within their professions, may provide useful information related to the successful protection of people. So, their positive and negative traits, including criminogenity, should be seriously considered (Kostić, 1984:83-88).

7) Data on health conditions

In terms of verifying information on health conditions, it is necessary to collect this information both about the persons involved in securing and protection of personality, and the protected individuals themselves. This can be done with the consent of the person for whom the check is done, and in collaboration with a physician in possession of the health board. These data are important for people participating in the security of protected person, particularly in terms of the fact whether or not the persons are suffering from some mental illness or addiction.

When it comes to collecting data on protected person and their family members, data on health conditions of the protected person, which diseases he or she is suffers from, which doctors the person visits, which medications he or she uses. Particular attention should be paid to the disease or condition that are life threatening so that the protected person is timely transported to the appropriate health institution in order to receive the adequate medical care.

2. COLLECTING DATA AND INFORMATION ON PLACE OF RESIDENCE OF THE PROTECTED PERSON

In terms of protection of person by the place of residence, these data are extremely important, especially because there have been many cases around the world that the protected person are assassinated just in the residential place.

Therefore, it is necessary to collect data and information on the location of the residential place, street address, floor, flat, and whether it is a flat in an apartment building or house, as well as data on persons who reside in the immediate environment of the protected persons, particularly data on criminogenicity of individuals that live in their vicinity. Also, it is necessary to identify the persons who according to their realistic possibilities, can provide timely information on potential threats to the protected person or a facility in which the protected person resides.

Apart from these data, on the place of residence of the protected persons, it is necessary to collect data on migration in the immediate environment of the protected person or settling down of new individuals after the protection of the protected person has been started. These data are mainly reduced to information about who are those persons that have moved in the immediate vicinity of the protected person, whether those are families or individuals and couples without children, or possibly the informal groups that rent the apartments for the purpose of professional activities, sports activities, religious ceremonies and other activities.

It is also necessary to determine whether there are some abandoned buildings, houses, enterprises, constructions suitable for hiding, and facilities suitable for the observation and the like, in the vicinity of residence.

Data supplement on the place of residence may be performed by the occasional observation of the facility in which the protected person resides, and monitoring should be done covertly in the sense of criminal tactics.

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3. COLLECTION OF DATA AND INFORMATION ON THE WORKPLACE OF THE PROTECTED PERSON

When it comes to the protected person that is protected by the state service (army, police and security services), that is to say, people entitled to protection by specialized state bodies, these tasks are much simpler and easier for officials who are entrusted with them, since those are mostly people of trust, who are usually employees of state authorities.

Bearing in mind that a potential carrier of threat to the security of the protected person may try to create supporters in the immediate environment of the protected person, due to these reasons it is necessary to perform additional and continuous checking of those who work in the immediate environment of the protected person. Special attention should be paid to those persons who are prone to some of the vices or excessive money spending, gambling, and those ones that are in debt.

If these people work in the immediate environment of the protected person, they may be suitable target of carriers of endangering safety of the protected person who could hire them for a fee to endanger the safety of the protected person, either directly or indirectly. Furthermore, those persons who also deserve certain attention are people who due to their workplace have the possibility to influence the organization of work in an environment of the protected person (Heads of organizational units).

Persons who are found to pose a potential danger and risk to the safety of the protected person, should be immediately moved to another place, in which they will not have an opportunity to influence the security of the protected person.

Also persons for whom even the smallest degree of probability that could threaten the security of the protected persons is confirmed, must be placed under the discrete operational control in the sense of criminal tactics.

What is extremely important for the safety of the protected persons is to prevent the secret data leakage at workplace.

When it comes to protection of persons in the private security sphere, i.e. protection of persons from the world of business, arts, sports or entertainment, it is necessary to perform verification of data for persons working in the immediate vicinity of the protected person. These safety checks can be made by the private security companies which within its sector has a private detective business.

Any other actions that would relate to the work environment of the protected persons remain basically the same as for the protected person entitled to protection of the state sector because those are exclusively technical matters. In the private sector dealing with security and protection of persons, the only important matter is the scope of services the client-protected person can and is willing to pay, and if he or she is satisfied with the service that is provided by the specific security company.

4. PREVIOUS OPERATIONS ON THE MOVEMENT, TRANSPORT AND TRAVEL THE PROTECTED PERSONS

Movement, transport and travel are the most complicated operations concerning the protection of persons. In the preparation of these actions, previous operations required for the successful security and protection of the protected person come to the fore.

In the realization of these tasks close cooperation and coordination with the protected person are necessary, and what is also needed is that the protected person timely expresses the intend to travel, so that the bodies that perform security and protection could take timely measures necessary for quality and efficient security (protection) of person.

Bodies that perform security and protection of persons, need to know in advance where the protected persons intends to travel, how long they stay on travel, whether it is an official visit (in case of state authorities), official travel for the protected persons from the world of business, entertainment, sports and the like, whether the protected persons travel alone or with the family, as well as the places where they plan to stay, etc.

In order to undertake quality measures of security and protection is is necessary to establish the protected person's direction of movement, that is travelling, places of staying and the planning the accommodation. If it is hotel accommodation, hotels at less busy places should be chosen, and take into consideration data on location of police stations, medical institutions, and the possibilities of progression through the town, etc.

Prior to the arrival of the protected person in a hotel or other place of accommodation it is necessary, depending on the situation, to carry out antidiversion and anti-bug check. After these checks have been done, in the rooms where it was carried out, it is necessary to employ the direct physical security on the arrival of the protected person.

If the protected persons on travel are accommodated in a hotel or other public facility, before the arrival of the protected persons in the facility, it is necessary to examine the staff composition that work there, especially the staff that will come into contact with the protected persons during their stay in the facility.

Immediate security of the protected person have to know which staff will be serving the protected person, and for all those persons it is necessary to carry out a brief check of data. Checking can be done through local police authorities, and concerning the private security sector this could be carried out through other sources of data of the private detective or security agencies.

A particular problem when traveling are health and sanitary-epidemiological measures. In fact, the professional authorities of health and sanitary-epidemiological services should be part of the security team and they are required to inspect foods that will be consumed by the protected person, as well as sanitary-epidemiological measures in the restaurant where the protected person consumes food and drink. These measures certainly will not be implemented continuously and at any place, but only when the need arises, based on an assessment whether these measures are necessary or not, actually whether security threat assessment indicates such risk or not.

On the protected person's travel, direction of travel should be known to only the smallest group of persons, those for whom it is necessary information in order to accomplish the tasks. In the movement tactics , it is often necessary to suddenly change direction, but at the same time to avoid the directions of movement suitable for ambuscade, or where there are a number of persons prone to criminal behavior, as well as directions of movement where traffic congestion, landslides and the like are expected. It is preferable to use disinformation about travel and directions of movement, or to inform a larger number of people about the purpose and direction of travel, and then change the direction of travel at the last moment.

Head of security, no matter whether it is travelled by car, has to be familiar with timetables and alternative transportation means of public transport, in case the need arises. This is only an exceptional possibility that should be foreseen in case of unpredictable circumstances, which requires the provision of backup form of transport for the protected person.

When traveling by aircraft, it is necessary to collect information about the crew and technical staff in advance , and in case of regular flights, about possible composition of the passengers, especially foreigners. A particular problem and issue is fuel for aircraft, thus it is often necessary even without notice, to do the laboratory fuel test.

4. PREVIOUS ACTIONS REGARDING THE PROTECTED PERSON'S VISITS OF PUBLIC AND SPORTS EVENTS

Protected persons may attend various public and sporting events such as political meetings, fairs, matches, plays and other similar public events.

In cooperation with the protected person, it is necessary to learn about the inten-tion of the protected person to visit any of these events on time, bearing in mind that these events are attended by large numbers of people, and persons responsible for security and protection of the person have to assess the degree of risk that threatens the protected one on such events

Prior to the public events, data on the facility where the event takes place are collected, taking into account whether it is outdoors or indoors, the exact place where the protected person is situated, as well as data on whether this is the only place where the person will be sitting or standing, or will he or she be moving around within certain place (e.g. fairs), and the like.

If possible, it is necessary to collect information about which persons or group of persons will attend the meeting, and among them whether there are persons who intend to threaten the safety of the protected person.

Prior to the event, the security guards of the protected person have to be familiar with all suitable sites for attack on the protected person, so that those places could possibly be covered by body guards, and thus prevent the use of these sites for attacking the protected person.

Certainly, very important part of securing area is the data on the directions of the safest possible way of drawing the protected person from the mass of people attending the event.

5. THE DEVELOPMENT OF SAFETY AWARENESS AND CULTURE AND PREVENTION OF LEAKAGE OF CONFIDENTIAL INFORMATION REGARDING THE SAFETY AND PROTECTION OF THE PROTECTED PERSON

Safety culture is defined as a set of adopted attitudes, knowledge, skills and rules in the field of security that are manifested as behavior and process about the need, ways and means of protection of personal, social and international values from all sourc-

es, forms and carriers of threats, regardless of location or time of their manifestation (Daničić & Stajić, 2008: 218-221).

When it comes to security and protection of person, in practice, it is often the case that the security awareness and culture of the protected persons, and persons who have been entrusted with this task as executors, are on a very low level. Therefore, the unconscious data leakage occur too easily (thoughtlessly), which represent military, official (for state authorities that participate in the protection of persons), or business secret (for the private security company), which are in favor of direct physical threatening to the protected person.

In order to overcome this phenomenon, through training of personnel engaged in securing and protection of persons, it is absolutely essential to emphasize the need for continuous data protection on all segments that may affect the safety of the protected person. Apart from that, it is also important to work on development of the awareness of the protected persons, and in sake of their own personal security it is necessary to comply with the rules and guidelines relating to the implementation of security measures.

Officials, employed in government bodies on issues related to security and protection of persons, perform the protection of secret information in compliance with the laws and regulations, and partly due to the legal sanctions there is fear of secret data leakage, so these legal norms are generally followed.

Problem occurs in the private security companies, and in cases of violation of data secrecy on method of security and protection of the protected person, the behavior of employees in these companies is prescribed by the employment contract and working procedures.

These working procedures should also make all the employees obliged to report the management all information related to data leakage, in order to take adequate measures against perpetrators or holders of secret data leakage. Against persons engaged in securing and protection of person and through whom the leakage of secret data is performed, the repressive and preventive measures on removal from the circle of the protected person should be taken and therefore they should be prevented from access to this data.

CONCLUSION:

Security and protection of persons is a very complex process, that apart from the direct physical security, requires high-quality preparation of authorities performing direct physical security.

When it comes to security of persons, in the final part, the degree of risk for the protected person has to be briefly concluded about, and in that direction appropriate measures to eliminate risks are planned, which affects the method of security of the protected person, primarily the adequate power and resources.

What is characteristic of private security services is the prices that the customer can pay depending on the level of risk for the client and the security, so the degree of threat. Simply put, the more vulnerable the client or the protected person is, the greater is the cost of provision of services.

Complete checks should be made for the persons involved in the security of persons, but the same model can be applied to the collection of data on person, members of family, and all persons that are in contact with the protected person in any possible way, by the place of residence or place of work.

These actions are followed by primarily qualitative performing of risk assessment of the protected person. In order to carry it out, it is necessary to have relevant information. Therefore, it is considered that the information is in the center of attention on performing security operations and protection of persons, because without quality, timely and accurate information, quality assessment can not be made, and therefore neither quality security and protection of the protected person can be provided.

The best way of securing and the protection of person is difficult to determine, the absolute, total protection does not exist, but it is essential to take all necessary actions to secure the protected person in the best possible way, that is, to reduce the degree of risk to the protected person to a minimum.

Safety culture of persons that perform these tasks is not at the high level, which is supported by the fact that in our region many people have either been killed or the safety of whom has been threatened in another way, and some of them were at high state functions, for whose security and protection state authorities were responsible. These events have shown that the previous operations, and the lack of information which the paper deals with, have failed.

Security and protection of persons in the private security sector is a particular problem because in our region regarding this field there is not much experience. Private security is mostly performed by active and former employees of the army and police, and the protected persons are often involved in business matters on the edge of legality. The problem also lies in the absence of appropriate legislation in this field, as well as in the lack of professional literature. This can be overcome by adoption of appropriate regulations and by regarding these operations exclusively as professional (vocational) and should not be divided into public and private sector.

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MANAGEMENT AND LOCAL GOVERNANCE

MANAGEMENT FUNCTIONS IN LOCAL GOVERNMENT

Nusret Hamidovic, M.A. [1]

Summary:

If the organization of local government in Bosnia and Herzegovina is observed, a continuous process of organizing, conducting, planning, directing, coordination and control over all relevant results and activities can be noticed through the organization. That is one of the ways to closely define, analyze, observe and improve the factors contributing the overall results and the success of local government organization as the ultimate objective of existence. Although the processes and procedures of the organization are stipulated totally different from the private sector, there are all managing functions within the local government bodies.

Key words: organization, conducting, planning, control and human resources.

INTRODUCTION

Local government is the governing organization on local level. As any other form of organizations, local government has to be organized, too, has to have a leadership, plan and exercise control. Therefore, local government has to have managing functions of organizing, conducting, planning and control with an additional function associated with appropriate planning and recruitment of personnel in order to achieve the goals of local government.

Local government organization represents a phase in an organizational structure formation performing a process of work distribution, grouping and connecting of particular types of jobs, delegating the competence and responsibilities over job performances and connection between all resource structures and organizational units into harmonic and functional unity.

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Local government organization is a result of organization and represents an optimum combination and logical structure of all relevant resources, jobs and assignments, authorities and responsibilities of jobs and organizational units, information and communication channels. Local government organization connects all human and physical resources in a harmonic unity enabling the functioning of the government in the best way, which can be achieved through appropriate definition of individuals' role, precisely defined and assigned tasks, stipulated mode of tasks implementation and clearly defined competences and responsibilities.

1. AUTHORITY ORGANIZATION IN BOSNIA AND HERZEGOVINA AND LEADERSHIP

In Bosnia and Herzegovina, which is organized in a way that there are several authority levels, depending on the entities constituting the country.

There are three levels of authority in the Republic of Srpska:
- State level,
- Republic level (the level of the Republic of Srpska authority) and
- Municipal level

The authority levels in the Federation of Bosnia and Herzegovina are:
- State level,
- Federal level (entity)
- Cantonal level and
- Municipal (city) authority level[2]

The examples of successful leadership of the cities and municipalities in Bosnia and Herzegovina identify the fact of the necessity for systemic protection of proactive and responsible local leadership. Creation of the conceptual base for local government leadership, based on contemporary knowledge from the world and domestic experience, and therefore, that is the main goal for future organization and development of local government. The studying of the role and characteristics leading to success or failure should include all key areas of municipality conducting and managing from the development vision to the relations with the employees and citizens.

Like in the management, planning, organization, leadership, human resources management and control have an important role on the local level, too.

Human resources management is a skill, which is the most efficiently realized through team work, where the managers have a special role. The term "executive" is not the most adequate one, but in our language, it is used as the synonym for "leader", so this term is more natural, i.e. more appropriate for the functions exercised by managers and their assistants.

All the characteristics that a leader should perform through their behavior and local government management are the characteristics that leaders should have either in the system of corporations, or public institutions and local community management ones.

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2 This thesis only deals with local-municipality level, while it does not deal with other levels.

The only difference is in product, because the manufacturing companies have the product as the result of their business, while the local government bodies have the service to their citizens and the satisfaction with it as a final product.

2. LOCAL COMMUNITY MANAGEMENT

"Local government is the foundation and the basic form of political independence of citizens and one of the most important political institutions. It is the real and concrete form of citizens governing and decision making in local communities" (Kremenović, 2006).

"According to its sociological meaning, local community is a general term by which Sociology refers to a social group living in a particular location, whose members are connected by spatial vicinity and therefore determined common needs and activities" (Pejanović, 2009).

Local government scope of work is determined in a way that public jobs, as a rule, are exercised by the authorities that are the closest to citizens, i.e. municipal authorities. When transferring the authorities to another level, the scope and the nature of work, in addition to the demands of efficiency and economy should be taken into account. In the Federation of Bosnia and Herzegovina, the authorities' hierarchy is "from top to bottom". Therefore, from the federal institutions, the jurisdiction transfer goes to cantons, and cantons transfer a part of the jurisdiction to municipalities. The problem of this kind of transfer is that the jobs and obligations are transferred to lower levels, while the management, control and finances stay on the higher level. The proper way in the authorities' organization should start from "the bottom", i.e. from lover level to the higher one ensuring a clearly defined system of jurisdiction and responsibilities in that way, and avoiding the interweaving of jurisdictions and ambiguities considering their realization, which is a very noticeable problem, and there will be enough funds for the work, and it would be completed more efficiently.

European Charter stipulates that the local communities will be consulted, to a large extent, timely and in an appropriate way, in the process of planning and decision rendering on all issues directly concerning them (Marković, 2004).

2.1 Modality- Government Management Systems

The approach to the local government and management reforms implies the consideration of the practice and both the usage and choice of optimum solutions. There are three systems applied in the governing jobs:
- Centralized - the jurisdiction and responsibility is on the mayor, and the obedience is the measure of the success. This system cannot give any results because it does not motivate people and does not provide their involvement in problem solving because it suffocates the initiative.
- Mixed or combined system - where the jurisdiction is on the mayor and responsibilities are on mayor's assistants. Lack of initiative, no motivation and subjective assessment of success is a result of such system.

- Decentralized system - with the strategic management from "the top", while the jurisdiction and responsibilities are on mayor's assistants. Such decentralized organization of work includes that the mayor assigns tasks, gives authorization and allots funds for the realization of planned tasks (Eda, 2008).

a) Centralized system of governing suits leaders who prefer autocratic style of governing, and is mostly implemented in smaller local communities, where the leaders do not want to employ qualified and highly educated personnel, because they represent a threat and competition. Due to this style of governing and leader's characteristics in local governments, they are very often on the margins when updating and application of new technologies and knowledge necessary for the development of new environments, even those ones as smaller communities are concerned. The leader is an undisputed person here who, in the situation of deciding on strategic issues acts from positioning aspect or under the principle of decision making in Limited companies, where they are concerned as main shareholders and the final decision must be theirs, disregarding the better and better quality solutions that can be achieved by team work.

b) Mixed or combined system of governing represents a system where the leaders- the mayors keep the jurisdiction, and transfer the responsibility to their assistants. This is the system implemented by insecure leaders, autocratic leaders, who do not want to share the jurisdiction and responsibility with their cooperatives, but rather make decisions of their own, expecting from their assistants or make them be responsible for such decisions. This way of governing is a one-way communication system "from top to bottom" and partially from "bottom to top", only in the situation where the leaders need a feedback on the realization of the decision.

c) Decentralized system of governing can give the improvement of governing as a result, because it includes and involves the principles of good governing. To implement this system it is necessary to ensure the appropriate associates. Appropriate associates need the reliability from their leader besides the assignment, jurisdiction and the money allotted by the mayor within decentralized system of governing. The competence includes behavior, planning and organization, creating space for others, expert knowledge, ability to recognize and allowing the employees to cooperate. The competence should be supported and constantly improved by continuous educational improvement of the employees, those who are interested in educational improvement.

It would be good if the educational improvement is implemented among the whole staff, but it is necessary to recognize and support the wish of each employee for the educational improvement, because not all the employees are ready for educational improvement and for adopting the new knowledge and skills. The employee has to be motivated or self-motivated for the educational improvement and such employees should be motivated for education and acquiring new skills.

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It is obvious that local government has a significant role in society, and the life takes place there, i.e. the services for the citizens are produced, and therefore we apply the basic elements of managements in the local government management: organizing, leadership, planning and control.

3. MANAGING FUNCTIONS

3.1 Organization

Organization is the activity of the management enabling the connection between the people who provide, arrange and use the assets and materials for the sake of successful company business or governing bodies. Organizing represents a constant activity of harmonization of human and material resources, work distribution, assigning particular tasks and responsibilities to individuals and groups, everything for the sake of achieving the plans. In that sense, the management is given a problem of choice of the appropriate organizational structure, management network and relations in the local government organization.

The term definition implies the structure of this function as one of the management's activities. In the process of local government performance organization the leaders exercise a broad scope of activities, which are the next part of the planning function. Both these functions make a set of activities on preparing the governing bodies performance. After determining the goals and performance plans, the leadership approaches the creation of organizational assumptions for their efficient realization. Those assumptions consist of a broad scope of local government organizational activities, based on the principles of work distribution and coordination between the partial tasks performers. Basic activities in the organization process that have to be done in order to enable the efficient performance goals are the following:

- Determination of particular jobs that have to be done,
- Integrating the jobs into assignments and their distribution to employees,
- Job grouping and creation of organizational units (services),
- Mutual harmonization and unification of grouped jobs into a unique system and
- Decentralization of jobs and jurisdictions.

The aforementioned management activities in the process of local government performance organization represent complex procedures based on the principles of efficacy and effectiveness. That means that the process of organization should be performed in a way to enable the timely and harmonious performance of assignments and services to the citizens, organizations and companies. In the process of organization it is necessary to form the internal organization and to choose the appropriate governing bodies' organizational form.

3.2 Leadership

The leadership has different meanings for different authors and there are more theories on the term leadership. The basics of leadership are in the human relationship.

"Ask ten people to give you the definition of leadership and you will probably get ten different answers. After more then four decades of observing the leadership in his own family and after many years of creating his own leadership potential, he came to this conclusion: Leadership is the influence" (Maksvel, 2005).

Further defining the leadership and giving different examples of leadership, he gives another definition: "Leadership is the ability to gain followers".

These definitions are in principle the definitions of leadership that can be applied in all segments of life, however, most people define leadership as the ability to gain a particular position, and not the ability to gain followers. That is why they go for the higher rank or title, and when they achieve that, they consider themselves as leaders. Such thinking leads to two common problems:

1. Those having "the status" of a leader are very often disappointed for having small number of followers, and
2. Those who do not have any title may not see themselves as leaders, and because of that they do not develop their leadership abilities.

This is the most common case at the election of governing bodies' leaders in Bosnia and Herzegovina, because they are elected without any defined rules, demanded by the contemporary development trends. The elected people have the leader "status" and they usurp the leadership function, and the followers are only some of the employees seeing the function of leader through reverence. Leadership function represents an interpersonal aspect of management and logically the problems arising from the realization of this function the most complex and the most sensitive ones. Leadership includes motivation, choice between different styles of communicating with people because the leader must assure and inspire people to act and follow him/her in a planed direction. (Čičin-Šain, 2008)

3.2.1 Leadership Styles

Leadership style can be defined as the way of establishing the relationship between the manager and organization members (Klaić, 1974), i.e. the way that the manager directs the behavior of subordinates and the means that he/she uses while doing that. Style is the model of leader's behavior and performance, and that means his/her attitude towards associates and subordinates.

The following can be named as the basic characteristics of leadership styles:

1. The leaders approach to motivate the subordinates, using either coercion or stimulus
2. The way of making decisions by the leader
3. Power sources used by the leader to influence the subordinates and
4. The leader's ability to adjust his/her behavior to different situations (i.e. flexibility) (Rađo & Sadžak, 2009).

There are different theories on leadership styles. The classical theory of leadership styles according to the Hawthorne and Mayo consists of:

- Autocratic Style - manager makes decisions himself/herself, uses coercion as the means to shape the behavior, and accomplishes the influence by using the formal authority. The abilities of adjustment are limited, which makes this style highly inflexible. It is used in small companies where the founder is the owner at the same time creating the strategy, structure and patterns of behavior. It can be efficient in bigger organizations at the time of crisis. This leadership style is applied in local governing bodies, too. "The owner" of the governing bodies wants to make all important decisions by himself/herself, and it is not his/her duty, according to the law, to allow others to make a decision.
- Democratic Leadership Style - decisions are made through participation and decision making is decentralized. That means that there is confidence in subordinates and they are mostly involved in problem solving, new decisions creating and decision making. Also, the general manager waives from part of his/her power in favor of lower ranking managers and particular problems specialists. This leadership styles provides the flexibility of the system and it is common in large and middle enterprises (middle and large municipalities).
- Liberal Leadership Style (laissez faire)- total involvement, confidence and complete liberty in decision making from all employees. It is applicable in small and large enterprises structured into teams, where the team members are highly educated people with sophisticated knowledge. In this style leader is only the first among the equal ones.

Large numbers of experiments say a lot in favor of the fact that the bigger is the group the bigger is the need for the leader. It is very complicated to understand the leadership. The oldest approach to understand the leadership focused on the leaders' characteristics, but there was a weak connection found between the particular characteristics of leaders and successful group leadership.

Leadership style in any organization, even in the local government bodies' organization in Bosnia and Herzegovina, cannot be implemented according to any style from the classical or any other leadership theory, individually according to the definition of such style. The combination of styles always occurs in practice, and the situational leadership has been more and more implemented lately, due to the necessity of decision making.

3.3 Planning

The planning represents the connection between the current and the desired situation in the local government bodies. "Planning is intentional directing of activities" (Radić & Ferizović, 2005). Without planning, the functioning of local government bodies is left to chance. Planning is an intellectually demanding job because it demands intentionally determined directions and the decisions are based on purpose, knowledge and precise assessments.

The importance of planning is derived from the following aspects:

- To contribute the achievement and goals of local government bodies existence,
- Has the priority over other management functions,
- It is present in all phases of functioning and
- The efficacy of planning.

The planning in the local government bodies should be divided into:
- activities planning and
- planning the personnel to implement those activities.

a) activities planning is implemented in the part where the leaders are obliged to, according to the law create the operational plan, often on annual level. Strategic plans are mostly set in urban and smaller local communities for the necessity to:
- plan the space - spatial planning,
- plan the industrial development,
- plan the catering and tourist activities.

In rural local communities, the leaders usually keep the activities plans "in their minds", and they create annual plans only to meet the legal commitments towards the representing body. Strategic plan and activities connected to strategic planning, for the municipalities having the one, represent a document or the book of well specified needs for the forthcoming period, and, when they are put in hardcover are not necessary for anyone.

b) personnel represents a very important, the most important function in economic and any other development, and therefore the personnel planning should be one of the main issues for the leaders in local communities.

"Lots of economists believe that the work consumption quality - skillfulness, knowledge and workforce discipline are individually the most important factors of economic growth. Practically, any other production factor, assets, raw materials and technologies, can be bought or borrowed from the world economy" (Babić & Tomić, 2011).

The facts that many economists determined on the importance of human resources are not important for the leaders of local communities. When planning, recruiting, promoting and stimulating the personnel in local communities, the basic criteria are the political party membership, loyalty and obedience, not the abilities, affection to acceptance, gaining and application of new knowledge in order to achieve efficacy and effectiveness in work.

At this moment, the mayors, according to the "order" from their political party, create the internal organization ordinances according to the "eligible" personnel. So, having in mind the fact that all other resources can be purchased on the market, a special attention should be devoted to particular personnel planning. That task should be approached based on specifically determined needs of citizens as the services consumers and periodically measure the satisfaction with the provided services, and the satisfaction with the employee providing such services.

Communicative abilities of the personnel should be considered in governing bodies, because that will give better results and understanding during the communication

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between the personnel and service consumer. Weak communicative abilities and negative elements of non-verbal communication (frowning face, nervousness, keeping the smile for oneself) represent the biggest problem for the institution of local government, the leader and service consumers.

3.4 Control

Control includes the procedure of measuring and assessment of the set goals realization degree and undertaking the corrective actions if the process shows negative deviations. The connection between the first and the last function of management process closure has been particularly emphasized here, because without the set plans, it is not possible to control the business flow, and planning without the completion of the plans makes no sense. The purpose of the control is to reduce the possibility of failure to the minimum. There are three basic functions of a successful control (Buble, 1993):

    1   standards establishment,
    2   measuring of the accomplished results compared to the standard ones, and
    3   taking corrective measures if necessary.

4. CONCLUSIONS

If the local government organization in Bosnia and Herzegovina is observed and studied, regardless of the entity, it is concluded that local government, just like the manufacturing or service providing company, cannot function properly if:

- It is not properly organized,
- There is no appropriate leadership (there is no proper leader),
- It does not plan enough or does not plan at all,
- There is no control over process and people and
- It does not have professional and expert personnel.

So, it can be seen from above that even the local community, although it has a completely different model of performance, not the market oriented one, has to have functions similar to manufacturing company-i.e. management functions.

Organization function is stipulated by the legislative and the organization often adjusts itself according to the needs, i.e. the policy of a political party or the parties on power. Local government bodies' organization should be set in order to put up with technological and information technology changes, so it could satisfy every service consumer. Traditional organization cannot meet the demands of enterprises, because they are privatized and can transform and adjust to the environment better, i.e. to the survival on the free competitive market.

The leadership in the local government bodies represents the leadership and management over the organization and people in the era of information technologies and technological revolution, and the adjustment to fast changes through changing of the organizational structure and organizational culture.

A leader's behavior within the local government depends on his character, the ability to accept changes and create the learning generation, teamwork, abilities, i.e. man-

ager's knowledge and leadership skills in creating followers in order to harmonize the results with planning.

Planning is conducted in accordance with the stipulated legislative and usually planning is a monotonous process involving a small number of "privileged" officials, political party officials and eligible experts. Planning, as a process, does not tolerate improvisation, which is present within the governing bodies and influences the result. Some other interested organizations and individuals very often get informally involved into planning process but their suggestions are not accepted.

Control as a continuous process within the institution of local government is differs from one municipality to another. Some leaders have identified the local government with the factory, so they use different models of keeping records on personnel's presence at work, taking notes if the personnel leave the workplace in a day. Very often, the security guards have more rights to have days off than the officials. There is no substantial control. Wrong control leads to mistakes that are not noticed and therefore corrected.

Human resources play a significant role, to be more precise the most significant one in all human society organizations because, as most economists claim, all other resources can be purchased on the market. Implementation of personnel policy in local government is conditioned with the membership in a political party and negative lobbying. Negative lobbying is the lobbying for the personnel without expertise, knowledge and qualifications, but they have the other form of "power" to lobby with.

Management functions are also the functions applicable in the existing system of organizing the lowest level of power, i.e. municipalities, in Bosnia and Herzegovina.

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