



DEFENDOLOGY

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education and training issues

Year XXX

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- **STATE, SECURITY AND REGIONAL INTEGRATION**
- **CRIME, PRIVATE SECURITY AND POST-CONFLICT CHALLENGES**
- **LAW, HUMAN RIGHTS AND THE PUBLIC INTEREST**
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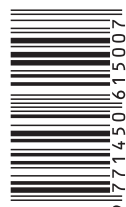
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INTRODUCTION

Honorable Readers,

Before you is the new issue of „Defendologija“, a scientific and professional journal dedicated to the fields of protection, defense, security, and contemporary social challenges. In this issue as well, *Defendologija* continues its recognizable programmatic orientation: to open, through a multidisciplinary, scientifically grounded, and socially responsible approach, questions that are essential for understanding the state, society, law, security, human rights, crime, modern technologies, and the position of the human being in a changing world.

The European Defendology Center, as a scientific research society, has for decades sought to develop and affirm a depoliticized, de-ideologized, professional, and scientifically autonomous approach to the phenomena that shape contemporary life. Starting from the fundamental defendological discourse – protection + defense = security – the journal seeks to understand security in the broadest sense: not merely as the absence of immediate danger, but as a condition in which the state, society, institutions, and the individual can function normally, develop, and realize their potential.

The contemporary world is marked by complex risks: geopolitical tensions, changes in international relations, new forms of crime, a crisis of trust in institutions, technological transformations, demographic changes, social inequalities, and challenges related to the protection of fundamental human rights. Precisely for this reason, the task of science is not to observe these phenomena in isolation, but to approach them in a connected, critical, and responsible manner. Today, security can no longer be understood only through the traditional categories of state, force, and territory; it is increasingly reflected in the quality of the legal order, the fairness of judicial proceedings, the effectiveness of preventive policy, the protection of property, regional cooperation, digital inclusion, and the dignity of particularly vulnerable social groups.

The new issue of *Defendologija* brings exactly such a thematic range. It opens with the issue of intelligence work in the function of a

state's foreign policy, one of the key questions in the contemporary understanding of the relationship between security, diplomacy, strategic decision-making, and the protection of state interests. This is followed by a paper dedicated to crime prevention, which points to the necessity that the fight against crime should not be exhausted in repression, but should be based on a scientific understanding of the causes, forms, and consequences of criminal behavior.

A special place is occupied by the analysis of the principle of equality of arms in the case-law of the European Court of Human Rights, which raises the issue of the fairness of criminal proceedings, procedural balance, and the protection of human rights in modern legal systems. This once again confirms that security cannot exist without law, nor can law fulfill its social function if it is not founded on fairness, equality, and the protection of human dignity.

This issue also includes public law topics, among which the paper on expropriation as a legal institute of administrative law in the Republic of Serbia deserves particular attention. This paper points to the sensitive relationship between the public interest and the right to private property, that is, between the state's need to achieve general objectives and its obligation to protect the property rights of the individual. In this way, it further confirms that the security of the legal order is also reflected in the ability of the state to pursue the public interest lawfully, fairly, and proportionately.

The regional dimension of contemporary challenges is addressed through the paper on the Balkan Conferences as the foundation of contemporary Balkan integrations. This text reminds us that the Balkans is not only a space of historical divisions, but also a space of possible dialogue, cooperation, integration, and a shared search for stability. At a time when regional relations are often viewed through the prism of crises, it is important to recall those historical and political processes that aspired toward connection, understanding, and peace.

The second part of the thematic horizon of this issue is directed toward contemporary social and technological questions. The paper on ageism and stereotypes toward older adults points to one of the important, yet often insufficiently visible, forms of discrimination in modern society. The position of older adults is not only a social issue, but also a security, legal, ethical, and humanistic one. A society that neglects its older

members weakens its own solidarity, intergenerational trust, and sense of shared responsibility.

This thematic framework is complemented by the paper on artificial intelligence as support for an aging society. This text opens the question of the relationship between technology and the human being, particularly in the context of population aging, digital inclusion, the autonomy of older adults, and the responsible use of new technological tools. Artificial intelligence can be a means of assistance, support, and inclusion, but only if it is developed and applied in accordance with ethical principles, human rights, safety, and social responsibility.

Before us, therefore, is an issue that connects traditional defendological topics with contemporary interdisciplinary questions. From intelligence work, crime, and criminal procedure, through administrative law and regional integration, to discrimination against older adults and artificial intelligence, this issue confirms that contemporary security is multilayered, dynamic, and deeply connected with justice, knowledge, solidarity, and responsibility.

I take this opportunity to thank all authors who have contributed to this issue of the journal with their papers. Their scientific and professional engagement confirms that *Defendologija* remains an open space for academic exchange, critical thought, and responsible reflection on social processes. We also owe gratitude to our readers, associates, reviewers, and all those who have supported the development of the journal and its mission over the years.

We believe that this issue of *Defendologija* will also contribute to a better understanding of contemporary challenges and encourage further scientific, professional, and social dialogue. In times of uncertainty, science must remain a space of reason, responsibility, and free thought.

I wish you a pleasant and inspiring reading.

EDITOR-IN-CHIEF
Prof. Dr. Duško Vejnović

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**STATE, SECURITY AND
REGIONAL INTEGRATION**

INTELLIGENCE IN THE FUNCTIONING OF THE FOREIGN POLICY OF A STATE

Prof. Siniša Đukić¹, PhD
Igor Ivanković, MA²

Abstract The successful implementation of the state foreign policy goals also implies a high quality diplomatic or intelligence service within it. Intelligence capabilities are essential as diplomatic missions usually do not have enough assets to obtain specific and useful information on their own as diplomatic resources are needed for international communication and maintaining good relations. Foreign policy achieves its national interests towards other countries and international organizations by timely planning and realization of its strategies and goals. The realization of strategies and goals important for foreign policy decision making process is hard to even imagine without good intelligence work – data collection, analysis, production and assessment. Nowadays, not only do intelligence and diplomacy interweave and complement each other, but they are also highly complementary and represent part of a continuous cycle contributing to the functioning of state foreign policy. This work aims to highlight that intelligence work contributes to the accomplishment of foreign policy tasks through reliable and useful intelligence. In this regard, the dynamic global developments accompanied by the accelerated development of new technologies will require a certain transformation of some methods of intelligence work in terms of timely information and increasing the value of foreign policy analyses and assessments.

Keywords: intelligence, state foreign policy.

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1. INTRODUCTION

Intelligence work has been present throughout all phases of human civilization. Its primary focus has been on secrets in interpersonal relations, specifically the secrets of certain entities (states, their alliances, institutions and individuals). In gathering intelligence, the intelligence service must process, classify, and assess the information based on its utility. This process unfolds through the so-called intelligence cycle and its phases: planning, collection, processing, analysis and dissemination. The phases of intelligence cycle as well as the intelligence methods have changed throughout the history. At first, people as individuals and informal groups performed intelligence duties for a long time since there was no intelligence agency. Those individuals gathered secret data in service of their rulers using various communication strategies, recon and surveillance methods, content reading and analysis, spreading disinformation, coding and encryption. In the beginning, the data were military-political, but later other data relevant to achieving the goals of the rulers were also gathered. Conventional espionage and counter intelligence developed in time as well as intelligence methods and institutionalization of intelligence service. (Đukić, 2017.)

Being specific, semi-autonomous administrative body with specific authorities which conducts intelligence-security subversive operations in order to maintain national and international security and achieve other strategic aims. (Đukić, 2022:52) It is also significant for maintaining and expanding political (and military) power. In reality, intelligence data/information, which are result of intelligence service, rarely determine policy, although it happens. However, they shape policy implementation.

Operational intelligence support contributes to the confidence and trust in the foreign policy implementation; it provides immediacy, pragmatism and focus to the current general conclusions (Pearson 1992). There is enormous information need for states due to foreign policy formulation and implementation, planning military strategy, structuring the armed forces, conducting diplomacy, negotiating an arms control agreement or taking place in the activities of the international organizations. Many governments maintain some form of the intelligence

capacities as a matter of existence in the world where threat and insecurity still exist (Sarkcsian,1995).

One of the main reasons why intelligence exists is to reduce unpredictability in military and political affairs. The more states can reduce unpredictability related to competences and intentions of their rivals (or partners) the bigger is possibility they could avoid conflicts which are results of fear of sudden attacks or other mistakes. Foreign strategic intelligence agency can bring stability to international affairs. Implementation as well as avoiding diplomacy surprises require intelligence and counterintelligence operations. There is a range of models of foreign policy process. One of the most common is “the model of rational actor“. The model suggests the policymakers to take into consideration their options, to define their aims, to take into consideration various alternative ways of achieving their options and choose the most effective method of policy implementation. The model requires reliable intellectual data. Without intelligence, the rational actor model does not function as it should (Spanier,1993).

The other point of view is “the bureaucratic model“, where different parts of executive branch have different points of view what policy should be. These views are partially based on the distinct, self-interested goals of bureaucratic units. According to this model, policy is the result of conflicts among bureaucratic actors. Since national security institutions, such as military and intelligence agencies are part of the bureaucratic machinery, the intelligence service also has a role to play in the bureaucratic model (Spanier,1993).

Intelligence does not exist for its own purpose. It operates through the phases of the intelligence cycle (requirements, collection, analysis, processing, dissemination) and the machinery (organization) to assist decision-makers in foreign policy to draw the best conclusions in areas of their interest. In other words, taking the necessary actions is the final step in the intelligence cycle, even though it is not listed among the intelligence activities (Handel 1989).

National security policy often overlaps with foreign policy. However, national security differs from foreign policy in that its aims are narrower and focused on the security of the nation. Furthermore, national security primarily deals with actual and potential adversaries, particularly their use of force. This means that there is a military emphasis, which is

not typically the case with foreign policy matters. In brief, foreign policy is a part of national security, while the other part is national defense. Therefore, national security usually encompasses all issues of foreign policy. Intelligence services serve both national defense and foreign policy. This makes intelligence data vital for national security, especially in peacetime, when the main hand of national security, forced arms are not engaged in any operations.

2. THE FOREIGN POLICY PROCESS AND INTELLIGENCE WORK

The foreign policy process is the way a certain subject decides about policy and its implementation. The policy choice depends on who makes decisions and how decisions are made. Within a given type of governance, such as democracy, there is no single foreign policy process but rather divergence. There are several explanations as to why and how the political process differs. The most common explanation is that different types of issues are processed differently. One of the distinctions is between crisis and non-crisis policy. Regardless of the type of policy, intelligence data is an indispensable factor in decision making. International aims that the state tries to reach range from very specific (to solve a border conflict) to general (to enhance state impact).

In the international system of sovereign competitive nations, foreign policy aims are often national aims. The aims are rarely cooperative among several countries (alliances) or even less possible they are motivated by idealism (international humanitarian aid). When states act in pursuit of self interest, they follow their “national interest“. Implementing the policy of national interest states have great intelligence requests. The basic element of national interest is national defence which provides physical security for the the citizens of a state. The second element is providing economic prosperity of a entity to the extent affected by resource supplies, balance of trade, exchange rate and additional factors of the international economic policy. The third element of national interest is securing favorable political environment. It includes the capability of state citizens to elect their type of governance and it can also include promotion of values (individual rights) and processes (democracy) in other states which are compatible to their own values and processes. The fourth element of national interest is

providing national cohesion, which means avoiding foreign policy or other pressures (separatist movements which threaten by civil war) irreconcilable domestic divisions or other conflicts that could separate a state. None of these elements of national interest could be satisfied without appropriate intelligence and counterintelligence operations (Holsli,1974).

States have a wide range of instruments through which they can attempt to achieve their foreign policy objectives. These tools include military instruments, instruments for penetration and intervention, diplomatic actions and covert operations. The extent to which a subject can use any of these instruments will vary depending on the power of the country, defined as its ability to coerce or persuade another country to act in a desired manner. A state can be powerful in one, but not in another manner. The ability to apply power varies depending on the context. The military instrument relies on implicit or explicit threat of force and the actual use of force. Possessing military power is also a tool because it enhances the country's reputation and increases its influence. The diplomatic instrument involves bilateral communication. The methods include direct negotiations between governments and making a case in the forum of an international organization. (Johnson,1991).

Secret diplomacy is a powerful weapon of every state in negotiations with the other side. Indeed, very little is known about this skill, and even less is discussed. This is understandable, as these are secretive activities that are rarely made public. There have been cases where intelligence services were engaged in such negotiations with opposing parties or multiple opposing parties. This does not exclude the possibility that, in certain situations, there may be an overlap between conducting covert diplomacy and gathering intelligence. Since the successful diplomacy includes the usage of both “soft“ and “tough“ power proportionally at certain time and the success requires confidentiality, evasion or violations of laws in other countries, it sometimes can lead, especially in democratic states, to raise ethical questions regarding the true objectives of intelligence work (Lazić,2016:237).

According to Oren, intelligence services are inseparable part of the diplomatic efforts, aimed at promoting a state's strategic goals through behind the scenes contacts and public contacts (Oren,2020:115-122). This definition contains a structural obstacle which comes from a national interest determination. Different parts of security system, including

intelligence part, consider the state existential needs and fight against military threat to be the supreme national interest and the top priority which takes precedence over other national interests. On the other hand, besides the general aims of the Ministry of Foreign Affairs, foreign service emphasizes the need for creation of international relations based on states images of lawful and recognized members of family of nations and power consolidation as a nation state devoted to the international law and justice. Therefore, it is necessary to reconcile these seemingly disparate goals of the two segments of the state apparatus from the outset.

According to Berridge, the mutual relation of intelligence and diplomacy has been visible and overlapped since the beginning of history and organized power. The author point out that at the beginning these two functions did not differ from each other and they were performed by the same people (Berridge,2005).

Modern diplomacy and intelligence are not only intertwined but are, to a large extent, substantively and procedurally similar, forming part of a unified and continuous cycle functioning within foreign policy, or the global positioning of countries.

Secret operations are part of intelligence. Foreign intelligence, especially secret operations are done by the states in the implementation of foreign policy. As it is mentioned in this field, every nation with the capacity for secret operations consider it to be an irresistible alternative to more open means of foreign policy, such as war and diplomacy. An open war is always too noisy and formal, while diplomacy is always too slow and frustrating (Kevin,1998).

3. THE ROLE OF INTELLIGENCE IN THE IMPLEMENTATION OF STATE FOREIGN POLICY

Modern intelligences use various methods in their work, which can be classified as methods of gathering intellectual data, methods of processing intellectual findings and creation of final intellectual records. The first group of intellectual methods includes methods of gathering intellectual data from human sources which includes a) agent-based method which means secret gathering of intellectual data by agents b)deductive method, c) gathering intellectual findings from open sources; method of cooperation and technical method with the variety of data

gathering disciplines. The second group of intellectual methods includes the method of processing intellectual findings, creation of intellectual findings and formation of final intellectual documents and scientific methods and methodical procedures and techniques known to all natural, technical and social sciences. The final result of intelligence work in the realization of the intelligence-informative and intelligence-security function are final intelligence products (final intelligence findings) which are synthesized in various forms of intelligence documents and provided to the final beneficiary (Bajagić,2010).

The final beneficiaries, that is to say, decision makers have to set clear foreign policy goals and priorities. If the policy creator priorities are ambiguous, intelligence agency will be insecure about what is expected from it to deliver and it will put its effort into something that could be neglected. In democracy the intelligence agency does not exist for its own purpose. It exist to serve decision makers needs in their process of decision making. When the gathered intellectual data are once submitted to decision makers they can be a part of foreign policy or military issues (Jervis,1991).

Intelligence assessments have to be politically neutral. A key characteristic of intelligence services is their reliance on facts, knowledge and rigorous analysis to provide the most objective explanation of what is happening and what is likely to happen in a situation or area that requires decision-making or policy development.

The result of intelligence analysis has to present the situations the way one sees them no matter if these assessments will support or dispute decision makers perception and current policy. Intelligence is useful in the amount it provides objective significance. Not only the attitude of decision maker causes politicization of intelligence, but also the competition among different intelligence agencies within the government can politicize intelligence, its results and usage.

Policy makers fail to effectively communicate their needs to the intelligence community and generally make poor use of intelligence data. While this is not directly related to the personality of the policy-makers, strong and effective coordination between the intelligence community and the office of strategic policy makers is crucial for better decision-making. Therefore, decision makers must pay attention to improving this coordination (Mijalkovski,2009).

Decision makers usually have limited knowledge on the entire intelligence cycle, especially regarding what happens behind the scenes, such as the collection, exploitation, processing and evaluation of raw data. Therefore, from the perspective of intelligence professionals, policymakers often do not give the intelligence service and intelligence activities the attention they deserve. The nature of the relationship between intelligence services and decision makers is greatly influenced by the management style surrounding the intelligence community and the entire state apparatus. In a democratic society, for example, the attention intelligence activities receive would be vastly different from that in a totalitarian system. Leaders are not expected to accept intelligence assessments without first considering their relevance to their preferred policies or strategies.

Earlier intelligence work, especially in the areas of processing and analysis, was characterized by a lack of relevant information. Data and information on a certain intelligence/security issue or strategic aim were gathered in one place for a relatively longer period of time and then they were evaluated by analytical-synthetic methods and solutions were suggested. Analysis and estimation were the constant process of verification of intelligence/security validity, accuracy and completeness of each concrete data, piece of information or a document dismissing irrelevant data. Certain wider intelligence or foreign policy issues and occurrences, their total or individual causal relationships were taken into consideration. The connection, form and methods of operation, evaluation and prediction of researched occurrence, its real current and possible future dimension as well as evaluation and prediction of overall condition were the subject of intelligence analysis. Unlike in earlier times, the digital era requires from intelligence agencies to gather, analyse and process great amount of data in the short period of time. Whether the speed of information gathering and dependence on it will, in the future, relegate the event/subject of intelligence interest to a secondary priority or direct and shape it in a particular way depends on many factors. Among the most important are the speed and volume of collected (processed) information, the history of the events themselves, the level of understanding, and the quality of the overall intelligence work. A large volume of information and its rapid flow will necessitate a quick response from analysts and swift delivery of information to users,

i.e., foreign policy decision makers. However, new technologies, their utilization and usefulness cannot lead to the condition where information, due to its timeliness, can obscure or form the events and become an end in itself. The current and future events which are of great interest for intelligence and government services should be observed entirely and continuously in context in order to become meaningful and effective. The one should pay attention that events which are interesting for intelligence and which have a certain “routine projections“ do not sort and frame information and in that way threaten its quality, quantity and relevance. There is a need for a certain balance between one and the other, between thorough and fast-paced but above all useful for achieving foreign policy goals. The comprehensive information is obtained when the data obtained by using open sources are complemented with those obtained by human sources or techniques. AI and new technologies will assist analysts to reduce necessary time and to gain great help at data gathering and processing. In the modern information age the ability of the analysts is increased in gathering and processing great amount of information in the short period of time, to create analysis and evaluations with some additional values and to inform the foreign policy decision makers. However, in the situations where the analysts cannot give answers with the assistance of modern technology to more or less complex questions the human factor should be included (Đukić,2023).

In the modern world, intelligence agency directors play an active role in shaping foreign policy processes. This new role has led intelligence agencies to transform into structures that play a more active role in foreign policy decision making processes, unlike the traditional activities of intelligence agencies whose scope has long been limited to specific duties. (<https://politicstoday.org>,2026.)

4. CONCLUSION

Foreign policy strategy, in order to be effective, should be based on timely and verified data as well as on specific models that help meet certain needs of the state. In today's context, these needs are fulfilled by significant engagement of intelligence and diplomacy capacities. Intelligence capacities are necessary owing to the fact that diplomatic missions often do not have the resources required to obtain specific and useful information since

diplomatic capacities are needed to maintain good relations and communication between countries. Advances in technology have always created possibilities for development and wide application in the intelligence and diplomatic sectors. The advancements in IT sector and global communications have had a significant impact on the process of globalization and, therefore, on the process of foreign policy. Artificial intelligence (AI), virtual (VR) and augmented reality (AR), cloud technology, quantum computing, autonomous (unmanned) systems with integrated sensors, proliferation of open sources are just some of the segments affecting (especially in the future) everyday life but intelligence as well. The integration of new technologies into intelligence work will also bring new quality. Collection and processing of intelligence data, preparation of tactical and strategic foreign policy analyses and assessments, providing timely information to foreign policy decision makers are just some of the advantages of modern technology. This will result in certain organisational, technical and personnel changes - some additional specialization within the offices of analysis and operations, continuous training but also the transformation of intelligence capabilities in terms of adaptation, cooperation and projected teamwork. The rapid technological breakthrough along with the dominant human activity will also require the foreign policy decision makers to additionally work on, and specify the requirements towards the intelligence community. Such an approach, if adopted, will contribute to ensuring the reliability and value of foreign policy information, but also to the protection of the national interests and security.

BIBLIOGRAPHY

1. Berridge, G. (2005). *Diplomacy: Theory and Practice, 3rd edn*. New York: Palgrave.
2. Handel, M. I. (1989). *War, Strategy and Intelligence*. London: Frank Cass.
3. Holsli, K. J. (1974). *International Politics: A Framework for Analysis*. London: PrenticeHall.
4. <https://politicstoday.org>. (2026, 01 10). Прейзето са <https://politicstoday.org/intelligence-agencies-as-foreign-policy-tools/>: <https://politicstoday.org/intelligence-agencies-as-foreign-policy-tools/>

5. Jervis, R. (1991). *'Strategic Intelligence and Effective Policy'*, in A. Stuart Parson (ed.) *Security and Intelligence In A Changing World*. London: Frank Cass.
6. Johnson, L. K. (1991). *Strategic Intelligence: An American Perspective*. London: Fnuik Cass.
7. Kevin, S. (1998). *Competitive Intelligence, Intelligence and National Security vol. 13 no. 4* *Competitive Intelligence, Intelligence and National Security vol. 13 no. 4*. Winter.
8. Oren, I. (2020). Between Intelligence and Diplomacy: The Information Revolution as a Platform. *Strategic Assessment*. 115-122.
9. Pearson, F. S. (1992). *Inlenialional Relations: The Global Condition In Late Twentieth Century*. New York: McGraw-Hill.
10. Sarkcsian, S. (1995). U.S. National Security: Policymakers, Proceceses, and Politics. *Colorado, Lynne Rienner Publishers, Inc.*, 5.
11. Spanier, J. (1993). *Games Nations Plays*. Washington D.C.: CQ Press.
12. Bajagić, M. (2010). *Methodology of intelligence activities*. Belgrade: The Academy of Criminal and Police Studies
13. Đukić, S. (2017). *Intelligence agencies and intelligence*. Banja Luka: The Faculty of Security and Protection
14. Đukić, S. (2022). *Intelligence agencies and new technology*. European defence center for scientific, political, economic, social, safety, sociological and criminalistics researches.
15. Đukić, S. (2023). *Implication of AI to intelligence operations*. The collection of papers, Scientific conference, Security challenges, risks and threats in the process of creation of New World Order, NUBL, The Faculty of Security and Protection, Banja Luka
16. Lazić, R. (2016). *Intelligence and diplomacy*. Serbian political theory.
17. Mijalkovski, M. (2009). *Intelligence and security agencies*. Belgrade: The Faculty of Security

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BALKAN CONFERENCES AS THE FOUNDATION OF CONTEMPORARY BALKAN INTEGRATION

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Abstract: The idea of uniting the Balkan states has historical roots extending back for more than a century, while the concept of unification has consistently been permeated by the same underlying aspiration: to achieve economic, political, and security stability. One of the more significant attempts at integrating the Balkan states is examined in this paper through an analysis of the Balkan Conferences and the initial agreements based on the ideas of union, resolutions, and the Balkan Pact. The analysis of the Balkan Conferences presented here forms a basis for understanding later aspirations toward the unification and integration of these states in the period of contemporary history.

Keywords: Balkan Conferences, Balkan Union, Balkan Pact, regional cooperation, multilateralism, Balkan integration.

1. INTRODUCTION

The development of multilateral cooperation, which at the same time has served the function of integrating the states of the Balkans, can be traced back to the nineteenth century. In thematic and substantive terms, this cooperation developed in several directions: liberation-oriented, security-related, economic, and cultural. Each substantive aspect of cooperation has generally shared a common objective: the achievement of stability in the region, often through dialogue and reconciliation.

Liberation alliances of the Balkan countries were formed at the end of the nineteenth and the beginning of the twentieth century, with the aim of liberating Balkan peoples who were still under Ottoman rule. These alliances consisted of a network of bilateral treaties between individual

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countries concerning friendship, defence, and military cooperation. In addition to these alliances, history also records various initiatives and proposals aimed at securing stability in the Balkans. Thus, alongside modern initiatives such as the Stability Pact for South Eastern Europe, there also existed earlier initiatives with similar objectives.

The promotion of economic integration through trade agreements, joint infrastructure projects, and the facilitation of business activities represents one of the more important dimensions of the integration of Balkan countries. Through the formation of common economic zones or the facilitation of free trade, economic stability is achieved as an important factor in the stability of the region. Strengthening regional security through cooperation in the fight against terrorism, human trafficking, illegal migration, and organised crime can contribute to stability and security in the Balkans. This may include joint military exercises, the exchange of intelligence information, and the establishment of mechanisms for conflict prevention.

Multilateral cooperation is also significant in the fields of culture and education, as it contributes to strengthening ties among the Balkan peoples. This is often manifested through student exchanges, cultural events, and support for the preservation of shared cultural heritage, which may contribute to building mutual understanding and trust. Encouraging dialogue and reconciliation among Balkan countries is essential for overcoming conflicts rooted in history and represents a sound path toward building a stable future. Multilateral and integration-oriented cooperation in the Balkans is essentially marked by continuous development, but also by adaptation in accordance with contemporary challenges and the needs of the region and the world. It can therefore be regarded as a key aspect of building a stable, prosperous, and peaceful future.

2. THEORY AND PRACTICE OF THE BALKAN INITIATIVE

Initiatives concerning multilateral cooperation in the Balkans are often based on a practice supported by Europe, whose basic theoretical foundation lies in the theory of neofunctionalism. This theory presupposes the development of different forms of cooperation among states, or among political like-minded actors as their representatives, which over a longer

period of time may have a positive effect on multilateral and bilateral cooperation in the region, both in terms of political aspirations and economic development.

Although the theory of neofunctionalism provides a basis for understanding how interstate cooperation at the technical level could lead to broader political and economic integration, its application in the Balkans has not produced the expected results. The reasons for this may be numerous, including the lack of political will, deep historical divisions, ethnic tensions, and foreign-policy influences.

Balkan countries face complex challenges in the process of regional cooperation and integration. Although certain progress has been achieved, such as the signing of Stabilisation and Association Agreements (SAAs) with the European Union and the establishment of regional initiatives such as the South-East European Cooperation Process (SEECP) and the Berlin Process, much remains to be done in order to achieve the long-term goals of stability, peace, and prosperity in the region.

Therefore, while neofunctionalist theory may offer useful insights into potential paths toward integration in the Balkans, its practical application remains challenging because of the complexity of the region's political, economic, and social dynamics. This can be observed through the development and effects of the Balkan Conferences, as the initial segment of integration among the Balkan countries.

3. BALKAN CONFERENCES AS THE BEGINNING OF INTEGRATION

The Balkan Conferences, held between 1930 and 1933, aimed to create a “Balkan Union” and represented an important step toward establishing multilateral cooperation in the Balkans. This period in Balkan history was characterised by political instability, turmoil in international relations, and a desire to avoid future conflicts.

The idea of a Balkan alliance emerged under the influence of various initiatives launched after the First World War in order to avoid the danger of new conflicts and to achieve the unification of European states. At the Twenty-Seventh World Peace Congress, convened by the International Peace Bureau in Athens in 1929, it was concluded that it was necessary to

convene a conference of representatives of the Balkan countries for the purpose of creating an alliance among them (Đukanović, Krstić, 2021).

The main proponents of this initiative were representatives of Greece, led by former Greek Prime Minister Papanastasiou. In each of the six Balkan countries – Albania, Bulgaria, Greece, Yugoslavia, Romania, and Turkey – national committees were established, which, with the consent of their governments, formed delegations for the First Balkan Conference. These delegations included prominent politicians, intellectuals, representatives of chambers of commerce, journalists, and other relevant actors, while official diplomatic representatives of the Balkan states had the status of observers.

Although the Balkan Conference did not formally have an official character, the positions of the national groups were always aligned with the positions of their governments. This conference represented an important step toward creating mechanisms of cooperation and conflict prevention in the Balkans, but at the same time it also reflected the political turbulence and complex international relations of that period.

The First Balkan Conference, held from 5 to 12 October 1930 in Athens, represented an important event in the history of Balkan diplomacy. The conference was attended by 99 official delegates. The Yugoslav delegation, which had ten members, was led by Dr Čedomir Đorđević, while the role of secretary of the delegation was held by Živko Topalović, Secretary of the Workers' Chamber in Belgrade (Cvetković, 1997).

The conference adopted a series of ambitious proposals and resolutions aimed at bringing the Balkan states and peoples closer together. Among the adopted resolutions were those concerning the economic rapprochement of the Balkan countries, the foundations upon which a Balkan alliance should rest and political measures for its creation, intellectual rapprochement, transport, and “social and hygienic issues” (Petković, 1988).

Particular emphasis was placed on the “Address to the Peoples, Governments, and Press of the Balkans”, which highlighted the fraternal ties among the Balkan peoples and their ability to resolve disputes by peaceful means. As a first step, the conference proposed regular meetings of the foreign ministers of the Balkan countries in order to exchange views on issues of common interest.

In addition, a Statute was adopted by which the conference was established as a permanent organisation with the aim of promoting rapprochement and cooperation among the peoples of the Balkans, with the intention that this would lead to a union of Balkan states. The organisation of the conference was envisaged according to the model of the League of Nations, with bodies such as the General Assembly, Council, Bureau, Secretariat, and national groups (Lopandić, 2000).

The First Balkan Conference laid the foundations for further efforts to establish multilateral cooperation in the Balkans and represented an important step toward stabilising the region and preventing future conflicts.

The Second Balkan Conference, held from 20 to 25 October 1931 in Constantinople and Ankara, represented another important step in the process of establishing multilateral cooperation in the Balkans. Nearly three hundred delegates attended the conference, which was also welcomed by Turkish President Mustafa Kemal Atatürk (Ranković, Milutinović, 2023).

The Yugoslav delegation of sixteen members was led by former minister Vasilije Jovanović, and included prominent figures such as the musician Josip Slavenski (Lazarević, Matijević, 2021). The work of the conference took place within six commissions envisaged by the Statute, which adopted the relevant conclusions and resolutions. The conference was characterised by the establishment of an organisational commission, a commission for political rapprochement, a commission for intellectual rapprochement, an economic commission, a transport commission, and a commission for hygiene and social policy.

At this conference, the proposal of the Greek delegation concerning the establishment of a Balkan Pact was particularly emphasised. The purpose of the Pact would be to prevent new conflicts among the countries of the Balkans. In addition, the Inter-Balkan Chamber of Commerce and Industry, the Inter-Balkan Postal Union, and the Balkan Tourism Federation were established, and their statutes were adopted (Kovačević, 2019).

Proposals were also submitted for the creation of other technical bodies for cooperation, such as the Inter-Balkan Bureau for the Protection of Cereals, the Inter-Balkan Bureau for Tobacco, the Balkan Institute for Historical Research, the Balkan Maritime Commission, the Balkan Health Commission, the Inter-Balkan Labour Bureau, and others.

A significant measure proposed by the conference was the abolition of visas for citizens of Balkan countries in order to facilitate the movement of people in the Balkans. This would contribute to the rapprochement of peoples and the strengthening of regional cooperation. Like the previous conference, this conference also aimed to strengthen cooperation and stability in the Balkans and represented an important step toward achieving that goal.

The Third Balkan Conference, held in Bucharest from 22 to 27 October 1932, produced significant results, but also faced serious disputes that revealed deep contradictions among the national delegations (Lopandić, 2012).

The most important result of the conference was the adoption of the draft Balkan Pact by the political commission. However, this provoked the most serious dispute up to that point, particularly because of opposing positions concerning the regulation of the so-called minority question. The delegations of the “revisionist countries” were dissatisfied with the borders established after the First World War – primarily Bulgaria, but also Albania – which led to the first disagreements in the sphere of minority rights (Jazić, 2015). On the other hand, the delegation of Yugoslavia and certain other countries did not want the Balkan Conference to provide an opportunity to open the question of the Bulgarian or Albanian minorities, as this would indirectly lead to a revision of borders. Thus, this conference also recorded the first more significant disagreements regarding common goals.

The Bulgarian delegation even temporarily suspended its participation in the conference as a reaction to dissatisfaction with the progress made in resolving minority-related problems. Decisions at the conference were adopted by majority vote rather than by consensus, which further complicated the situation. In addition to the Balkan Pact, this conference also adopted the draft Convention on the Status of Citizens of Balkan Countries.

Various steps were also proposed for the intellectual rapprochement of the Balkan peoples, such as common history textbooks, the translation of literary works, the use of radio and film for the purpose of better mutual acquaintance, as well as the work of a special commission of jurists tasked with preparing a conference on the approximation of the positive law of the Balkan states.

Like the previous conferences, this one also represented an important step toward the rapprochement of Balkan countries and the building of regional cooperation. At the same time, however, it demonstrated the deep political differences among individual countries, which often made it difficult to reach agreements and implement decisions.

The Fourth Balkan Conference, held in Thessaloniki from 4 to 11 November 1933, represented another step in the efforts of the Balkan countries to establish, above all, regional economic cooperation (Jovičević, 2015). Among the most significant results of this conference was the adoption of the draft Regional Economic Agreement of the Balkan States, as well as the draft statutes of the Balkan Cooperative Office and the Statute of the Maritime Section within the Inter-Balkan Chamber of Commerce and Industry (Golubović et al., 2012). The conference also considered and adopted proposals concerning the development of a network of Balkan transport infrastructure, including railways and roads, with clearly specified priority connections.

However, although technical progress was made, the Fourth Conference was burdened by the same political disagreements as the previous ones. The draft Balkan Pact, which emerged as a result of the previous conferences, provoked opposing reactions among the delegations, particularly between Yugoslavia and Bulgaria. The Yugoslav and Bulgarian delegations made efforts to revise the previously adopted proposal. In addition, the conclusion of the Little Entente agreement and the separate quadripartite Pact of the Balkan Alliance between Yugoslavia, Greece, Romania, and Turkey – which Bulgaria and Albania refused to sign – contributed to the weakening of the importance of the Balkan Conference (Birovljev, Davidović, 2010).

Preparations for the Fifth Balkan Conference were marked by the decisions of the Yugoslav and Turkish delegations not to participate in the conference. The Yugoslav delegation even proposed that political issues no longer be discussed at the conference, but that the focus be placed exclusively on economic and intellectual matters. On the other hand, the Turkish delegation also announced its absence from the Fifth Conference, considering that the formation of the Pact of the Balkan Alliance between Yugoslavia, Greece, Romania, and Turkey had achieved the basic objectives of its policy. All these circumstances led to the fact that the Fifth

Balkan Conference was never held, which effectively marked the dissolution of the Balkan Conference (Ranković, Milutinović, 2023).

4. EFFECTS AND EPILOGUE OF THE BALKAN CONFERENCES

Within the framework of the Balkan Conferences, a series of proposals was put forward in order to give concrete form to cooperation aimed at establishing more stable political, social, and economic relations. Each proposal that accompanied the individual initiatives retains relevance for integration in contemporary geopolitical developments in the Balkans, where further and substantive implementation is pursued through new contractual and agreement-based forms. One of the more significant proposals that was realised was the Balkan Pact, as well as proposals concerning the development and status of citizens of the Balkan states.

The First Balkan Conference represented the initial segment of the integration of the Balkan states. In addition to the aspiration toward and pursuit of long-term objectives, its primary focus was placed on close political interconnection, which was ideologically proclaimed as the creation of a Balkan Union that would also fulfil a security function. This orientation toward a union was also proclaimed in a resolution stating that the key elements for the creation of a Balkan Union were the improvement of political relations among the Balkan states and the establishment of those relations on the foundations of mutual trust and reciprocal security (Lazarević, Matijević, 2021).

These elements were necessary in order to enable a stable political environment, which constituted the basis for further economic and social progress in the region. The resolution of the First Balkan Conference emphasised the importance of joint efforts by the Balkan states in achieving these objectives and building solidarity and cooperation among them. In addition, it stressed the need to respect the sovereignty and integrity of each state, as well as to resolve disputes through dialogue and peaceful negotiations. These principles constituted the foundation upon which a future Balkan alliance was to rest, with the aim of strengthening regional stability, prosperity, and interconnectedness.

The establishment of a special committee to draft the Pact and the elaboration of the proposal submitted by the Greek delegation represented

important steps toward achieving the goal of creating a Balkan Union. This was a process that required intensive diplomatic activity and negotiations among the Balkan states in order to reach agreement on the key points of the Pact. The adoption of the final draft of the Balkan Pact at the Third Balkan Conference, despite the strong opposition of the Bulgarian delegation, represented a significant step forward toward achieving the goals of political rapprochement and the creation of an alliance among the Balkan states (Golubović et al., 2012).

Although the suspension of Bulgaria's participation in the Conference represented a challenge, the other states continued their efforts toward achieving the objectives of the Balkan Pact.

Article 1 of the Balkan Pact, which obliged the signatory parties not to resort to war against another signatory party and to submit to a procedure for the peaceful settlement of disputes, represented a key element in preserving peace and stability in the Balkan region (Kovačević, 2019).

This obligation was of essential importance for conflict prevention and the promotion of the peaceful settlement of disputes. A procedure was also envisaged for the peaceful resolution of conflicts before the Permanent Conciliation Commission, the Permanent Court of International Justice, or a selected arbitration tribunal, which additionally strengthened mechanisms for resolving disputes without the use of force (Jovičević, 2015).

This ensured that potential conflicts would be resolved on the basis of law and the principles of international law, thereby promoting justice and peace. Chapter III on mutual assistance was particularly important for the Yugoslav delegation, as it provided mechanisms for responding in cases of flagrant violation of the obligation of non-aggression. This principle of mutual assistance enabled the parties to support one another in the event of attack or aggression, thereby strengthening collective security and deterring potential aggressors. The envisaged procedure for involving the League of Nations also provided an additional mechanism for the peaceful settlement of disputes and the promotion of stability (Jovičević, 2015).

The League of Nations, as an international organisation dedicated to peace and security, could provide support in resolving disputes through diplomatic channels and negotiations. The inclusion of Chapter IV on the protection of minorities in the Balkan Pact, at the insistence of the Bulgarian and Albanian delegations, reflected the importance of respecting

and protecting minority rights as a key element in building stability and harmony in the Balkan region (Golubović et al., 2012).

This chapter provided mechanisms for the protection of minorities and for addressing their issues through the opening of offices for minorities in each Balkan country, as well as through the establishment of an Inter-Balkan Commission for Minorities. Decisions adopted by the Inter-Balkan Commission for Minorities had the potential to become binding upon the contracting states, thereby ensuring the effective resolution of minority issues at the regional level. If the Commission failed to reach a unanimous agreement, the issue could be forwarded to the Secretariat of the League of Nations for further consideration (Lopandić, 2000).

The efforts of the Yugoslav delegation to prevent the adoption of this chapter, or to raise the question of its revision, reflected the complexity and sensitivity of minority issues in the region. Their insistence on the competence of the League of Nations in these matters indicated a desire to ensure international supervision and support in the protection of minority rights.

The inclusion of the chapter on the protection of minorities in the Balkan Pact represented a step forward toward the improvement of human rights and the building of an inclusive society in the Balkans, although it caused disagreement among the participants in the negotiations.

The Fourth Balkan Conference recorded a significant segment of integration in the field of economic rapprochement, and a “Regional Economic Agreement” was adopted as the initial phase in the formation of a “Balkan Customs Union” (Lazarević, Matijević, 2021).

This draft agreement contained a total of twelve articles that represented the basis for improving economic cooperation among the Balkan countries. The signatory states guaranteed mutual privileges, which indicated their readiness to promote free trade and facilitate economic exchange among the Balkan countries. The establishment of a Permanent Commission for International Trade of the Balkan Countries, as envisaged in Article 10, was intended to improve mutual trade and facilitate trade procedures between the countries of the region (Lopandić, 2000).

Furthermore, the establishment of a “clearing house for international exchange” was also addressed at this conference. It envisaged certain facilities in mutual payments based on the exchange of goods and represented another step toward improving economic cooperation and

facilitating business operations among the Balkan countries. Particularly interesting is Article 2 of the draft, which concerned “inter-Balkan privileges” and provided that member states should include a “Balkan clause” in their trade agreements with non-Balkan countries, allowing derogation from the most-favoured-nation principle (Kovačević, 2019). This was similar to the concept of the “Iberian clause” and indicated a desire for joint action in international trade in order to preserve the interests of the Balkan countries (Kovačević, 2019).

At the First Balkan Conference, within the resolution on social and hygienic issues, a proposal was made that the Balkan states should ensure the same treatment of citizens of other Balkan states as of their own citizens with regard to freedom of movement, work, and overall activity (Lazarević, Matijević, 2021). This proposal was a significant step toward building freedom of movement for people and economic integration in the Balkans.

In order to implement this proposal, the Third Balkan Conference adopted a draft convention intended to regulate these matters. It was envisaged that the Convention would form an integral part of the process of establishing the Balkan Alliance and that it would be applied as part of a political-economic triptych, together with the draft Balkan Pact and the economic convention (Jazić, 2015).

Article 1 of the draft Convention allowed the nationals of each contracting party to enter the territory of another contracting party freely, without passport formalities. This provision was crucial for facilitating the free movement of people between the Balkan states. Under the Convention, Balkan nationals would be mutually equalised with regard to all activities of an economic character, including commercial, industrial, and financial activities, as well as the practice of liberal professions, subject to a certain number of exceptions.

These proposals indicate the desire of the Balkan states to strengthen economic cooperation and regional integration by facilitating the free movement of people and business activity. This initiative could contribute to economic development and to improving the standard of living of citizens in the region.

In accordance with the draft Convention, national treatment was also envisaged in relation to various rights and areas, subject to the condition of

reciprocity. The key aspects defined in the draft were the following (Jazić, 2015):

First, inheritance rights, as well as the rights to acquire, possess, or lease movable or immovable property, were subject to national treatment under the condition of reciprocity. This meant that nationals of one Balkan country would have the same rights as nationals of another Balkan country with regard to inheritance rights and property ownership.

Second, nationals were also equalised in terms of legal and judicial protection, meaning that they would have the right to equal protection of their rights before the laws and courts of other Balkan states. They would also be treated in the same manner with regard to taxes, fees, and charges of a fiscal nature.

Third, the nationality of commercial companies was defined in Article 9 of the draft Convention. This made it possible for commercial companies established under the legislation of a particular state to conduct activities in the territories of other Balkan states, provided that they complied with the laws of the state in which they operated.

These provisions indicate the intention of the Balkan countries to create a common economic environment in which nationals and business organisations would be treated equally regardless of their country of origin. This could contribute to the improvement of free trade and business activity in the Balkan region.

The Pact, known as the Balkan Agreement or the Balkan Entente, was signed in Athens in 1934 between Yugoslavia, Romania, Greece, and Turkey. This agreement resulted from mutual bilateral agreements concluded between 1928 and 1933, and was preceded by the Convention for the Definition of Aggression, concluded in 1933 and signed by Czechoslovakia, the USSR, Romania, Yugoslavia, and Turkey (Lopandić, 2012).

Bulgaria and Albania refused to accept the territorial status quo in the Balkans and oriented themselves toward closer relations with Italy and Hungary. For this reason, the “anti-revisionist” Balkan countries, at the initiative of France, concluded the multilateral Pact of the Balkan Agreement, known as the Balkan Entente (Lopandić, 2012).

The Balkan Entente primarily concerned territorial guarantees in the Balkans and contained only three articles. This agreement formed part of an attempt to oppose the growing influence of Germany and Italy in the

Balkans by creating a barrier, or at least a counterweight, to their influence. The Pact represented an important attempt by the Balkan countries to preserve regional peace and stability in the context of growing tensions and rivalries in Europe before the Second World War.

However, its effectiveness was limited, and in the following years, under the influence of international developments, the Balkan Entente failed to preserve the territorial status quo in the Balkans.

These proposals reflected the desire to create a peaceful, prosperous, and united Balkans, which would enable stability and progress in the region. On the other hand, however, the delegations also had to represent the current political interests of their governments, which often caused disputes and tensions, especially in view of the different political, economic, and historical interests of the Balkan countries.

This dual dynamic led to the Balkan Conferences becoming a forum in which different interests and ambitions of the Balkan states came into conflict. Although some proposals were ambitious and idealistic, the difficulties in reaching consensus and achieving long-term objectives demonstrated the complexity of the political reality of the Balkans at that time. By considering the historical overview of the conferences, several key factors can be identified that contributed to the problems surrounding the full realisation of the Balkan Conference and to the general impossibility of achieving peace-related objectives in the Balkans during that period.

First, decisions were adopted by majority vote rather than by consensus, which often caused tensions and disagreements among the delegations. This made it more difficult to achieve long-term solutions and compromises, leading to boycotts and the weakening of the authority of the Conference.

Second, the international circumstances of the time, including the rise of totalitarian regimes such as Hitler's Germany, were not favourable to ideas of reconciliation and integration in the Balkans. These factors further hindered progress toward regional stability and cooperation.

Third, ideas such as the League of Nations and European federation, although noble, lacked sufficient support and were not capable of being effectively implemented under the circumstances, which further contributed to the failure of the Balkan Conference.

Finally, European history took a different course with Hitler's rise to power, which led to new catastrophes in the form of the Second World War. This further postponed the possibility of a renewed gathering of the Balkan countries for the purpose of achieving the objectives of multilateral cooperation and integration.

5. CONCLUSION

The Balkan Conferences indeed reflected a complex dynamic, balancing between an idealistic approach viewed through the lens of peace-oriented enthusiasm and the realities of power politics. Through these conferences, the delegations of the Balkan countries demonstrated significant efforts to promote ambitious proposals concerning the creation of a Balkan Union, customs and monetary unification, the establishment of the Balkan Pact, and the improvement of various aspects of society, such as gender equality, cooperation among scientists, artists and journalists, and student exchange.

Numerous factors, including internal disagreements, international tensions, and changes in the political landscape of Europe, contributed to the failure of the Balkan Conference and prevented the achievement of peace objectives in the Balkans during that period. A renewed gathering aimed at multilateral cooperation and integration would require time, stability, and changes in the political context of the region.

REFERENCES

1. Birovljev, J., & Davidović, M. (2010). From globalization to regionalization and regional cooperation. *Ekonomika preduzeća*, 58(3–4), 140–148.
2. Golubović, S., Golubović, N., & Cvetković, P. (2012). Prekogranična saradnja u zemljama Zapadnog Balkana: Mogućnosti i ograničenja. *Teme*, 36(4), 1613–1629.
3. Đukanović, D., & Krstić, M. (2021). Regionalna saradnja na Zapadnom Balkanu – dugoročno čekanje na članstvo u Evropskoj uniji i/ili „Balkanska unija”. *Srpska politička misao*, 28(71), 9–26.
4. Đukanović, D. (2009). Zapadni Balkan: od sukoba do evrointegracija. *Godišnjak FPN*, 3, 495–506.

5. Jazić, A. (2015). Različiti oblici prekogranične saradnje Srbije sa državama Centralne Evrope. *Međunarodna politika*, 66(1157), 86–97.
6. Jovićević, M. (2015). Regionalna saradnja na Balkanu, od devedesetih do danas – uticaj Evropske unije. *Međunarodna politika*, 66(1158–1159), 128–142.
7. Kovačević, M. (2019). Evropska unija i Zapadni Balkan: kako raskinuti „prećutni pakt” stabilokratije. In *The European Union and the Western Balkans: How to Break the Tacit Pact of Stabilocracy?* (pp. 9–22).
8. Lazarević, A., & Matijević, A. (2021). Konferencija o budućnosti Evrope – značaj za region Zapadnog Balkana. *Politička revija*, 4(70), 69–84.
9. Lopandić, D. (2000). Pakt o stabilnosti u Jugoistočnoj Evropi – od reči do dela. *Revija za evropsko pravo*, 2(2–3), 79–97.
10. Lopandić, D. (2012). Dva veka preoblikovanja međunarodnih odnosa na Balkanu – od imperija do evropske integracije. *Međunarodna politika*, 63(1146), 5–17.
11. Petković, R. (1988). Novi akcenti u spoljnoj politici Jugoslavije. *Politička misao: časopis za politologiju*, 25(2), 13–20.
12. Ranković, P., & Milutinović, P. (2023). Doprinosi i dometi regionalnih ekonomskih inicijativa u unapređenju političkih odnosa između država Zapadnog Balkana. *Yearbook of the Faculty of Political Sciences / Godišnjak Fakulteta političkih nauka Beograd*, 17(29), 50–68.
13. Cvetković, S. (1997). Balkanska federacija: konfederacija – unija – savez – istorijski osvrt. *Nastava istorije: časopis Saveza istoričara Jugoslavije*, 3(6), 55–70.

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**CRIME, PRIVATE SECURITY AND
POST-CONFLICT CHALLENGES**

CRIME PREVENTION THEORY AND PRACTICE

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Abstract: This paper examines the importance and necessity of a comprehensive understanding and analysis of theoretical models for the development of effective preventive strategies aimed at preventing crime. The article seeks to demonstrate that theoretical models do not serve merely as academic frameworks, but also possess significant heuristic value. A critical examination of sociological, biological, psychological and environmental factors as criminogenic predispositions, formulated in the form of scientific theories, contributes to a better understanding of crime and to the shaping of crime-control policy. Such an approach is important for improving practice in the field of criminal justice and, particularly, for the prevention of criminal and related forms of behaviour.

Keywords: crime; scientific theory; research; crime-control policy; preventive strategies.

1. INTRODUCTION

We are witnesses to numerous material, health-related, social, security-related and other harmful consequences that crime, as a negative social phenomenon, produces for the community, as well as to society's inability to respond to it effectively. Official state authorities do not have an adequate approach to the problem of crime, nor do they possess successful strategies for countering it. For the most part, they deal with the consequences caused by criminal acts. Sanctions imposed on offenders do not succeed in reducing the number of perpetrators. An increase in crime also means more police, more professionals in the

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prosecutorial and judicial system, and more prisons. The answer lies in the need to change something in the existing way of working.

According to some authors, the application of measures of criminal-law coercion is neither necessary nor socially justified. A large number of contemporary criminal legislations, in addition to punishments, also prescribe a whole range of forms of extra-penal response, such as security measures and educational measures, which have a preventive purpose. “Crime-control policy should be based exclusively on a rich and coherent system of measures of social prevention: general, special and specific, while some other, alternative solution should be sought for existing punishments – one that is free from deep interference with human freedoms and rights” (Milutinović, 1984: 306–320).

Although some authors consider such an approach to be a “luxury of wealthy societies,” in the contemporary world there are increasing examples of turning toward prevention as a higher and more advanced form of countering crime – that is, preventing crime before it occurs. A precondition for such an approach is knowledge of what crime is, and knowledge of how it can be prevented. Modern criminal policy has developed the concept of functionally linking its prevention programmes with the results of concrete etiological research. Some newer trends in the democratic world indicate an increased governmental interest in the development and advancement of knowledge in the field of criminology. The number of government-sponsored studies is growing, and their results are used as guidelines for policy and practice in the fight against crime (Tombs & Whyte, 2007: 125–147).²

Prevention, as some understand it, represents an improved and “higher” level in the fight against crime. It must be based on valid knowledge of the etiological, phenomenological and other characteristics of crime, as a product of science and scientific research, because its successful implementation depends on knowledge of the factors that cause crime. “The causes of crime are most often ignored and not researched, and without knowledge of the causes of crime, the problem is viewed in a lay manner; and only exceptionally can adequate social action arise from lay understandings. The performance of public and

² Tombs and Whyte recorded a 500 percent increase in research funding by the Home Office in the United Kingdom, a large part of which was intended for commissioning criminological research.

social functions requires their holders, before taking a position, to invest the necessary effort in understanding the problem they are resolving. In the field of combating crime, intuition and common sense are of less assistance than professional knowledge,” Tomislav Marković argued as early as 1973 (Marković, 1973: 11).

The initial step consists of becoming familiar with scientific theories that offer explanations of the causes of criminal behaviour. It is common for political decision-makers, guided by day-to-day political interests, to base their decisions on subjective opinions and methodologically unreliable research. It is evident that neither state authorities nor the broader social community have offered a systematic insight into the etiology and prevalence of crime. The contemporary political-science concept, when speaking of decision-making, is evidence-based policy rather than opinion-based policy. In modern society, decisions should be made by gaining insight into real-life circumstances on the basis of systematic, carefully designed and rigorously conducted scientific research, as well as on the basis of transparent results.

2. SCIENTIFIC THEORY AS A CONSTITUENT ELEMENT OF SCIENCE AND A CONDITION OF SCIENTIFIC KNOWLEDGE – AN ACADEMIC APPROACH

In order for a field of human knowledge to be accepted as a science, it must possess certain essential constituent elements. Some authors identify a greater number of such constituents, while others list fewer; however, all of them, alongside the subject matter of a science, the research method and language, also identify theory as a necessary constituent element of science (Milošević & Milojević, 2001: 4).

Sciences, therefore, deal with theories. But what exactly is a scientific theory? Regardless of the fact that the terms *theory* and *theoretical* have different meanings, not only in everyday speech and language but also within science itself, it is indisputable that defining theory is not a simple task. Although common-sense understanding interprets theory as “everything that is the opposite of practice,” changes in science often arise from scientific theories, and only rarely from empirical observation of reality alone. Scientific theory is, in this respect,

the starting and indispensable element, the foundation from which one proceeds. On the path toward achieving this goal, theory should serve as a reliable guide (Šušnjić, 1999: 92–104).

What may be accepted as a universal definition of scientific theory is contained in the very concept of theory itself: from the Greek *theos* — god — meaning a divine view of the world, a view from above, from a height, from where all phenomena are seen within the framework of a whole, rather than separately from one another as in ordinary experience. Scientific theories therefore differ from everyday theories primarily by their complexity. They represent “a series of empirical generalizations, that is, scientific laws, which are mutually connected into a logically non-contradictory system, at the top of which stands a unifying principle or assumption. Scientific theory is the basic unit of scientific knowledge and, similarly to a scientific law, represents a central concept of scientific cognition and the highest concept of scientific methodology” (Šešić, 1988: 291).

Finally, theory is not only a system of knowledge, but also a means of acquiring new knowledge and, on that basis, of developing successful practice. The basic goals of science are considered to include achieving acceptable explanations of the causes of how a phenomenon occurs in social life, understanding, prediction and the intentional transformation of phenomena studied by that science in accordance with human needs. This is also how different theories of crime emerged.

a. Theories of Crime

Crime has a negative impact on various spheres of society. In order to be able to undertake anything meaningful against this negative and socially undesirable phenomenon, we must first possess correct knowledge about crime itself. In other words, we must describe and explain it. Theory helps us understand why crime occurs at all, and what its predominant causes are.

Crime is the subject matter of criminological science, although it was initially studied by experts from other sciences, but only partially and within the scope of their own fields of inquiry. Criminology, as a synthetic discipline, incorporates all valid knowledge from other sciences and expands upon it by encompassing all aspects of the criminal

phenomenon: etiological, phenomenological and victimological aspects, as well as the key instruments through which society counters crime.

The search for the causes of crime is a central question of criminology and has occupied criminologists since the very emergence of the discipline. The first theories of crime appeared in the eighteenth century and represent the precursors of contemporary approaches. They ask the following questions: why do some people become criminals while others do not? Why do we label certain people and their behaviour as criminal? Why are some areas more exposed to crime than others? In the search for answers to these questions, numerous theories of crime emerged. Many theories complement one another in this process. However, the history of criminology has also been marked by conflicting paradigms and views concerning the explanation of criminal behaviour, which is probably conditioned by the complex nature of crime as a phenomenon.

Within several criminological schools, three dominant classical theoretical concepts developed in the explanation of criminal behaviour: biological, psychological and sociological concepts, each with numerous theories and even more numerous representatives. However, it has become apparent that the traditional approach is slow, often does not function effectively and cannot keep pace with constantly increasing crime. For this reason, alternative methods are becoming increasingly prominent in the form of “situational crime prevention,” as one of the most popular contemporary approaches to responding to criminal behaviour. In this theory, the primary object of study is not the perpetrators of criminal offences and victims, nor their behaviour, but rather the analysis of situational factors that stimulate the occurrence of criminal behaviour (Muratbegović, 2004: 202).

In order to remain relevant and consistent with the time in which crime occurs, any explanation of crime should include both traditional and alternative theoretical models of so-called situational crime. No approach is inherently better than another and none should be considered superior. All of them have both advantages and shortcomings. Successful crime prevention will most likely include different aspects of all the approaches mentioned here. The concepts of classical theories may be long-term, since they deal with fundamental causes, while situational prevention is, to a greater extent, a necessary approach arising from the

characteristics of modern society and changed living conditions, and should not be recommended as a complete solution. It is important to understand the connection between these theoretical approaches and research, as well as their influence on practice.

b. Criminological Research

Scientific theories of crime help us understand and explain the causes of crime. In this sense, they are the starting point and an indispensable element, the foundation from which society must proceed when it is determined to genuinely counter crime as a negative phenomenon which, as already stated, produces numerous harmful consequences for the community and citizens. This implies that theory must be examined through research and the application of scientific methodology. When crime is concerned, as a highly complex “bio-psycho-social phenomenon,” a multidisciplinary approach is clearly required. Scientific knowledge obtained through scientific research should assist the subjects of society and the state in planning, programming and resolving social problems.

Such an approach would overcome the existing situation in which our everyday knowledge of crime and criminals is, almost without exception, mistaken. The formation of an image of crime is predominantly “burdened,” on the one hand, by our subjective experiences and, on the other hand, as with any other social phenomenon of the modern age, by the influence of the media and various publications (Sutherland, 1973).

Thus, we have ever greater amounts of information and “knowledge” about crime. The paradox is that, despite such “vast knowledge,” crime continues to increase and assumes increasingly drastic and violent forms of manifestation, while most countries lack an adequate response to it.

Can we approach crime, as a complex social phenomenon, solely on the basis of common sense, without knowledge of its causes? The expected rational attitude of the community in which crime occurs toward this negative and undesirable phenomenon would imply that certain actors should overcome such approaches and find the best and most optimal methods for countering it. As the facts show, this cannot be imagined without scientific research. Therefore, the answer to the

explosion of information is scientific information. Only a scientific perspective on the study of crime, one that satisfies the principles of scientific observation, guarantees the accuracy and usefulness of the knowledge obtained.

Information on crime disseminated through the media has immediate importance and significance for ordinary media consumers. However, scientists and researchers recognize within such information a problem whose motives, causes and consequences need to be investigated. The reasons for this type of research may be political, academic or personal.³ Science relies on a planned methodological procedure that should provide answers to questions in such a way that the results of such findings are subject to verification and assessment by others. New knowledge should lead to innovation, change or practical application in the fight against crime.

c. Practical Implications: Preventive Strategies, Programmes and Measures

An essential feature of contemporary criminological research is not only the production of knowledge for its own sake, but also a shift in the focus of research from academic knowledge to applied knowledge, which is used in the practice of crime-control policy.

More specifically, the practical dimension of combating crime requires realistic, evidence-based strategies as products of relevant research. “Strategies and measures against crime that are based on speculation may be highly ineffective, which may result in an increase in crime, a poor public perception of the institutions responsible for suppressing it, and a general sense of insecurity among the public. For this reason, crime-control policies, as well as other matters of public policy, must be supported by sophisticated research mechanisms that produce knowledge for the institutions responsible for creating such policies and for those responsible for their implementation” (Karadinović, 2007–2008).

Recent literature and research indicate that criminological studies of this kind have proved invaluable in modern democracies. In the United

³ More on this: Science, Society, and Criminological Research, www.sagepub.com/upm-data/39936_1.pdf

States and Australia, for example, ministries of justice regularly fund longitudinal criminological research in order to identify the key factors influencing delinquent behaviour, with a view to developing potential preventive strategies and programmes. Numerous countries or regions have introduced awards to encourage good preventive practice in the field. Likewise, the European Union guidelines on crime prevention place strong emphasis on the importance of using appropriate knowledge and information concerning the current crime situation, the key causes of crime and potential preventive strategies (*Handbook on the Crime Prevention Guidelines: Making Them Work*, 2010: 47–55).

Preventive programmes evaluated by the international research network Campbell Collaboration, for example, include only those programmes that have met a number of scientific standards.⁴

The identification of factors associated with different types of crime is a precondition for the development of a range of evidence-based strategies and programmes aimed at changing those factors and reducing the frequency of crime. These key or causal factors are often referred to as risk factors. The concept of risk emphasizes negative factors that may cause crime at the global level, such as politics and the economy; at the national level, such as culture, the media and the economy; at the local level, such as local factors, educational policy, availability of assistance and support services; and at the individual level, such as family values, rules and expectations (*Handbook on the Crime Prevention Guidelines: Making Them Work*, 2010: 17–20).

Knowledge of risk factors associated with different types of crime, and affecting populations, communities and individuals, is a precondition for the development of a range of strategies and programmes. At the national level, this helps governments determine priorities in relation to crime problems and direct programmes toward regions, cities or sectors that appear to be the most vulnerable. It has been shown that programmes and resources targeted in this manner at addressing the greatest needs represent an effective and economical way of reducing levels of crime and victimization. A well-planned prevention strategy will act upon individual, social and economic factors alike (*Handbook on the Crime Prevention Guidelines: Making Them Work*, 2010: 17–20).

⁴ www.campbellcollaboration.org

So-called protective factors, as a positive approach, help build or strengthen the resilience of communities and individuals to risks. They include, for example, effective and fair government, an efficient and transparent criminal justice system, adequate budgets for environmental and economic programmes with citizen participation, access to appropriate education and employment, strong ties and good relations within the community, including those connected with cultural and religious institutions. Other factors are also important, such as access to transport, recreational facilities, care for children and young people, positive role models, and adequate conditions for attending and remaining in school (*Handbook on the Crime Prevention Guidelines: Making Them Work*, 2010: 17–20). Thus, improving everything that can be encompassed by the concept of social capital may help protect the community and develop its resilience to crime and victimization.

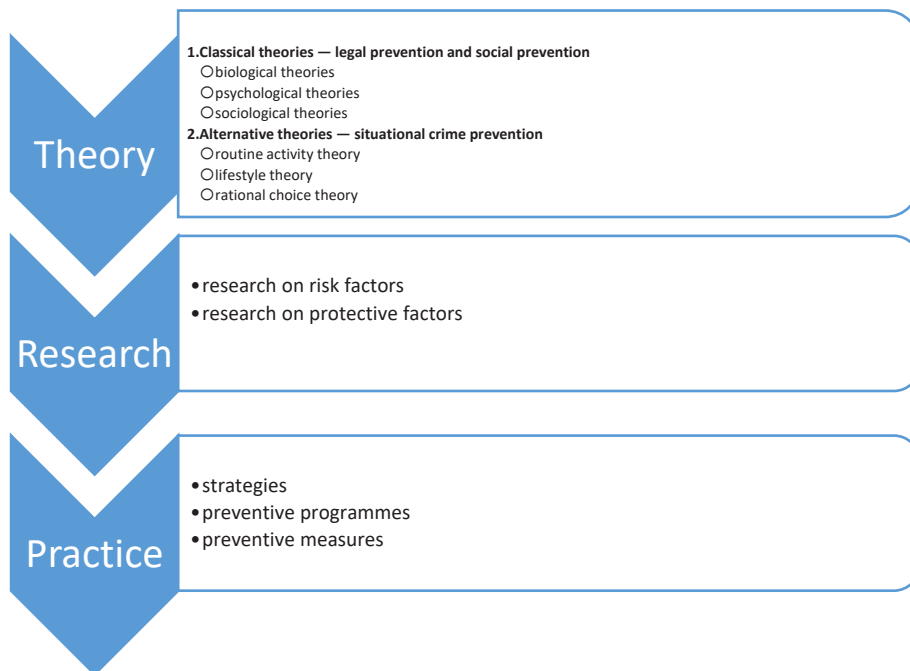


Figure 1. Overview of Crime Prevention – From Theory to Practice

According to one study, four types of crime and corresponding forms of preventive action have been identified (Perigut, 1981: 13–17):

1. Criminal behaviours that arise as a consequence of unfavourable social conditions, such as overcrowding and similar circumstances. In such cases, various corrective measures of a social character are proposed in order to mitigate those conditions.
2. Acts that, by their nature, constitute violations of legal norms. In such cases, legal mechanisms for the protection of society operate in the form of prevention through repression, including the police, courts, prisons and similar institutions.
3. Forms of deviant behaviour that arise due to shortcomings and deficiencies in the physical and technical protection of space. Mechanical crime prevention, as part of situational prevention, focuses on reducing opportunities for crime by increasing the risk and effort for potential perpetrators. It includes physical barriers and technical means intended to make the commission of criminal offences more difficult, such as locks, bars, fences, safes, alarms and video surveillance.
4. Crime prevention through the design of the living environment is directed toward reducing the causes and opportunities for the commission of criminal offences, as well as reducing fear of crime through planning and environmental design — including buildings, landscapes and urban spaces — by limiting access and fostering territoriality, which ultimately reduces opportunities for crime.

The first two approaches fall within the domain of traditional criminology, which interprets the causes of criminal behaviour through personal and social factors that are, as such, known and already explained in numerous classical criminological theories. The third and fourth types of crime mentioned above, which relate to deficiencies in the physical and technical protection of space and the living environment, represent the so-called situational approach and rest on different premises in comparison with other types of crime and crime prevention that dominate the scientific literature. What distinguishes this concept from other types of prevention is its focus on the factors operating in the situation in which criminal behaviour manifests itself.

Each of the approaches mentioned above should potentially form part of a strategic and balanced plan, as well as policies, programmes and preventive activities based on empirical experience, theoretical knowledge and the results of scientific research. There is no single optimal approach; rather, it is necessary to consider the advantages and shortcomings of each approach in a given context. It is of crucial importance that a strategic plan for crime prevention correspond to the specific national and local context.

It is increasingly considered that concrete relations within a given place, namely the local community, are decisive for the emergence of crime. More than 70% of suspects became criminogenic in their place of residence, or at least in the district in which they live, which indicates the need for urgent action to address the causes of criminal behaviour conditioned by the specific characteristics of such a way of life (Singer, Kovčo & Cajner-Mraović, 2002).

Approaches to prevention range from addressing the social and economic roots of crime to strengthening the capacities of local communities to modify the environment in order to deter potential perpetrators and promote an increased sense of security.

3. THEORETICAL MODELS IN CRIME PREVENTION

It is not possible to discuss crime prevention without considering it from a particular theoretical perspective. Theories of crime prevention seek to explain the causes, conditions, triggers and modalities of the emergence of crime as a negative social phenomenon, and on that basis to establish strategies for its prevention. The entire approach is based on identifying the risk factors that influence delinquent behaviour and then, on the basis of such knowledge, activating protective factors.

Since the issue of theories of crime prevention is closely conditioned by the underdevelopment of prevention science, these theories, by their origin, necessarily incline toward the sciences that had previously examined the problem of crime through their own theoretical reflections. By the logic of things, prevention science relies on the knowledge of criminology as a multidisciplinary field, within which numerous biological, psychological and sociological theories have emerged. By primarily studying the etiological and phenomenological aspects of

crime, criminology also gave rise to criminal prophylaxis as a special discipline which, in addition to repressive measures, studies the effectiveness of the application of preventive measures in suppressing and preventing crime.

In principle, prevention draws its foundation from criminological theories when it comes to explaining causes, while, in connection with contemporary approaches to crime prevention, special theories have also developed.

There are numerous disputes and different understandings concerning the relationship between theory and research when crime is concerned. The requirement to create a grand theory of crime that would be capable of explaining all forms of normative deviation, regardless of space and time, has not yet been fulfilled. Even *A General Theory of Crime* by Gottfredson and Hirschi (1990), which began with such a claim, ultimately could not fulfil that promise. Robert Merton overcame this difficulty by offering a compromise solution in the form of “middle-range theories,” to which most theories of crime belong and within which the theories mentioned above could also be classified. In doing so, he emphasized that such theories possess a degree of generality that transcends a particular historical epoch or culture and are crucial for practical applicability (Merton, 1979: 75). Merton criticized grand and abstract theories that cannot be operationalized and tested through research; therefore, middle-range theories currently appear to be an appropriate solution.

On the basis of the above, it follows that in the process of the emergence of different theories dealing with crime prevention, a process of “upgrading” took place. This means that each subsequent theory was synchronically connected to previous ones. For these reasons, it is often very difficult to draw a clear distinction between the point at which one theoretical approach ends and the point at which another begins. It therefore frequently happens that theories of prevention with entirely different theoretical starting points ultimately offer very similar strategies of preventive action (Krivokapić, 2008: 65). Such confusion regarding

identical or similar theoretical foundations creates problems in the classification of theories of crime prevention.⁵

a. Traditional Approach – Classical Theories of Crime and Crime Prevention

Most of these theories emerged in the nineteenth century out of the need to understand and address crime as a visible and growing social problem. The main classical concepts – biological, psychological and sociological – through their numerous theories, provide answers to the question of the genesis and etiology of crime. They serve policymakers within the traditional criminal justice system in shaping criminal policy, determining punishments and developing programmes for the rehabilitation of offenders, and thereby also prevention.

In fact, these are classical criminological theories that help us understand and explain the causes of crime by explaining biological, psychological and social causes. They provide answers to the question of what drives people to commit crimes and seek to identify and describe the key causes that form the “sequence of steps” leading to delinquent behaviour.

Biological theories tend toward simple explanations of causes and toward offering simple solutions for eliminating crime. Biological theories of crime are focused on genetic, neurological and physiological factors that may predispose a person to criminal behaviour. These approaches assume that crime can be partly explained by innate characteristics such as impulsiveness, aggression or neurological developmental deficiencies. Some of the most prominent geneticists dealing with the problem of biogenic factors of violent behaviour claim that “genes are our destiny” (Jones, 1996).

Numerous theoretical teachings take personality, and certain psychological characteristics of personality, as determinants of crime as a whole. These theories emphasize the importance of individual psychological factors in shaping criminal behaviour. They most often focus on factors that include needs, intentions, reasons, motives and, in general, internal dispositions. The significance of psychological theories

⁵ The division between the traditional and alternative approaches in this paper is highly simplified and represents the author’s choice as one possible classification criterion among many.

in explaining the causes, factors and manifestations of social deviance is unquestionable, since they demonstrate the indisputable connection between the psychological determinants of personality and behaviour, that is, the act itself.

Sociological theories encompass a range of theories that examine the influence of social structures on criminal behaviour. Many of them take into account the social context in which individuals live. They examine the influence of the community, social norms, social ties, social integration and social control on criminal behaviour. These theories identify numerous social macro- and micro-level factors that may increase a person's risk of criminal behaviour.

These teachings are quite similar and related, but their common characteristic is that each of them insists on one factor or mechanism when explaining the causes of criminal behaviour. This is entirely legitimate and accurate if we take into account only their particular angle of observation. However, such individual explanations are one-sided and insufficient to explain crime as a whole, as a multi-causal and multi-consequential phenomenon that arises as the result of several factors: social, psychological, biological, economic and environmental. It would therefore be overly simplistic and erroneous to explain this phenomenon by a single cause alone.

“Phenomena are not more accurately or more objectively described, explained or understood in one theory than in another: each of them explains or understands something that the others fail to explain, and therefore it makes no sense to say that any one of them is less or more scientific or true. More harm can be done to phenomena, that is, to facts, by one theory imposed upon them than by several theories covering their different aspects and relations” (Šušnjić, 1990: 92).

b. Alternative Theoretical Models – Situational Crime Prevention

It has become apparent that the traditional approach is slow, that it often does not function effectively, and that it cannot keep pace with the constant growth of crime. For this reason, alternative methods are increasingly present in the form of “situational crime prevention.” The situational concept of crime prevention was originally developed by the criminologist Ronald Clarke in the 1980s.

Situational crime prevention is directed toward limiting the offender's opportunities to commit a crime, as well as toward other practical methods in which citizens themselves can participate. Its aim is to remove opportunity and to ensure that the costs of crime outweigh its benefits. This includes various forms of obstacles and protection, such as steering wheel locks, video surveillance of residential premises, passengers and luggage at airports, architectural solutions that allow better control of public space, citizen patrols and a range of other strategies that make it more difficult for offenders to commit crimes, including preventing offenders from gaining access to potential victims (Clarke & Felson, 1988).

Clarke and Cornish presented twenty-five techniques of situational crime prevention, organized into five key strategies that criminological practitioners should take into account when using the situational model: 1) increasing the effort required to commit a crime; 2) increasing the risks of committing a crime; 3) reducing the rewards of crime; 4) reducing the conditions that encourage crime; and 5) removing excuses for committing crime (Clarke & Cornish, 2003: 41–46).

Situational crime prevention places greater responsibility on the individual for his or her own security than the traditional approach does. However, in order to be successful, it requires cooperation among the police, public and private organizations, and members of the community.

One of the strongest criticisms of situational prevention and opportunity-reduction strategies is that they provide only cosmetic solutions. According to this criticism, crime includes economic and cultural aspects connected with capitalism and mass consumerism, while the underlying ideology is inherently biased in favour of the wealthy and against the poor (O'Malley, Shearing & Weir, 1997: 501–517).

Instead of situational prevention techniques, some criminologists advocate social prevention, based on the view that crime, as a social problem, is deeply rooted in the economic and cultural structures of society.

In theoretical terms, situational prevention is based on: 1) routine activity theory; 2) lifestyle theory; and 3) rational choice theory (Borovec, Balgač & Karlović, 2011). These are, therefore, the theories that support situational crime prevention.

i. Routine Activity Theory

Routine activity theory was developed by Lawrence Cohen and Marcus Felson in 1979, at a time when crime was rapidly increasing in American society despite the general progress that was occurring simultaneously. They described this as a kind of “sociological paradox,” and routine activity theory emerged as an attempt to explain these phenomena in a way that “sociological theories could not” (Andersen & Ha, 2017).

Routine activity theory starts from the assumption that everyday life is marked by a series of routine activities, such as going to work, school or other places at a particular time. These activities place individuals at risk of being perceived by potentially motivated offenders as suitable targets, and thus of becoming victims or perpetrators of various undesirable acts (Bossler & Holt, 2010: 227–326).

According to this theory, the occurrence of a criminal event is causally linked to three basic factors: a motivated offender, a suitable victim or target, and the absence of capable guardians. Cohen and Felson believed that the probability that a criminal offence will be committed arises when these three factors operate at a specific time and in a specific place. The occurrence of crime can therefore be explained by the convergence of these three elements in time and space, while the absence of any one of them reduces the risk (Felson & Cohen, 1979: 604).

Any disturbance of the “balance” among the three key elements of a criminal offence may influence changes in the crime rate. Consequently, this theory may play a significant role in predicting and preventing crime. Situational prevention has an effect on the latter two elements, and its theoretical foundation rests on that basis. According to this approach, control over these two factors represents the key moment determining the extent to which crime will be widespread in a social environment, since the number of motivated offenders within that environment is usually constant (Ignjatović, 2009: 397–401).

The absence of capable guardians, such as the police, security personnel, parents and friends, as well as the absence of other adequate security measures, such as technical means including locks, alarm systems and surveillance cameras, increases the risk of victimization.

This theoretical approach draws particular attention to the place of commission, that is, to geospace, and indicates that the place of commission, through its characteristics – for example, a location hidden from view, a location where a suitable victim can easily be found, and similar features – may influence whether, where, when and in what manner the offender will decide to undertake the act of commission.

Targets located in the geospace in which offenders' routine activities take place are characterized by a higher risk of victimization. Changes in people's routine activities were therefore used to explain changes in crime-rate trends.

The measures offered by routine activity theory in crime prevention can be reduced to the following: it is necessary to reduce the offender's motivation, eliminate the conditions that enable and facilitate the commission of a criminal offence, and increase the capabilities of guardians. All of this should contribute to deterring the offender from criminal action.

In brief, routine activity theory is a simple theory to understand, but it contains many complex ideas that are still being refined.

ii. Lifestyle Theory

Another theory that seeks to explain the emergence and scope of crime is lifestyle theory. This theory was introduced into criminological and victimological literature in the late 1970s by Michael Hindelang, Michael Gottfredson and James Garofalo. It was presented in their work *Victims of Personal Crime: An Empirical Foundation for a Theory of Personal Victimization*. The researchers sought to explain why certain groups experience higher rates of victimization than others. They defined lifestyles as “patterned, regular, recurrent, prevalent or routine activities.” In other words, lifestyles consist of activities in which people participate on a daily basis, including both obligatory and private activities. From this description, it is evident that the explanation of a person's lifestyle was primarily viewed through the prism of behavioural characteristics (Hindelang, Gottfredson & Garofalo, 1978: 241).

According to lifestyle theory, exposure to victimization can be explained not only by the specific lifestyle of the individual, as routine activity theory suggests, but also by sociodemographic characteristics. Similar to routine activity theory, its findings showed that crime does not

occur randomly and that, among other things, lifestyle factors – such as social habits, work schedules and recreational activities – may play a significant role in determining who becomes a victim. Certain individuals who participate in activities that place them in high-risk situations, or who spend time in risky places or in the company of risky persons, have a greater possibility of becoming victims (Bossler & Holt, 2010: 227–236).

Although routine activity theory and lifestyle theory overlap to a considerable extent, the difference between them lies in the fact that routine activity theory is focused on the offender, while lifestyle theory is focused on the victim. This theory also identifies and explains certain personal demographic characteristics as potential victimogenic dispositions. Kennedy and Forde explain that the risk of exposure to a criminal offence also arises due to characteristics such as gender, age, marital status, occupation, and membership of an ethnic or social group, that is, characteristics that influence each individual's choice of activities both at work and during leisure time (Kennedy & Forde, 1990: 208–211).

Criminal activity may be viewed as “a characteristic of lifestyle or a form of routine activity that increases the risk of victimization due to the existence of motives, vulnerability or blameworthiness of the persons involved in it” (Jensen & Brownfield, 1986: 85–99).

Understanding lifestyle theory has important implications for crime prevention. By recognizing the role of lifestyle choices, exposure to high-risk environments and the absence of capable supervision, individuals and communities can take steps toward crime prevention through crime-prevention strategies, education, campaigns, counselling programmes and victim assistance, the development of community policing policies, the adoption of urban and spatial planning legislation, occupational safety regulations and similar measures.

iii. Rational Choice Theory

The rational choice theory of Ronald Clarke and Derek Cornish was presented in 1986 in the work *The Reasoning Criminal*. It proceeds from the assumption that every individual in society is a potential offender if given the opportunity. This model assumes that offenders are rational actors who conduct a “cost-benefit analysis” before committing a crime. It interprets criminal action as the result of a conscious choice, whereby the offender assesses that the benefit will exceed the potential punishment.

This theory represents a certain form of integration of psychological, sociological and situational approaches. Namely, if there is an “attractive opportunity,” then, after a certain cognitive processing of information, its realization follows. The criminal is thus viewed as a rational being who does not differ essentially from “ordinary” people, because a set of circumstances, or opportunities, turns that individual into a criminal.

However, the authors argue that this subjective opportunity represents a condition, but not a sufficient reason for criminal behaviour to manifest itself. The theory emphasizes that the decision to undertake a criminal act is based on a rational assessment, regardless of the personal mechanisms that caused that decision. In doing so, the authors claim that crime represents an “intentional, rather than accidental, form of behaviour,” and that these “costs” and “benefits” are not limited to monetary gains or losses, but also include social status, psychological satisfaction, and emotional rewards or deterrent factors. The satisfaction of such needs through a criminal act is connected with a “decision,” and that decision is a matter of “rational choice” (Cornish & Clarke, 2014: 1–13).

At its core, rational choice theory is an economic model of human action grounded in utilitarian philosophy. It claims that all human behaviour is goal-oriented, with actors seeking to maximize benefits while minimizing costs. Originally formulated in economics, Gary Becker famously applied this reasoning to crime in his landmark essay “Crime and Punishment: An Economic Approach” (Becker, 1968: 169–217).

In terms of prevention, rational choice theory is directed toward increasing the effort required to commit a criminal act, reducing opportunities and increasing risks. The concept of opportunity includes both a subjective and an objective dimension. The subjective dimension refers to the personality, intelligence and motivation of the offender, while the objective dimension refers to the opportunity inherent in the situation itself, that is, the conditions created for the commission of a criminal offence.

In order for this mode of preventive action to be successful, it is necessary to intimidate and deter the offender by placing visible barriers. To that extent, this theory corresponds to situational crime prevention (Cornish & Clarke, 1986).

Despite certain criticisms of this theory – for example, that it cannot explain the problem of crime displacement and that there are difficulties in empirically proving the theory – its lasting contribution to crime prevention

lies in the fact that it drew attention to the rational nature of criminal behaviour.

Rational choice theory is closely connected with the routine activity approach, which argues that crime occurs when motivated offenders encounter suitable targets in the absence of capable guardians. Together, these theories support much of situational crime prevention, which seeks to manipulate the environment in order to increase the perceived costs of criminal action.

4. CONCLUSION

Crime in the new age is of an increasingly complex nature, so the strategies known so far cannot be effective in deterring it. Successful crime-prevention strategies are hybrid in character. They must be adapted to the specific conditions of the twenty-first century and rely on the elimination of both general and specific causes as conditions of criminal phenomena.

Therefore, in addition to general social factors, which are already more or less known and explained in classical theories, situational theories give equal importance to the situational contexts that lead to crime, especially opportunities for crime, as well as to the criminal dispositions of the offender.

Crime prevention, as a new scientific discipline whose time is yet to come, faces numerous challenges, including those concerning its theoretical foundations. Theoretical models are not static entities; rather, they should develop in response to new insights, challenges and social changes. Such adaptability, as a response to newly emerging challenges, ensures the continued relevance and effectiveness of crime-prevention strategies in an ever-changing landscape.

LITERATURE

1. Andersen, M.A. & Ha, O.K. (2017) *Routine activity theory*, Simon Fraser University- Burnaby British Columbia, dostupno na www.researchgate.net/publication/359264650_Routine_acitivity_theory

2. Beker, G.S. (1968): „Zločin i kazna: ekonomski pristup“, *Žurnal za političku ekonomiju* 76, str 169-217
3. Bossler, A. M., & Holt, T. J. (2010). The Effect of self-control on victimization in the cyberworld. *Journal of Criminal Justice*, 38
4. Borovec, K., Balgač, I., Karlović, R. (2011). *Situacijski pristup prevenciji kriminaliteta- od teorije do prakse utemeljene na dokazima*. Ministarstvo unutarnjih poslova Republike Hrvatske, Zagreb
5. Clarke, R., Felson, M. (eds) (1993). *Routine Activity and Rational Choice*, *Advances in Criminological Theory*, Vol. 5, Transaction Publishers, New Brunswick, NJ,
6. Clarke, R. (ed.) (1997). *Situational Crime Prevention: Successful Case Studies*, Harrow and Heston, Albany, NY
7. Cornish, D., & Clarke, R. V. (1986). *The Reasoning Criminal: Rational Choice Perspectives on Offending*. Springer-Verlag, Berlin
8. Cornish, D. B., and Clarke R. V. (2003). “*Opportunities, Precipitators and Criminal Decisions: A Reply to Wortley's Critique of Situational Crime Prevention.*” *Crime prevention studies* 16: 41–96.
9. Felson & Cohen (1979). *Social Change and Crime Rate Trends: A Routine Activity Approach* Source: *American Sociological Review*, Vol. 44, No. 4 (Aug., 1979), pp. 588-608 Published by: American Sociological Association www.jstor.org/stable/2094589
10. Felson, M. and Eckert, M. (2016). *Crime and everyday life* (5th ed.). Los Angeles, CA: Sage Publications.
11. Felson, M. and Clarke, R. V. (1998). *Opportunity makes the thief: Practical theory for crime prevention*. London, UK: Home Office, Policing and Reducing Crime Unit Research, Development and Statistics Directorate.
12. Gilling, D.: *Crime prevention – Theory, policy and politics*, London, 1977 Eisenberg, U.: *Kriminologie*, Köln, 1985.
13. Gottfredson, M. R., & Hirschi, T. (1990). *A general theory of crime*. Stanford University Press
14. Handbook on the crime prevention guidelines Making them work, Criminal Justice handbook series, United Nations Office on drugs and crime Vienna, United Nations New York, 2010

15. Hindelang, M.; Gottfredson, M.; Garofalo, J. (1978). Victims of personal crime: An empirical foundation for a theory of personal victimization, Ballinger, Cambridge, MA,
16. Cornish, Derek B. and Clarke, Ronald V (2014). editors With a new Introduction by Ronald V. Clarke The Reasoning Criminal – Rational Choice Perspectives on Offending, Routledge Taylor&Francis Group London and New York (1-13)
17. Ignjatović, Đ. (2009). Teorije u kriminologiji, Pravni fakultet, Beograd
18. Ilić, Z.(2002). *Plansko usmeravanje preventivnih aktivnosti*, Zbornik radova, Beograd
19. Jensen, G. F., & Brownfield, D. (1986). Gender, lifestyles, and victimization: Beyond routine activity. *Violence and Victims*, 1(2), 85–99. United National Library of Medicine, Gender, lifestyles, and victimization: beyond routine activity - PubMed
20. Karadinović, N.(2007-2008). *Znanje o kriminalu je moć za borbu protiv kriminala*, program podrške istraživanjima u oblasti javnih politika, Fond otvoreno društvo BiH
21. Kennedy, L..W., Forde, D.R. (1990). *Risky lifestyles and dangerous results: Routine activities and expo sure to crime*, *Sociology and Social Research: An International Journal*, vol. 74, br. 4
22. Krivokapić, V.(2008). *Prevenција kriminaliteta- teorijsko-kriminalistički pristup*, Narodno delo, Beograd
23. Marković, T.(1973). *Maloljetnička delinkvencija*, Savezni sekretarijat za unutrašnje poslove, Beograd
24. Milutinović, M.(1984). *Kriminalna politika*, Savremena administracija, Beograd
25. Milošević, N., Milojević, S. (2001). *Osnovi metodologije bezbjednosnih nauka*, Policijska akademija Beograd
26. Merton, K. R. (1979). *O teorijskoj sociologiji*, Zagreb: Naklada odd-Centar društvenih djelatnosti- SSOH.
27. Muratbegović, E.(2004). *Prevenција kriminaliteta - od ideala ka stvarnosti*, *Kriminalističke teme*, Univerzitet u Sarajevu, Fakultet za kriminalistiku, kriminologiju i sigurnosne studije
28. Noaks, L. and Wincup, E.(2007). *Criminological Research. Understanding Qualitative Methods*. Sage Publications.

29. O'Malley, P., Shearing, C., Weir, L. (1997). Governmentality, Criticism, Politics, Economy and Society 26(4) 501-517
www.researchgate.net>publication
30. Pease, K. (1994). *Crime Prevention* Oxford Handbook of Criminology, Oxford
31. Perigut, D., (1981). 'Crime Prevention for Australian Public Housing', ACPC Forum, Vol. 4, No. 3, pp. 13-7.
32. Popović Čitić, B. (2007). *Proces naučnog zasnivanja prevencije: od praktičnog modela do preventivne nauke*, Fakultet za specijalnu edukaciju i rehabilitaciju, Beograd.
33. Kuvačić, I. (1977). *Znanost i društvo*, Naprijed, Zagreb
34. Jones, S. (1996). *In the Blood: God, Genes and Destiny*, HarperCollins
35. Perigut, Donald (1981). „*Crime Prevention for Australian Public Housing*“, ACPC Forum, Vol.4, No.3,
36. Singer, M., Kovčo, V., Cajner-Mraović, I. (2002). *Kriminologija* 3. izmijenjeno i dopunjeno izdanje, Edukacijsko-rehabilitacijski fakultet, Nakladni zavod Globus, Zagreb
37. Sutherland, E. (1973). *On analyzing crime*, Chicago
38. Šešić, B. (1988). *Opšta metodologija*, Naučna knjiga, Beograd
39. Šušnjić, Đ. (1999). *Metodologija—kritika nauke*, Čigoja štampa, Beograd
40. Tombs, S., Whyte, D. (2007). *Researching Corporate and White-Collar Crime in an Era of Neo-Liberalism*, International Handbook of White-Collar and Corporate Crime, Springer, Boston, MA.
https://doi.org/10.1007/978-0-387-34111-8_6
41. www.campbellcollaboration.org
42. www.sagepub.com/upm-data/39936_1.pdf *Science, Society, and Criminological Research*

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THE IMPACT OF WAR AND POST-WAR ACTIVITIES IN IRAQ ON THE DEVELOPMENT OF PRIVATE SECURITY

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Abstract: The private security sector, as a profit-oriented security entity, follows contemporary socio-political developments in order to identify opportunities for its business activities. The fact that this sector has been successfully developing for more than 150 years, particularly in the western hemisphere, and that it continues to have strong future prospects, confirms that it is a successful branch of the economy. Contemporary political events, often accompanied by turbulent situations, destructive demonstrations, conflicts of varying intensity among different social groups, natural disasters, accidents, and even war destruction, undoubtedly create opportunities for the private security sector to expand, offer its services, and generate profit. The ability to make rapid decisions and adapt to newly emerging situations enabled this sector to enter Iraq following the military intervention in 2003. The presence of private agencies, as well as their personnel with extensive military and police experience, demonstrated in the case of Iraq that this sector represents a serious unconventional security actor with a significant role both in conducting combat operations and in peace implementation. Using the method of comparative analysis, this paper presents the state of private security in Iraq and its influence on the further development of this sector, with particular reference to certain Balkan countries. Through comparative analysis, the conclusion will address the question of whether, and to what extent, private security in Iraq has influenced or continues to influence the development of this sector.

Keywords: private security, Iraq, comparison.

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1. INTRODUCTION

The socio-political, economic, sociological, cultural and other changes brought about by the process of globalization have also significantly influenced the changes in the global private security industry. Private security has adapted and is adapting its activities to the current situation in the country, depending on whether the host country is developed, developing, in transition or has emerged from conflict and is in the phase of post-conflict development. It is common knowledge that newly emerging socio-political systems increasingly rely on the development of private property, the reduction of state ownership of certain activities, which automatically means that the state is not and cannot be the only guarantor of security. The newly created gap is filled by private security companies, most often through the development of the public-private partnership process. In this way, private security has become an unavoidable segment of satisfying basic human needs, corporate interests, and therefore the concept of national security. Every transitional period is burdened with an uncertain, or unclear future in which the fear of individual or collective insecurity-threat usually prevails. It is precisely this fear, primarily the fear of the destruction of private property, that has given the private sector the opportunity to take on the protection of such property by implementing the measures provided for by law. It is worth recalling that one of the characteristics of globalization processes is the liberalization of business, the erasure of borders, the growth of the value of private property, the decentralization of power, the loss of part of the competences in the security sector that were traditionally the responsibility of the state, and a number of others. The aforementioned characteristics, accompanied by threats of unknown origin, as well as processes and actors, have influenced the state to transfer part of its competences in the field of protection to private security companies.

The speed of change, whether democratic or forced by colored revolutions or war devastation, has had a negative impact on previously established protection systems that in most cases did not know private security. Old systems, unprepared for new values and new paradigms of protecting society and business, were not ready to entrust private security with the importance of implementing security systems. This was especially reflected in the states that were created by the collapse of the socialist social order. The similar happened in Iraq, after second Gulf

war³, when he stopped to exist as previously known country. The new security system, which gave the opportunity for the development of the private sector, is characterized by the presence, above all, of Western private military security companies that were the first to introduce and develop private security in Iraq. What the countries of Southeast Europe and Iraq had in common was a transition accompanied by more or less violence, the loss of social and state property, the development of private property, as well as a way of doing business that the existing security forces were unable to protect. Another common reference was the adoption of the experiences of the private security sector from developed countries of the Western Hemisphere.

2. ABOUT THE CONCEPT OF PRIVATE SECURITY

There is no complete agreement on the content of the concept of private security in theory. Thus, private security was defined in a 1976. US Government report as "the activity of privately funded business entities and organizations and self-employed individuals who provide security-related services, on a fee-for-service basis, to specified clientele, persons or entities that hire or employ them, or work for themselves, with the aim of protecting people, private property or interests from various risks."⁴ Private security is also defined as "a security subsystem in the national security system, the basis of which is mainly contracts concluded between entities that perform the aforementioned tasks and the clients of the tasks" (Bajagić, 2007). In this context, the phrase "private security sector" also refers to commercial security services provided by legal entities that are registered for this purpose, as well as private companies that have legal obligations regarding compliance with certain security and protection standards and procedures (Keković, 2004). Basically, two basic approaches can be observed to defining the concept of private security - broader and narrower. According to the broader approach, private security includes a set of organized forms of activity of voluntary

³ The Iraq War, also known as the Iraq War and The Second Gulf War, was an armed conflict that began in 2003. with the invasion of Iraq by a coalition led by the USA with the aim of overthrowing the government of Saddam Hussein.

⁴ *Private Security: Report of the Task Force on Private Security*, US Government Printing Office, Washington,DC,1976.str.4.

and commercially oriented non-state personnel, whose primary activities include combating various forms of criminal behavior. Defined in this way, private security includes: voluntary engagement of citizens, private security services and private detective or investigative activities. A narrower understanding defines private security as a set of legally based professional activities, outside the scope of the jurisdiction of state bodies, organized for the purpose of providing certain services, protecting the personal and property security of citizens and collecting information on order. Defined in this way, private security includes: contractual security (activities of private companies and agencies specializing in providing physical and technical security services on a contractual basis), own internal security and private detective activities (Kesić, 2005). Based on the above, it can be concluded that the concept of private security has a dual meaning. On the one hand, it can refer to the provision of security services performed by privately owned companies or to these services themselves, i.e. security operations performed at the request of private individuals or business entities. It also allows the possibility for a state body to engage a private company to provide certain security services, which inevitably expands the concept of private security itself. Therefore, in the broadest sense, the term private security could encompass all activities in the field of security that are not carried out by the state itself and its bodies, while the private security sector would include private companies that provide security services and/or products intended for security (Mitrović, Pavlović, 2012). The goal of private security is to contribute to the successful detection and elimination of security threats through professionalism and responsibility, thereby contributing to a favorable security environment. Of course, there is also an economic reason for achieving the goals, because it is a for-profit activity. Market demands, supply and demand, the solvency of society, and the security environment certainly influence the design and achievement of the goals of the private security sector. The general importance of the private security sector is reflected in the understanding of private security entities as factors in achieving security and reducing crime, through the legal structuring of their work, increasing citizens' peace of mind in conditions of increased presence and visibility of various forms of protection and control, citizens' frequent contact with private security members when they notice various criminal or other illegal behaviors, and through

educating citizens on how to combat crime and security violations: taking prior preventive measures and preventing the escape of perpetrators of criminal acts, informing the police, securing the scene of crime, and the like, with private security appearing as a partner that professionally performs part of the security tasks and provides highly specialized services (Cools, 2006). The activities of private security entities cover a wide area of security for the protection of persons, property, and business, which in scope and quality exceeds the basic security standards that the state guarantees to every citizen. It should be noted that in the second half of the 20th century, there was a rapid growth and diversification of the work performed by private security actors at the global level. These activities and jobs can be classified into the following basic groups: private companies for physical and technical security and protection; detective agencies (private investigator jobs); security consulting, marketing and engineering agencies; entrepreneurs and individuals who provide certain security services as a registered activity (detectives, advisors, bodyguards), and the like. In this regard, the most common actions and measures that are applied in modern conditions to protect people, objects and businesses are: physical and technical protection measures (exceptionally, anti-eavesdropping measures), and sanitary-technical, biological, chemical and health protection measures (Daničić, Filipović 2015).

3. COMPARISON OF THE PRIVATE SECURITY SECTORS OF SERBIA, CROATIA AND BOSNIA AND HERZEGOVINA

Serbia

The Law on Private Security was adopted by the National Assembly of the Republic of Serbia at the end of 2013. and stipulates that the regulations for the implementation of this Law will be adopted within six months from the date of entry into force of the Law, and that legal entities and entrepreneurs for private security, as well as natural persons performing private security activities, must harmonize their work with the provisions of the Law within 18 months from the date of entry into force of the Law. The secondary legislation was supposed to fully

regulate the system of professional education and training of private security officers, develop training programs based on the conducted educational needs analysis, prescribe all necessary conditions that legal entities and entrepreneurs must meet in order to be granted authorization to perform the aforementioned training, prescribe uniforms for private security officers, the method of using means of coercion, the method of performing technical protection, the appearance and content of private security officers' identification cards, as well as prescribe criteria for determining mandatory secured facilities and minimum technical conditions for the mandatory installation of technical protection systems in banks and other financial institutions. In accordance with all the above, the six-month deadline for the adoption of by-laws provided for in Article 85 of the Law turned out to be too short to fulfill the stated obligation. CoESS data (Private Security Services in Europe, CoESS Facts and Figures 2011, p.103) indicate that the private security sector in Serbia is recording continuous growth. The Law on Private Security ("Official Gazette of the Republic of Serbia", No. 104/13) regulates the activities of mandatory security and protection of certain facilities, the activities and work of legal and natural persons in the field of private security, the conditions for their licensing, the manner of performing activities and exercising supervision over their work. The Law on Private Security aims to: comprehensively regulate the activities of mandatory security and protection of certain facilities, as well as the activities and work of legal and natural persons in the field of private security; to regulate the conditions for licensing legal and natural persons to perform private security activities; to regulate the issues of training, taking a professional exam and licensing of natural persons to perform private security activities; to regulate the manner of performing private security work, the authorization of private security officers, record keeping, and supervision of law enforcement. In the current conditions, the implementation of the law will not yield the expected results. In the best case, a significant part of security personnel will not complete training within the legal deadline and will be subject to the sanction policy of the supervisory authority. In the worst case, the actors in training and testing will lower the criteria in order to achieve the results imposed by the law within the stipulated deadline. There is a fear that the work will be "delayed" in order to achieve the set goals. This would leave Serbian society in uncertainty

because the next license renewal cycle is only in five years. If there is no change from bad practice, the situation with lightly understood deadlines could repeat itself, and the state is most responsible for ensuring the implementation of the law consistently and under equal conditions.⁵

Croatia

In Croatia, private security was originally regulated by the Law on the Protection of Persons and Property from 1996., with amendments and changes from 1996. and amendments from 2001. The security services offered by private security companies in Croatia are: physical security, physical control of entrances and exits, technical surveillance and protection, protection of cash and valuables during transport (using armored vehicles), personal protection, technical surveillance services in which burglar alarms and fire prevention systems are connected to a central control system. The Law on Private Security regulates the manner of performing activities of protecting persons and property that are not provided by the state through its services and bodies. Private security activities can only be performed by registered legal entities, while the founder of a private security company can only be a natural person who has the approval of the police administration. Amendments and changes to the Law on Private Security from 2010. Some new solutions were introduced that express high standards in the field of private security, thus establishing the mutual relations between the police and the private security sector, as well as the responsibility of these entities in controlling and suppressing crime. Also, the same law repealed the previous restrictions on security companies in providing certain services, primarily those related to the possibility of providing private protection to state authorities and representative bodies, i.e. municipalities, cities and counties. The Law on Private Protection requires that members of the private security sector undergo training and pass an exam in an authorized institution. However, persons who were employed in the police, military police, security services, former court and prison guards and bailiffs are exempt from the exam if they have three years of work experience in these institutions. The content of the training and the manner of taking

⁵ <http://www.bezbednost.org/Sve-publikacije/5794/Izmene-Zakona-o-privatnom-obezbedjenju.shtml>

the exam are regulated in more detail by the Regulation on Training and Professional Exam for Security Guards and Guards, Official Gazette of the Republic of Croatia, No. 103/04 and 42/13. Training can be provided by institutions that receive approval from the Ministry of the Interior. A candidate who completes training as a security guard or guard takes a professional exam before an examination board, which is appointed by the Minister of Internal Affairs (Vidović, 2011).

By analyzing private security in Serbia and Croatia, it can be said that Croatia recognized the importance of private security much earlier in its contribution to creating a favorable security environment for all citizens. The animosities that were initially present between the police and the private sector have long been overcome. There are no significant deviations in terms of the legal regulation of this area. They are present in the part related to the scope of work, so in Croatia it is allowed for the private sector to be engaged in certain jobs by state authorities, while in Serbia this is prohibited. Serbia has the opportunity to study the experiences in the surrounding area during the regulation of this subject and thus avoid unnecessary strain and repeating the mistakes of others. In any case, the private security sector in Serbia has a quality basis for the development of the private security sector.

Bosnia and Herzegovina

Bosnia and Herzegovina is a state created by the Dayton Peace Agreement of 1995., a country with international legal personality, incomplete in the sense of state law, and in the sense of constitutional law, a unique state. Modern political systems do not know such a form of political and social organization as the one that exists today in Bosnia and Herzegovina with two entities and three constituent peoples. The peculiarity of the state organization is also that within the state union there is also an unusual territorial structure, the Brčko District. The above-mentioned presents a special problem for the organization and functioning of the security system. The newly emerging circumstances characterized by the complexity of economic and social relations, social turmoil, transition, accumulation of capital, large quantities of unregistered weapons and explosive ordnance led to the commission of numerous criminal offenses such as armed robbery, burglary, kidnapping,

extortion and other criminal offenses directed against persons and property (Daničić, Stajić 2008).

The complexity of economic and social relations, social turmoil, transition, accumulation of capital, large quantities of unregistered weapons and explosive ordnance led, in the late 1990s, to the commission of numerous criminal offenses such as armed robbery, burglary, kidnapping, extortion and other criminal offenses directed against persons and property. In the period 1996-2002. The concept of organized and legal participation of all security entities in the protection of state and social property was abandoned by the transition to a market economy and the legitimate emergence of multiple types of property: state, social, private, etc. With the emergence of private capital, the newly created unprotected space is filled by private security. Driven by business ethics and profit, private security successfully fills the gap that has appeared between the police and the newly created private capital. The emergence of these agencies was not accompanied by legal and by-laws that would determine the conditions for the establishment and operation of companies for the protection of persons and property, regulate detective activities, determine the conditions that must be met by persons who will perform physical and technical protection of persons and property, as well as direct supervision by competent state authorities. The wild labor market, arbitrariness in work, unprincipledness and a number of other shortcomings in the work of the newly created agencies forced government representatives to legally regulate the field of private security. It is worth noting that some agencies in the Republic of Srpska have also recognized the need for legal regulation in order to avoid unfair and unprofessional competition that was "hunting in the dark" (Kržalić 2016).

It was only at the beginning of the 21st century that the protection of persons and property and private detective activities were regulated in more detail in BiH, that is, for the first time, legal and by-law regulations defined in more detail the conditions for the establishment and operation of companies-agencies for the protection of persons and property and private detective activities.⁶ Also, the conditions that must be met by

⁶ Law on Agencies for the Protection of Persons and Property and Private Detective Activities, Official Gazette of the Republic of Srpska, No. 50/20, 04/12, Law on Agencies and Internal Services for the Protection of Persons and Property, Official

persons who will perform physical and technical protection tasks are more precisely elaborated, and in this regard, direct supervision of the competent state authorities, primarily the Ministry of Internal Affairs, over the entire activity of the aforementioned companies is prescribed. The law also establishes standards that must be met by both persons who establish security agencies, as well as persons-members of security, and private detectives (Jovičić 2012). The normatively established standards encourage companies for the protection of persons and property and detective agencies to professionalize and specialize their personnel, standardize and modernize the means and devices used to secure persons and objects. However, over time, certain legal solutions have proven to be impractical and ineffective, especially in the segment of limiting and hindering the work of private agencies when licensing legal entities and individuals to perform private security work, precisely defining the facilities that private security guards are required to cover, preventing members of physical security from working in civilian clothes, requiring them to have a certificate and work order, which would be shown upon request by an authorized person, issuing the necessary, legally prescribed, authorizations for the use of sprays based on approved chemical compounds, as well as electric stun guns in self-defense, using rotating or flashing lights on official agency vehicles during the performance of their duties (securing the transport of money and valuables, performing intervention work, securing VIPs, etc.), more precise justification for the use of specially trained dogs (tracking dogs, attack dogs, dogs trained to detect drugs and explosives) in public spaces, outside the fenced area that is being secured, prescribing appropriate provisions according to which assessments of the vulnerability of facilities could be carried out. and a person with a social and not only technical education, etc. As previously stated, the Law on Agencies for the Protection of Persons and Property and Private Detective Activities regulates the activity of securing persons and property, establishes the conditions for establishing a company, and performing activities for the protection of persons and property. This law also regulates detective activities, the performance of detective work, the rights and obligations of private detectives, as well as supervision over the work of companies that perform activities for the protection of

Gazette of the FB&H, No. 78/08, Law on Agencies for the Protection of Persons and Property and Private Detective Activities, Official Gazette of the BD, No. 20/04

persons and property and detective agencies. Also, over time, the need arose to consider a special legal treatment of the issue of private detective activities in relation to physical and technical protection. Namely, the specificity of the work of private detectives in terms of their powers aimed at collecting data, information and material evidence led some European Union countries to specifically regulate detective activities by law, taking into account, among other things, adequate supervision and protection of citizens' privacy.

When we explore professional and social – economic aspects of private security in B&H, in previously researches⁷, we can see a lot of difference in European models of private security. Namely, as stated by the authors of the aforementioned research (Vejnović et al. 2012), "we believe that it is not enough to invest only in the material and technical potential of private security agencies, but much more needs to be invested in human potential. In this sense, agencies for the protection of persons and property should pay much more attention to issues such as the selection and method of engaging private security personnel, their training, especially specialist ones, improving working conditions, increasing salaries and contributions for them, taking care of the health care of private security personnel, etc. We also consider the union organization of private security personnel to be very important and useful, and it is necessary to view such a form of organization positively and encourage this type of association. We would particularly emphasize the need to develop broader and more useful mutual relations between private security personnel and property agencies and police agencies, as well as other law enforcement agencies. This can be achieved in various ways, and one of them is the establishment of a memorandum of cooperation, but also the development of awareness of partnership and joint action towards the same goal - increasing the security of citizens". In this way, the private security system in Bosnia and Herzegovina would be significantly improved (Đukić, S., Zorić, Ž. 2019).

The Law on Agencies for the Protection of Persons and Property and Private Detective Activities was adopted in 2002., and published in

⁷One of the firsts research on this topic was realized by Duško Vejnović, Velibor Lalić i Mile Šikman. The result of research were presented in 2007. on the international conference which was held by International symposium of managers in police in Dubai, named " *Urbanization, Policing, and Security*".

the Official Gazette of the Republic of Srpska, No. 50/2002). Considering the importance of the law that prevented the abuse of private agencies and directed their activities, it can now be said that the existing law is outdated because it did not keep up with modern trends in the development of services and market demands in the field of private security. According to the analysis of statistical research results, Sector Security is a private security company that has a permit to work in all six public security centers of the RS. This company is also the leader in terms of the number of employees and possession of weapons in the RS entity. In the smaller entity of Bosnia and Herzegovina, there is one security guard for every 1,724 citizens, or slightly less than 0.5 security guards for every 1,000 citizens. When we compare these statistics, based on the number of inhabitants, with the entity of FB&H, it is noticeable that the number of security guards in FB&H is twice as high. Of course, this is also reflected in the ratio of public and private security, so in the entity of RS there are 8 police officers for every security guard (1:8).

Regardless of the fact that these are countries with completely different characteristics of origin, socio-political organization, cultural understandings, traditional values, different integrations and other characteristics, there are common characteristics of the private security sector. These characteristics are not the result of political action but are a direct consequence of the development of the supply and demand market, or economic needs. This is because the common characteristic of all security companies is profit, or the sale of services. In this regard, the common characteristics of private security in the aforementioned countries are:

- operating within a legally regulated framework;
- supervision of work by the police;
- risk assessment in the protection of persons, property and business;
- protection of persons and property by physical and technical means;
- maintaining order at public gatherings, sports events and other places of public gatherings in areas not under the jurisdiction of the Ministry of the Interior;
- planning, design and supervision of the implementation of technical protection systems, installation, commissioning, maintenance of technical protection systems and user training;

- ensuring the transport and transfer of money and valuables in the area not under the jurisdiction of the Ministry of the Interior.

4. PRIVATE SECURITY IN IRAQ

Private security in Iraq, as well as throughout the Middle East, until the 1990s and the end of the Second Gulf War⁸ (2003.) was marginalized and generally did not exist in the form that was characteristic of private security companies at the time. The significant development of the private sector, PSC (private security company), occurred in Iraq with the entry of the US military into the country and the establishment of their first bases. Private security was introduced into the business by the military-political forces of the US and Great Britain. The methodology of work of leading Western countries in the field of defense, which rely on the work of private military companies, helped this sector to become a significant security entity in Iraq. With the division of security tasks in Iraq, the private sector was entrusted with the protection of military bases and facilities important for the functioning of the community (embassies, banks, government institutions, telecommunications service providers, etc.). In addition to the stationary security of critical infrastructure facilities, private security also took on a significant role in the protection of individuals in place and on the move with specific weapons and armored vehicles. The protected persons are of various profiles: bankers, politicians, owners of large companies.... Physical protection services can also be used by less famous names in the community, that is, all those who fear kidnapping for blackmail or liquidation, most often motivated by revenge. That is, all those who can finance private security services.

As for the security of American military bases, the American authorities, for the needs of security work, hire private security companies, which provide complete security of the military base, including the security of the outer ring around the base, as well as the security of important facilities in the base itself, by placing armed guards at the entrances to these facilities. Security workers are most often American citizens, citizens of Uganda and European countries. At the beginning of the work, Ugandans were massively employed by American

⁸ Invasion on Iraq, known as Second Gulf War started 20/3/2003

private companies, which received contracts for the security of American military bases. After the withdrawal of the majority of US forces from Iraq in 2012. and 2013., large static security jobs have declined, but embassies and oil fields across Iraq continue to be secured. Today, there are about 2,500 US troops in Iraq. Their complete withdrawal is planned to be carried out in 2025. and 2026., in agreement with the Iraqi government. The need for democratization of society and unification of the security sector, both conventional and unconventional, has led to the need to manage private security companies from a single center. This is precisely in order to prevent possible abuses by security companies. Today, supervision of private companies in Iraq is carried out by the Iraqi government through the Ministry of Interior (MoI Ministry of Interior). Private security companies must operate under Iraqi law, which clearly defines the conditions that an individual and a company must meet in order to engage in these jobs. The company, with a valid license, applies for the issuance of an MoI card (the MoI card is a security personnel license) which serves as an identification document for the company's members. Each security member must have an MoI card issued to be regular. Also, each weapon, to be regular, must have the same MoI card with the specified type of weapon and its serial number. The MoI card is issued by the Ministry of Interior, or the Ministry of Internal Affairs of the Iraqi government. Local police authorities supervise the work of the agencies through regular and extraordinary controls. They control security members by inspecting individual MoI cards, thus checking both weapons and special purpose vehicles. In order to create a safe business environment for domestic and foreign investors, in 2017., the Iraqi President signed the Law on Private Security Services Companies. This Law gives priority to domestic companies and local personnel in performing their duties and sets a higher barrier to entry into the private security market for foreign companies. Foreign and local applicants are generally required to submit the following documents (general):

- the applicant's corporate documents;
- the address of the registered office;
- details of their intended activities;
- details of any weapons in their possession;
- details of any wireless devices in their possession;

- a bank guarantee issued by an Iraqi government bank in the amount of two hundred and fifty thousand Iraqi dinars for domestic companies and one billion for foreign companies.

In addition to the above, it is important to note that foreign companies must obtain approval from the Prime Minister's Office in order to apply for a license. In accordance with the Private Security Law, companies providing security services are subject to strict employment regulations. Generally, all employees must be screened and approved by the Ministry of Interior. Foreign employees are subject to further approval by the Ministry of Defense and the National Security Agency. In addition, the prerequisites for employment include the following:

- his/her age must not be less than (18) years and not more than (55) years;
- he/she must be literate;
- he/she must meet the standards of health and physical fitness certified by the competent medical authority;
- he/she must pass a weapons proficiency test;
- he/she must not have been previously convicted of immoral acts, political crimes or misdemeanors;
- he/she must submit a personal guarantee to the Ministry of Interior in the fixed value of 3,000 Iraq dinars.

In accordance with the Law on Private Security, entities that provide security services without having the necessary license are subject to imprisonment and a fine of at least (one hundred million) 100,000,000 Iraq dinars. The powers of security personnel are based solely on the right to defend life and property using only force that is proportionate to the danger. The rules for the use of force are consolidated in the Rules on the Use of Deadly Force. The rules on the use of deadly force were created at the beginning of the invasion of Iraq, with the arrival of the Western Coalition forces and private security companies, and over time they were harmonized in coordination with the Iraqi Ministry of Interior. At the very beginning of the invasion, PMC members opened fire in many cases, without any real need, so the rules on the use of fire force had to be adjusted over time.

Rules of lethal force:

- deadly force is used only if there is a clear, present and imminent danger, death or a grave threat to the body of the person, the client or another member;
 - if a firearm is used, it must be justified in terms of the existence of a threat to life and the injured person and the object;
 - deadly force is used only in situations where no other means were available to prevent the danger to life and protected property.
- When using deadly force, a security member must be convinced:
- that the level of force is proportional to the threat;
 - that the minimum force was attempted to repel the deadly threat.

Armed personnel, when preparing to open fire, discourage the attacker by verbally declaring their intention: „Stop, I am an armed officer...I will shoot...“ This is also a last resort. The moment the attacker has aimed the weapon and shown the intention to use it or has already opened fire, verbal persuasion becomes useless in a realistic assessment. In this situation too, it must be taken into account that a very precise shot is used, so as not to harm innocent people, if there are any nearby. Strict controls on the private security sector were recorded after 2007. when employees of Blackwater Security (now Constellis), a private military company hired by the United States Government to provide security services in Iraq, shot at Iraqi civilians, killing 17 and wounding 20 in Nisour Square, Baghdad, while escorting a US embassy convoy. This was a case of a wrong security assessment and unnecessary use of firearms. Four members of the agency were sentenced to prison in the United States for the incident.

The most significant international security companies in Iraq are:

- Erinys International, is a British private security company registered in the British Virgin Islands. The Group's operational headquarters are in Dubai, UAE, and other offices are in Andover, Hampshire (Erinys UK Ltd) and Johannesburg (Erinys South Africa Ltd). Erinys International has subsidiaries in the United Kingdom, South Africa, the Democratic Republic of Congo and the Republic of Congo and associated companies in Iraq and Nigeria;
- GARDA WORLD, Canada
- HART INTERNATIONAL - United Kingdom. Hart has carried out thousands of convoy escort missions in Iraq and Afghanistan over the years.

At the very beginning of security operations in Iraq, war veterans were engaged, mainly members of special forces from Western countries (USA and Great Britain), with the presence of former members of South African military and police units. Soon, members of armed formations from the former Yugoslavia entered the security business because they had military experience and enviable qualifications in performing security work. Of course, the condition is knowledge of English and knowledge of military terminology along with excellent physical fitness. Today, members of other European countries can also be found in security work.

Companies most often look for workers with a minimum of five years of experience in the army or police, and an additional benefit is if the person has been in an international peacekeeping mission. It is mandatory to submit a certificate of no criminal record, a medical report, a certificate of qualification for security work (SIA license) - a British provider. The SIA (Security Industry Authority) license is a legal requirement for anyone who wants to work in the private security sector. Finished medical course, level FREC 3⁹ (*FIRST RESPONSE EMERGENCY CARE*) is mandatory for everyone.

Today, domestic companies are increasingly being registered in Iraq, which, in addition to workers from other countries, increasingly accept workers who are Iraqi (JANUS, IRAQ LAND, SECURITY (ILS). AL HUERA, DEFAF AL KALIDŽ...). As in the first years of the development of the private sector in Iraq, almost the same tasks are performed today, PERSONAL SECURITY DETAILS (PSD) or protection of individuals in motion (vehicles), STATIC SECURITY (protection of facilities), embassies, oil fields, convoys and protection of valuable transports. When it comes to the use of weapons, security

⁹ It is a four-day course recognized by the SIA - Security Industry Authority, focusing on the intervention and management of common medical incidents. These include general skills (roles and responsibilities, consent, prehospital care, patient assessment, basic life support), trauma and thermal injury management (external bleeding, catastrophic bleeding, musculoskeletal injury, head injury, traumatic eye injury, spinal injury, burns and frostbite) and management of a range of other medical emergencies (heart attack, angina, stroke, asthma, anaphylaxis, diabetes, epilepsy, poisoning and sepsis).

personnel coming from Western countries preferred Western weapons at the beginning of the invasion, such as M4, AR15, 240B249B, HECKLER&KOCH, GLOCK pistol and SIG SAUER. With the entry of domestic companies into the system, as well as some low-cost ones, AK (Kalashnikov) rifles are increasingly used. The type of weapons used depends on both the client being protected and the complexity of the security, the estimated dangers and the training of the workers. Western embassies still use Western weapons, while in the south of Iraq, where most of the clients in the oil fields are secured, Soviet weapons, the Kalashnikov family, are present.

The agency in the field operates in pre-formed teams. Usually one team consists of 6 members, distributed in 3 cars. In the first vehicle there is a driver (a member of the local community) and an Iraqi commander, who is the person who communicates with the Iraqi police at check points, etc. In the second vehicle there is a team leader (security leader), driver and client, and in the third, last vehicle there is a deputy team leader) – second in charge, who is also a paramedic and driver. The operations room (command room) is a room with video surveillance and communication equipment from which the project manager and operations manager coordinate the work of the teams in the field. Together with them in the OPS ROOM (the office from which operations on the ground are managed) is also the so-called WATCHKEEPER (a person who coordinates the work of the teams in the field via communication pages and telephones). This is how a security project works. All vehicles used by private companies have a GPS system, radio connection and satellite phone. In addition to providing security for individuals in place and on the move, and physical security for facilities, private security companies install video surveillance, anti-burglary and anti-assault systems, where they need them.

5. CONCLUSION

Regardless of the geographical distance between the countries of Southeast Europe and the Middle East, as well as the different conditions that led to the development of the private security sector, common characteristics can be identified, as well as differences that have influenced and continue to influence private security activities. Common

characteristics relate to the nature of the business, which includes the physical and technical protection of critical infrastructure facilities as well as individuals in place and on the move. All private security systems are within the legal framework of the country in which they operate. The main difference is in the type of weapons and vehicles used in the work, as well as the specifics of the training that precedes the certification of the engaged workers. Thus, in the observed countries of Southeast Europe, the use of automatic weapons is prohibited, while in Iraq it is allowed. This is because most companies in Iraq are in the field of military private security companies, and the estimated level of threats, as well as legal regulations, allow the use of automatic weapons. The constant need for security services sought by local communities, private companies, and even state authorities contributes to the development of private companies for physical technical security. Their development must be accompanied by legal regulations in order to avoid the possibility of abuse of the private security sector. It is undeniable that private security companies, as well as private military companies, play an important role in countries undergoing political transition, as well as in countries undergoing post-conflict development. Their role is also expressed in the reintegration of former members of police and military structures through the process of demobilization and disarmament. By constantly improving the quality of service provision, private security companies and private military companies show that they are an indispensable factor in the implementation of the security system.

LITERATURE

1. Bajagić, M. (2007), *Osnovi bezbjednosti*, Beograd.
2. Cools, M. (2006), *Private policing in Belgium: outsourcing and public-private cooperation – research*, u *Private Security*.
3. Daničić, S., Stajić (2008), *Privatna bezbjednost*, Visoka škola unutrašnjih poslova Banja Luka, Banja Luka.
4. Daničić, M., Filipović, V. (2015), *Privatna bezbjednost*, Fakultet za pravne i poslovne studije dr Lazar Vrkatić, Novi Sad.
5. Đukić, S., Zorić, Ž. (2019), *Aktuelno stanje i perspektive budućeg razvoja privatnog sektora bezbjednosti u Bosni i Hercegovini*, Međunarodna naučna konferencija, Banja Luka.

6. Keković, Z. (2004), Nedržavni sektor bezbjednosti: Kako do standarda?, Perjanik, br. 5, Podgorica.
7. Kesić, Z. (2004), Privatni sektor u kontroli kriminaliteta, Dosije studio, Beograd.
8. Litavski, J. (2012), Professional Culture, Ethics, Errors and Police Accountability
9. Mitrović, Lj., Pavlović, G. (2012), Sistem bezbjednosti Bosne i Hercegovine – pravni aspekti i aktuelno stanje, Međunarodno udruženje naučnih radnika – AIS, Banja Luka.
10. Nađ, I. (2016), Zbirka propisa iz djelokruga privatne zaštite, Hrvatska udruga menadžera sigurnosti, Zagreb.
11. Private Security (1976), Report of the Task Force on Private Security, US Government Printing Office, Washington, DC.
12. Schulz, S., Zeung, C. (2008), Privatne vojne i zaštitarske kompanije i rodna pitanja, u Set priručnika o rodnim pitanjima i reformi sektora bezbjednosti, ur. Megan Bastick i Kristin Valasek, DCAF, OEBS/ODIHR, UN-INSTRAW.
13. Vidović, D. I. (2011), Korporativna sigurnost, Udruga hrvatskih menadžera sigurnosti – UHMS, Zagreb.
14. <http://www.bezbednost.org/Sve-publikacije/5794/Izmene-Zakona-o-privatnom-obezbedjenju.shtml>, access date 12/4/2025
15. http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi_zakona/1124-15%20lat.pdf, access date 22/5/2025
16. <https://constellis.com/>, access date 18/4/2025
17. <https://hartinternational.com/physical-security-mobile-static/>, access date 18/4/2025
18. <https://www.garda.com/locations/middle-east/iraq/baghdad>, access date 20/5/2025

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**LAW, HUMAN RIGHTS AND
THE PUBLIC INTEREST**

**THE PRINCIPLE OF „EQUALITY OF ARMS“
THROUGH THE PRISM OF ECtHR CASE
MURTAZALIYEV v. RUSSIA (2018) –
AN ERROSSING EXPANSION OF THE TEST OF
OVERALL FAIRNESS?**

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Summary: This article critically examines the application and implications of the principle of „equality of arms“ in the context of the European Court of Human Rights (ECtHR) decision in *Murtazaliyev v. Russia* (2018). The principle of „equality of arms“ is a cornerstone of the right to a fair trial under Article 6 of the European Convention on Human Rights (ECHR), ensuring that neither party in a legal proceeding is at a substantial disadvantage. The *Murtazaliyev* case represents a significant judicial foray into the nuances of this principle, particularly concerning the procedural equities between the defense and prosecution. This article argues that the Court’s reasoning in *Murtazaliyev v. Russia* potentially marks an erroneous expansion of the test of overall fairness, with far-reaching implications for the adjudication of future cases. The analysis focuses on the Court’s interpretation of evidentiary fairness, the balance of adversarial opportunities, and the procedural safeguards necessary to uphold the integrity of the judicial process. The decision is scrutinized for its adherence to established precedents and its impact on the jurisprudential landscape of the ECtHR. By dissecting the legal reasoning and the standards applied, this article highlights the challenges and potential pitfalls inherent in the evolving scope of

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„equality of arms“. The findings suggest that while the Court aims to enhance procedural justice, its approach in this case may inadvertently undermine the legal equilibrium it seeks to protect. This critical assessment calls for a re-evaluation of the criteria for determining overall fairness to ensure that the principle of „equality of arms“ is consistently and coherently applied, thereby safeguarding the fundamental rights enshrined in the ECHR.

Keywords: equality of arms, ECtHR, *Murtazaliyev v. Russia*, Article 6 ECHR, fair trial, procedural justice, judicial fairness.

1. INTRODUCTION

The principle of equality of parties is a cornerstone of procedural justice, ensuring fairness and impartiality in legal proceedings, particularly in the field of criminal law. At the heart of this principle lies the idea that both the prosecution and the defence must be afforded equal opportunities, resources, and procedural guarantees for the effective presentation of evidence. The concept of “equality of arms” is deeply rooted in the fundamental principles of due process and the right to a fair trial, as enshrined in various international human rights instruments and national legal systems throughout the world.

One significant judicial milestone that underscores the importance of the principle of equality of parties is the case of *Murtazaliyeva v. Russia*. This case, decided by the European Court of Human Rights (ECtHR), exemplifies the critical role of this principle in protecting the rights of individuals within the criminal justice system, particularly in contexts in which imbalances of power and asymmetries may undermine the integrity of legal proceedings.

This paper undertakes a comprehensive examination of the case of *Murtazaliyeva v. Russia*, delving into its factual background, legal complexities, and broader implications for the protection of procedural rights. Our analysis seeks to clarify the application and interpretation of the principle of equality of parties in the specific context of this landmark judgment, shedding light on its significance in upholding the rule of law and ensuring procedural fairness.

The case of *Murtazaliyeva v. Russia* revolves around allegations of violations of the European Convention on Human Rights (ECHR), particularly Article 6, which guarantees the right to a fair trial, in the criminal proceedings brought against Ms Zare Khasanovna Murtazaliyeva

before the Russian courts. Central to the ECtHR's examination was whether the principle of equality of parties had been respected during the judicial proceedings, taking into account factors such as access to legal representation, the possibility of presenting evidence and examining witnesses, and equality of procedural rights between the prosecution and the defence. Through a careful analysis of this ECtHR judgment and its implications, this paper aims to elucidate key doctrinal principles and case law concerning the principle of equality of parties. Furthermore, it seeks to explore the broader implications of the *Murtazaliyeva* case for the protection of procedural rights within the framework of international human rights law and domestic legal systems.

In doing so, the paper engages with the doctrinal discourse on the principle of equality of parties, drawing on legal scholarship, comparative jurisprudence, and human rights theory in order to provide a nuanced understanding of its normative significance and practical application. Moreover, it seeks to encourage critical reflection on the challenges and complexities inherent in ensuring procedural fairness and equality before the law, especially in contexts marked by systemic deficiencies and structural inequalities.

In conclusion, this paper aims to contribute to the ongoing academic dialogue on the principle of equality of parties and its role in protecting the right to a fair trial. By examining the case of *Murtazaliyeva v. Russia* through a multidisciplinary lens, our objective is to advance our collective understanding of the fundamental principles of procedural justice and their implications for the protection of human rights in different legal contexts.

2. THE CONVENTION CONCEPT OF FAIR PROCEEDINGS

The principle of „equality of arms“, or more precisely the principle of equality of parties in proceedings, is not *explicite* proclaimed by the European Convention, but rather emerged in the jurisprudence of the European Court of Human Rights. This speaks both to the beauty of the Convention as a living instrument that is constantly developing and to the elasticity of the right to a fair trial. Since its „introduction“ into Convention life, the principle of „equality of arms“ has become an integral part of fair

proceedings. But what does it actually refer to, and how did the expansion of Article 6 of the Convention come about?

Fair proceedings, or due process and fair trial, represent, one may freely and rightly say, a very old concept. Its first appearance, at least in traces, can be found in the famous legal monument of medieval England – *Magna Charta Libertatum*, or the Great Charter of Liberties. Although the concept of a fair trial is not explicitly mentioned in the text of *Magna Charta Libertatum* of 1215, this document, among other things, contained in Clause 29 a demand addressed to the King that he should deny no one the right or justice due to him, as well as a guarantee that no one would be deprived of liberty except by the lawful judgment of his peers or by the law of the land (Ivičević-Karas, 2007: 765; Raosavljević & Novaković, 2024: 14–15). This document was of very great importance because it introduced the concept of the rule of law into English law. Namely, the rule of law as a concept required „procedural equality“ between individuals and the state, that is, public or state authority, which in essence represents a demand for „equality of arms“ between the parties to proceedings. Furthermore, the principle of personal liberty was affirmed through the Petition of Right of 1628 and the Habeas Corpus Act of 1679, which guaranteed judicial control over every act of the executive authority in the process of depriving an individual of personal liberty (Krapac, 1995: 93). By guaranteeing personal liberty, the Habeas Corpus Act also provided a guarantee that liberty would not be taken away without due process, since the procedure itself was conceived as a guarantee of individual rights and freedoms.

Over time, the right to procedure evolved in English law, and more generally in legal systems based on the Anglo-Saxon legal tradition, becoming an integral part of the concept of the rule of law, the notion of a fair trial, understood in a broader sense in English law, and the concept of due process in Anglo-American law.³ By recognising the right of the accused to a fair trial, more precisely to fair proceedings, the aim is to protect certain procedural rights that are evident in the English and American legal traditions. Nevertheless, due to the complex and specific nature of English and American case law, it becomes practically impossible to distinguish and articulate the components of the right to a fair trial or fair proceedings exclusively through abstract legal provisions or the

³ Due process in the United States of America is today guaranteed by two amendments to the U.S. Constitution – the Fifth Amendment and the Fourteenth Amendment.

jurisprudence of English and American courts. In addition, the right to certain procedural guarantees concerns strictly „procedural protection“, in the sense that an individual must be able, during the course of proceedings, to influence their outcome (Focarelli, 2001: 170). It would prove that this conception of fair proceedings had a major influence on the jurisprudence of the ECtHR.

If we look at the legacy of the Anglo-Saxon, or Anglo-American, legal tradition, it can be observed that the drafters of the European Convention were inspired by it when formulating the specific guarantees of Article 6 of the Convention. Why was this so? One possible answer may lie in the fact that, in the legal orders of the Euro-continental legal tradition, since the constitutionalisation of human and civil rights and freedoms, the principle of legality, or lawfulness, has been emphasised more strongly than fairness or equity, which is more characteristic of the Anglo-Saxon legal tradition.⁴ Although fairness can be discerned in the French Declaration of the Rights of Man and of the Citizen – proclaiming that „all men are born equal“ and that „every man is presumed innocent until declared guilty“ – we must nevertheless conclude that the legal standard of fair proceedings from Anglo-Saxon law inspired the authors of the European Convention, and very likely also the judges of the European Court of Human Rights when deciding cases.

The following two arguments support the above:

(1) When discussing the concept of fairness as used in the case law of the European Court of Human Rights, it is important to note that there is no strictly defined legal demarcation of it. Fairness, in this context, represents an elusive legal standard that is not neatly aligned with the specific content of defined legal norms. Consequently, the interpretation of fairness remains fluid and requires determination on a case-by-case basis. This gives the judge a creative role in the application of such legal standards. Similarly, there is no „abstract and general definition of the right to a fair trial“; rather, it consists of a set of preconditions from which it has been extrapolated and articulated (Ruiz Fabri, 1999: 58). The operational framework of the European Commission of Human Rights and the case law of the European Court of Human Rights play a key role in delineating and interpreting the Convention concept of fairness. It is evident that this

⁴ On the application of fairness in judicial and other proceedings, see: Marković, 1996: 100–106.

system bears a striking resemblance to the system of precedent law rooted in English law and, more generally, in legal systems grounded in the Anglo-Saxon legal tradition. Nevertheless, it is essential to recognise that the system of judicial precedent differs from the fundamental principles of national legal orders associated with the Romano-Germanic legal tradition; and

(2) It is appropriate to emphasise that the fundamental principles underpinning the right to a fair trial, as embedded in the case law of the European Court of Human Rights, include concepts such as the adversarial principle – *audiatur et altera pars* or *audi alteram partem* – and the principle of equality of parties (Rzepka, 2000: 283–284; Đurđić, 2015: 82). These principles, initially institutionalised in English law and later adopted into the legal framework of the United States of America, constitute integral components of the guarantees of a fair trial. Consequently, it logically follows that the drafters of the European Convention, in drafting the provisions relating to fair trial guarantees, drew inspiration from the model of English law, which in fact became a „source of law“. Moreover, the substantive conception of defining judicial bodies, as affirmed in the case law of the European Court of Human Rights, also finds its origins in English law. Similarly, the assessment of the independence and impartiality of the judiciary, according to the well-known maxim that „justice must not only be done, it must also be seen to be done“, can be traced back to the English legal tradition (Ivičević-Karas, 2007: 769).

Regardless of the fact that the basic inspiration for the concept of fair proceedings in the European Convention – and also in the later jurisprudence of the ECtHR – was English law, it should be emphasised that the Convention concept of fair proceedings also draws inspiration from other sources (Galligan, 1996: 218–221). Otherwise, the ECtHR would not be able, in its practice, to apply concepts found in the national legislation of European states. Thus, the ECtHR applies the method of autonomous interpretation of legal concepts and standards primarily in order to enable the development of individual rights by limiting state prerogatives, but also in order to ensure the uniform application of these legal concepts and standards in sometimes very different national legal orders (Ivičević-Karas, 2007: 770). Through the application of autonomous interpretation, the ECtHR may, depending on social reality as well as all the circumstances of the particular case, expand or restrict the guarantees

provided by the European Convention. However, the application of autonomous interpretation, which enables precisely this elasticity of Convention rights and freedoms, is not without challenges. These challenges relate to the sometimes very significant differences existing among the national legal frameworks of the members of the European family of law. For this reason, the ECtHR seeks to achieve the universalisation of certain elements of fair proceedings and thereby establish standards that are acceptable and applicable to all national legal systems. One such universal standard is precisely the equality of procedural parties, that is, the principle of „equality of arms“.

3. THE PRINCIPLE OF EQUALITY OF PROCEDURAL PARTIES IN THE ECHR

Within the jurisprudence of the European Court of Human Rights, the principle of equality of parties, designated as an essential component of fair procedural standards, has its roots in the Anglo-Saxon legal tradition (Silver, 1990: 1010). This principle, reflecting the broader framework of fair and just proceedings, is in its essence characteristic of the „sporting theory of justice“ contained in the accusatorial procedural model (Ivičević-Karas, 2007: 771). This model presupposes that disputes are resolved by ensuring strict equality between opposing parties. Central to this conception is the idea that the search for truth within criminal proceedings is best facilitated through an adversarial dispute between the parties involved (Corker & Young, 2000: 119). Such an approach stands in sharp contrast to the procedural norms prevailing in Romano-Germanic legal traditions, where the adversarial model is generally not applied.

Before addressing the meaning of the principle of equality of parties as clarified in the case law of the ECtHR, it is necessary to acknowledge the fundamental differences between the procedural frameworks of legal systems belonging to the Anglo-Saxon and Romano-Germanic, or Euro-continental, traditions. Namely, the key difference lies in the interpretation of the notion of „proceedings“ or „process“ within these legal paradigms. In Romano-Germanic legal systems, such as French law, the term „process“ (*procès*) denotes a dispute brought before a court or an unresolved conflict presented to a judicial body. By contrast, in the Anglo-Saxon legal tradition, „process“ or „trial“ encompasses the examination

and adjudication of legal or factual issues by a court. Here, the trial represents only one aspect of the procedural continuum, with many disputes being resolved before its initiation, often through settlement agreements (Girard, 2003: 53–54).

Furthermore, contemporary criminal proceedings continue to bear the imprint of historical forms of criminal procedure, particularly the accusatorial and inquisitorial models. Rooted in the Anglo-Saxon legal tradition, the accusatorial model envisages a public, oral, and adversarial exchange between the parties before an impartial court whose task is solely to adjudicate and resolve the conflict. Implicit in this framework is the principle of the rule of law, which requires procedural equality between individuals and state authorities (Danet, 2004: 35; Zupančić, 1995: 272). Consequently, the parties participate in adversarial criminal proceedings on an equal footing, similarly to civil proceedings, thereby reflecting a distinctive feature of the Anglo-Saxon legal heritage (Stefani, Levasseur & Bouloc, 2004: 47). By contrast, the criminal procedural framework prevailing in continental legal systems, particularly within the Romano-Germanic legal tradition, is grounded in the imperative of respecting the rule of law, primarily through adherence to the principle of legality (Zupančić, 1995: 272). These systems of criminal procedure inherit certain elements from the inquisitorial model while also integrating features of the accusatorial model, resulting in what is referred to as a mixed type of procedure. This hybrid approach is essentially adversarial, especially during the main hearing. However, prior to the main hearing, the possibility remains of invoking procedural secrecy, thereby limiting the accused's access to case materials and participation in the proceedings (Krapac, 2003: 17–19). Moreover, the prosecutor in such procedural models, representing the coercive authority of the state, possesses a range of powers that are not extended to the accused. Consequently, criminal proceedings significantly differ from civil proceedings, since they do not ensure a true parity of arms between the opposing parties (Damaška, 1997: 383).

Despite initial appearances suggesting irreconcilable differences between legal systems of the Anglo-Saxon and Euro-continental legal traditions, such assumptions are not, in themselves, accurate. Historical forms of criminal procedure no longer survive in their original and unchanged states, since the boundaries between legal traditions are gradually diminishing. Consequently, criminal proceedings in different

jurisdictions increasingly exhibit similarities, indicating a convergence of practices. Within the framework or concept of fair proceedings, emphasis is placed on the principle of equality of parties, a fundamental aspect of adversarial criminal justice, strengthened by the rights of the accused to defence. This convergence underscores the validity of the claim that the European Court of Human Rights draws inspiration from the Anglo-Saxon legal tradition in its elaboration of the right to fair proceedings and the principle of equality of parties (Ivičević-Karas, 2007: 773–776).

The principle of equality of parties has been established and affirmed within the jurisprudence of the ECtHR as a fundamental element of the right to fair proceedings. Although it is not explicitly articulated in the text of the European Convention, it is regarded as one of the implicit principles derived from Article 6 of the Convention (Pavišić, 2006: 101). At present, its precise definition remains elusive, since it primarily relates to the notion of qualification or legal representation (Ivičević-Karas, 2007: 776). However, its emergence as a means of ensuring fairness – initially evident in the opinions of the European Commission of Human Rights in civil and criminal cases from 1959 (*Szwabowicz v. Sweden*) and 1962 (*Ofner and Hopfinger v. Austria*), and later in key ECtHR decisions in cases such as *Neumeister v. Austria* (1963) and *Delcourt v. Belgium* (1970) – consolidated its status as an autonomous expression of fair proceedings within the Court's case law (Ivičević-Karas, 2007: 777; Ergec, 2004: 190). Since then, it has been indisputably established that procedural fairness entails respect for the principle of equality of parties, together with the adversarial principle. According to settled case law, this principle requires that each party be afforded a reasonable opportunity to present its case before the court under conditions that do not place it at an unjustified disadvantage in comparison with the opposing party (Đurđić, 2015: 83). This definition has been consistently upheld in numerous decisions of the ECtHR, in both civil and criminal matters (Ivičević-Karas, 2007: 778). In criminal proceedings in particular, fairness is compromised if the accused is placed at an unjustified disadvantage in relation to the prosecutor (Surrel, 2003: 300).

The principle of equality of parties essentially entails the absence of differential treatment between the parties, thereby ensuring that neither party is placed at an unjustified disadvantage in the exercise of its fundamental procedural rights. It encompasses not only the specific rights

of the parties, but also their freedom from any restrictions on procedural rights that may unfairly disturb the balance of the proceedings (Rzepka, 2000: 111). Although its interpretation develops over time, particularly through the application of the method of evolutionary interpretation of legal concepts and standards, the principle of equality of parties remains a constant and arguably the most significant criterion of „fair proceedings“ (Đurđić, 2014: 444–445). National courts frequently invoke this principle in combination with the principles of fair procedure (Favreau, 2001: 10).

4. THE ECtHR CASE OF *MURTAZALIYEVA* v. *RUSSIA* (2018)

On 18 December 2018, the Grand Chamber of the ECtHR delivered its judgment in the case of *Murtazaliyeva v. Russia*. By this judgment, which concerned the conviction of a Chechen woman on charges relating to terrorist activities, the Court concluded that there had been no violation of the right to a fair trial. The key aspect of this judgment revolves around the applicant’s claim that the refusal of the domestic judiciary to summon two defence witnesses was contrary to Article 6(1) and Article 6(3)(d) of the ECHR. Given the initial state of the relevant case law originating from Strasbourg, this case represented a favourable opportunity for the ECtHR to clarify the standards embedded in the European Convention. Unfortunately, in its clarification, the Grand Chamber further expanded the scope of the assessment of the „overall fairness of the proceedings“ referred to in Article 6(1) of the Convention. Consequently, this metric now represents the ultimate standard in this area.

In January 2005, the applicant was sentenced to nine years’ imprisonment on charges connected with terrorist activities. The Supreme Court of the Russian Federation upheld the conviction in March 2005, although it reduced the sentence to eight and a half years. The applicant, however, brought her case before Strasbourg, alleging multiple violations of her right to a fair trial, with particular emphasis on the failure to summon two witnesses who had been present during the police search of her bag. This search led to the discovery of two packages identified as containing explosives, which the applicant claimed had been secretly placed in her possession before the search.

The ECtHR considered it imperative to set out its standards concerning the right to examine witnesses on behalf of the defence, an aspect of the case law that had undergone limited evolution since the precedent established in *Perna v. Italy* in 2003. After examining subsequent cases based on *Perna*, the ECtHR formulated a tripartite assessment framework, as set out in § 158:

(1) Was the request to examine a witness sufficiently reasoned and relevant to the subject matter of the accusation?

(2) Did the domestic courts consider the relevance of that testimony and provide sufficient reasons for their decision not to admit it?

(3) Did the domestic courts' refusal to admit the testimony undermine the overall fairness of the proceedings?

As regards the first criterion, in *Perna* the ECtHR placed on the applicant the burden of justifying the necessity of the witness's testimony for establishing the truth (§ 29). However, in the context of *Murtazaliyeva*, the ECtHR broadened the scope of the defence's prerogatives, extending them not only to witnesses who directly affect the outcome of the trial, but also to those whose testimony may reasonably be expected to strengthen the defence's position (§ 160).

As for the second element, the ECtHR required domestic courts to consider the relevance of the requested testimony and to provide convincing reasons for their decisions (§ 162). While acknowledging the primary role of national law in regulating the admissibility of evidence, the ECtHR emphasised the need for domestic courts to scrutinise the submissions of the defence carefully, aligning their reasoning with the strength of the defence arguments (§§ 163–166). Finally, the ECtHR endorsed the use of the „overall fairness of the proceedings“ as the final criterion for assessing the propriety of the trial. This measure was intended to prevent unjustified rigidity in the application of the tripartite test, recognising exceptional circumstances in which considerations of fairness may differ from standard assessments (§ 168).

Applying these principles to the case at hand, the ECtHR found that the defence's justification for summoning the witnesses had not been sufficiently concrete or developed. Moreover, the reasoning of the Supreme Court of the Russian Federation for not summoning the witnesses was considered acceptable, given the applicant's own claim concerning the origin of the explosives. Ultimately, the ECtHR held that the refusal to

summon the witnesses had not jeopardised the overall fairness of the proceedings, referring to the applicant's effective defence, her opportunity to challenge the prosecution evidence, and the substantial body of evidence supporting the conviction. Accordingly, the ECtHR concluded that there had been no violation of the applicant's rights under Article 6(1) and Article 6(3)(d) of the European Convention on Human Rights.

The judgment in *Murtazaliyeva* has been the target of numerous criticisms. The primary contentious aspect of the judgment concerns the continued imposition of a substantial burden on the accused to justify the necessity of witness testimony, which constitutes the first limb of the tripartite test. Although the ECtHR appears, at first sight, to have reduced this burden in comparison with the precedent set out in *Perna*, the practical implementation of the new standard reveals a very heavy burden, particularly in relation to the requirement to explain how the witness's testimony „could reasonably be expected to strengthen the defence's case“.

In his dissenting opinion, Judge Pinto de Albuquerque characterised this adjustment as one that initially appeared milder and more lenient, but lamented the illiberal application adopted by the majority. Furthermore, Judge Bošnjak, in his partly dissenting opinion, expressed concern regarding the potential dangers arising from an excessively restrictive application of the first element. He warned against anticipatory speculation concerning the potential impact of witness testimony on the judicial assessment of relevant facts, emphasising the inherent unpredictability of witness testimony and its ramifications. Moreover, Judge Bošnjak expressed concern regarding the discrepancy between the burden placed on the accused and the principle that grants the defence significant autonomy in determining its strategies, including the selection and presentation of factual arguments. He advocated a more liberal interpretation of the first limb, granting the defence greater freedom in fulfilling its procedural obligations. In essence, the criticism advanced by Judges Pinto de Albuquerque and Bošnjak highlights the discrepancy between the alleged easing of the burden on the accused and its strict practical implementation, thereby advocating a more lenient application of the first element in order to align it better with the principles of procedural fairness and defence autonomy.

What is even more concerning within the broader case law under Article 6 of the Convention is the ECtHR's continued reliance on the

„overall fairness of the proceedings“ test as the final standard for assessing the adequacy of a trial. The ECtHR increasingly avoids setting „bright-line“ rules regarding the rights of the defence, opting instead for the adaptable nature of the „overall fairness“ assessment. Illustratively, in *Al-Khawaja and Tahery v. the United Kingdom* (2011), the ECtHR departed from the rigid delineations of the „sole or decisive rule“ concerning the admissibility of hearsay evidence. Instead of categorically prohibiting convictions based solely or decisively on statements of absent witnesses, the ECtHR introduced the concept of „sufficient counterbalancing factors“ capable of ensuring the overall fairness of the proceedings.

Similarly, in *Ibrahim and Others v. the United Kingdom* (2016), the ECtHR extended this approach to the rule from *Salduz v. Turkey*. Initially established in *Salduz v. Turkey* (2008), this rule provides that access to legal assistance should generally begin from the initial police questioning, unless compelling reasons justify a restriction. However, in *Ibrahim and Others*, the ECtHR departed from the requirement of „compelling reasons“ for restricting access to legal advice, holding that their absence does not automatically entail a violation of Article 6 of the European Convention. Instead, the ECtHR required an assessment of the impact of the restriction on the overall fairness of the proceedings, emphasising the need for a holistic assessment.

Further expanding this framework, in *Beuze v. Belgium* (2018), the ECtHR extended its application to encompass not only cases similar to *Ibrahim and Others*, concerning individualised decisions to restrict access to legal representation, but also cases involving systemic restrictions arising from legislative provisions. In essence, these developments underscore the ECtHR’s evolving approach to preserving procedural fairness, characterised by a departure from rigid standards towards a more contextualised assessment of the adequacy of the trial based on the comprehensive criterion of „overall fairness“.

The „overall fairness“ test is problematic for several reasons. First, as Judge Pinto de Albuquerque argued in his dissenting opinion, it is „inherently subjective and therefore extremely malleable“. In the absence of a benchmark by which to determine whether proceedings were „overall fair“, the determination of this issue risks collapsing into an „I know it when I see it“ standard. Respect for fundamental procedural rights should not be assessed by judicial intuition. A related risk, identified by Judge

Bošnjak in his partly dissenting opinion, lies in the fact that the determination of the fairness of proceedings may be tainted by the manner in which judges assess the fairness of the outcome. In this regard, Judge Bošnjak considered it inappropriate for the majority to take into account whether the available evidence was sufficient to convict the applicant. According to Judge Pinto de Albuquerque, „proceedings are not fair because the guilty are convicted or the innocent acquitted“. This is not simple, as Pinto de Albuquerque argues, because „there is no way of legally establishing whether the guilty were guilty except through the proceedings themselves“. Proper procedure should instead be regarded as a value in itself – not only for the innocent but also for the guilty – and should be treated accordingly, regardless of the extent to which it contributes to a more accurate determination of legal truth in a particular case.

Furthermore, the „overall fairness“ test creates ambiguity, resulting in a lack of guidance for domestic courts. Although the ECtHR set out certain criteria in *Ibrahim and Others v. the United Kingdom* in order to delineate the application of this test, those criteria are so broad that, as Judge Pinto de Albuquerque observed, they resemble „a map the size of the territory: seemingly accurate, but in reality useless in terms of providing any guidance“. Consequently, the retrospective assessment of cases by the ECtHR becomes complex, since determining whether a reduction of safeguards at one stage of the proceedings may be compensated by the proper conduct of subsequent stages essentially entails a comparison of different elements. This difficulty is further compounded for domestic authorities and courts, as Judge Pinto de Albuquerque explained. Given the sequential nature of legal proceedings, domestic actors lack foresight concerning the progress of a case, since different bodies have different responsibilities in different situations. As such, the uncertainty inherent in the „overall fairness“ test exacerbates the challenges faced by domestic bodies in addressing procedural complexities.

Thirdly, the „overall fairness“ test does not provide meaningful safeguards. A procedural guarantee, such as the right to examine witnesses, is not effective if its necessity can be recognised only retroactively. Even if procedural deficiencies could hypothetically be compensated by the proper conduct of other aspects of the proceedings, relying exclusively on hindsight in determining compliance undermines the effectiveness of such safeguards. Entrusting domestic bodies with the task of assessing

procedural fairness on a case-by-case basis entails inherent risks, since there is no guarantee of consistent or accurate assessments.

Instead of adopting an ad hoc approach to assessing the value of procedural guarantees, it is imperative to recognise their inherent function: to provide structural protection against procedural inequalities. The use of these safeguards as „a blunt and indiscriminate instrument“, as articulated in *Al-Khawaja and Tahery v. the United Kingdom* (§ 146), serves as a strong incentive for domestic bodies to devote due attention to procedural integrity. By emphasising the structural importance of these safeguards, their consistent application serves as a means of deterring unjust criminal convictions, thereby strengthening the structural integrity of legal systems.

Is it excessively formalistic to expect domestic courts consistently to adhere to the practice of examining witnesses at trial unless compelling reasons are provided for refusing a sufficiently reasoned and relevant request in that regard? This question deserves reflection, particularly in light of the warning expressed in the dissenting opinion of Judges Sajó and Karakaş in *Al-Khawaja and Tahery*.

In their dissent, Judges Sajó and Karakaş emphasised the pervasive influence of populism, law-enforcement agencies, and prosecutorial authorities, which often exert pressure on courts around the world to disregard fundamental safeguards of criminal procedure. While some demands may arise from legitimate practical constraints, such necessities should not justify the erosion of the rights of accused individuals, which are indispensable for ensuring a fair trial and the fair administration of justice. Unfortunately, seven years after the judgment in *Al-Khawaja and Tahery*, the Grand Chamber judgment in *Murtazaliyeva* represents yet another example of what Judge Pinto de Albuquerque now condemns as „the corrosive expansion of the overall fairness test“. Under the guise of examining the overall fairness of the proceedings, the ECtHR risks diluting the essence of the defence rights expressly set out in Article 6(3) of the European Convention on Human Rights.

5. CONCLUSION

The case of *Murtazaliyeva v. Russia* serves as an appropriate lens through which to examine the principle of equality of parties in the field of human rights law. The analysis of the judgment of the European Court of

Human Rights in this case reveals the nuanced complexities surrounding procedural fairness and the protection of the rights of the accused. The principle of equality of parties, as embedded in Article 6 of the European Convention on Human Rights, emphasises the imperative of ensuring a balanced and fair legal process in which both the prosecution and the defence possess appropriate resources and opportunities to present their cases.

However, the application of the „overall fairness“ test, as demonstrated in *Murtazaliyeva*, raises significant concerns regarding the effectiveness of procedural safeguards and the potential erosion of the rights of the accused. While the ECtHR’s adoption of a flexible approach may ostensibly aim to accommodate different legal contexts and ensure holistic assessments of the adequacy of trials, it also introduces ambiguity and subjectivity into the evaluation of procedural fairness. Moreover, the burden placed on accused persons to justify the necessity of procedural safeguards, together with the lack of concrete guidance for domestic courts, risks undermining the structural integrity of judicial proceedings. Furthermore, the reluctance to establish clear boundaries with regard to the rights of the defence, as evidenced by the increasing application of the „overall fairness“ test, presents challenges to maintaining the principle of equality of parties. Excessive reliance on subjective assessments and retrospective evaluations undermines the effectiveness of procedural safeguards and may exacerbate disparities in legal outcomes.

LITERATURA

1. Corker, D. & Young, D. (2000). *Abuse of Process and Fairness in Criminal Proceedings*. London – Edinburgh – Dublin: Butterworths.
2. Damaška, M. (1997). „O miješanju inkvizitornih i akuzatornih procesnih formi“. *Hrvatski ljetopis za kazneno pravo i praksu*, 4(2)/1997: 381-394.
3. Danet, J. (2004). *Défendre Pour une défense pénale critique*. Dalloz: Paris.
4. Đurđić, V. (2014). *Novi krivični postupak Srbije – novi razlozi za usklađivanje sa evropskim pravnim standardima*. *Zbornik radova Pravnog fakulteta u Nišu*, 68/2014: 443-458.

5. Đurđić, V. (2015). Perspektiva novog modela krivičnog postupka Srbije. NBP. Nauka, bezbednost, policija, 20(2)/2015: 71-95.
6. Ergec, R. (2004). Protection européenne et internationale des droits de l'homme. Bruxelles: Bruylant.
7. Favreau, B. (2001). Aux sources du procès équitable une certaine idée de la qualité de la justice, u: Le procès équitable et la protection juridictionnelle du citoyen, Actes du Colloque organisé à Bordeaux les 29 et 30 septembre 2000 par l'Institut des droits de l'homme des avocats européens et l'Institut des droits de l'homme du Barreau de Bordeaux. Bruxelles: Bruylant.
8. Focarelli, C. (2001). Equo processo e Convenzione europea dei diritti dell'uomo: contributo alla determinazione dell'ambito di applicazione dell'art. 6 della Convenzione. Padova: Casa editrice dott. Antonio Milani.
9. Galligan, D. J. (1996). Due Process and Fair Procedures, A Study of Administrative Procedures. Oxford: Clarendon Press.
10. Girard, C. (2003). Le procès équitable dans l'espace normatif anglo-saxon: l'éclairage du droit public anglais, u: Procès équitable et enchevêtrement des espaces normatifs, Travaux de l'atelier de droit international de l'UMR de droit comparé de Paris (sous la direction de Ruiz Fabri, H.). Paris: Société de législation comparée.
11. Ivičević-Karas, E. (2007). „Načelo jednakosti oružja kao konstitutivni element prava na pravični kazneni postupak iz članka 6. Europske konvencije za zaštitu ljudskih prava i temeljnih sloboda“, Zbornik Pravnog fakulteta u Zagrebu, 57(4-5)/2007: 761-788.
12. Krapac, D. (1995). Engleski kazneni postupak. Zagreb: Pravni fakultet u Zagrebu.
13. Krapac, D. (2003). Kazneno procesno pravo, Prva knjiga, Institucije. Zagreb: Narodne novine.
14. Marković, B. S. (1996). Suđenje po pravičnosti u opštem i u arbitražnom pravu. Anali Pravnog fakulteta u Beogradu, 44(2-3)/1996: 100-106.
15. Pavišić, B. (2006). Kazneno pravo Vijeća Europe, Izvori, komentari, praksa. Zagreb: Golden marketing – Tehnička knjiga.

16. Raosavljević, P. & Novaković, F. (2024). *Evropski sistem zaštite ljudskih prava*. Banja Luka: Univerzitet za poslovni inženjering i menadžment Banja Luka.
17. Ruiz Fabri, H. (1999). *Égalité des armes et procès équitable dans la jurisprudence de la Cour européenne des droits de l'homme*, u: *Égalité et équité: Antagonisme ou complémentarité*. Paris: Economica.
18. Rzepka, D. (2000). *Zur Fairness im deutschen Strafverfahren*. Frankfurt am Main: Vittorio Klostermann.
19. Silver, J. S. (1990). Equality of Arms and the Adversarial Process: A New Constitutional Right. *Wisconsin Law Review*, 4/1990: 1007-1042.
20. Stefani, G., Levasseur, G. & Bouloc, B. (2004). *Procédure pénale*. Dalloz: Paris.
21. Surrel, H. (2003). *L'égalité des armes*, u: Sudre, F. & Picheral, C. (ur.) *La diffusion du modèle européen du procès équitable*. Paris: Institut de droit européen des droits de l'homme.
22. Zupančić, B. M. (1995). „Kazneni postupak i njegove funkcije u državi izvornog liberalizma“. *Hrvatski ljetopis za kazneno pravo i praksu*, 2(2)/1995: 253-277.
23. *Al-Khawaja and Tahery v. the United Kingdom*, nos. 26766/05 and 22228/06, ECtHR 2011.
24. *Beuze v. Belgium* [GC], no. 71409/10, ECtHR 2018.
25. *Delcour v. Belgium*, no. 2689/65, ECtHR 1970.
26. *Ibrahim and Others v. the United Kingdom*, nos. 50541/08, 50571/08, 50573/08 and 40351/09, ECtHR 2016.
27. *Murtazaliyeva v. Russia* [GC], no. 36658/05, ECtHR 2018.
28. *Neumeister v. Austria*, no. 1936/63, ECtHR 1966.
29. *Ofner and Hopfinger v. Austria*, no. 524/59 617/59, ECtHR 1963.
30. *Perna v. Italy* [GC], no. 48898/99, ECtHR 2003.
31. *Salduz v. Turkey*, no. 36391/02, ECtHR 2008.
32. *Szwabowicz v. Sweden*, no. 434/58, EComHR 1959.

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EXPROPRIATION AS A LEGAL INSTITUTE IN THE ADMINISTRATIVE LAW OF THE REPUBLIC OF SERBIA

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Abstract: Expropriation is one of the most complex institutes of administrative law, in which two fundamental legal principles collide: the protection of private property rights and the realization of the public interest. In the Republic of Serbia, this institute is regulated primarily by the Law on Expropriation of 1995, with subsequent amendments, as well as by constitutional guarantees which ensure that no citizen may be deprived of immovable property without a legal basis and without compensation that may not be lower than the market value. This paper analyses the legal nature, types, prerequisites of legality, procedure and compensation in expropriation proceedings under Serbian law, with reference to European standards for the protection of property under Article 1 of Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Particular attention is devoted to the institute of de facto expropriation, which has been developed by judicial practice and which represents a significant expansion of the legal protection of owners of immovable property.

Keywords: expropriation; public interest; compensation; right to property; de facto expropriation; administrative procedure.

1. INTRODUCTION

The right to private property represents the cornerstone of every democratic legal order and the foundation of a state's market economy. At

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the same time, state authority inevitably encounters the need, for the purpose of satisfying general and common needs, to restrict certain rights over private property or to transfer them entirely into public hands. It is precisely at this intersection of private and public interests that one of the most interesting legal institutes arises – expropriation.

The word “expropriation” derives from the Latin words *ex* – “out of” – and *proprius* – “one’s own” – so that, in a literal translation, it denotes the “taking away of ownership.” In the legal sense, it refers to the compulsory taking or restriction of the right of ownership over immovable property in favour of public authority or another holder of public powers, with compensation for the appropriate damage caused to the former owner.

Unlike confiscation, which constitutes a punishment, that is, the taking of property without compensation, expropriation is a legally regulated procedure in which each party exercises its rights and obligations.

In the legal system of the Republic of Serbia, the institute of expropriation is regulated at several levels: constitutional, statutory and by-law. At the constitutional level, the provisions of Article 58 of the Constitution of the Republic of Serbia guarantee the protection of the right to property, with an explicit provision that the deprivation or restriction of property rights may be carried out only in the public interest, established on the basis of law, and with compensation that may not be lower than the market value.

At the statutory level, the principal regulation is the Law on Expropriation of 1995, whose provisions elaborate the entire procedure. In addition, this matter is directly or indirectly influenced by a number of other regulations, including the Law on Planning and Construction, the Law on Public Roads, the Law on Public Property and numerous other special laws.

The subject of this paper is a comprehensive analysis of the legal institute of expropriation within the administrative-law system of the Republic of Serbia, with reference to European standards for the protection of property. The paper proceeds from positive legal regulations and also includes an analysis of case law, particularly the case law of the Supreme Court and the Administrative Court in Serbia, as well as certain positions of the European Court of Human Rights in Strasbourg.

2. LEGAL NATURE AND CONSTITUTIONAL FRAMEWORK OF EXPROPRIATION

Viewed from the perspective of its legal nature, expropriation represents an administrative-law procedure for the compulsory transfer of rights in the public interest. It is a special form of restriction of the absolute right of ownership, which traditionally includes the right of use, the right of disposal and the right to enjoy the fruits of property. Through the expropriation procedure, the state or another legal entity authorized by law enters into a direct legal relationship with the private owner of immovable property and, through the application of “coercion” ensured by the legal order, modifies, restricts or completely extinguishes that right.

In the procedure, three prerequisites for the legality of expropriation must be fulfilled: 1) the existence of a public interest; 2) the conduct of a lawful procedure; and 3) the payment of fair compensation. These prerequisites arise from constitutional guarantees and the general principles of administrative law. Without the fulfilment of all these prerequisites, an act of expropriation is null and void or unlawful, while the owner of the immovable property enjoys full legal protection.

The Constitution of the Republic of Serbia of 2006, in Article 58, contains a guarantee of the peaceful enjoyment of property and of rights acquired on the basis of law. It establishes that the right of ownership may be restricted or taken away only if this is in the public interest established on the basis of law, and with compensation that may not be lower than market value. This constitutional norm represents the direct application of Article 1 of Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, hereinafter: the ECHR, which the Republic of Serbia ratified by the Law on Ratification in 2003.

In the doctrine of administrative law, two basic conceptions of the legal nature of expropriation may be distinguished. The first treats it as a purely administrative-law relationship. The second, mixed conception, recognizes that, in the part concerning the determination of compensation, administrative law and civil law interpenetrate. The Law on Expropriation of 1995 adopts the mixed conception, which in practice means that the administrative procedure is conducted before an

administrative authority, namely a local self-government unit – municipality, city or the City of Belgrade – while, in the event of disagreement concerning compensation, the matter passes before the competent court of general jurisdiction.

It is important to emphasize that, soon after the ratification of the ECHR, the Constitutional Court of Serbia developed case law concerning the protection of property rights in the context of expropriation. In numerous decisions on constitutional appeals, the Constitutional Court affirmed the right to fair compensation and the obligation to conduct a lawful procedure, thereby strengthening the constitutional-law standard within the system of protection of ownership rights.

3. TYPES OF EXPROPRIATION

The Law on Expropriation of 1995 distinguishes between two basic types of expropriation: full and partial expropriation. In the case of full expropriation, once the decision on expropriation becomes final, there is a complete change in the holder of the right of ownership over the immovable property, whereby the former owner fully loses all ownership powers. This is the most common form of interference with the right of ownership and, consequently, the one that requires the highest level of protection for the owner.

Partial expropriation represents a restriction of the right of ownership without its complete deprivation. The law provides for three forms: 1) the establishment of an easement over immovable property; 2) the establishment of a lease over land for a fixed period of time; and 3) the temporary occupation of land, which may last for a maximum of three years. Temporary occupation is ordered for the accommodation of workers, materials, machines and similar needs related to construction, and it is revoked as soon as the need for which it was ordered ceases to exist, with an obligation to return the land to its previous condition.

A special form of partial expropriation is the establishment of real easements – such as the right of passage, the right of transport, the right to draw water, the installation of facilities for the transmission of electricity and similar rights – on land in state or public ownership in favour of legal entities. The establishment of a lease is provided for when, having regard to its purpose, the land will be used only in a limited

manner, for example, for the exploration of mineral resources, the use of quarries or the extraction of clay.

4. DE JURE AND DE FACTO EXPROPRIATION

Contemporary case law, following the precedents of the European Court of Human Rights, also recognizes the distinction between formal, or de jure, and de facto expropriation. Formal expropriation implies the conduct of a procedure prescribed by law, accompanied by the adoption of a decision on expropriation. De facto expropriation exists where the compulsory taking or restriction of rights over immovable property has been carried out without a formal procedure, but where the same effect has been achieved in fact, since the owner has been deprived of the use of his or her property. A detailed analysis of this institute follows in a separate chapter of the paper.

Public interest is the *sine qua non* of every lawful expropriation. Without an established public interest, the decision on expropriation is null and void, as expressly provided by Article 30 of the Law on Expropriation of 1995. This strict rule is fully justified, since otherwise there would be no legal basis for interference with the right to private property. In addition, the public interest must be concrete and real, not merely declaratory. The case law of the European Court of Human Rights has adopted a firm position on this issue.

The Law on Expropriation of 1995 distinguishes between two methods of establishing the public interest: 1) by law; and 2) by a decision of the Government in accordance with the law. The Government may establish the public interest for expropriation if the construction of facilities is necessary in the fields of education, health care, social protection, culture, water management, sport, transport, energy and communal infrastructure, for the needs of state authorities and local self-government bodies, for national defence, as well as for the construction of housing intended for socially vulnerable persons.

The Government may also establish the public interest if this is necessary for the exploitation of mineral resources, environmental protection and protection against natural disasters, including the construction of the necessary facilities. The public interest may also be established for the purpose of acquiring undeveloped land for the

relocation of settlements or parts of settlements. In addition, the Government may establish the public interest in order to secure a non-monetary contribution of the Republic of Serbia to a company established on the basis of a joint investment agreement.

A proposal for establishing the public interest, submitted to the Government through the Ministry of Finance, must contain information on the immovable property, the type of facility or works, an excerpt from the relevant planning document and, where necessary, an excerpt from the joint investment agreement. The Government is required to decide on the proposal within 90 days. An administrative dispute before the Administrative Court may be initiated against the Government's decision on the proposal for establishing the public interest within 30 days.

The requirement of the existence of an appropriate planning document is also crucial, since the public interest may be established only if the relevant planning document has been adopted in accordance with the law. This represents an important link between the urban-planning and construction system, on the one hand, and the administrative-law system, on the other, as well as a substantive limitation against arbitrary intervention by the executive authority into citizens' rights.

Before the initiation of the formal procedure, a legal entity intending to submit a proposal for expropriation may request permission to carry out preparatory actions on a particular immovable property. In practice, this would include land examination, surveying and similar activities. The proposal for permission to carry out preparatory actions is submitted to the Ministry of Finance, and it must specify the purpose, the immovable property on which the actions are intended to be performed, the owner, the nature and scope of the actions, as well as their duration.

If the applicant makes it probable that the preparatory actions are necessary for the purposes determined by law, the Ministry of Finance will permit them, while first ensuring that they are not carried out at a time unsuitable for the owner. The legal entity in whose favour the preparatory actions are permitted is obliged to pay the owner compensation prescribed by law. The decision granting permission may not authorize the performance of construction or other similar works, which constitutes a clear boundary separating preparatory measures from the expropriation procedure itself.

The expropriation procedure is initiated by a proposal submitted by the beneficiary of expropriation. The proposal is submitted to the municipality on whose territory the immovable property is located, within one year from the date on which the public interest was established. On behalf of the Republic of Serbia, the proposal is submitted by the State Attorney's Office, while on behalf of a local self-government unit it is submitted by the competent public attorney. Along with the proposal, the beneficiary is required to enclose: 1) an excerpt from the real estate cadastre; 2) a certified excerpt from the planning document; 3) proof that the public interest has been established; and 4) a bank guarantee for the amount of compensation.

The bank guarantee remains valid until the compensation is paid and contains a clause on indexation in accordance with the increase in retail prices, thereby securing the real value of the compensation. The municipal administrative departments competent for property-law matters conduct the procedure and issue the decision. Before issuing the decision, the department is required to hear the owner of the immovable property regarding the facts relevant to the matter. The decision approving the proposal must, in particular, contain an indication of the beneficiary, a description of the immovable property, the owner, the purpose, the deadline for handover, and the obligation of the beneficiary to submit a written offer of compensation within 15 days from the date on which the decision becomes final.

An appeal against the first-instance decision is submitted to the Ministry of Finance. An administrative dispute before the Administrative Court may be initiated against the second-instance decision. A decision on expropriation issued without a decision establishing the public interest is absolutely null and void. This sanction of nullity indicates the exceptional seriousness of this procedural requirement.

The beneficiary of expropriation acquires the right to take possession on the day when the decision on compensation becomes final, or on the day when the agreement on compensation is concluded. Exceptionally, the Ministry of Finance may approve the handover of possession before the decision on compensation becomes final, but not before the second-instance decision, and only if it assesses that this is necessary due to the urgency of the construction of a particular facility. If the beneficiary takes possession before the decision becomes final and the proposal for

expropriation is ultimately rejected, the beneficiary is obliged to return the immovable property to the owner and compensate the owner for damage.

The beneficiary may withdraw from the proposal before the decision becomes final. A final decision may be annulled or amended upon the joint request of the parties, and upon the request of the former owner if the beneficiary, within three years, or within six years in the case of exploitation of mineral resources, has not carried out substantial works on the facility for the construction of which the expropriation was performed. This possibility of de-expropriation represents an important guarantee that the owner's right will not be denied without the actual realization of the project.

The right to compensation is an essential component of every lawful expropriation and a fundamental guarantee of constitutional protection of the right of ownership. Without compensation, or with compensation lower than market value, expropriation turns into confiscation, that is, into a legal situation that no order based on the rule of law can permit. The Law on Expropriation of 1995 is therefore explicit in prescribing that the former owner has the right to compensation that may not be lower than market value.

Compensation is, as a rule, determined in money, although the law also provides for alternative forms. For the owner of arable agricultural land for whom income from that land is a condition of subsistence, compensation is, at his or her request, determined by transferring ownership of other corresponding land of the same culture and class. The same applies to compensation for the owner of a residential building or apartment: at the request of the former owner, the beneficiary is obliged to transfer ownership of another residential building or apartment of corresponding structure and area.

A mortgage established on the expropriated immovable property is transferred to the immovable property given as compensation or to other personal property of the owner of corresponding value, thereby protecting the rights of mortgage creditors. All submissions and decisions in the procedure are exempt from the payment of fees, which removes a financial obstacle to the exercise of the former owner's rights.

The amount of monetary compensation is determined according to the market price of the immovable property. When determining the market price, the circumstances at the time of concluding the compensation

agreement are taken into account. If no agreement has been reached, the circumstances at the time of the adoption of the first-instance decision on compensation are taken into account. If the beneficiary has taken possession before the decision becomes final, the former owner has the right to choose whether the compensation will be determined according to the circumstances at the time of handover or at the time of the adoption of the decision.

The assessment of the market price of land is carried out by the authority competent for determining the tax on the transfer of absolute rights over immovable property. Case law, however, has established that this assessment represents only the minimum value of compensation, and that the court may determine a higher market price on the basis of the findings of a construction expert, taking into account all relevant parameters and corrective factors. Namely, the Law on Expropriation does not exclude the determination of market value by expert evaluation.

Where the subject of compensation is a vineyard, orchard or forest, the law prescribes specific assessment methodologies that include the value of the land, non-depreciated investments and projected yield for the period until the new plantations reach full productivity. Compensation for a mature forest is determined on the basis of market prices of forest assortments, reduced by production costs.

Of particular importance is the provision that permits the determination of compensation above the market price. Taking into account the material and personal circumstances of the former owner, such as the number of household members, health condition, monthly income and similar factors, the authority may determine compensation higher than the market value if these circumstances are of essential importance for the owner's subsistence.

After the decision on expropriation becomes final, the municipal administrative department competent for property-law matters is obliged to immediately schedule a hearing for the consensual determination of compensation. The beneficiary is required to submit a written offer within a period not exceeding 15 days. The compensation agreement is entered into the record and has the force of an enforceable instrument, enabling the party in whose favour the agreement was concluded to obtain payment directly, without initiating separate enforcement proceedings.

If no agreement is reached within two months from the finality of the decision, the department is obliged to submit all case files to the competent basic court for the determination of compensation. If the department fails to do so, the parties may apply directly to the court. Case law has taken the position that the right to judicial protection in proceedings for determining compensation is not subject to limitation, thereby enabling owners to obtain legal protection regardless of the passage of time.

In areas affected by earthquakes, floods, fires, environmental accidents or other large-scale natural disasters, a special procedure for carrying out expropriation is provided. The areas in which this special procedure will apply, as well as the period of its application, are determined by the Government. The *ratio legis* of these provisions is to ensure a faster implementation of the procedure in crisis situations, when urgent intervention is required, without abolishing the right to compensation.

Within the framework of the special procedure, land may also be temporarily occupied for the purpose of placing temporary facilities, such as business premises, accommodation for residents and property, and similar needs. A characteristic feature of this procedure is that an appeal lodged against a decision on the temporary occupation of land does not suspend the enforcement of the decision, since the urgency of intervention must be ensured in order to protect the life and property of citizens.

On the basis of a final decision on expropriation, the beneficiary may request the handover of the immovable property in order to bring it into the intended use. In urgent cases, the municipal assembly may decide that the handover is to be carried out even after the adoption of only the first-instance decision. If a residential building or business premises are expropriated, the beneficiary is obliged to provide the former owner and the tenant with appropriate accommodation within a period not exceeding six months from the date of eviction.

Administrative transfer of rights is a special legal institute defined by the Law on Expropriation of 1995 as the taking away or restriction and transfer to another holder of rights over immovable property in state ownership, where this is required by the public interest. The decision on administrative transfer is issued by the municipal administrative department competent for property-law matters.

The public interest in the case of administrative transfer is established in the same manner as in the case of expropriation of

immovable property. A decision on administrative transfer issued without a decision establishing the public interest is likewise null and void. Unless otherwise provided by the Law on Expropriation, the provisions on regular expropriation apply accordingly to administrative transfer.

Unlike classical expropriation, which applies to immovable property in private ownership, administrative transfer is an instrument for reallocating rights over state property, for example, the transfer of the right of use from one public enterprise or authority to another beneficiary in the public interest. This institute enables a more rational use of public property without the need to conduct a full procedure for acquiring property from a private individual.

De facto expropriation represents one of the most complex and topical legal institutes of contemporary administrative law in Serbia. It refers to situations in which the compulsory taking or restriction of rights over immovable property has been carried out without the formal procedure prescribed by the Law on Expropriation, without prior establishment of the public interest by a Government decision, without the adoption of a decision on expropriation, or without the payment of compensation.

A typical example of de facto expropriation is the construction of a public road, street, water-supply system or another public good on privately owned land without the prescribed procedure having been conducted. The owner is de facto deprived of the right to use his or her property, while formal legal protection through the administrative procedure is unavailable, since no administrative act has been adopted. Unfortunately, such practice is particularly common in rural and suburban areas.

Domestic case law long hesitated regarding the legal qualification and the basis of the claim in cases of de facto expropriation. In 2016, the National Assembly of the Republic of Serbia adopted an Authentic Interpretation of the provisions of the Law on Expropriation (*Official Gazette of the RS*, No. 106/2016), by which an attempt was made to limit the application of the Law to cases without a decision on expropriation. This authentic interpretation, however, encountered criticism from the Constitutional Court and higher judicial instances, which continued to recognize the owner's right to compensation in cases of de facto expropriation.

The Supreme Court of the Republic of Serbia has taken the position, in several significant judgments, that compensation for de facto expropriated land is *sui generis*, meaning that it is not compensation for damage, but rather a substitute for the real immovable property owned by the injured party (Supreme Court, Rev 1 54/2023, 2023). When determining the amount of compensation, the principle of market value is applied, and the competent courts determine compensation on the basis of the findings and opinion of a construction expert. In its decision UŽ 1189/2021 of 2023, the Constitutional Court confirmed that, in the event of the taking of property without a conducted procedure, the owner must be required to undertake legal measures against the beneficiary, precisely by bringing an action for compensation.

For legal theory and practice, a particularly important question is whether the failure to implement planning documents within an unreasonably long period of time may also constitute a violation of the right to peaceful enjoyment of property. In decision Rev 16548/2023 of 2024, the Supreme Court indicated that the adoption of planning documents and their non-implementation over an unreasonably long period may violate the owner's right to peaceful enjoyment of property within the meaning of Article 58 of the Constitution and Article 1 of Protocol No. 1 to the ECHR. In doing so, case law took an important step toward an expanded understanding of the protection of property rights.

5. EUROPEAN STANDARDS FOR THE PROTECTION OF PROPERTY

Article 1 of Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR, 1950/2003) guarantees the right to the peaceful enjoyment of possessions. This norm proclaims that every natural and legal person is entitled to the peaceful enjoyment of his or her possessions, and that no one may be deprived of his or her possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The significance of this provision for the system of protection of owners in expropriation proceedings is fundamental.

The European Court of Human Rights in Strasbourg has developed extensive case law interpreting this norm. The Court distinguishes three

basic forms of state interference with property rights: 1) complete deprivation of property, whether de jure or de facto; 2) regulation of the use of property; and 3) the general principle prohibiting interference. In the case of complete deprivation, regardless of whether a formal procedure has been conducted, the European Court of Human Rights consistently finds a violation of Article 1 of Protocol No. 1 if the owner has not been adequately compensated (Council of Europe, 2019).

In numerous judgments against Serbia, the European Court of Human Rights has found violations of property rights. The Court emphasizes that the absence of appropriate compensation for taken property in an amount consistent with the value of the immovable property constitutes a disproportionate interference by the state with ownership rights. Likewise, if the owner receives no compensation at all for the taken immovable property, the violation of the right to the peaceful enjoyment of possessions is even more serious. The European Court of Human Rights uses the term “de facto expropriation,” considering that the violation continues until a fair balance of interests is restored, that is, until the owner is adequately compensated.

The following key principles for the lawfulness of expropriation emerge from the case law of the European Court of Human Rights: 1) a legal basis, meaning that the interference must be provided for by law that is accessible and precisely formulated; 2) a legitimate aim, meaning that a legitimate public interest must exist; 3) proportionality, meaning that a fair balance must be struck between the requirements of the public interest and the rights of the owner; and 4) fair compensation, because without compensation proportionate to the value of the property taken, proportionality cannot, in principle, be achieved.

The domestic legal system generally satisfies these standards at the normative level, although in practice there are cases of failure to comply with statutory obligations, particularly with regard to the timely payment of compensation and deviations in procedures for determining market value. Continuous monitoring of the case law of the European Court of Human Rights in cases against Serbia, and the adjustment of domestic judicial practice to those standards, represents a necessary task for both the judiciary and the legislature.

6. CONCLUSION

The analysis of the legal institute of expropriation in the administrative law of the Republic of Serbia confirms its exceptional complexity and significance within the system of protection of the rights of owners of immovable property. This institute represents the substratum of the tension between two equally important legal principles: the protection of private property and the progress of the community through the realization of public interests. Resolving this tension requires not only a high-quality normative framework, but also its consistent application in the practice of administrative authorities and courts.

The positive-law framework in Serbia, founded on the Constitution of 2006 and the Law on Expropriation of 1995, regulates this matter in principle in an acceptable manner. The trinity of constitutive prerequisites, represented by the public interest, lawful procedure and fair compensation, is clearly established. Mechanisms of legal protection through administrative appeal, administrative dispute and civil actions provide owners with multi-level protection, while the Constitutional Court and the European Court of Human Rights act as higher-level instances.

Nevertheless, the normative framework alone is not sufficient. The practice of informal interventions, particularly in the field of the construction of roads and communal infrastructure, testifies to the need for stronger enforcement of the prescribed procedure and greater awareness of citizens' rights. The institute of *de facto* expropriation, developed by judicial practice, represents an important instrument of legal protection, but at the same time it is also a symptom of systemic failures in the implementation of the Law.

From the standpoint of compliance with European standards, domestic law satisfies the formal requirements of Article 1 of Protocol No. 1 to the ECHR. However, procedural deficiencies in practice, particularly delays in the payment of compensation and deviations in the methodology for determining market value, remain subject to criticism by the European Court of Human Rights.

Future legal development should move in the direction of: 1) regulating *de facto* expropriation directly in the Law; 2) shortening procedural deadlines and introducing effective sanctions for delays in the

payment of compensation; 3) unifying case law regarding the methodology for determining the market value of immovable property; and 4) creatively applying European standards for the protection of property in domestic courts, without a merely formalistic application of norms.

REFERENCES

1. Constitution of the Republic of Serbia, *Official Gazette of the RS*, Nos. 98/2006 and 115/2021.
2. Law on Expropriation, *Official Gazette of the RS*, No. 53/95, *Official Gazette of the FRY*, No. 16/2001 — Decision of the Federal Constitutional Court, and *Official Gazette of the RS*, Nos. 20/2009, 55/2013 — Decision of the Constitutional Court, and 106/2016 — Authentic Interpretation.
3. Law on Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms, *Official Gazette of Serbia and Montenegro — International Treaties*, Nos. 9/2003, 5/2005 and 7/2005 — Corrigendum, and *Official Gazette of the RS — International Treaties*, Nos. 12/2010 and 10/2015.
4. Law on Public Property, *Official Gazette of the RS*, Nos. 72/2011, 88/2013, 105/2014, 104/2016 — other law, 108/2016, 113/2017, 95/2018, 153/2020 and 94/2024.
5. Law on the Establishment of Public Interest and Special Procedures of Expropriation and Issuance of Construction Permits for the Implementation of the “Belgrade Waterfront” Project, *Official Gazette of the RS*, Nos. 34/2015, 103/2015 and 153/2020.
6. Law on Planning and Construction, *Official Gazette of the RS*, Nos. 72/2009, 81/2009 — Corrigendum, 64/2010 — Decision of the Constitutional Court, 24/2011, 121/2012, 42/2013 — Decision of the Constitutional Court, 50/2013 — Decision of the Constitutional Court, 98/2013 — Decision of the Constitutional Court, 132/2014, 145/2014, 83/2018, 31/2019, 37/2019 — other law, 9/2020, 52/2021, 62/2023 and 91/2025.
7. Kulić, M. (2018). *Administrative Law — Special Part*. Faculty of Law for Commerce and Judiciary, Novi Sad, 238–251.

8. Milkov, D. (2011). *Administrative Law II — Administrative Activity*. Faculty of Law, Novi Sad.
9. Lilić, S. (2016). *Administrative Law and Administrative Procedure*. Faculty of Law, Belgrade.
10. Kostić, N. (2019). *Procedure for Determining Compensation for Expropriated Immovable Property*, master's thesis, Faculty of Law in Niš.
11. Rakić, B. (2011). *Investment Law — Protection of Foreign Investments*. Faculty of Law, Belgrade.
12. Prica, I. (2019). De facto expropriation, cited in: Kostić, Nemanja, *Procedure for Determining Compensation for Expropriated Immovable Property*, master's thesis, Faculty of Law in Niš, 9.
13. Law Office Slavica Janjić. (2024). Case law — Expropriation and compensation for expropriated immovable property. <https://advokatskakancelarija.slavicajanjic.co.rs>
14. Law Firm Serbia. (2024). Expropriation of land and de facto expropriation. <https://law-firm.rs/sr/eksproprijacija-zemljista-i-fakticka-eksproprijacija/>
15. Attorney Gvozden M. Grgur. (2023). De facto expropriation in Serbia: Protection of property rights. <https://www.advokat-novisad.com/stvarno-pravo/fakticka-eksproprijacija/>
16. Đapa Law Office. (2024). Law on Expropriation — what is expropriation and what is the procedure? <https://advokatdjapa.rs/2024/10/29/zakon-o-eksproprijaciji-sta-je-eksproprijacija-i-kakav-je-postupak/>
17. Biznis.rs. (2022). Public interest above private property, but only the state decides on expropriation. <https://biznis.rs/vesti/srbija/javni-interes-iznad-privatne-svojin-ali-o-eksproprijaciji-odlucuje-samo-drzava/>
18. Lawlife.rs. Expropriation in Serbia. <https://lawlife.rs/index.php/pravo/627-eksproprijacija-u-srbiji>
19. Supreme Court of the Republic of Serbia, Rev 1 54/2023, 27 December 2023. <https://www.vrh.sud.rs/sr-lat/rev1-542023-31115-fakticka-eksproprijacija>
20. Supreme Court of the Republic of Serbia, Rev 16548/2023, 6 September 2024. <https://vrh.sud.rs/sr-lat/rev-165482023-31115-fakticka-eksproprijacija>

21. Supreme Court of Cassation of the Republic of Serbia, Rev 1390/2016, 29 June 2017. <https://www.vrh.sud.rs/sr-lat/rev-13902016-fakticka-eksprijacija-trzisna-naknada-pravo-na-imovinu-ogranicenje-prava>
22. Constitutional Court of the Republic of Serbia, Už 1189/2021, decision of 29 June 2023.
23. Article 1 of Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.
24. Council of Europe, *Guide on Article 1 of Protocol No. 1 to the European Convention on Human Rights*, updated 31 December 2019. <https://rm.coe.int/guide-art-1-protocol-1-ser/native/1680a20cde>
25. European Court of Human Rights, *Sporrong and Lönnroth v. Sweden*, Applications Nos. 7151/75 and 7152/75, Grand Chamber judgment, 23 September 1982.
26. European Court of Human Rights, *James and Others v. the United Kingdom*, Application No. 8793/79, 21 February 1986.

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**SOCIETY, AGEING AND EMERGING
TECHNOLOGIES**

AGEISM AND STEREOTYPES IN OLDER ADULTS

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Abstract: The term "ageism" was coined in 1969 by American psychiatrist Neil Robert Butler. Butler used "ageism" as a synonym for "starizem" (Slovenian term for ageism) and defined it as a combination of three interconnected elements: prejudice towards older people, age, and aging; discriminatory treatment of older people; and institutional practices and policies that reinforce and maintain stereotypes about older adults (<https://sl.wikipedia.org/wiki/Starizem>). Stereotypes about older people are often generalizations based on false or oversimplified beliefs about older individuals. These stereotypes may relate to physical, cognitive, emotional, or social characteristics, but they fail to account for the fact that older adults are an extremely diverse group with different experiences, abilities, and needs.

Keywords: aging, older adults, age, stereotypes, ageism

1. INTRODUCTION

Ageism (or age discrimination) is the stereotyping, prejudice, and discrimination against people based on their age. It is a social problem that can affect people of all age groups, but it is most common among older adults. Scientists consider ageism to be a significant social problem that negatively affects individuals of all ages, especially the elderly. Research indicates that ageism leads to a reduction in quality of life, social exclusion, and a worsening of mental health. One of the most recent studies was conducted by Kokubun (2024), who analyzed data from 55 countries collected as part of the World Values Survey. Ageism

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manifests in various forms, which are presented in the following subchapters.

Ageism is a multifaceted concept that has undergone numerous changes and become more complex over time. Although many definitions of ageism have been proposed over the years, Iversen et al. (2009) offered their own. The authors describe ageism as negative or positive stereotypes, prejudice, and/or discrimination toward (or in favor of) aging people, encompassing the affective, cognitive, and behavioral components of aging, conscious and unconscious dimensions, as well as the individual and societal/institutional significance of the problem (ibid.). Examples include assumptions about individuals' capabilities, interests, or needs based solely on their age, such as the stereotype that older people are less productive or technologically illiterate.

Nelson (2002) addressed stereotypes about older people and how they affect society and individuals. The author analyzes various forms of ageism and how stereotypes can change over time. Rupp & Vodanovich (2006), on the other hand, focused their research on age stereotypes and discrimination in the workplace, analyzing how interactions with younger colleagues influence the formation of these stereotypes.

V. Švab (2013) finds that stereotypes about old age in Slovenia are often negative and associated with ideas of declining physical and mental capabilities, loneliness, and dependence among older people. He emphasizes that the elderly are often portrayed as unworthy, passive members of society who are no longer productive or important. He states that negative stereotypes about old age affect the self-confidence and quality of life of older adults. Many feel excluded from social activities, which leads to loneliness and a feeling of worthlessness. He warns of the belief that aging always brings physical and mental decline. This view leads to the marginalization of older adults and diminishes their social status.

2. STEREOTYPES ABOUT OLDER ADULTS

Stereotypes about older people are often generalizations based on false or oversimplified beliefs about older individuals. These stereotypes may relate to physical, cognitive, emotional, or social characteristics, but they fail to account for the fact that older adults are an extremely diverse

group with different experiences, abilities, and needs. Below are some of the most commonly used stereotypes:

A. Older People Are Physically Incapable

The stereotype that older people are physically incapable is not necessarily true. Many older people maintain physical activity and good physical health. In fact, numerous researchers agree that physical activity can help prevent many health problems and improve the quality of life for older people. These include Caspersen, Powell & Christenson (1985). Hajduk & Sušanj (2011) also believe that the stereotype that older people are physically incapable is often false, as many older adults maintain good physical condition and engage in physical activities. Numerous researchers in Slovenia agree that physical activity significantly contributes to maintaining health in later years.

B. Older People Are Not Technically Literate

The Pew Research Center (2017) notes that many assume older people cannot master modern technology. However, research shows that many older people successfully use digital devices such as smartphones, computers, and communication applications. Although there is a common belief that older people are not adept at using technology, research in Slovenia (Kovačič & Dobrila, 2017) shows that older adults are increasingly engaging in the world of digital technology, despite certain existing barriers.

C. Older People Are Backward and Closed to New Ideas

There is a belief that older people are inclined toward traditional thinking and are not open to change. However, research shows (Palmore, 2001) that many older people embrace new ideas and are active participants in contemporary social and political life. The stereotype that older people are closed to new ideas often does not align with reality. Zupančič (2014) states that Slovenian research indicates that many older people are open to new approaches and changes, especially in the context of education and technology.

D. Older People Are Forgetful or Mentally Unstable

Lichtenberg & Stiles (2010) believe that although dementia and other mental illnesses become more common with age, they are not an inevitable consequence of aging. Many older people maintain mental clarity and actively participate in intellectual activities. Ropret (2011) also believes that although cognitive disorders such as dementia are more common in older people, many older adults maintain mental clarity and are active in intellectual life.

E. Older People Are Lonely and Depressed

A common stereotype is that older people are often lonely and depressed, but numerous studies show that many older people maintain rich social networks and enjoy an active life, according to Koželj & Novak (2013). Chou (2013) finds that the stereotype of loneliness and depression among older people often does not reflect reality. Many older people have rich social lives, participate in social activities, and have strong social support networks.

F. Older People Are Not Productive or Useful to Society

Binstock & George (2006) believe there is a perception that older people are less productive, but numerous studies show that many older people still actively participate in social activities, volunteering, and work, contributing to the development of society. Černigoj (2012) adds that the stereotype that older people are no longer productive is often false, as many older people still actively participate in society, either through volunteering or work.

In conclusion, stereotypes about older people in the Slovenian context are often a reflection of false beliefs and poor opinions held by younger individuals, which fail to take into account the actual diversity and abilities of older persons. Slovenian research and literature often highlight the importance of recognizing the value of older people and their active participation in social life. It is important to realize that age does not necessarily mean a reduction in abilities or quality of life. By considering these facts, we can enable a more inclusive and respectful place for older

people in society. Based on their knowledge, abilities, and experience, they certainly deserve this. This work largely contributes to understanding how stereotypes shape the social role of the elderly and highlights the importance of their integration into society to reduce social exclusion and discrimination. It emphasizes the need for greater connection between generations and better mutual communication to reduce age discrimination and improve attitudes toward the elderly. More on this in the next subchapter.

3. BRIDGING STEREOTYPES ABOUT OLDER ADULTS

Stereotypes about older adults stem from a combination of historical, cultural, social, and psychological factors. These prejudices are often rooted in false beliefs, fear of aging, and a lack of contact between generations.

One of the main reasons for stereotypes about the elderly is the fear of aging and death, as a society that prioritizes youth, beauty, and productivity often rejects aging as something negative. People project their fear of their own aging onto the elderly, which leads to prejudice. The media often reproduces negative stereotypes, where the elderly are presented as weak, inflexible, unproductive, or a burden on society. The lack of positive role models contributes to reinforcing these prejudices. Western culture, for example, often glorifies youth, productivity, and rapid adaptation to change, while associating old age with physical weakness, dependence, and backwardness. Finally, health problems in older adults (e.g., dementia, poorer physical condition) also create the stereotype that all older people are sick, slow, or unable to contribute to society.

Let's look at what scientists think about this pressing problem or what they are researching.

Butler (2008), a pioneer in gerontology, for example, researches the social impact of longevity and warns of the need to change the perception of older adults as inactive members of society. Applewhite (2019) examines how stereotypes about the elderly affect their role in society and proposes strategies for overcoming prejudice, including positive role models and awareness. Carstensen (2009) highlights the positive aspects of aging and promotes a model of active aging based on the inclusion of older adults in social activities. Kenda Jež (2010) in Slovenia studies the

representation of older adults in Slovenian media and the impact of these representations on social stereotypes and the self-perception of the elderly. She is joined by Ramovš (2003), an expert in the field of research on the lives of older adults and everything related to them, who researches stereotypes about the elderly in Slovenian society and proposes approaches to increase intergenerational cooperation and the active involvement of older adults.

4. REASONS FOR STEREOTYPES ABOUT OLDER ADULTS

Stereotypes about older adults are often the result of various social, cultural, and psychological factors that shape the perception of aging and the elderly in society. Positive views on aging contribute to a longer and healthier life. B. Levy (2022) researches how beliefs about aging shape age stereotypes and how these affect the physical and mental health of older adults. She emphasizes that positive views on aging can contribute to a longer and healthier life. Brockman (2014) researches the presence of age discrimination in the workplace, including how stereotypes affect the employment and promotion of older adults. The author also analyzes the impact of ageism on the productivity and health of older workers. Atchley (2020) offers an overview of how society perceives aging and how stereotypes about the elderly are formed and affect their life opportunities. He also extensively analyzes the impact of these stereotypes on the quality of life of older people. Zupančič (2017) researches the social exclusion of older adults in Slovenia and the role of stereotypes and discrimination in their exclusion from various social spheres. He emphasizes the need for greater inclusion of older adults in society. J. Fatur (2019) focuses on the phenomenon of age discrimination in the Slovenian context. He studies both the legal and social aspects of discrimination against older adults in Slovenia and proposes measures to reduce age stereotypes in society. These and many other authors have dedicated their research to various aspects of age stereotypes, discrimination, and the social inclusion of older adults in Slovenia, contributing to a better understanding and management of these challenges in the Slovenian environment.

So, how can we bridge stereotypes about older adults? Certainly, through education, as this increases knowledge about the potential of the elderly and the barriers caused by stereotypes. We must change the image of older adults in the media by showing their active and positive roles. We should try to include older adults in volunteer activities, employment programs, and intergenerational projects as often as possible. Finally, it should be emphasized that it is necessary to continuously support research that proves the value of older adults to society and to formulate policies that reduce age discrimination. Of course, understanding the reasons for stereotypes is key, as it is the first step towards eliminating them and creating a more inclusive society.

Stereotypes about older adults are therefore generalized beliefs about a group of people who are older. These stereotypes are often negative, false, or exaggerated and do not take into account the individual differences among older adults. They can relate to various areas of life, such as:

- **Physical abilities:** "All older people are weak and sick."
- **Cognitive abilities:** "All older people are forgetful and slow."
- **Personality:** "All older people are grumpy and stubborn."
- **Technological literacy:** "All older people cannot cope with technology."
- **Productivity:** "All older people are unproductive and cannot contribute to society."

Negative stereotypes have numerous harmful consequences, as they can lead to discrimination (ageism) against older adults in various fields, such as employment, healthcare, and social interactions (as already stated). Because of them, older adults can be denied opportunities for learning, working, or active participation in society. Research shows that negative stereotypes about aging can even negatively affect the physical and mental health of older adults and, what is particularly bad, they can contribute to the social isolation of older adults, as others may avoid them or not take them seriously. Therefore, this area needs to be treated very carefully, helping the elderly, standing by them, and above all, understanding them and realizing that we will all be old one day. If, of course, this is made possible for us, because the path there is anything but easy and simple.

5. DISCRIMINATION OR AGEISM

Ageism ("Starizem") is a type of stigma (also a synonym for ageism, which is why one form is often used for the other and vice versa) that encompasses stereotypes, prejudices, and discrimination against individuals based on their age. Stereotypes are beliefs based on generalized or untrue facts. Prejudices develop when we accept stereotypes as true and they evoke strong emotions in us. Discrimination, however, represents the behavioral component that leads to different behavior towards a certain group of people to whom the stereotypes and prejudices apply.

Ageism in older adulthood often involves stereotypes that reflect mistaken beliefs about the poorer abilities, lower productivity, or lower value of older individuals. In a society that emphasizes youth and vitality as one of the greatest ideals, older adults can often be treated discriminatorily – e.g., as a burden or unproductive members of society. Ageism differs from other forms of discrimination (e.g., discrimination based on gender, sexual orientation, skin color) in that all of us can experience it in one form or another if we reach an older age (<https://podprimostarejse.si/dusevno-zdravje/soocanje-s-tezkimi-zivljenjskimi-situacijami-starizem/>). On this website, you can also find information about the psychological and sociological origin of ageism, the impact of ageism on physical and mental health, all reinforced by sources.

In conclusion, it is necessary to actively fight against ageism, as well as against all other forms of stigmatization. As a society, we can achieve this in several ways, namely through/with:

- Tolerant, respectful communication without creating one's own conclusions about a person
- Attention to one's own stereotypes and prejudices
- Early and continuous education of the whole society
- Change of attitude at the level of local and national policy
- Encouraging intergenerational connection and cooperation, and cooperation with the media (ibid.)

Unequal treatment based on age, for example, in employment, healthcare, or access to services. Discrimination against older adults, also known as ageism, refers to prejudice, stereotypes, and unequal treatment

of individuals based on their age. Reasons for this type of discrimination include negative stereotypes about aging, lack of education about age, and social norms that glorify youth. The consequences of ageism can be social exclusion, reduced employment opportunities, limited access to health services, and worsening mental and physical health of older people.

Ageism is an important risk factor for the abuse of older persons. As defined by the independent expert, ageism refers to stereotypes, prejudices, and/or discriminatory acts or practices against older persons based on their chronological age or on the belief that the person is "old". Negative stereotypes and prejudices are the foundation of the concept of ageism and can lead to harmful consequences, including violence against older persons and their abuse and neglect ; for example, the older population can be treated as a burden on society. Stereotypes play a key role in maintaining the abuse of older persons and in hindering their access to appropriate care and support, and in many places also to access to legal remedies and compensation (Mahler, 2023).

Ageism, discrimination based on age, is a deeply rooted social problem that affects individuals, economies, and societies as a whole. Despite efforts for equality and respect for human rights, ageism is still often expressed in stereotypes, prejudices, and unequal treatment of older persons in various areas of life, including employment, healthcare, social inclusion, and culture. Discrimination against older adults, also known as ageism, is a global problem that has been addressed by numerous international authors. We list some of them:

- Nelson (2002) compiled contributions from various authors (Amy J. C. Cuddy, A. J. C. and Fiske, S. T.; Greenberg, J., Schimel, J. and Martens, A.; Levy, B. R, and. Banaji, M. R.) in his edited volume, who research stereotypes and prejudices against older persons and their consequences at the social and individual level.
- Abrams, Johnson, Swift (2016) present the results of extensive research on public attitudes toward age and aging in Great Britain, with an emphasis on the prevalence of ageism and its impacts.
- Sargeant (2011) explores in her book how age discrimination intertwines with other forms of discrimination, such as gender, race, and disability, and offers insight into the complexity of multiple discrimination.

- Button & Frandsen (2018) analyzed the impact of age discrimination in the labor market in the US in their study, using economic models to assess the effects of ageism on the employment opportunities of older workers.
- Macnicol (2006) offers an in-depth analysis of the historical and contemporary aspects of age discrimination in his book, with a special emphasis on employment and social security policies.

Lešnik and Tomažič (2017) defined the concept of ageism in their paper through the views of various domestic and foreign experts. Let's look at what they think about this interesting and increasingly relevant area of older adults' lives.

Ageism (also *starizem*, *staromrzništvo*, *starostizem* in Slovenian literature) is the process of systematic discrimination, stereotyping, and devaluation of older adults solely because of their age (Kydd & Fleming, 2015). It is based on the chronological age of the individual, is quite widespread, and is only intensifying with the process of global population aging. It is manifested in the stigmatization of older adults due to their changed physical, psychological, and social abilities (Phillips, et al., 2010). Ageism is a pervasive, uncritical force that encroaches on all areas of social life. It can be encountered everywhere: in interpersonal relationships, in the fields of education, culture, politics, social work, and healthcare (Goriup, 2015). Lipič and Ovsenik (2015) believe that ageism is a reflection of a stratified society in which concrete mental fictions are the result of upbringing and examples from the environment, where older adults are presented only with negative stereotypical characteristics. In shaping relationships and interaction between people, stereotypes play an important role, as they influence an individual's behavior towards others (Kornadt & Rothermund, 2015).

Older adults who are exposed to stereotypes often internalize them, which leads to the self-fulfillment of attributed forms of behavior, lowers self-esteem (Stewart, et al., 2012), and causes stress that depletes the psychological resources needed for participation in self-care and the process of healthcare for the older adult (Rivera & Paredez, 2014). As a result, older adults are more frequently hospitalized and evaluate their own health more negatively (Ramírez & Palacios-Espinoza, 2016).

People often strive to be different from others, to stand out and be visible. Differentiation, however, becomes socially unacceptable when it

is based on an individual's personal circumstance without reason. At that point, differentiation becomes discrimination, which occurs in the form of individual, structural, and institutional discrimination (Kogovšek Šalamon & Petković, 2007). The increased interest in ageism in the last three decades coincides with the process of population aging and the desire to shape new social values, where chronological age will no longer be an appropriate indicator for the social construction of inevitable norms of behavior, lifestyles, and roles of the individual based on age (Šadl, 2007).

Although there has been slightly more talk about ageism in recent years and research points to the existence of ageism in the clinical setting (Rodgers & Gilmour, 2011), its extent is still unknown, as older adults rarely express their feelings that would let the environment know which actions affect them discriminatorily. Older adults are often not even aware of ageism, as it appears less obviously or more subtly. For example, the decision on the course and intensity of healthcare depends on the age of the patient.

Pečjak (2007) believes that ageism is a concept similar to racism and sexism. It is a kind of exclusion of older adults from social life. It is a feeling of threat, as there are more and more older people, and younger generations may feel threatened by their needs and demands. For Ramovš (2010), ageism is a kind of resistance to old people, aging, and old age, and the associated social or psychological neglect and devaluation of old people because of their age. Alford (2008) finds that ageism is an unconscious defense, mainly on the part of the young. Aging is usually associated with death and dying, and because people are afraid of death and dying, they want to separate themselves from it. The consequence is the distancing of people from the older population.

Žigon (2011) writes that regardless of whether ideas about aging are based on general socio-demographic data, personal opinions, or the image shaped by public opinion and social influences, aging is considered undesirable, and older adults are a less popular segment of the public. They often have to give up their jobs to younger and stereotypically more capable people. Relatives often move them to nursing homes, and then only remember them on personal and family holidays. Because people traditionally associate aging with images of illness, senility, and helplessness, it is considered just a step closer to death.

6. CONSEQUENCES OF AGEISM

The consequences of ageism are multi-layered. At the individual level, ageism can cause reduced self-esteem, social isolation, and poorer mental and physical health. At the societal level, it leads to the inefficient exploitation of the potential of older adults, which affects economic productivity and creates an additional burden on social and health security systems. In companies, ageism is reflected in reduced employment opportunities for older workers, leading to their premature retirement and the loss of valuable experience.

The fight against ageism requires a holistic approach that includes education, legislation, and cultural changes, states WHO (2021). Educational programs can help in breaking down myths and stereotypes about age and encouraging respect between generations. Anti-discrimination legislation must be strict and effective, which includes protecting older workers in the labor market. In addition, it is necessary to create inclusive policies that enable active aging, which includes access to lifelong learning, work opportunities, and involvement in social activities. Every individual bears the responsibility for recognizing and eliminating ageism in their behavior and relationships. Society as a whole must promote intergenerational solidarity and recognize that aging is a natural part of human life that brings both challenges and opportunities. Older persons play a key role in passing on knowledge, experience, and values that enrich society. At the societal level, ageism causes the ignoring of the productive and creative abilities of older adults who were forced to retire solely due to reaching a certain age. This leads to the inefficient exploitation of the potential of older adults, which affects economic productivity and creates an additional burden on social and health security systems (https://opro.si/arhiv/predsodki-in-izkljucenost-stari/?utm_source=chatgpt.com).

7. CONCLUSION

We conclude that ageism is not just a problem for older adults; it is a problem for the whole society. By solving "this problem," we not only improve the lives of older adults but also build a more just, inclusive, and sustainable future for all generations. Awareness of the value of older

adults and the elimination of prejudices and discrimination based on age are key steps towards forming a society that values all stages of life.

Ageism and age-related stereotypes are deeply rooted in society and often operate subtly, but they have serious consequences for individuals and communities. They reduce people's dignity, limit their opportunities, and reinforce false beliefs about the abilities, value, and role of an individual based solely on their age. Such stereotypes do not only affect the elderly but also younger generations, as they create artificial divisions and misunderstanding between age groups.

To overcome ageism, it is crucial to develop critical thinking, encourage intergenerational dialogue, and raise awareness about the diversity of experiences and potential of people of all ages. Only by eliminating prejudices and consciously striving for respect and inclusion can we build a fairer society in which age will not be a measure of value, but part of a rich and diverse human experience.

Aging is therefore an inevitable part of the life cycle, but the social perception and experience of old age differ greatly, as Macuh and Raspor (2025) wrote in their scientific monograph entitled *Aging – Stigma or Challenge*. Instead of perceiving it as a natural and valuable process, aging is too often met with stigma, fueled by ageism and deeply rooted stereotypes. These are manifested in the belief that old age is synonymous with powerlessness, reduced abilities, and a burden on society. However, we can and must transform aging into a challenge, an opportunity for growth, wisdom, and continued contribution. Key to this is promoting intergenerational cooperation. As is the exchange of knowledge, experiences, and perspectives between different age groups, which enriches all involved. Young people can learn from the life experiences of older adults, and older adults can stay connected with new trends and technologies, thus reducing the digital divide. Such cooperation breaks down stereotypes and builds bridges of understanding.

LITERATURE AND SOURCES

1. Abrams, D., Johnson, P., Swift, H. (2016). *Ageism: A Benchmark of Public Attitudes in Britain*. London: Centre for Ageing Better.
2. Alford, D. (2008). The elder justice act. *Journal of gerontological nursing*, 37(8), pp. 14–16.

3. Applewhite, A. (2019). *This Chair Rocks: A Manifesto Against Ageism*. New York: Celadon Books.
4. Atchley, R. C. (2020). *Aging: Concepts and Controversies* (9th ed.). SAGE Publications.
5. Binstock, R. H. & George, L. K. (2006). *Handbook of Aging and the Social Sciences*. New York: Academic Press.
6. Brockman, J. R. (2014). Ageism and Age Discrimination in the Workplace: A Literature Review. *International Journal of Aging and Human Development*, 78(3), pp.229–256.
doi:10.2190/AG.78.3.c.
7. Butler, R. N. (2008). *The Longevity Revolution: The Benefits and Challenges of Living a Long Life*. New York: PublicAffairs.
8. Button, P. & Frandsen, B. R. (2018). *Ageism in the Labour Market: Estimating Aggregate Effects of Bias Against Older Workers*. New Orleans: Institute of Labor Economics (IZA).
9. Carstensen, L. L. (2009). *A long bright future: An action plan for a lifetime of happiness, health, and financial security*. Broadway Books.
10. Caspersen, C. J., Powell, K. E., & Christenson, G. M. (1985). Physical Activity, Exercise, and Physical Fitness: Definitions and Distinctions for Health-Related Research. Washington, D.C.: U.S. Department of Health and Human Services. *Public Health Reports*, 100(2), pp. 126–131.
11. Chou, K. L. (2013). Depression among Older Adults in the Context of Social Support: A Review of the Literature. *Aging & Mental Health*, 17(1), pp. 1–10. Abingdon, UK: Taylor & Francis. DOI: 10.1080/13607863.2012.693888.
12. Černigoj, M. (2012). *Staranje prebivalstva in njegov vpliv na družbo: Ekonomske in socialne posledice* [Population aging and its impact on society: Economic and social consequences]. Ljubljana: Založba Univerze v Ljubljani.
13. Fatur, J. (2019). *Starostna diskriminacija v slovenskem prostoru: teorija in praksa* [Age discrimination in the Slovenian space: theory and practice]. Ljubljana: University of Ljubljana, FDV, Založba FDV.
14. Goriup, J. (2015). *Vpliv institucionalnega bivanja na družbeni status in avtonomijo starostnika* [The impact of institutional living

- on the social status and autonomy of the older person]. Novo mesto: Faculty of Health Sciences.
15. Hajduk, M. & Sušan, R. (2011). *Telesna dejavnost in zdravje starejših* [Physical activity and health of the elderly]. Koper: Univerza na Primorskem, Pedagoška fakulteta.
 16. Iversen, T., Larsen, L. & Solem, P. E. (2009). A conceptual analysis of ageism. *Nordic Psychology*, 61, pp. 4–22. doi: 10.1027/1901-2276.61.3.4.
 17. Kenda Jež, K. (2010). *Podoba staranja v slovenskih medijih* [The image of aging in Slovenian media]. Ljubljana: University of Ljubljana, Scientific Publishing House of the Faculty of Arts.
 18. Kogovšek Šalomon, N. & Petković, B. (2007). *O diskriminaciji – priručnik za novinarke in novinarje* [About discrimination – a handbook for journalists]. In: R. Kuhar. (ed.). Ljubljana: Mirovni inštitut, Inštitut za sodobne družbene in politične študije.
 19. Kokubun, K. (2024). *Factors and moderators of ageism*. Retrieved on 19. 11. 2025 from the website <https://arxiv.org/abs/2406.06952>
 20. Kornadt, A. E., Rothermund, K. (2015). Views on Aging: Domain-Specific Approaches and Implications for Developmental Regulation. *Annu rev gerontol geriatr.* 35(1): pp. 121–44.
 21. Kovačič, M. in Dobrila, D. (2017). Tehnološka pismenost starejših: Priložnosti in izzivi [Technological literacy of the elderly: Opportunities and challenges]. *Revija za sociologijo*, 47(3), pp. 265–281. Ljubljana: University of Ljubljana, Faculty of Arts, Scientific Publishing House of the Faculty of Arts.
 22. Koželj, V. in Novak, K. (2013). Socialna osamljenost in kakovost življenja starejših ljudi [Social loneliness and quality of life of older people]. *Teorija in praksa*, 50(3), pp. 313–325. Ljubljana: Publishing House of the Faculty of Social Work.
 23. Kydd, A. & Fleming, A., (2015). Ageism and age discrimination in health care: fact or fiction? A narrative review of the literature. *Maturitas*, 81(4), pp. 432–438. Retrieved from the website <https://doi.org/10.1016/j.maturitas.2015.05.002> PMID:26044073
 24. Lešnik, A. in Tomažič, J. (2017). Starizem v zdravstvenih ustanovah [Ageism in healthcare institutions]. *Obzornik*

- Zdravstvene nege*, 51(4), pp. 312–319. Retrieved from the website <https://doi.org/10.14528/snr.2017.51.4.166>
25. Levy, B. (2022). *Breaking the Age Code: How Your Beliefs About Aging Shape Your Life*. New York: Grand Central Publishing.
 26. Lichtenberg, P. A. & Stiles, T. (2010). Mental Health and Aging. In Lichtenberg, P. A., & Stiles, T. (Eds.) *Handbook of Clinical Geropsychology*, pp. 405–423). New York: Springer Publishing.
 27. Lipič, N. in Ovsenik, M. (2015). Generacijska neenakost – realnost slovenske družbe [Generational inequality – the reality of Slovenian society]. V: D. Železnik, U. Železnik, eds. *Vrednote posameznika – ogledalo družbe* [Individual values – a mirror of society]. Visoka šola za zdravstvene vede Slovenj Gradec, pp. 146–154.
 28. Macnicol, J. (2006). *Age Discrimination: An Historical and Contemporary Analysis*. Cambridge: Cambridge University Press.
 29. Macuh, B. in Raspor, A. (2025). *Staranje – stigma ali izziv* [Aging – stigma or challenge]. Maribor: Kulturni center.
 30. Mahler, C. (2023). *Violence against and abuse and neglect of older persons*. United Nations.
 31. Nelson, T. D. (2002). *Stereotyping and Prejudice Against Older Persons*. Cambridge, Massachusetts: The MIT Press.
 32. Palmore, E. (2001). *Ageism: Negative and Positive* (2nd ed.). New York: Springer Publishing.
 33. Pečjak, V. (2007). *Psihologija staranja* [Psychology of aging]. Bled: self-published.
 34. Pew Research Center (2017). *Older Adults and Technology Use*. Pew Research Center. Washington, D.C. Retrieved from the website www.pewresearch.org.
 35. Phillips, J., Ajrouch, K. & Hillcoat Nalletamby, S. (2010). *Key Concepts in Social Gerontology*. London: Sage Publications, pp. 21–24.
 36. Predsodki in izključenost starih. (2019). [Prejudices and exclusion of the old]. Retrieved from the website https://opro.si/arhiv/predsodki-in-izkljucenost-starih/?utm_source=chatgpt.com
 37. Ramírez, L. & Palacios-Espinoza, X. (2016). Stereotypes about old age, social support, aging anxiety, and evaluations of one's

- own health. *Journal of Social Issues*, 72(1), pp. 47–68. Retrieved from the website <https://doi.org/10.1111/josi.12155>
38. Ramovš, J. (2003). *Sožitje generacij* [Coexistence of generations]. Ljubljana: Anton Trstenjak Institute, pp. 88–112.
 39. Ramovš, J. (2010). Medgeneracijska vzgoja, osnova za učinkovito gerontološko in geriatrično izobraževanje zdravstvenih strokovnjakov [Intergenerational education, the basis for effective gerontological and geriatric education of health professionals]. V Hvalič, T.S., Kaučič, B.M., Kocijančič, M. in Rustja, N. (ur.), *Priložnosti za izboljševanje klinične prakse na področju zdravstvene nege starostnika: zbornik prispevkov z recenzijo* [Opportunities for improving clinical practice in the field of elderly health care: reviewed conference proceedings]. Ljubljana, 21. in 22. junij 2010. Jesenice: College of Nursing, pp. 9–16.
 40. Rivera, L. M. & Paredez, S. M. (2014). Stereotypes can get under the skin: testing a self-stereotyping and psychological resource model of overweight and obesity. *Journal of Social Issues*, 70(2), pp. 226–240. Retrieved from the website <https://doi.org/10.1111/josi.12057> PMID:25221353; PMCID:PMC4160906
 41. Rodgers, V. & Gilmour, J. (2011). Shaping student nurses' attitudes towards older people through learning and experience. *Nursing Praxis in New Zealand*, 27(3), pp. 13–20. PMID:22375376.
 42. Ropret, A. (2011). Duševno zdravje in staranje: Pomen preprečevanja duševnih motenj pri starejših [Mental health and aging: The importance of preventing mental disorders in the elderly]. *Revija za gerontologijo*, 23(1), pp. 22–30. Ljubljana: Publishing House of the Faculty of Health Sciences.
 43. Rupp, D. E. & Vodanovich, S. J. (2006). The impact of age and workplace interactions on the formation of age stereotypes. *Journal of Applied Psychology*, 91(1), pp. 9–21.
 44. Sargeant, M. (2011). *Age Discrimination and Diversity: Multiple Discrimination from an Age Perspective*. Cambridge: Cambridge University Press.

45. Starizem. [Ageism]. Retrieved from the website <https://podprimostarejse.si/dusevno-zdravje/soocanje-s-tezkimi-zivljenjskimi-situacijami-starizem/>
46. Stewart, T. L., Chipperfield, J. G., Perry, R. P. & Weiner, B. (2012). Attributing illness to old age: consequences of a self-directed stereotype for health and mortality. *Psychology and Health*, 27(8), pp. 881–897. Retrieved from the website <https://doi.org/10.1080/08870446.2011.630735> PMID:22149693.
47. Šadl, Z. (2007). Čustveno doživljanje starostnikov od tradicionalnih pogledov k sodobnim [Emotional experience of older adults from traditional to modern views]. *Socialno delo*, 46(1/2), pp. 13–19.
48. Švab, V. (2013). *Stereotipi o starosti in staranju v Sloveniji* [Stereotypes about age and aging in Slovenia]. Ljubljana, University of Ljubljana, FDV: Založba FDV, pp. 67–89.
49. World Health Organization (WHO) (2021). *Global Report on Ageism*.
50. Zupančič, J. (2014). *Starost in kakovost življenja: Izzivi in priložnosti za starejše v sodobni družbi* [Age and quality of life: Challenges and opportunities for the elderly in modern society]. Maribor: Založba Annales.
51. Zupančič, J. (2017). *Socialna izključenost starejših v Sloveniji* [Social exclusion of older adults in Slovenia]. Ljubljana: University of Ljubljana, FDV, Založba FDV.
52. Žigon, N. (2011). *Starostniki in družba* [Older adults and society]. Retrieved from the website <http://www.viva.si/Psihologija-in-odnosi/7411/Starostniki-in>.

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ARTIFICIAL INTELLIGENCE AS A SUPPORT FOR AN AGING SOCIETY

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Abstract: Artificial intelligence (AI) is the use of digital technology to create systems that can perform tasks that typically require human intervention. It mimics human thinking but processes information more quickly and accurately. AI allows older people to manage daily tasks more easily, without complicated technologies. It is necessary to encourage the safe and thoughtful use of AI, which enables greater autonomy and better integration of older adults into the digital society. Older adults can use AI for simpler tasks, such as translating texts, helping to write messages, or finding recipes, while for more important decisions, especially health or financial ones, they should always consult with experts.

Keywords: elderly, learning, work, artificial intelligence, technology.

1. INTRODUCTION

Artificial intelligence (hereinafter referred to as AI), especially generative AI, brings a new dimension to our lives, primarily in the sense that we need to know how to use it. Some people are more skilled at using new technologies, others less so, which is particularly evident in the older population. The fact is that AI can already replace certain cognitive tasks, especially those that are more routine. Therefore, it is very beneficial for people to know how to use these technologies, as it can make them more productive. Work that might have been a bit boring and time-consuming can be replaced with these technologies—if we know how to use them, of course—and this frees up time for other, more interesting and meaningful

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work. AI has great potential to improve the quality of life for older adults, especially those over 65. Its use can solve many challenges they face, such as loneliness, health problems, and loss of independence.

2. THE IMPORTANCE OF ARTIFICIAL INTELLIGENCE FOR CONTEMPORARY SOCIETY

The emergence of AI and its growing influence on many sectors of society requires an assessment of its impact on sustainable development. The rapid development of AI must be supported by appropriate policies and regulations. Otherwise, this would create gaps in the transparency, accountability, security, and ethical standards of AI-based technology, which could harm the development and sustainable use of AI. Furthermore, there is a lack of research evaluating the medium- and long-term impacts of AI. Therefore, it is essential to strengthen the global discussion on the use of AI and to develop the necessary regulatory insight and oversight of AI-based technologies. This can accelerate the achievement of sustainable development goals (e.g., optimizing energy consumption, improving access to healthcare services). Without regulation, however, it can reinforce inequalities and increase the digital divide (Vinuesa et al., 2019).

Due to growing expectations for artificial intelligence, academic research is facing complex questions focused on human-centered, responsible, and trustworthy technology embedded in society and culture. Several academic discussions, public consultations, and impact studies are available, revealing key aspects of the changing human-machine ecosystem. Contributing to these studies, hundreds of related academic sources on AI-driven decisions and valuable AI are summarized below. More specifically, the focus of this literature review is on sociocultural filters, a taxonomy of human-machine decisions, and value-based AI perspectives. For better understanding, it is proposed that stakeholders be invited to a comprehensive survey on next-generation AI, which explores issues that go beyond technology (Feher & Zelenkauskaitė, 2020). Of course, the key to all of this is the human-centered, inclusive, and responsible use of AI. Jobin, Lenca, & Vayen (2019) state that in the past five years, private companies, research institutions, and public sector organizations have issued principles and guidelines for ethical AI, but

there is an ongoing debate about what "ethical AI" actually means and what ethical requirements, technical standards, and best practices are needed to achieve it. To explore whether a global consensus is forming on these issues, we mapped and analyzed the current body of principles and guidelines on ethical AI. The results reveal a global convergence emerging around five ethical principles (transparency, justice and fairness, non-maleficence, responsibility, and privacy), with significant differences in how these principles are interpreted; why they are considered important; to which issue, domain, or actor they apply; and how they should be implemented. Our findings highlight the importance of connecting efforts to develop guidelines with substantive ethical analysis and appropriate implementation strategies. There are, however, differences in how countries and organizations understand and implement these principles. Kelley et al. (2019) add that with the increasing influence and use of artificial intelligence (AI) and its transformative potential becoming more and more apparent, many questions have arisen regarding the economic, political, social, and ethical implications of its use. Public opinion plays an important role in these discussions, as it influences the adoption of products, commercial development, research funding, and regulation. They believe that AI will have a significant impact on society, accompanied by strong support for the responsible development and use of AI, and they also define public opinion on AI with four key themes (exciting, useful, worrying, and futuristic), the prevalence of which differentiates the response to AI in different countries. A survey of more than ten thousand respondents from 8 countries showed mixed feelings of enthusiasm and usefulness, but also concern and fear. Therefore, they emphasize that public opinion has a very important influence on the adoption of legislation and investments in AI.

The greatest fear associated with AI is caused by the fact that AI developers and innovators do not have a sufficient level of awareness of how AI specifically intrudes on the privacy and rights of individuals. Therefore, we need comprehensive legislation, such as the EU's GDPR directive, which represents a revolution in the field of data protection. The essential difference from the previous state is that the automated use of an individual's data is allowed under GDPR only and exclusively when the individual in question explicitly agrees to it. The goal of it all is

responsibility, transparency, and clarity (24ur.com, 2019). An important finding is that companies using AI achieve higher productivity and revenue. A lack of preparedness for digital transformation itself can cause a digital divide between leading and lagging companies.

The European Parliament (2022) states, among other things, that AI is a powerful tool but limited—it requires regulation that prevents discrimination and strengthens the protection of human rights. Therefore, it recommends an approach based on risk, transparency, and human oversight.

In conclusion, AI is today reshaping the economy, culture, politics, and ethics. It can accelerate sustainable development and economic growth, but at the same time, it brings dangers—the digital divide, discrimination, and abuse. Therefore, what we have outlined in this section is necessary: ethical frameworks, responsible use, appropriate legislation, and public trust.

3. OLDER ADULTS AND MODERN TECHNOLOGY: RESEARCH

Kovačič (2020) emphasized that digital literacy is becoming essential for older adults to stay connected with modern technologies and information. He believes that digital training increases the independence of older adults and provides easier access to health and social services. Preventing digital exclusion is crucial for maintaining the social inclusion of older adults in modern society.

Digital skills allow older adults to stay informed and involved in social and professional life, according to Anderson (2019), and learning to use technologies reduces the feeling of loneliness and provides older adults with access to various resources and sources of help. He found that there is a need for greater efforts to close the technological gaps between generations, especially in the case of older adults who did not grow up with technology.

Below, I present just a few authors who have dealt with this area. Schreurs (2019) focused his research on the importance of digital literacy for the social participation of older adults. He emphasized that better digital literacy allows older adults to be more involved in social activities, increase their access to information, and improve their overall quality of

life. He notes that digital literacy is crucial for reducing social isolation, as older adults become more self-sufficient in using the internet for communication, shopping, and accessing public services. Demetriou (2021) researched the role of digital technologies in the inclusion of older adults in social life. She found that the use of ICT not only increases social inclusion but also stimulates intellectual activity and improves memory skills. Older adults who regularly use digital technologies showed greater self-confidence and adapted more easily to modern changes in society, such as online shopping, e-health, and virtual social interactions. Gulli (2020) researched how information and communication technologies (ICT) contribute to active aging. Her research showed that the use of ICT helps improve the physical and mental health of older adults, as it allows them access to exercise programs, monitoring of their health status, and participation in virtual support groups. The author concludes that digital technologies enable older adults to remain active and independent while reducing the risk of loneliness. In her research, McGarry (2018) dealt with how digital connectivity helps older adults maintain independence and cognitive abilities. She found that digital technology increases the sense of control over older adults' lives, provides better access to social networks, and improves mental health. She also emphasizes the importance of training programs for older adults on the use of new technologies to reduce their fear of using digital devices. Smith (2022) researched how information and communication technologies promote active aging. He emphasizes that the use of ICT allows older adults greater participation in social and cultural activities while also helping to maintain physical activity and health. Smith finds that technology can reduce the feeling of loneliness and increase life satisfaction, especially if older adults are adequately trained in the use of these tools.

All the mentioned research shows how digital technologies help older adults maintain social inclusion, lead active lives, and improve their overall health, which is of key importance for their well-being after retirement.

4. THE IMPORTANCE OF ARTIFICIAL INTELLIGENCE FOR THE LIVES OF OLDER ADULTS

Artificial intelligence is very important for older adults because it can make their daily lives easier, for example, with voice assistants, smart reminders, and personalized health solutions. With AI, they can access information more quickly and stay connected with family and society. In addition, it can help with the early recognition of health problems, thus contributing to greater safety and quality of life.

Requena et al. (2024) find that population aging is a global phenomenon that presents major challenges for healthcare and social welfare systems. The following summarizes some authors who address this area.

The World Health Organization (WHO) estimates that by 2050, one in six people will be 60 or older, which will double the current proportion of older adults (Organización Mundial de la Salud, 2021). This shift means an increase in life expectancy and a growing demand for care models that prioritize the autonomy and quality of life of older adults. In this context, the traditional association of old age with disease or dependency is gradually changing, especially as older adults reach an advanced age while maintaining a high level of functionality and well-being. Thus, the current "active aging" paradigm emphasizes the importance of maximizing opportunities for health, participation, and security, and promotes a view of aging focused on personal development and independence (Lopez-Lopez & Sanchez, 2020).

At the same time, active aging requires tools that can support this comprehensive approach and help with health monitoring and management without compromising autonomy. New technologies, especially environmental sensors and wearable devices, have proven to be very promising solutions in this area (Pramanik et al., 2018). Initially, the use of sensors was limited to detecting emergencies and monitoring health events in highly dependent older adults, such as falls or incidents related to dementia. However, technological advances have significantly expanded these applications, which now also benefit healthy and active older adults. Modern sensors enable continuous, non-invasive monitoring of physical, social, and cognitive activity parameters, providing data that improves the understanding of practices that contribute to maintaining independence and quality of life in old age (Kaye et al., 2011).

Artificial intelligence (AI) is increasingly being used in various healthcare services due to its increased efficiency and accuracy, according to Wong et al. (2025). With the aging population, AI-based health technologies could become a powerful tool in the healthcare of older adults to address growing, complex, and demanding healthcare needs. The purpose of the study was to investigate the perspectives and acceptability of using AI-driven health technologies among older adults and the potential challenges they face in their implementation. The findings of the research could lead to the design of more acceptable and user-friendly AI-based health technologies (ibid.).

The number of older adults is increasing, and many of the care needs of older adults are not met adequately or fairly (Matheer et al., 2015; Rahman et al., 2022; Lin & Liu, 2024; Miller et al., 2023). New technologies have the potential to improve the health and care of older adults. A variety of AI products have been proposed or developed for older adults along with new technologies such as remote sensors, robotics, and decision support algorithms (Velazquez-Diaz et al., 2023; Bargiotas et al., 2023; Lee et al., 2022; Dosso et al., 2022; Xie et al., 2020; Borna et al., 2020; Wang et al., 2024; Baig et al., 2019), such as the use of machine learning to predict the risk of falls and robotics or avatars to improve social inclusion (Lee et al.; Dosso et al.; Xie et al., 2020).

In addition, the integration of sensors with advanced technologies such as the Internet of Things (IoT) and artificial intelligence (AI) has further expanded their use, enabling environmental monitoring at home in ways that adapt to the daily routines of older adults (González et al., 2016). These technologies capture data on daily activities and offer the possibility of proactively assessing changes in behavior and functional health. Unlike traditional monitoring models that focus on reactive interventions, this approach allows for the anticipation of health problems and the tailoring of personalized interventions to meet the changing needs of older adults (Naccarelli et al., 2022; Dorado-Chaparro et al., 2021). By analyzing patterns of physical, social, and cognitive activity, AI can help identify practices and metrics related to maintaining functionality in autonomous older adults, thereby optimizing preventive approaches in this life stage (Reiman in Väyrynen, 2018).

Within the framework of active aging, the use of these technologies provides benefits that go beyond health monitoring (Othaganont et al.,

2002; Cicirelli et al., 2021). By capturing data that reflects the daily lives of older adults, these tools offer a comprehensive view of well-being and identify practices that contribute to both physical health and personal development (Alahi et al., 2023). The ability of these devices to analyze indicators of autonomy and adaptability is essential for promoting healthy and fulfilling aging. In particular, cognitive and social activities, such as interacting with others or engaging in intellectual activities, play a key role in maintaining autonomy and reducing the risk of cognitive decline (Rashidi and Mihailidis, 2013).

5. CONCLUSION

Artificial intelligence has the real potential to support independent, safe, and dignified aging at home, relieve caregivers, and improve the management of chronic diseases. It currently brings the most value in three areas: (1) fall prevention and monitoring of functional status (motion analysis, wearable and environmental sensors, risk prediction), (2) support for chronic diseases (personalized reminders, early detection of deterioration, therapy adjustment), and (3) cognitive and social support (conversational agents, reminders, structured calls, digital monitoring in dementia). However, the benefits are not "automatic": they are realized only if the systems are easy to use, integrated into real workflows, well-evaluated, and supervised by trained people.

A few more important findings from the field of health among older adults and its regulation with the help of AI.

AI devices can monitor vital signs such as heart rate, blood pressure, and blood sugar levels. This allows for early detection of problems and better prevention. AI applications can design personalized exercise programs that are suitable for an individual's age and physical condition. Smart medication dispensers and AI reminders ensure that older adults do not forget to take their medications. AI aids are designed to help maintain physical and mental fitness (e.g., interactive games that stimulate memory and cognitive functions).

We, therefore, find that smart technologies, such as smart speakers and lighting systems, facilitate daily tasks and reduce the need for assistance. With the help of AI, we can improve mobility assistance. AI, integrated into robots and smart wheelchairs, can help older adults move

around the home and outside of it, giving them greater freedom and independence. AI can also be very helpful to older adults in using digital platforms, such as social networks and video calls. However, we must be aware that many older adults do not have enough knowledge to use advanced technology, so it is crucial to provide adequate training and support.

The biggest risks are privacy and data protection, model biases (which can harm the most vulnerable), false alarms (which undermine trust), insufficient clinical validation, and the delegation of human tasks to technology where it is not ethical or safe. Especially in dementia, a clear framework is needed for informed consent, transparent use, and the possibility of "opting out" of the technology without penalizing the user.

The economics of AI solutions are promising, but savings (fewer falls, fewer hospitalizations, more effective care) only appear when the following are ensured: interoperability with existing systems, staff training, model maintenance (updating with new data), and clearly defined outcomes (e.g., reduction in falls, improvement in quality of life, less burden on caregivers). Without this, projects can remain at the pilot level and not survive the transition into practice.

From the perspective of policy and practice design, five clear directions emerge:

Human-in-the-loop: AI should support, not replace, clinical judgment and the relational component of care. Critical decisions must remain under human control.

Co-design with older adults and caregivers: User needs (autonomy, clarity, low cognitive burden) should shape the goals, interfaces, and implementation method—not the other way around.

Measurement and transparency: Before implementation, define target indicators (outcomes, costs, satisfaction), and after implementation, regularly publish results and manage false alarms.

Privacy and fairness by default: Minimal data collection, local processing, encryption, access control, regular bias reviews, and corrections for underrepresented groups (e.g., the very old, people with multiple illnesses, low digital literacy).

Gradual implementation and maintenance: Start with one well-defined use case (e.g., fall management), provide support to users and staff, then expand to new functionalities. Models must be maintained (tuning, updates), otherwise, accuracy deteriorates over time.

Research gaps remain in large, representative, and independent studies of effectiveness in a real-world environment, in the standardization of outcomes (so that solutions can be compared), in explaining models (so that decisions are understandable to users and professionals), and in evidence of long-term social connectedness.

Artificial intelligence is not a magic wand; it is a powerful tool if used responsibly. When technology is truly aligned with the needs of older adults, integrated into care pathways, transparent, and safe, it can contribute to greater independence, increased safety, a better care experience, and a reduced burden on caregivers. The key to this is thoughtful implementation: small, well-measured steps, a strong emphasis on user experience, and continuous human oversight and ethical management. Older adults can use it for simpler tasks, such as translating texts, helping to write messages, or finding recipes, while for more important decisions, especially health or financial ones, they should always consult with experts.

REFERENCES AND SOURCES

1. Alahi, E., Sukkuea, A., Tina, F.W., Nag, A., Kurdthongmee, W., Suwannarat, K. and others (2023) Integration of Internet of Things-enabled technologies and artificial progress and future trends. *Sensors*. 23: 1–36. doi: 10.3390/s23115206
2. Baig, M.M., Afifi, S., GholamHosseini, H., Mirza, F. A systematic review of wearable sensors and Internet of Things-based applications for monitoring older adults—with an emphasis on the aging population and independent living. *J Med Syst*. 2019;43(8): 233. doi: 10.1007/s10916-019-1365-7
3. Bargiotas, I., Wang, D., Mantilla, J. and others (2023). Fall prevention: using machine learning to predict future falls in individuals without a history of falls. *J Neurol*. 270(2): 618–631. doi: 10.1007/s00415-022-11251-3
4. Borna, S., Maniaci, M.J., Haider, C.R. and others (2024). Artificial intelligence support for informal patient caregivers: a systematic review. *Bioengineering (Basel)*. 11(5): 483. doi: 10.3390/bioengineering11050483
5. Cicirelli, G, Marani, R, Petitti, A, Milella, A, and D'orazio, T. (2021). Environmental care: a review of technologies,

- methodologies, and future perspectives for a healthy aging population. *Sensors*. 21: 1–22. doi: 10.3390/s211103549
6. Dorado-Chaparro, J, Ruiz Fernandez, J, Romero-Santofimia, MJ, Bolaños-Peño, C, Unzueta-Irurtia, L, García-Perea, MG, et al. (2021) Healthy and active aging. *Sensors*. 21: 1–40. doi: 10.3390/s21237938
 7. Dosso, J.A., Bandari, E., Malhotra, A. and others (2022). Towards emotionally-aligned social robots for dementia: perspectives of care partners and persons with dementia. *Alzheimer's Dement*. 18(Suppl 2):e059261. doi: 10.1002/alz.059261
 8. Feher, K. & Zelenkauskaitė, A. (2020). AI in society and culture: Decision making and values. arXiv. Retrieved from <https://arxiv.org/abs/2005.02777>
 9. González, I., Fontecha, J., Hervás, R. and Bravo, J. (2016). Assessing temporal gait events from a single accelerometer using a measurement space filtering idea. *J Med Syst*. 40: 1–10. doi: 10.1007/s10916-016-0612-4
 10. Jobin, A., Ienca, M., & Vayena, E. (2019). The global landscape of AI ethics guidelines. arXiv. Retrieved from <https://arxiv.org/abs/1906.11668>
 11. Kaye, J.A., Maxwell, S.A., Mattek, N., Hayes, T.L., Dodge, H., Pavel, M. and others (2011). Intelligent systems for assessing aging changes: a home-based, non-intrusive, and continuous assessment of aging. *J Gerontol B Psychol Sci Soc Sci*. 66B:i180–90. doi: 10.1093/geronb/gbq095
 12. Kelley, P. G., Yang, Y., Heldreth, C., Moessner, C., Sedley, A., Kramm, A., Newman, D. T., & Woodruff, A. (2019). Exciting, useful, worrying, futuristic: Public perception of artificial intelligence in 8 countries. arXiv. Retrieved from <https://arxiv.org/abs/2001.00081>
 13. Lee, H., Chung, M.A., Kim, H., Nam, E.W. (2022). The effect of cognitive function healthcare using artificial intelligence robots in older adults: a systematic review and meta-analysis. *JMIR Aging*. 5(2): e38896. doi: 10.2196/38896
 14. Lin, Z., Liu, H. (2024). Race/ethnicity, fertility, and gender differences in unmet care needs among older adults in the United States. *Gerontologist*. 64(4): gnad094. doi: 10.1093/geront/gnad094

15. López-López, R. and Sánchez, M. (2020). The institutional paradigm of active aging in Europe (2002–2015). *Gerontologist*. 60: 406–15. doi: 10.1093/geront/gnz094
16. 24ur.com. (2019, May 15). How artificial intelligence is changing society. Retrieved from <https://www.24ur.com/novice/slovenija/kako-umetna-inteligenca-spreminja-druzbo.html>
- European Parliament. (2022). Report on artificial intelligence in the digital age (AIDA). European Parliament. Retrieved from https://www.europarl.europa.eu/doceo/document/TA-9-2022-0140_SL.html
17. Mather, M., Jacobsen, L.A., Pollard, K.M. (2015). Aging in the United States. *Population Bulletin*. Volume 70, No. 2. Population Reference Bureau. Retrieved from <https://www.prb.org/wp-content/uploads/2016/01/aging-us-population-bulletin-1.pdf>
18. Miller, K.E.M., Ornstein, K.A., Coe, N.B. (2023). Rural differences in the use of family and formal care for older adults with disabilities. *J Am Geriatr Soc*.71(9): 2865–2870. doi: 10.1111/jgs.18376
19. Naccarelli, R., Casaccia, S. and Revel, G.M. (2022). The problem of monitoring the activity of older people in multi-resident scenarios: an innovative and non-invasive measurement system based on wearable devices and PIR sensors. *Sensors*. 22: 1–23. doi: 10.3390/s22093472
20. Organización Mundial de la Salud. Aging and health. (2021). Retrieved from <https://www.who.int/news-room/fact-sheets/detail/ageing-and-health>
- Othaganont, P., Sinthuvorakan, C. and Jensupakarn, P. (2002). Daily practice of satisfied Thai elders. *J Transcult Nurs*. 13: 24–9. doi: 10.1177/104365960201300105
21. Pramanik, P., Pal, S. and Choudhury, P. (2018). Beyond automation: the cognitive Internet of Things. *Artificial intelligence brings meaning to the Internet of Things*. *Lecture Notes on Data Eng Commun Technol*. 14: 1–37. doi: 10.1007/978-3-319-70688-7_1
22. Rahman, M.M., Rosenberg, M., Flores, G. and others (2022). A systematic review and meta-analysis of unmet needs for healthcare and long-term care among older adults. *Health Econ Rev*. 12(1): 60. doi: 10.1186/s13561-022-00398-4

23. Rashidi, P. and Mihailidis, A. (2013). A survey of ambient assisted living tools for older adults. *IEEE J Biomed Heal Informatics*. 17: 579–90. doi: 10.1109/JBHI.2012.2234129
24. Reiman, A. and Väyrynen, S. (2018). Holistic well-being and sustainable organizations—a review and reasoned claims. *Int J Sustain Eng*. 11: 321–9. doi: 10.1080/19397038.2018.1474397
25. Requena, C., Plaza-Carmona, M., lvarez-Merino, P., Lopez-Fernandez, V. (2024). Technological applications to improve independence in the daily activities of older adults: a systematic review. Retrieved from https://www.frontiersin.org/journals/public-health/articles/10.3389/fpubh.2024.1476916/full?utm_source=chatgpt.com
26. Velazquez-Diaz, D., Arco, J.E., Ortiz, A. and others (2023). The use of artificial intelligence in the recognition and diagnosis of frailty syndrome in older adults: a scope review. *J Med Internet Res*. 25: e47346. doi: 10.2196/47346
27. Xie, B., Tao, C., Li, J., Hilsabeck, R.C., Aguirre, A. (2020). Artificial intelligence for caregivers of people with Alzheimer's disease and related dementias: a systematic review of the literature. *JMIR Med Inform*. 8(8): e18189. doi: 10.2196/18189
28. Wang, K., Ghafurian, M., Chumachenko, D. and others (2024). The use of artificial intelligence in active living with the assistance of an aging population in a real environment with commercial devices—a scope review. *Comput Biol Med*. 173: 108340. doi: 10.1016/j.compbimed.2024.108340
29. Wong, A.K.C., Lee, J.H.T, Zhao, Y., Lu, Q., Yang, S., Hui, V.C.C. (2025). Exploring the perspectives of older adults and the adoption of artificial intelligence-driven health technologies: a qualitative study. *JMIR Aging* 2025; 8: e66778. doi: 10.2196/66778

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