

INTEGRITY PLAN IN PUBLIC ADMINISTRATION - ANTI-CORRUPTION MEASURE IN THE REPUBLIC OF SERBIA AND ITS IMPLEMENTATION

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Abstract: The article deals with the development, implementation and results of the implementation of the integrity plan in the public administration of the Republic of Serbia as a preventive anti-corruption measure. By interpreting the results of the characteristic three cycles through which the implementation of this measure has passed, from the decision of the legislator for its introduction to the present day, the essential importance of preventive action in general can be seen, not only directly in the area it is aimed at, but also indirectly, in the development of the awareness of the entire society about the necessity of building one's own value system, strengthening personal and professional integrity and behavior in accordance with desirable ethical and moral values. In order to achieve such a goal, we will note, a clear position of the state expressed through precise and unambiguous legal norms regulating the very procedure of drafting and implementing the integrity plan, determining the authority responsible for supervising its implementation as well as prescribing penalties if acting contrary to the law is necessary. In addition, a great deal of effort has been put into creating model integrity plans that are adapted to each institution to facilitate their production. It went a step further, so for each area that makes up the content of the integrity plan, answers were offered that the institution could decide on, or ignore them and define the answer itself. However, it seems that such modernization and improvement of the integrity plan preparation methodology brought more harm than good, since the institutions and their employees are still not objective in assessing the risk of corruption nor creative in proposing measures to solve the perceived problems. The correction of these irregularities should be given more attention in the coming period, and if the results are absent, an option may be to prescribe misdemeanor liability for cases of non-objective self-assessment without adapted argumentation. It is also desirable to have greater participation of citizens, as users of public administration services, in the mapping of risks for the emergence of corruption, so it should be considered to extend this mandatory measure to the private sector as well.

Keywords: corruption, integrity, integrity plan, public administration, Republic of Serbia.

Field: Social Sciences

1. INTRODUCTION

Corruption represents a negative social phenomenon and a global phenomenon that causes poverty, increases social differences in society, affects the lowering of citizens' trust in the institutions of the system and legal uncertainty in general. (Vuković, 2004) Since it is a phenomenon that must be viewed from different aspects: economic, legal, sociological, criminological, security, it requires the involvement of researchers from different scientific fields for its explanation. Therefore, the problem of corruption should be approached multidisciplinary, especially for the reason that with the development of society and the state and the creation of new social relations, corruption also develops and adapts by taking on new forms and risk factors, which certainly creates new consequences. Therefore, it is about such a social phenomenon that should be constantly monitored, researched and ways to prevent it be found.

The basic characteristic and nature of corruption is its adaptability to all social and political changes and systems, which significantly complicates both its unique definition and finding unique measures to prevent it. Primarily, it was thought that corruption exists only in the public sector, until the development of capitalism saw it in the private sector as well (Obućinski, D., Brkić, I. & Mitrić, V., 2022). Also, relying exclusively on repressive action and punishing the perpetrator of such illegal behavior has proven to be insufficient and ineffective, especially as it concerns criminal acts where both the victim and the perpetrator have an interest in not reporting and proving it. Noticing all these omissions in the previous theoretical and practical observation and solving of the corruption problem led to a change in the angle of observation of the corruption problem by placing emphasis on prevention (Šikman, M., Tanjga, R., 2010).

The strategy of the fight against corruption has changed at the global level, instead of prosecuting individuals, it has moved to institutions, that is, anti-corruption action is aimed at broad conditions that lead to corruption, and not at corruption in itself (Lanyi, A., Azfar, O., 2005). The conclusion was reached that it is necessary to build an integrity system within the institution, as a prevention that eliminates the

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causes, conditions and circumstances of corruption (Simonović, B., 2010). One of the most effective anti-corruption preventive measures is the preparation of an integrity plan by each institution separately, with the control of a separate state body and monitoring of the achieved results.

Integrity implies the possibility of understanding and accepting certain standards and the individual choice of each person to behave and live in accordance with those principles, and those principles include fairness, honesty, sincerity, goodness and morality (Čorić, 2023). Integrity represents, therefore, the opposite of corruption, and activities aimed at building integrity and preventing corrupt and any other behavior that violates integrity represent integrity management. There are two approaches to integrity management: an approach based on controlling behavior through regulations ("rules based" approach), and an approach based on a system of values ("values based" approach), which was established by the OECD in 2009 (Maesschalck, J., Bertok, J., 2009). The best effects are achieved precisely by combining these approaches (Heywood, Marquette, Peiffer & Zúñiga, 2025).

Integrity plans combine these two approaches, are based on self-assessment, are drawn up and checked periodically and continuously, which is why they represent an excellent anti-corruption measure. In essence, all employees in the public administration, individually or through a person designated for that purpose in an institution, participate in recognizing illegal actions and proposing measures to prevent them (Rabrenović, 2014). Through the implementation of integrity plans and the application of ethical codes, the increase in knowledge of all employees about illegal behavior and the creation of a value system for each individual is influenced, along with their training, organizing seminars and surveys. This certainly affects the building of the integrity of each individual employed in that institution, which ultimately results in strengthening the integrity of the institution itself. When one takes into account the function of public administration in society, i.e. the fact that it is a state body whose actions decide on the largest number of citizens' rights guaranteed by the Constitution and laws (Torbica, 2021), every effort made to increase the degree of its integrity and the integrity of employed officials is necessary and useful. The integrity plan is set for the long term, the information obtained in one cycle of its implementation can serve as prevention for all future cases. On the basis of the acquired experiences, constants are formed, which are later only upgraded with new experiences and new ideas in ways of fighting corruption. The advantage of integrity plans is precisely that they are adaptable to every society and every system, and by studying them, cases are recognized that are characteristic both for individual institutions of a state system and for individual societies, and this represents an excellent basis for further forecasting of integrity management measures and adaption of anti-corruption plans, as well as the development of the entire anti-corruption system of a specific society.

2. MATERIALS AND METHODS

The article presents a comprehensive review of the implementation of integrity plans in the public administration of the Republic of Serbia, including its definition, the procedure of development and implementation by the institution itself, as well as control by the body provided for it. The research used a theoretical analysis of available but rare scientific and professional works in this area, together with an analysis of the content of relevant legal and by-laws in the Serbian legislation. The primary source of data for this work was the Agency for the Prevention of Corruption (A-CA), which is in charge of monitoring the adoption and implementation of integrity plans of all public authorities, has the role of a supervisory authority and keeps records of the implementation of this anti-corruption measure.

The research study is guided by research questions concerning the reasons for the comprehensive application of this anti-corruption measure only in the last ten years, although it was foreseen by the Serbian legislation in the National Strategy for the fight against corruption as early as 2005 (hereinafter: NSFAC "Official Gazette of the RS", no. 109/2005), and no significant progress was made even with the establishment of the Agency for the fight against corruption in 2010. Also, the data of public authority institutions determined by self-assessment and the measures foreseen within the integrity plan for the prevention of corruption, as well as areas recognized as sensitive for corrupt activities in certain institutions, were also processed. The author's intention is to show through this article that through good organization and the involvement of all employees of an institution in the development of an integrity plan, in a continuous process with a constant emphasis on the objectivity of self-assessment, with an adequate role of the Agency for the Prevention of Corruption, enviable results can be achieved in the fight against corruption and all other illegal behaviors.

3. INTEGRITY PLAN IN THE PUBLIC ADMINISTRATION OF THE REPUBLIC OF SERBIA – DEFINITION, PROCEDURE FOR DEVELOPMENT AND IMPLEMENTATION AND SUPERVISION OVER ITS IMPLEMENTATION

The application of integrity plans, its legislative norming and systemic relationship to this measure, is directly related to the state's determination of what kind of anti-corruption strategy it will implement. In the period when the Republic of Serbia was determined to fight corruption primarily with repressive measures, the Law on the Agency for the Fight against Corruption from 2008 (hereinafter: LACC, "Official Gazette of the RS" No. 97/2008, 53/2010, 66/2011 - US, 67/2013 - US, 112/2013 - Authentic interpretation, 8/2015 - US, 88/2019) only a few legal provisions are dedicated to the integrity plan, and not even a by-law, the Guidelines for the development and implementation of integrity plans (hereinafter: Guidelines from 2010 "Official Gazette of RS" No. 80/2010) did not pay more attention to this measure. By moving to the use of prevention in the prevention of corruption, building and strengthening the integrity of both institutions and individuals in society, integrity plans gain importance as a very important anti-corruption and preventive measure. Until the adoption of the currently valid Law on the Prevention of Corruption (hereinafter LPC, "Official Gazette of the RS" no. 35/2019, 88/2019, 11/2021 - Authentic Interpretation, 94/2021 and 14/2022), all important issues concerning integrity plans were resolved by the sub-legal act Guidelines for the preparation and implementation of integrity plans ("Official Gazette of the RS" no. 95/2016 and 56/2017). In that period, integrity plans were prepared in the manner provided by the by-law and the Integrity Plan Preparation Manual.

LPC (Art. 93-100, "Official Gazette of the RS" no. 35/2019, 88/2019, 11/2021 - Authentic Interpretation, 94/2021 and 14/2022) pays much more attention to integrity plans, and unlike the previous period, the terms of integrity and the purpose and content of the integrity plan are defined by law. Integrity is defined as a set of values and actions of public authorities, other organizations and legal entities that enable officials, employees and workers to respect laws, codes of conduct and act ethically with the aim of avoiding corruption and improving work. The integrity plan is defined as a document that represents the result of a self-assessment of the institution's integrity, and its goal is to improve integrity, transparency and professional ethics in relation to the assessed state. Therefore, with the integrity plan, the institution determines the starting point and determines the current situation in the field of its own integrity, and determines the measures and ways in which it could positively influence both its employees, the work process itself and in general raising the level of professionalism in work in further strengthening integrity.

The integrity plan necessarily contains areas and processes that are particularly risky for the emergence of corruption and assessment of the degree of corruption risk, preventive measures to eliminate the risks of corruption and deadlines for their implementation, as well as information on the persons responsible for implementing the measures from the integrity plan. The report on the implementation of the integrity plan contains data on whether the planned measures were implemented, the reasons why they were not, and a decision on the adoption of the report must be attached to it.

The circle of public authorities that are obliged to draw up integrity plans has been expanded, in addition to the previously foreseen state authorities, territorial autonomy and local self-government bodies, and all other legal entities whose founder or member is the Republic of Serbia, an autonomous province, a local self-government unit or a city municipality that has more than 30 employees, as well as public services and public enterprises. The responsibility of the manager responsible for the adoption of the integrity plan is foreseen for its adoption, implementation and reporting on the implementation, and acting contrary to the legal provisions carries a misdemeanor responsibility for which a fine is threatened. The legal provisions were elaborated and adapted to practical application through the adoption of the Instructions for the preparation and implementation of the integrity plan in 2022 (APC 2024. "Official Gazette of the RS" number: 119/2022 - refined text, 87/2024), as well as the comprehensive and substantive Manual for the preparation and implementation of the integrity plan (Agency for the Prevention of Corruption, 2021). It is foreseen that the procedure concerning an integrity plan will last three years and that after the expiration of that term and the preparation of the report, the next cycle of preparation of the integrity plan will begin.

The Agency for the Fight against Corruption, later, with the adoption of a new law, renamed the Agency for the Prevention of Corruption has a significant role in the field of corruption prevention and the implementation of measures of integrity plans. Primarily, its role, and legal obligation, is to organize and conduct trainings for all persons responsible for the development and implementation of integrity plans, to monitor the implementation and supervise the implementation of the proposed measures, to help by adopting by-laws, guidelines and instructions in better understanding of the way of preparation and self-assessment by those obliged to prepare the integrity plan (Art. 6 LPC). In addition, the Agency, in cooperation with the National Academy for Public Administration, as the central institution of the professional

development system in the public administration of the Republic of Serbia and a publicly recognized organizer of informal adult education activities, creates trainings for all employees in the public administration in the field of familiarization with all illegal behaviors, recognition of corruption, and ways to avoid it (Torbica, 2023).

4. REPORTS ON THE CREATION AND IMPLEMENTATION OF INTEGRITY PLANS IN THE PUBLIC ADMINISTRATION OF THE REPUBLIC OF SERBIA

Integrity plans were developed and implemented in the public authorities of the Republic of Serbia in three cycles. The first cycle represented the period from the adoption of the LACC and the Guidelines from 2010, the second cycle represents the period from the adoption of the Guidelines from 2016 and the third cycle represents the period after the adoption of the LPC and the Instructions for the development and implementation of the integrity plan from 2021. For each cycle, the Agency prepared a report analyzing the obtained data collected on the basis of direct control of the implementation of measures from prepared integrity plans of the sampled institutions on the territory of the entire country.

The results of the first cycle of development and implementation of the integrity plan were published in the Report of the Anti-corruption Agency of the Republic of Serbia on the implementation of integrity plans for the first cycle of their development (A-CA, 2016), and integrity plans were developed by less than half of the taxpayers, more precisely 47%. It was observed that the institutions are mostly faced with the problem of establishing adequate and efficient control of certain work processes. This can be concluded on the basis of the measures foreseen by the institutions themselves, which concern the need to establish effective control of a certain work process (adequate and timely reporting to the superior, limitation of discretionary powers, sanctioning of persons who do not fulfill their obligations), then the need for greater transparency in the performance of certain processes and their regulation by internal acts of the institution. The next problem was observed in the willingness of public authorities to introduce and develop practices and standards that are not prescribed by law as mandatory, from which the conclusion arises that most institutions do not have enough capacity and awareness of the need for internal self-regulation, which would fill certain gaps and vagueness that exist in the legislative framework or that areas that are not regulated regulate themselves with the mechanisms that are allowed and at their disposal. And finally, a significant problem was observed in the field of personnel management and human resources, which was reflected in the insufficient training of the personnel themselves, as well as the attitude towards those persons who are not permanently employed in the public authority. (Gligorić, S., Škorić, S., 2021) On average, the institutions did not implement even 50% of the planned measures, which is due to a lack of knowledge about what certain measures entail, which is due to the presentation that measures that have not been implemented are presented as if they were.

The results of the second cycle did not show a significant progress in the performance of the institution's self-assessment as well as in the prediction of measures to strengthen integrity, except that they provided information on the increase in the number of prepared integrity plans by taxpayers by 17%.

The results of the third cycle were published in the Report of the Agency for the Prevention of Corruption on the supervision of the development of the integrity plan in the third cycle 2021-2024 (APC, 2024) and showed progress in relation to the process of developing the integrity plan. The integrity plan was prepared by 100% of the institutions. In 81% of the institutions, the integrity plan was drawn up by persons who know the work of the institution well, in 75% of cases these were persons employed in key areas (legal sector, finance, information technology, etc.), and 56% of the institutions informed all their employees of the possibility that they could participate in the drafting of the integrity plan by anonymously completing the questionnaire. However, in only four institutions, more than 30% of employees answered the questionnaire, but it was observed that those answers were not taken into account in most cases by the persons who prepared the integrity plan. A greater number of institutions have regulated the area of ethics and personal integrity and developed Codes of Ethics, but it was observed that there is a smaller number of institutions where neither managers nor employees attended training in this area. Half of the institutions objectively assessed that they had not established a system of financial management and control, and a weaker assessment quality was also observed in the area of personnel management. Also, a deficiency was noticed in the correct assessment of the intensity of the risk of corruption in the work process, the formulation of measures, the good planning of their implementation and the determination of the persons responsible for their implementation.

5. DISCUSSION

In the first cycle of implementation, the shortcomings of the entire public administration were observed primarily in the inability to perform self-assessment, which is a consequence of insufficient knowledge, training and therefore the ability to recognize illegal actions and corrupt behavior. This was certainly contributed to by insufficiently precise legal terms and definitions of both integrity and the integrity plan itself, the lack of a comprehensive regulation of the ethics system through codes of conduct for employees of the entire public administration, the lack of norms related to whistleblowing, as well as insufficiently regulated procedures in the field of public procurement and public finances. Also, shortcomings were observed regarding the area of human resources, employment, systematization of employees, criteria for their deployment and promotion.

The second cycle represented a transitional phase, which can be clearly concluded from the complete turnaround in relation to the integrity plan through the by-law, in which a systematic preparation was made for the adoption of a new law that will regulate this area differently and more clearly. In this period, the Agency for the fight against corruption played a major role, as a legal entity that has significant powers in the field of fighting and preventing the occurrence of corruption. The agency made a great effort to train all persons who have certain roles in the process of developing an integrity plan, to prepare models of integrity plans for all specific areas of public administration, to recognize the necessity of familiarizing and training all employees in public administration about behaviors that are undesirable and how to avoid them, how to react to them, in order to finally form a professional, transparent and public administration that is at the service of citizens. In that period, laws were passed that regulated the area of whistle-blowing, public finances, public procurement, and various regulations and internal acts, the lack of which was noticed during the self-assessment of institutions.

The third cycle represented the final phase and actually marks the beginning of the implementation of the integrity plan in its full purpose and meaning that it should produce. With the adoption of the new law, the change of course, from repressive to preventive action against corruption, became obvious, starting with the change of the name of the law and the Agency in charge of that area, that is, from the Anti-Corruption Agency to the current name of the Agency for the Prevention of Corruption. Also, a significant advance was made by prescribing a penalty for failing to fulfill the legal obligations of developing and implementing an integrity plan for the head of the institution, which influenced all institutions to participate in the development and implementation of this anti-corruption measure. With the participation of the National Academy for Public Administration, trainings were conducted for the majority of public administration employees on the subject of corruption, not only for certain persons who were in charge of those tasks and whose training was carried out by the Agency. The preparation and supervision of the implementation of integrity plans was facilitated through the improvement of the methodology of its preparation, the method of participation of all employees in that procedure was affirmed, and the areas that need to be improved in the future were identified. Also, since they were prepared by all taxpayers and made available via the Internet, the meaning and function of the transparency of the work of the public administration gained full meaning.

6. CONCLUSION

Integrity plans have certain characteristics that make them currently the best solution in the prevention of corruption: they are flexible and have the potential to adapt to all new ways of manifesting corruption, they are multidisciplinary, which means that they include the principles of security, economic, organizational, psychological, sociological and legal sciences, they have the ability of continuous development, continuous qualitative improvement, their creation and implementation directly affects the increase in the level of integrity, responsibility and professionalism of each individual employed in the institution, and ultimately of each member society. In addition, by studying the results of integrity plans, one can clearly see the existence of problems in the functioning of certain areas or processes that need to be solved systematically either through the adoption of new or by amending existing laws that would better or completely solve that area.

However, objectivity in assessing the risk of corruption in institutions in the public sector is still debatable. Therefore, in addition to the conducted trainings on this topic, facilitating the development of plans through already created models and already offered answers, which certainly accelerated this process, the institutions are still not ready to notice and map the points in their work that are risky for corruption, and consequently to foresee measures to overcome this in the future. In the coming period, attention should certainly be paid to overcoming these omissions, first by publicly pointing out the shortcomings of

each institution individually, and if such behavior continues to be repeated, consider prescribing misdemeanor liability for non-objective self-assessment without appropriate argumentation.

Since integrity plans are drawn up by all taxpayers and are available to the public via the Internet, it is to be expected that citizens, who are the largest users of public administration services, get involved in corruption risk mapping in accordance with their experience. The transparency of these documents enabled the insight of other institutions, especially those dealing with internal financial control, as a broader framework of integrity management. This is one more reason for the affirmation of institutions that they perform self-assessment objectively.

The development of artificial intelligence and its application in public administration in the not-so-distant future will certainly affect the increase in the efficiency of public services and the simplification of certain administrative processes, which will certainly reduce corruption and increase citizens' trust in institutions. Accordingly, institutions should devote the next period to designing in which processes in their work the use of artificial intelligence would be most effective, and to start preparing basic data that will be used and analyzed by artificial intelligence in the future. In this way, the moment of the start of using artificial intelligence in public administration will be ready, and a prepared set of quality data would reduce to a minimum the abuse of artificial intelligence in corrupt activities.

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