

ТЕМЕ

ЧАСОПИС ЗА ДРУШТВЕНЕ НАУКЕ

UDK 1+3

4
—
2021

ISSN 0353-7919

ТЕМЕ 4/2021

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САЊА ИГЊАТОВИЋ

Часопис излази тромесечно

Тираж: 140 примерака

Часопис је доступан преко Index Copernicus,
„Онлајн библиотеке централне и источне Европе”
(CEEOL), EBSCO базе и Српског цитатног индекса
Реферисан у DOAJ, ERIN PLUS

Published by

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Универзитетски трг 2, 18000 Ниш

Тел. (018) 257-095

Штампа ATLANTIS DOO, Ниш



CIP - Каталогизација у публикацији
Народна библиотека Србије, Београд

3

ТЕМЕ : часопис за друштвене науке / главни и одговорни
уредник Сузана Ђукић. - Год. 13, бр. 1/2 (1990)- . - Ниш :
Универзитет у Нишу, 1990- (Ниш : Atlantis). - 24 cm

Тромесечно. -

Текст на срп. и енгл. језику. -

Је наставак: Марксистичке теме (Ниш) = ISSN 0351-1685. -

Друго издање на другом медијуму: Теме (Online) = ISSN 1820-7804

ISSN 0353-7919 = Теме (Ниш)

COBISS.SR-ID 559631

Публиковање часописа ТЕМЕ суфинансира
Министарство просвете, науке и технолошког развоја Републике Србије.

ТЕМЕ

ЧАСОПИС ЗА ДРУШТВЕНЕ НАУКЕ

ТЕМЕ, г. XLV, бр. 4, октобар–децембар 2021, стр. 1057–1327

UDK: 1+3

ISSN 0353-7919

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**IPABO
LAW**

RESTRICTION OF HUMAN RIGHTS AND STATE OF EMERGENCY^a

Darko Dimovski*

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Abstract

Human rights and freedoms are the most sensitive area and the ultimate measure of democracy in a state and society. Absolute human rights and freedoms cannot be restricted, even in conditions of war or emergency. This paper focuses on human rights which were derogated by declaring a state of emergency due to the imminent danger of the infectious disease COVID-19 caused by the SARS-CoV-2 virus. The author addresses the issues related to the definition of state of emergency and the derogation of the guaranteed human rights and freedoms, as well as the proportionality between the taken measures and intended goals of such restrictions. In particular, the author examines the international sources of law pertaining to the restriction of human rights, with specific reference to the situations and conditions when such restrictions are admissible. The content of the proportionality clause which is to be fulfilled by the state when restricting human rights and freedoms is one of the supreme precepts for admissibility and justifiability of such restrictions.

Key words: human rights, state of emergency, COVID-19, restriction of human rights, Constitution, international law, European Convention.

ОГРАНИЧАВАЊЕ ЉУДСКИХ ПРАВА И ВАНРЕДНО СТАЊЕ

Апстракт

Људска права и слободe су најосетљивије поље и мера демократије у једној држави и друштву. Апсолутна људска права и слободe ничим се не могу ограничавати, па и у стањима као што је ратно или ванредно. У овом раду је сва пажња усмерена на она људска права која су била дерогирана проглашавањем ванредног стања услед

^a This article is the result of research within the project no. 451-03-9 / 2021-14 / 200120, financially supported by the Ministry of Education, Science and Technological Development of the Republic of Serbia.

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опасности od zarazne bolesti COVID-19. U radu tražimo odgovore na pitanja definisanja vanrednog stanja i odstupanja od zajemčenih ljudskih prava i sloboda, kao i srazmernosti između preduzetih mera i cilja koji se želi postići ovakvim ograničenjima. Posebno se ispituju međunarodni izvori koji se tiču ograničavanja ljudskih prava, te u kojim situacijama i pod kojim uslovima je to dopušteno. Sadržina klauzule proporcionalnosti koju treba da ispuni država ograničavajući ljudska prava i slobode jedna je od vrhovnih zapovesti da bi takva ograničenja bila dozvoljena i opravdana.

Кључне речи: људска права, ванредно стање, COVID-19, ограничавање људских права, Устав, међународно право, Европска конвенција.

INTRODUCTION

Personal freedoms and rights ensure the protection of physical and personal integrity of every human being. They have been acquired step by step, along with the development of human society and the process of individualization of human personality. Once treated as a slave and a thing (property item), man gradually managed to conquer spaces for the expansion of personal rights and freedoms. The awakened rebellious spirit of man progressively imposed limits to autocracy, unlimited dictatorship and unrestrained tyranny of state power.

The historical development of the human civilization clearly reflects the changing legal theories and views on human rights and freedoms. The contemporary private law introduces the concept of the legal subject (Kovačević, Kuštrimović, 2011: 47), where man is regarded as the subject of law. Legal subjectivity exists only when a person becomes aware of his/her individual self, legal capacity, individual rights and duties. For this reason, the concept of the legal subject is considered to be the most significant attainment of legal civilization, derived from the philosophy of law (Radbruch, 1980: 5). The abstract right of an individual, embodied in Hegel's axiom, "Be a person and respect others as persons," revolutionized law because it made provisions for equality and the belief that man is the ultimate and the only purpose of the legal order. Hegel pointed out that all ideas are based on the freedom and self-consciousness of an individual (Jevtić, 2020: 591).

Further development of legal thought extended the concept of a legal subject to all human rights, envisaged in both private and public, and national and international law. Thus, by the adoption of important international law documents on the protection of human rights, "natural rights have been transposed into inalienable rights embodied in national constitutions, civil and criminal legislation, etc. The principle of equality is no longer exercised through the notion of a legal subject but through the notion of a man who is a part of the human species, a cosmopolitan" (Kovačević, Kuštrimović, 2011: 49-51).

Personal rights and freedoms are the result of a long struggle for respect for physical and personal integrity which has been underway to

the present day. In contemporary constitutions, human rights and freedoms are commonly envisaged in special chapters. There are opinions that the roots of such systematization are to be found in the fact that human rights and freedoms were initially envisaged in declarations (as subject-specific acts) (Đorđević, 1986: 365).

In contrast to the tendency to constantly expand the scope of basic human rights, there is also a tendency to derogate (limit) them. The fundamental human rights and freedoms are part of the basic law of the state, and they are defined in terms of content (Stojanović, 1989: 164). The content determines the rights and duties of an individual (as a legal subject); in effect, duties and obligations entail some restrictions. In democracies, individual rights and freedoms may be restricted to an extent necessary to ensure the observance and prevent the violation of human rights and freedoms of others.

Given that the fundamental human rights and freedoms are part of constitutional law, the primary source of law is the constitution. In addition to domestic sources, human rights and freedoms are also envisaged in international sources of law. In the Republic of Serbia, the hierarchy of these legal sources is determined by the Constitution as the supreme legal act. Ratified international treaties and generally accepted rules of international law must be in compliance with the Constitution of the Republic of Serbia. Individual legislative acts must comply with the Constitution, ratified international treaties and generally accepted international rules (Article 194 of the Serbian Constitution).

On 15 March 2020, facing the outbreak of the COVID-19 contagious disease, the Republic of Serbia made a decision to declare a state of emergency due to the imminent risk of mass infection, widespread transmission and death. Both during the state of emergency and after its abolition, there was a widespread controversy in the public about the violation of human rights during the state of emergency. The corona-virus pandemic has brought to the fore the topic of human rights and freedoms during the state of emergency, not only among legal theorists but also in the general public (including lay public on social networks, for example). The focal point of debate have been the issues pertaining to non-discrimination, freedom of movement, freedom of expression, freedom of the media, and the right to information.

STATE OF EMERGENCY AND THE CONSTITUTION AS A GUARANTEE OF PROTECTION OF HUMAN RIGHTS AND FREEDOMS

The Constitution of the Republic of Serbia¹ defines a state of emergency in Article 200 (para. 1) of as follows: “When the survival of

¹ Ustav Republike Srbije [Constitution of the Republic of Serbia], Sl. glasnik RS, br. 98/2006

the state or its citizens is threatened by a public danger, the National Assembly shall declare the state of emergency.” In such a case, "the National Assembly may prescribe the measures which shall provide for derogation of human and minority rights guaranteed by the Constitution" (Art. 200, para. 3). The Constitution further states: “When the National Assembly is not in a position to convene, the decision on proclaiming the state of emergency shall be made jointly by the President of the Republic, the President of the National Assembly, and the Prime Minister, under the same terms as by the National Assembly” (Article 200, para. 4). Based on this paragraph, the President of the Republic, the President of the National Assembly and the Prime Minister of Serbia made a decision to declare a state of emergency due to the danger of infectious disease COVID-19 caused by the SARS-CoV-2 virus.²

These provisions raise two issues. The first one refers to the interpretation of the term “public danger” threatening the survival of the state or its citizens, and the possible inclusion of a pandemic under this term. To clarify this dilemma, we will refer to the position of the Venice Commission³, the provisions of the Serbian Defense Act⁴ and the Disaster Risk Reduction and Emergency Management Act.⁵ Namely, when considering the text of the Constitution of the Republic of Serbia, the Venice Commission was of the opinion that the phrase used was quite general, leaving room for abuse. Therefore, the Venice Commission considered that it was necessary to amend the existing legal solution by adding the following qualification at the end of Article 200 (para.1): “if regular constitutional measures are insufficient.” The Venice Commission also specified that a state of emergency can be imposed in four cases: 1) in case of external threats to the State, acts of armed aggression against the territory; 2) in case of an obligation of common defense against aggression arising by virtue of an international agreement; 3) in case of threats to the constitutional order of the State, the security of citizens, or public order; and 4) in case of the need to prevent or eliminate the consequences of a natural disaster or technological accident exhibiting the characteristics of a natural disaster (Venice Commission, 2007: 20). Therefore, the position of the

² Odluka o proglašenju vanrednog stanja [Decision on declaring a state of emergency], Sl. glasnik RS, br. 23/2020

³ European Commission for Democracy through Law (Venice Commission), Opinion on the Constitution of Serbia, adopted by the Commission at its 70th plenary session (Venice, 17-18 March 2007 (p. 20).

⁴ Zakon o odbrani [Defense Act], Sl. glasnik RS, br. 116/2007, 88/2009, 88/2009 - dr. zakon, 104/2009 - dr. zakon, 10/2015 i 36/2018

⁵ Zakona o smanjenju rizika od katastrofa i upravljanju vanrednim situacijama [Disaster Risk Reduction and Emergency Management Act], Sl. glasnik RS, br. 87/2018

Venice Commission indicates that the pandemic cannot be declared a state of emergency.

As the position of the Venice Commission does not have a binding legal force (but can serve as a guideline), we may take into account the national sources of law. In order to eliminate the specific dilemma, we may first refer to the provisions of the Defense Act. Article 4 (para. 6) of this Act prescribes that a state of emergency is a state of public danger where the survival of the State or its citizens is endangered, and which is the consequence of military or non-military challenges, risks and security threats. Although this provision allows for the inclusion of a pandemic under the state of emergency, the wording is still rather broad and imprecise. In the author's opinion, in resolving the dilemma on the rationale for introducing a state of emergency, the legislator should have referred to the normative solutions contained in the Disaster Risk Reduction and Emergency Management Act. Namely, Article 2 (para. 2) of this Act stipulates that a natural disaster is a phenomenon of biological origin, caused (*inter alia*) by a pandemic and an epidemic of infectious diseases, which is one of the grounds for declaring an emergency situation. Pursuant to Article 39, an emergency situation for the territory of the Republic of Serbia is declared by the Government upon the proposal of the Republic Headquarters for Emergency Situations. Under Article 2 (para. 7), it can be a situation in which the risks and threats or consequences for the population are of such scope and intensity that their occurrence or consequences cannot be prevented or eliminated by regular action of competent bodies and services; thus, in order to eliminate the risks and consequences, there is a need for special measures, operative forces and means. It is important to note that the level of protection of human rights is not reduced by introducing an emergency situation. Thus, the competent authorities and other entities which implement appropriate measures are obliged to consistently take into account the protection of human rights, gender equality and, particularly, ensure the protection of the poor, the elderly, children, persons with disabilities, refugees and displaced persons, and other vulnerable groups.

The second issue arising from the constitutional provisions is whether the deputies (MPs) could gather in the Serbian National Assembly at the outbreak of the epidemic to proclaim a state of emergency. As noted by the former Commissioner for Information of Public Importance (Rodoljub Šabić), Article 200 (para. 5) of the Constitution should be construed as referring to *de facto* impossibility of convening a parliamentary assembly; it does not refer to the decision of the Government of the Republic of Serbia to ban gatherings including over one hundred people. In the author's opinion, this Article is not applicable in the situation of a

pandemic caused by an epidemic.⁶ Another disputable issue is the time frame for introducing a state of emergency. Namely, the state of emergency was introduced before the epidemic was officially declared on the territory of the Republic of Serbia; the state of emergency was introduced on 15 March 2020, while the epidemic was declared four days later (Simović, 2020: 12).

Article 202 (para. 1) of the Constitution prescribes that “upon proclamation of the state of emergency or war, derogations from human and minority rights guaranteed by the Constitution shall be permitted only to the extent deemed necessary.” By stating that derogations are allowed only to the extent that is deemed necessary, the framers of the Constitution emphasized the adherence to the principle of proportionality between the restriction of human rights and the goals to be achieved by imposing the restrictions.

The Constitution of the Republic of Serbia prescribes the inalienable rights that cannot be limited during a state of emergency or war. These are absolutely protected rights: the right to dignity and free development of one’s personality (Art. 23); the right to life (Art. 24); the right to inviolability of physical and mental integrity (Art. 25); prohibition of slavery, servitude and forced labor (Art. 26); the right to freedom and security (Art. 27); the rights of persons deprived of liberty (Art. 28); the right to a fair trial (Art. 32); the right to legal certainty in criminal law (Art. 34); the right to legal personality (Art. 37); the right to citizenship (Art.38); freedom of thought, conscience and religion (Art. 3); the right to conscientious objection (Art. 45); freedom of expression (Art. 6); prohibition of inciting racial, national and religious hatred (Art. 49); the right to marry and equality of spouses (Art. 62); freedom to decide on procreation (Art. 63); rights of the child (Art. 64), and the prohibition of forced assimilation (Art. 78). At the same time, Article 200 (para. 4) of the Constitution stipulates that “when declaring a state of emergency, the National Assembly may prescribe the measures that shall provide for derogation of the constitutionally guaranteed human and minority rights.”

The Constitution also stipulates that “human and minority rights guaranteed by the Constitution may be restricted by law if such restrictions are permitted by the Constitution, and for the purpose allowed by the Constitution, to the extent necessary to meet the constitutional purpose of restrictions in a democratic society” (Article 20, para. 1). In deciding on the restriction of human rights and freedoms, the state authorities must respect constitutional rules and must take into account the essence of the right being restricted, the purpose of imposing restrictions,

⁶ Danas (15 March 2020): Šabić: Nema pravnih osnova za uvođenje vanrednog stanja (No legal grounds for declaring a state of emergency), Retrieved 14 May 2021 from: <https://www.danas.rs/drustvo/sabic-nema-pravnih-osnova-za-uvodjenje-vanrednog-stanja/>

the nature and the extent of restriction, the proportionality between the restriction and the intended goals of restriction, as well as the possibility of achieving the purpose of restriction by less restrictive means (Pajvančić, 2009: 31). For certain rights, the Constitution explicitly prescribes the specific conditions under which they can be limited. In legal theory, such cases are designated as special limitations of human rights (Stojanović, 1989: 392). The Constitution also guarantees the direct implementation of human and minority rights "guaranteed by generally accepted rules of international law, ratified by international treaties and laws" (Art. 18).

*STATE OF EMERGENCY AND INTERNATIONAL SOURCES OF
LAW AS A GUARANTEE OF PROTECTION OF
HUMAN RIGHTS AND FREEDOMS*

Both under the International Covenant on Civil and Political Rights (hereinafter: the International Covenant, ICCPR)⁷ and under the European Convention for the Protection of Human Rights and Freedoms (hereinafter: the European Convention, ECHR),⁸ States are subject to international supervision with regard to restrictions on guaranteed human rights and freedoms.

The International Covenant allows for the restriction of human rights and freedoms "in the event of an exceptional general danger threatening the survival of the nation" (Article 4 ICCPR). As a precondition for restricting human rights and freedoms, two requirements must be met concurrently: the presents of an exceptional general danger and the threat

⁷ Ukaz o proglašenju Zakona o ratifikaciji Međunarodnog pakta o građanskim i političkim pravima [Decree on the Promulgation of the Act on Ratification of the International Covenant on Civil and Political Rights], Sl. list SFRJ, br. 7/1971

⁸ Zakon o ratifikaciji Evropske konvencije za zaštitu ljudskih prava i osnovnih sloboda, izmenjene u skladu sa Protokolom br. 11 uz Konvenciju za zaštitu ljudskih prava i osnovnih sloboda, Protokola broj 4 uz Konvenciju za zaštitu ljudskih prava i osnovnih sloboda kojim se obezbeđuju izvesna prava i slobode koji nisu uključeni u konvenciju i prvi protokol uz nju, Protokola broj 6 uz Konvenciju za zaštitu ljudskih prava i osnovnih sloboda o ukidanju smrtne kazne, protokola broj 7 uz Konvenciju za zaštitu ljudskih prava i osnovnih sloboda, Protokola broj 12 uz Konvenciju za zaštitu ljudskih prava i osnovnih sloboda i protokola broj 13 uz Konvenciju za zaštitu ljudskih prava i osnovnih sloboda o ukidanju smrtne kazne u svim okolnostima [Act on Ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), amended in accordance with Protocol No. 11 to the ECHR, Protocol No. 4 to the ECHR ensuring freedoms not included in the Convention and the First Protocol thereto, Protocol No. 6 to the ECHR on the Abolition of the Death Penalty, Protocol No. 7 to the ECHR, Protocol No. 12 to the ECHR, and Protocol No. 13 to the ECHR on the Abolition of the Death Penalty in all Circumstances], Sl. list SCG - Međunarodni ugovori, br. 9/2003, 5/2005 i 7/2005-isp. i Sl. glasnik RS - Međunarodni ugovori, br. 12/2010 i 10/2015

to the survival of the nation. Any State Party which resorts to the restriction of human rights and freedoms during a state of emergency must officially declare the state of emergency and notify the Secretary-General of the United Nations, stating which rights are being derogated and for what reasons. The subsequently adopted optional protocols to the International Covenant⁹ enable an individual to initiate a proceeding for monitoring the observance of the rights to which the State Party to the International Covenant has committed itself. A written statement (communication) is submitted to the Human Rights Committee if the person submitting the statement has exhausted all domestic legal remedies available in the state of origin (Art. 2 Optional Protocol to the ICCPR). The Committee's assessment does not have the character of a judgment; thus, the adopted mechanism has a limited scope.

The European Convention prescribes three conditions which have to be met in order to allow derogations from human rights and freedoms in times of emergency: 1) the existence of war or other public danger threatening the survival of the nation; 2) derogations must be minimal, and only to the extent required by the specific danger, and 3) the taken measures must be compliance with other obligations assumed by the state under international law (Article 15, para.1 ECHR). Moreover, "any High Contracting Party exercising the right to derogation shall keep the Secretary General of the Council of Europe fully informed of the measures taken and the reasons thereof. It shall also notify the Secretary General of the Council of Europe when such measures have ceased to have effect and when the provisions of the Convention are fully applied again" (Article 15, para. 3 ECHR). Derogation of the guaranteed human rights and freedoms calls for a decision of the competent state body (parliament). The adoption of such a decision is a paramount precondition which makes it possible to prescribe relevant measures. The state which adopts measures on the derogation of certain rights must prove the existence of a public danger and that the adopted measures are necessary (Mitrović, Grbić Pavlović, Pavlović, 2016: 201-211). Therefore, the state must adhere to the principle of proportionality between the public danger and the introduced measures, i.e. the goal that the measures aim to achieve.

Thus, in order to fulfill the proportionality clause, a State Party must meet three cumulative conditions: legality, legitimacy, and the necessity of restrictions. Legality entails a "constitutional approval" for the restriction of certain human rights and freedoms. Legitimacy is the justification for taking restrictive measures. Necessity implies the obligation of the state to

⁹ Fakultativni protokol uz Međunarodni pakt i Drugi fakultativni protokol uz Međunarodni pakt [Optional Protocol to the International Covenant and Second Optional Protocol to the International Covenant], Sl. list SRJ –Međunarodni ugovori, br. 4/2001

prove the existing real and immediate risks which justify the need to limit certain human rights and freedoms (Petrović, 2011: 37-50).

The European Court of Human Rights (hereinafter: the Court, ECtHR)¹⁰ and the European Commission have established internationally acceptable criteria which are to be met before imposing a state of emergency. In order for a state of emergency to be acceptable from the point of view of the European Convention, the danger must be exceptional, imminent, threatening to the entire state (i.e. all citizens), and endangering the organized life in that state. According to the Court's case-law, a declaration of a state of emergency is acceptable if the measures and restrictions that could normally be taken would be insufficient to remedy the public danger. The state of emergency and derogation of guaranteed human rights and freedoms must be limited in time. The European Commission exhaustively states the absolute human rights and freedoms which cannot be subject to restriction even during a state of emergency.

The European Convention also envisages the prohibition of abuse of rights by referring to interpretation of prescribed norms: "Nothing in this Convention shall be construed to imply the right of any State, group or person to engage in any activity or to perform an act aimed at the destruction of any of rights and freedoms set forth herein, or at their limitation to a greater extent than is provided for in the Convention" (Article 17 ECHR). The European Convention also defines the limitations on the use of restrictions on the guaranteed human rights and freedoms, by stating that "the restrictions permitted under this Convention shall not be applied for any purposes other than those for which they have been prescribed" (Article 18 ECHR).

The analysis of Article 15 of the European Convention leads to the conclusion that the states are free to assess whether the measures taken under this Article, i.e. whether the derogation of human rights, is within the limits allowed by the European Convention. The issue of free assessment is not precisely defined, which complicates the European control mechanism (Šepurin, 2015: 188).

Another limitation is the possibility for a state to express a reservation in relation to certain provisions of the European Convention which are contrary to the constitutional provisions. The reservations made must be specifically stated in terms of which parts are unconstitutional, because reservations of a general nature are not allowed. A possible middle ground between free assessment of the state when it is time to declare a state of emergency and the effective protection of human rights and freedoms at the international level is seen in determining more precise criteria

¹⁰ In 1994, Protocol No. 11 of the Council of Europe established a permanent European Court of Human Rights (ECtHR) in Strasbourg. In the previous period, complaints were sent to the European Commission.

or “harmonious reconciliation” of state needs and the measures to prevent danger (Šepurin, 2015: 189-190).

A state of emergency also entails the possibility of multiple abuses “in the name of higher interests” of the power-holders. After lifting the state of emergency, the European Convention is fully implemented again. Yet, there is a clear distinction between the need of the government to act effectively in order to eliminate danger for the state and its citizens and the violation of human rights, excessive use of approved measures, or totalitarian tendencies, such as the arbitrariness of state supervision and the like.

During the state of emergency imposed to prevent COVID-19 transmission and infection, many countries introduced bans on public assembly or restricted the number of people in public gatherings, restricted the citizens’ freedom of movement, used drones to monitor movement, collected geo-location data, imposed continuous bans on the movement of elderly person, curfew hours, and the like. The state authorities of some countries tried to impose more stringent prison sentences (for example, for “spreading fake news”) or to allow the police to enter private premises without a court decision, and the like.

THE STATE OF EMERGENCY IN THE REPUBLIC OF SERBIA

Generally, declaring a state of emergency changes the operation of state bodies and society as a whole. The state of emergency leads to the concentration and personalization of governing powers (of the government, president, prime minister). During the state of emergency, the executive power rises above the legislative power (parliament) which returns to the scene by the decision to lift the state of emergency and (non) confirmation of the decisions of the executive power. The concentration and personalization of power is justified by the need to act quickly and efficiently during a state of emergency, whereas the meeting of parliament and the adoption of decisions with legal force by parliament would be slow and inadequate to the real and immediate danger: *Salus patriae supremus lex esto*.¹¹

Domestic courts also have a significant place in the protection of human rights and freedoms. Their task is similar to international oversight. They should examine whether the existence of danger is real, whether the declaration of a state of emergency is necessary, and determine the proportionality of the derogative measures taken by the state government. Internal control does not exclude international control because there is always a danger of biased perception of the entire situation by domestic courts.

¹¹ Let the salvation of the homeland be the greatest law

The state of emergency in the Republic of Serbia was introduced on 15 March 2020, and lifted on 6 May 2020. One of the consequences of introducing the state of emergency is the issuance of the Order on the restriction and prohibition of the movement of persons in the territory of the Republic of Serbia.¹² This Order was issued by the Minister of the Interior, with the consent of the Minister of Health, on the basis of Article 2 of the Decree on Measures during the State of Emergency¹³ and Article 15 (para. 1) of the Public Administration Act.¹⁴ The insight into the normative acts which served as the basis for introducing curfew hours shows that Article 2 of the Decree on Measures during a State of Emergency gives the competent ministries the opportunity to temporarily restrict or prohibit the movement of persons in public places. However, having in mind the already mentioned Article 200 (para. 6) of the Constitution of the Republic of Serbia, the question of legality of the mentioned regulation is rightly raised. Namely, Article 200 (para. 6) of the Constitution explicitly states that “when the National Assembly is not in a position to convene, the measures which provide for derogation of human and minority rights may be prescribed by the Government, by decree, with the President of the Republic as a co-signatory”. This leads to the conclusion that the curfew was not only imposed by the incompetent body but also that it was declared by an inappropriate act, in violation of the Serbian Constitution (Milić, 2020: 747-748).

In addition to the aforesaid problems related to issuing the Order, it should be noted that it was disputable what kind of liability is involved in case of violation of the curfew hours: misdemeanor liability or criminal liability. Thus, Article 4 (para.1) of the Misdemeanors Act¹⁵ stipulates that misdemeanors may be incriminated by a legislative act or a decree, or by a decision of the Assembly of the Autonomous Province, the Municipal Assembly, the City Assembly and the City Assembly of Belgrade. It follows that the Minister of the Interior is not competent to issue an order on misdemeanors. However, by looking at the text of the Order, we can see that it refers to criminal responsibility for committing an offence envisaged in Article 248 of the Criminal Code, designated as non-compliance with health care regulations during an epidemic. The Order

¹² Naredba o ograničenju i zabrani kretanja lica na teritoriji Republike Srbije [Order on restriction and prohibition of movement of persons in the territory of the Republic of Serbia], Sl. glasnik RS, br. 34/20, 39/20, 40/20, 46/20, 50/20.

¹³ Uredba o merama za vreme vanrednog stanja [Decree on measures during a state of emergency], Sl. glasnik RS, br. 31/20

¹⁴ Zakon o državnoj upravi [Public Administration Act], Sl. glasnik RS, br. 79/05, 101/07 i 95/10, 99/14, 30/18–dr. zakon, 47/18

¹⁵ Zakon o prekršajima [Misdemeanors Act], Sl. glasnik RS, br. 65/2013, 13/2016, 98/2016 -odluka Ustavnog suda, 91/2019-dr. zakon, 91/2019

on Amendments to the Order on Restriction and Prohibition of Movement of Persons in the territory of the Republic of Serbia¹⁶ was passed, which included the possibility of establishing both criminal and misdemeanor liability. Thus, as prescribed by the legislator, criminal liability for non-compliance with the prohibition envisaged in items 1 and 2 of this Order arises in case of commission of a criminal offense under Article 248 of the Criminal Code. Misdemeanor liability arises on the basis of the Decree on Misdemeanor for violation of the Order of the Minister of Internal Affairs on restriction and prohibition of movement of persons in the Republic of Serbia,¹⁷ which prescribes a fine of 50,000 to 150,000 RSD. In particular, the Decree on Misdemeanors introduced a highly disputable norm stating that a misdemeanor procedure may be initiated and completed not only in case of a misdemeanor, but also in case a criminal proceeding has been initiated against the perpetrator for a criminal offense including the characteristics of that misdemeanor, which is starkly inconsistent with Article 8 (para. 3) of the Misdemeanors Act. Namely, Article 8 (para. 3) of the Misdemeanors Act envisages a rule prohibiting a retrial (*ne bis in idem*) in the event that a person has already been convicted in criminal proceedings; thus, if the criminal offence has the characteristics of a misdemeanor, a misdemeanor proceeding cannot be initiated against that person; in case such a proceeding has been initiated or is underway, it cannot be continued and completed. In addition, another problem is that the Curfew Order prescribes a ban on unlawful conduct, while the Decree on Misdemeanors envisages a sanction for illegal behavior (Milić, 2020: 749-750). Yet, it should be noted that the Constitutional Court issued a Decision (IUo-45/2020)¹⁸ stating that, “regardless of the prohibition envisaged in Article 8 (para.3) of the Misdemeanors Act,” the provisions of Article 4c (para. 6), Article 4d (para. 6) and Article 4d (para. 2) of the Decree on Emergency Measures and Article 2 of the Decree on Misdemeanors for Violation of the Order of the Minister of the Interior on Restriction and Prohibition of Movement of Persons in the Republic of Serbia were not in accordance with Article 34 (para. 4) of the Constitution of the Republic of Serbia.

¹⁶ Naredba o izmeni i dopunama Naredbe o ograničenju i zabrani kretanja lica na teritoriji Republike Srbije [Order on Amendments to the Order on Restriction and Prohibition of Movement of Persons in the Territory of the Republic of Serbia], Sl. glasnik RS, br. 46/2020

¹⁷ Uredba o prekršaju za kršenje Naredbe ministra unutrašnjih poslova o ograničenju i zabrani kretanja lica na teritoriji Republike Srbije [Decree on Misdemeanor for Violation of the Order of the Minister of Internal Affairs on Restriction and Prohibition of Movement of Persons in the territory of the R. Serbia], Sl. glasnik RS, br. 39/2020

¹⁸ Odluka Ustavnog suda Republike Srbije [Decision of the Constitutional Court], br. IUo-45/2020

The Decree on Misdemeanors and the Curfew Order ceased to be valid upon the adoption of the Decree on Amendments to the Decree on Measures during the State of Emergency¹⁹ by a competent body as determined by law. However, it does not mean that all problems were solved when this new Decree entered into force. Namely, Article 6 (para. 2) of the Decree on Amendments to the Decree on Measures during the State of Emergency stipulates that misdemeanor proceedings will be initiated under the Decree on Misdemeanors shall be completed under the same Decree. This decision is not in compliance with Article 6 (para. 2) of the Misdemeanors Act which stipulates that, if the regulatory act is changed one or more times after the commission of the specific misdemeanor, the applicable regulatory act shall be the one that is most favorable (lenient) for the perpetrator. Considering the inconsistencies in the two legal texts, the author thinks that this contradiction should be resolved according to the principle of hierarchy of formal legal sources in our legal system; thus, given that regulatory acts are classified as bylaws, it undoubtedly removes all dilemmas regarding which act should be applied in case of initiating and conducting misdemeanor proceedings. In addition, it is important to emphasize that the Decree on Amendments to the Decree on Measures during the State of Emergency ceased to be valid and that it was not amended. The given situation was also in contradiction with Article 34 (para. 2) of the Constitution of the Republic of Serbia.

Furthermore, the abolition of the state of emergency by the National Assembly on 6 May 2020 did not resolve the problem of initiating and conducting misdemeanor proceedings for a violation of curfew hours. As previously noted, the problem may be resolved by using the relevant provisions of the existing legislative acts: Article 34 (para. 2) of the Constitution of the Republic of Serbia and Article 6 (para. 2) the Misdemeanors Act. A similar question arises regarding the possible criminal liability for the commission of the criminal offence of non-compliance with health care regulations during an epidemic, envisaged in Article 248 of the Criminal Code, particularly given the fact that the curfew Order and the Decree on Misdemeanors were invalidated (Milić, 2000: 752-753).

¹⁹ Uredba o dopunama Uredbe o merama za vreme vanrednog stanja [Decree on Amendments to the Decree on Measures during the State of Emergency], Sl. Glasnik RS, br. 53/2020

*QUESTIONABLE PROPORTIONALITY
OF HUMAN RIGHTS RESTRICTIONS
IN RELATION TO THE JUSTIFIABILITY OF IMPOSING
RESTRICTIVE MEASURES IN THE REPUBLIC OF SERBIA*

From the aspect of (dis)proportionality of the imposed measures, the public raised the issue of prohibition on the movement of persons over the age of 65 due to the risk of infection. The ban was justified by health professionals on the grounds of the fact that elderly people are a “risk group” and that such a measure was taken to protect their lives. The opponents of “locking down” the elderly claimed that it was a discriminatory measure, based on personal characteristics, and that the duration of such a measure was unjustified. Although the ban on the movement of elderly persons over the age of 65 was taken to protect their lives, it is debatable whether such a measure was proportionate. The author is convinced that there is no proportionality in this particular case. Although the rights of the elderly were restricted, the Ministry of Labor, Employment, Veterans and Social Affairs did not take the necessary measures within its competence to provide the needed support or organize assistance in a different manner. Thus, the elderly remained locked in their apartments without adequate care and assistance. Social welfare centers and social protection institutions were not given instructions on how to act in such situations. Under the pressure of the general public, these restrictions were later relaxed.

The disproportion in terms of restrictions on movement is also reflected in the ban on movement of people with autism. As it is extremely important for this category of people to adhere to their daily routines, the Commissioner for the Protection of Equality (Brankica Janković) responded to the parents’ plea by sending an initiative to the competent ministry to allow the freedom of movement to children and adults with autism, as well as parents and guardians of autistic persons, for a limited time, near the place of residence, during the general ban on movement.²⁰ Like in cases involving the elderly, the restrictions for people with autism were relaxed one month after the state of emergency was imposed.

The freedom of expression, envisaged in Article 46 of the Constitution, is subject to restrictions during a state of emergency. The content of this right entails the freedom to seek, receive and impart information and ideas through speech, writing, art, or otherwise (Art. 46, para.1). The same Article prescribes that freedom of expression may be restricted by the law for the following reasons: protection of rights and reputation of others, protection of the authority and impartiality of the court, protection

²⁰ Danas (2020): Retrieved 24, May 2021 from: <https://www.danas.rs/drustvo/poverenica-dozvoliti-starateljima-i-osobama-sa-autizmom-kretanje-u-ogranicenom-vremenu/>

of public health, protection of the morals of a democratic society, and protection of national security of the state (Art. 46, para. 2) The General Mandatory Instructions, issued by the State Public Prosecutor,²¹ prescribe urgent action in case of the criminal offense of causing panic and disorder (Article 343 of the Criminal Code).²² Under this provision, citizens were prosecuted for the commission of this crime on suspicion of spreading false news through social networks. Trials for this crime were initially held via Skype. A journalist (Ana Lalić) was arrested and detained for disclosing the alarming situation in healthcare, but charges against her were subsequently dropped. On 9 April 2020, the High Judicial Council issued a Conclusion,²³ taking the position that the Decree on the manner of participation of defendants in the main trial in criminal proceedings²⁴ held during the state of emergency applies only to the criminal offense of illicit trafficking, failure to comply with health regulations during an epidemic, and the criminal offense of transmission of infectious diseases, while the offence of causing panic and disorder is to be excluded from Skype trials.

Article 50 of the Constitution guarantees *the freedom of the media* and envisages that “censorship shall not be applied in the Republic of Serbia” (Article 5, para.3). This general provision contains no further specification or explicit provision on the prohibition of censorship, nor punishment for the existence of censorship (Pajvaničić, 2009: 67). Yet, Article 5 (para. 3) provides that the competent court may prevent the dissemination of information through public media for precisely stated reasons:

[...] when it is necessary in a democratic society to prevent inciting to violent overthrow of the system established by the Constitution or to prevent violation of territorial integrity of the Republic of Serbia, to prevent propagation of war or instigation to direct violence, or to prevent advocacy of racial, ethnic or religious hatred enticing discrimination, hostility or violence.” (Article 50, para 3 of the Constitution)

In the Conclusion issued on 28 March 2020²⁵, the Government of Serbia centralized the communication of public information about the suppression of the infectious disease COVID-19 caused by the SARS-

²¹ Opšte obavezno uputstvo [General mandatory instructions], Sl. glasnik RS, broj 2/20

²² Krivični zakonik Republike Srbije [Criminal Code of the Republic of Serbia], Sl. glasnik RS, br. 85/2005, 88/2005 - ispr., 107/2005-ispr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 i 35/2019

²³ Zaključak Visokog saveta sudstva [Conclusion of the High Judicial Council], br. 52/20

²⁴ Uredba o načinu učešća optuženih na glavnom pretresu u krivičnom postupku [Decree on the Manner of Participation of the Accused in the Main Trial in Criminal Proceedings], Sl. glasnik RS, br. 49/20

²⁵ Zaključak Vlade Republike Srbije (05 broj 53-2928/2020) [Conclusion of the Government of the RS], Sl. glasnik RS, br. 48/2020 od 31.3.2020.; <https://www.propisi.net/zakljucak-vlade-05-broj-53-2928-2020/>

CoV-2 virus. The authority to impart information on this matter was vested in the Crisis Team. Under the pressure of the international and domestic public, the controversial conclusion was subsequently withdrawn. As noted by the Council of Europe, in the Recommendation of the Committee of Ministers of the Member States on the protection of journalism and the safety of journalists and other media actors,²⁶

“a chilling effect on freedom of expression arises when interference with this right causes fear, leading to self-censorship and ultimately the absence of public debate, which is to the detriment of society as a whole. Accordingly, state authorities should avoid taking measures or imposing sanctions that have the effect of discouraging participation in public debate.” (CM/Rec (2016)4[1], item 33)

Article 51 of the Constitution envisages the *right to information*, specifying that everyone has the right to be truthfully, fully and timely informed about issues of public importance, and that the media are obliged to respect that right (Art. 51, para.1). Yet, the legislator failed to envisage a penalty for non-compliance with this right which is closely related to the freedom of the media. Article 51 further specifies that everyone has the right to access information/data kept by state bodies, institutions and organizations with delegated public authorities, in accordance with the law (Article 51, para.2). Article 16 of the Act on Free Access to Information of Public Importance²⁷ stipulates that competent authorities have to respond to requests for information on the public health within 48 hours from receiving the request. This time limit was frequently disregarded, as indicated by the NGO sector which urged the governments to promote and protect free access to information and provide for its free flow during the pandemic.²⁸

In addition to the problems at the normative level regarding the observance of the right to information, we will be briefly referring to the previously mentioned case of the detained journalist Ana Lalić. While reporting on the current situation in healthcare, she was charged with and

²⁶ CoE: Recommendation CM/Rec (2016)4[1] of the Committee of Ministers to Member States on the protection of journalism and safety of journalists and other media actors, CoECommittee of Ministers, 13 April 2016; https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9#_ftn1

²⁷ Zakon o slobodnom pristupu informacijama od javnog značaja [Act on Free Access to Information of Public Importance], Sl. glasnik RS, br. 120/2004.54/2007,104/2009 i 36/2010

²⁸ UNHR Office of the High Commissioner (OHCHR, 19 March 2020): COVID-19: Governments must promote and protect access to and free flow of information during pandemic – International expert; Retrieved 13 May 2021 from: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25729&LangID=E>

detained for allegedly causing panic and riots. Although the charges were subsequently dropped, this case illustrates the inadequate conduct of the state which clearly violated the citizens' right to free access and flow of information, creating fear among journalists and citizens in general, indirectly limiting the right to expression, and making fertile soil for the emergence and development of self-censorship.

In terms of criminal proceedings in our country, we may briefly examine the phenomenon of online trials via Skype. Namely, the so-called Skype trials are not envisaged in the Criminal Procedure Code (CPC).²⁹ Yet, Article 447 provides that the judicial panel in second-instance proceedings may decide to institute a session via an audio or video link (provided there are adequate technical tools available) in case the panel finds that securing the presence of the defendant in proceedings is aggravated by security or other reasons (Art. 447, para. 4 CPC). Thus, instituting Skype trials in the first instance criminal procedure violated several principles that ensure the fairness of criminal procedure (fair trial and due process). One of these principles is the principle of immediacy. In this regard, we may refer to Article 13 of the CPC which provides for a trial in the presence of the defendant in court. Although Article 381 of the CPC prescribes certain exceptions when a person may be tried *in absentia* (for justified reasons, for being at large, or for being inaccessible to the authorities), the epidemic or pandemic situation is not among them. Concurrently, Skype trials violated the principle of publicity envisaged in Article 362 of the CPC, which provides that "the main hearing shall be public."

Another issue is related to the respect for the freedom of religion (Art. 43 of the Constitution), which may be restricted by law only if that is necessary in a democratic society to protect lives and health of people, morals of democratic society, freedoms and rights guaranteed by the Constitution, public safety and order, or to prevent inciting of religious, national, and racial hatred. On 26 March 2020, the Government of the Republic of Serbia passed a Conclusion recommending safe performance of religious services in churches and religious communities during the state of emergency and the epidemic.³⁰ It stipulates that religious services should be performed in religious buildings and in the open without the presence of believers, whereas burial services should be performed in the presence of a small number of people, respecting all preventive measures prescribed for the effective suppression of infectious diseases and the pro-

²⁹ Zakonik o krivičnom postupku [Criminal Procedure Code], Sl. glasnik RS, br. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019 i 27/2021 - odluka US

³⁰ Zaključak kojim se crkvama i verskim zajednicama preporučuje bezbedno vršenje verskih obreda za vreme trajanja vanrednog stanja i epidemije [Conclusion recommending safe performance of religious services in churches and religious communities during a state of emergency and epidemic], Sl. glasnik RS, broj 43/2020.

tection of human life and health (Conclusion 05 no. 53-2868/2020, item 1). It is important to note that the Conclusion is not a legally binding document. However, certain restrictions on the freedom of religion had already been imposed by the Order prohibiting public assembly of more than five people at the same time (both indoors and outdoors). This ban was violated on several occasions, especially during Easter holidays, regardless of the fact that the curfew was in force.³¹

In this context, we may refer to an interesting position of Prof. Zoran Čvorović from the Faculty of Law in Kragujevac. In his argumentation, Prof. Čvorović refers to Article 31 (para. 3) of the Churches and Religious Communities Act,³² which prescribes that the place of worship is inviolable, as well as to Article 8 of the Higher Education Act,³³ which stipulates that the premises of a higher education institution are inviolable, whereby members of internal affairs bodies cannot enter the premises without the permission of the competent body of that institution, except in cases involving danger to general safety, life, physical integrity, health or property. Thus, Prof. Čvorović emphasizes that freedom of religion is an absolute right, that it is not subject to any restrictions, and that the police had no authority to enter religious premises, to make unauthorized recordings, to take identification data, and to violate the worshipers' right to privacy and freedom of religion even during the state of emergency and curfew.³⁴ Yet, the analogy with the provision in the Higher Education Act is unacceptable in this case. In order to refute Prof. Čvorović's thesis that freedom of religion is an absolute right, we may refer to Article 9 of the European Convention, and relevant ECtHR practice. One of the envisaged grounds for restricting the freedom of religion is the protection of health. Thus, it will be almost impossible to prove that the imposed restrictions were not necessary in a democratic society.

CONCLUSION

Many countries worldwide were quite unprepared to encounter the pandemic caused by the corona-virus COVID-19, particularly in terms of

³¹ N1 Info (April 2020): Retrieved 22, May 2021 from: <https://rs.n1info.com/vesti/a589718-liturgija-u-doba-korone/>

³² Zakon o crkvama i verskim zajednicama [Churches and Religious Communities Act], Sl. glasnik RS, br. 36/2006

³³ Zakon o visokom obrazovanju [Higher Education Act], Sl. glasnik RS, br. 88/2017, 73/2018, 27/2018 - dr. zakon, 67/2019 i 6/2020 - dr. zakon

³⁴ Srpsko-rusko udruženje Pravoslavna porodica (3. April 2020): Čvorović: Policija nezakonito upadala u crkve (Illegal Police Raid on Churches); Retrieved 22 May 2021 from: <http://pravoslavnaporodica.org.cb/index.php/apokalipsa/2243-zoran-cvorovic-policija-nezakonito-upada-u-crkve>

its magnitude, duration and danger to the general public health. The Republic of Serbia was no exception. Considering the manner of handling and managing the pandemic, we may conclude that there was no clear plan as to when and what measures should be taken. It is clearly illustrated by the fact that the state passed a general ban on movement without taking into account the special needs of certain categories of the population. The manner of adopting certain measures was also disputable, which made the imposed measure obviously disproportionate. The same is true for other controversial situations, such as the introduction of the so-called Skype trials, the centralization of the right to information, and the restriction of religious freedoms. While it remains debatable whether the freedom of religion can be limited by a conclusion issued by the Government, the international standards introduced by the European Convention on Human Rights and the case law of the Court show that the Republic of Serbia had legal grounds to restrict the freedom of religion on the basis of protection of human health. On the other hand, the issue of (dis)proportionality, duration and discriminatory nature of the imposed measures is still disputable.

In March 2020, the Constitutional Court of the Republic of Serbia received an initiative to initiate proceedings for assessing the constitutionality and legality of the Decision on declaring a state of emergency. On May 22, 2020, the Constitutional Court issued a Decision rejecting the initiative.³⁵ Article 36 of the Constitutional Court Act³⁶ explicitly prescribes the elements that each initiative must contain in order to be admissible: the name of the general act and the designation of the provision it is based on, the title and number of the Official Gazette in which the act was published, the legal grounds on which the proposal is based, the specific proposal or request, and other data relevant to the assessment of constitutionality or legality. Otherwise, the initiative is rejected. Based on the above, it is not clear how the Constitutional Court made the decision to reject the mentioned initiative, without stating the reason for such a decision, while examining the merits. Another objection to the Decision is that the Constitutional Court did not examine the issue of human rights restrictions (Nastić, 2020: 86).

³⁵ Ustavni sud R. Srbije (2020): Rešenje o odbacivanju inicijative za pokretanje postupka za ocenu ustavnosti i zakonitosti Odluke o proglašenju vanrednog stanja [CC Decision on rejecting the initiative for instituting proceedings for assessment of constitutionality and legality of the Decision to declare a state of emergency] br. IY-o-42/2020, Ustavni sud Srbije, Beograd, Sl. glasnik RS, br. 29/20

³⁶ Zakon o Ustavnom sudu [the Constitutional Court Act], Sl. glasnik RS, br. 109/2007, 99/2011, 18/2013 - odluka US, 103/2015 i 40/2015 - dr. zakon

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ОГРАНИЧАВАЊЕ ЉУДСКИХ ПРАВА И ВАНРЕДНО СТАЊЕ

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Резиме

Пандемија изазвана вирусом COVID-19 донела је много проблема државама широм света. Обим распрострањености и опасност вируса довели су до тога да државе морају да предузимају све могуће мере како би покушале да контролишу ширење вируса. Једна од тих мера јесте увођење ванредног стања. Тако је Република Србија донела 15. марта 2020. године одлуку о увођењу ванредног стања због претње масовног обољевања и умирања људи. С друге стране, јавила су се питања да ли је било неопходно увести ванредно стање или је било могуће увести ванредну ситуацију у којој је обим ограничавања људских права незнатан. У раду су представљени међународни стандарди у погледу основа за увођење ванредног стања како бисмо на адекватан начин сагледали потребу његовог увођења. У стручној, али и у лаичкој јавности, повела се дискусија да ли је процедура увођења ванредног стања испоштована.

Увидом у уставна, али и законска решења долазимо до закључка да Република Србија није поштовала сопствена нормативна решења у погледу увођења ванредног стања, јер се поставило питање да ли је могуће да Влада Републике Србије ограничи седницу Народне скупштине Србије на којој би се расправљало о његовом увођењу. Уједно, поставило се питање сразмерности уведених ограничења. Неадекватност уведених мера огледа се у ограничавању кретања свим категоријама становништва, не узимајући у обзир њихове посебне потребе. Поред тога, спорна су била ограничења у вези слободе изражавања и слободе медија. Право на правично суђење угрожено је могућношћу да се за поједина кривична дела суди путем Скајп апликације. Иако је доста дискусије изазвало ограничење уживања слободе вероисповести, треба нагласити да је Република Србија само код овог прав аиспоштвала међународне и домаће стандарде. Представљени проблеми у раду нас доводе до закључка да је Република Србија могла знатно боље да реагује на ситуацију изазвану вирусом COVID-19, при чему би обим ограничења људских права био знатно мањи.

Оригинлни научни рад <https://doi.org/10.22190/ТЕМЕ210822063Т>
Примљено: 22. 08. 2021. UDK 342.76(497.11):616-036.21COVID-19
Ревидирана верзија: 30. 08. 2021. 342.7(497.11):[616.98:578.834
Одобрено за штампу: 05. 12. 2021.

SOCIAL IMPLICATIONS CAUSED BY STATE REACTION ON COVID-19 AND HUMAN RIGHTS IN REPUBLIC OF SERBIA

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Abstract

The author deals with the problem of criminal measures and sanctions in the legislation of the Republic of Serbia during the Covid-19 pandemic from the human rights points of view. The executive branch of the government declared a state of emergency in the Republic of Serbia in March 2020. At the same time, the so-called Crisis Headquarter was established with the authority to impose measures of criminal-legal nature. During the two-month state of emergency, through the Crisis Headquarter, the executive branch of the government was changing criminal laws and sanctions on an almost daily basis. It is debatable whether such laws meet the rule of law and the European Court of Human Rights standards. The author in this work deals with three main issues: curfews, ne bis in idem principle, and migrants' detention. The particular attention is devoted to the Constitutional Court decision regarding the mentioned issues.

Key words: curfews, ne bis in idem, migrants, detention, human rights.

СОЦИЈАЛНЕ ИМПЛИКАЦИЈЕ ИЗАЗВАНЕ ДРЖАВНОМ РЕАКЦИЈОМ НА *КОВИД-19* И ЉУДСКА ПРАВА У РЕПУБЛИЦИ СРБИЈИ

Апстракт

Аутор у раду објашњава проблем кривичноправних мера и санкција прописаних у српском кривичном законодавству за време трајања ванредног стања изазваног пандемијом коронавируса. Марта 2020. године, Влада Републике Србије је увела ванредно стање, а истовремено је успостављен тзв. Кризни штаб, са могућношћу да прописује мере кривичноправне природе. За време двомесечног трајања ванредног стања извршна власт је готово свакодневно доносила мере које су имале знатан утицај на кривично законодавство. Поставља се питање да ли су донети закони у суштини у складу са стандардима који произлазе из судске праксе Европског суда за људска права. Аутор се у раду бави три кључна питања, и то уведенем забраном напу-

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штаћа станова, притварањем миграната и начелом непоновљивости кривичног поступка. Аутор посебну пажњу посвећује одлуци Уставног суда Републике Србије у вези са наведеним питањима.

Кључне речи: полицијски час, начело *ne bis in idem*, мигранти, лишење слободе, људска права.

INTRODUCTION

Coronavirus (COVID-19) is the newest dangerous contagious disease in the world, emerged at the end of 2019 and the beginning of 2020 (Turanjanin & Radulović, 2020: p. 4; Chan, 2020) and it is certainly challenge for democratic societies.¹ As Ben Stickle and Marcus Felson emphasize, “the COVID-19 pandemic of 2020 is unquestionably one of the most significant worldwide events in recent history, impacting culture, government operations, crime, economics, politics, and social interactions for the foreseeable future. One unique aspect of this crisis is the governmental response of issuing legal stay-at-home orders to attempt to slow the spread of the virus. While these orders varied, both in degree and timing, between countries and states, they generally began with strong encouragement for persons to isolate themselves voluntarily” (Stickle & Felson, 2020: p. 525; see also Lundgren & Klamberg, 2020; Klatt, 2021: p. 1). However, Serbia adopted an opposite solution – a mandatory isolation for the entire population, with some exceptions (Turanjanin, 2021b: p. 224).

Due to the pandemic caused by the coronavirus, the President of the Republic of Serbia, the President of the National Assembly and the Prime Minister passed the Decision on declaring a state of emergency on March 15, 2020, which lasted until May 6, 2020. The Assembly passed a Decision to abolish the state of emergency. The day after the declaration of the state of emergency, the Government, with the co-signature of the President of the Republic, passed the Regulation on measures during the state of emergency which prescribes measures derogating from the constitutionally guaranteed human and minority rights (Turanjanin, 2021b: p. 224).

During the state of emergency, the Government of the Republic of Serbia passed a number of bylaws, which deeply encroached on the rights and freedoms of citizens guaranteed by the Constitution. In the first place, we are referring to the Regulation on measures during the state of emergency, which has been changed several times (hereinafter: the Regula-

¹ In the field of criminal procedure law, one of the issues is use of the technical means at the main trial (Turanjanin, 2020: p. 269; Turanjanin, 2021: p. 86). For example, if the presence of the defendant is difficult at the main trial due to the danger of spreading a contagious disease, the court may decide to ensure the participation of the defendant by technical means, if it is technically possible.

tion).² At the very beginning of the Regulation, in Article 1, it is stated that the Regulation deviates from the constitutionally guaranteed human and minority rights during a state of emergency.³ Finally, on May 6, 2020, the National Assembly adopted the Law on the application of regulations passed by the Government with the co-signature of the President of the Republic during the state of emergency⁴ and confirmed by the National Assembly. In the text that follows, we will analyse the most important and most controversial provisions of these acts. It is important to note that the legal regulations entered into force on the day of their publication in the Official Gazette (Turanjanin, 2021b: p. 225-226).

THE THREE MAIN PROBLEMS

Curfews

Restrictions on the rights and freedoms of citizens were already announced in Article 1 of the Regulation. Article 2 of the Regulation allows ministries to impose certain measures which would restrict citizen's rights and freedoms. Based on this article, the Minister of the Interior issued an Order on restriction and prohibition of movement of persons on the territory of the Republic of Serbia. The order prohibits the movement of persons over 65 years of age in populated areas with more than 5,000 inhabitants, and persons over 70 years of age in populated areas with up to 5,000 inhabitants. The ban did not refer only to Saturday, for the period from 04:00 to 07:00 in the morning. All other persons are prohibited from leaving apartments, rooms and facilities in residential buildings and houses from 5 pm to 5 am on working days, as well as from 1 pm on Saturdays until 5 am on Mondays. After that, the mantra about *the importance of the next two weeks* was repeated, and the ban on movement was extended until the beginning of May when the government abolished it under public pressure – just before the elections (Turanjanin, 2021b: p. 226).

² Official Gazette of Republic of Serbia No. 31/20 (16/03/2020), Official Gazette of Republic of Serbia No. 36/20 (19/03/2020), Official Gazette of Republic of Serbia No. 38/20 (20/03/2020), Official Gazette of Republic of Serbia No. 39/20 (21/03/2020), Official Gazette of Republic of Serbia No. 43/20 (27/03/2020), Official Gazette of Republic of Serbia No. 47/20 (28/03/2020), Official Gazette of Republic of Serbia No. 49/20 (01/04/2020), Official Gazette of Republic of Serbia No. 53/20 (09/04/2020), Official Gazette of Republic of Serbia No. 56/20 (15/04/2020), Official Gazette of Republic of Serbia No. 57/20 (16/04/2020), Official Gazette of Republic of Serbia No. 58/20 (20/04/2020), Official Gazette of Republic of Serbia No. 60/20 (24/04/2020), Official Gazette of Republic of Serbia No. 65/20 (06/05/2020) and Official Gazette of Republic of Serbia No. 126/20 (23/10/2020).

³ Official Gazette of Republic of Serbia No. 34/2020, 39/2020, 40/2020, 46/2020 and 50/2020.

⁴ Official Gazette of Republic of Serbia No. 65/20 (06/05/2020).

The Regulation on Amendments of the Regulation on Measures during the State of Emergency of April 9 2020 transferred the quarantine of citizens to the Regulation, by adding Articles 1a and 1b. Namely, in order to suppress and prevent the spread of the infectious disease COVID-19, and protect the population from that disease, during the state of emergency it was forbidden to move in public places, i.e. outside apartments, rooms and other residential objects in residential buildings, as well as outside the household: for persons from 70 years of age in populated areas up to 5000 inhabitants, and persons over 65 years of age in populated areas over 5000 inhabitants, except on Fridays from 04 to 07 o'clock in the morning. Persons under the age of 65 were initially banned from leaving the houses from 5 pm to 5 am on working days, as well as from 5 pm on Friday until 5 am on Monday.⁵ As a result of public pressure, provisions on taking pets for a walk were added to the Regulation. For this purpose, the movement was, exceptionally, at the time of the ban, allowed to persons under 65 years of age, in the period from 11 pm to 1 am the next day, as well as on Saturdays and Sundays from 8 am to 10 am, for 20 minutes, up to the maximum of 200m distance from the place of residence or stay. During this time, it was forbidden for more than two persons to move together or stay in a public place in the open. The ban did not apply to minors and their parents, i.e., guardians and foster parents (Turanjanin, 2021b: p. 227).

At the same time, Article 1b of the Regulation prohibited movement in all parks and public areas intended for recreation and sports. Funerals could be held, but only with the presence of the maximum of ten people and with a mandatory distance of two meters. Particularly interesting is the provision of paragraph 1 of Article 4d of the Regulation, which prescribed extremely high fines for violating the provisions of Articles 1a and 1b - a fine in the range of 50.000,00 RSD (approximately 425,00 EUR or 520,00 USD) to 150,000.00 RSD (approximately 1.270,00 EUR or 1.550,00 USD). What is especially theoretically problematic here, is how to determine the fine that will be imposed due to the violation of the movement ban. An even more problematic provision is the provision of paragraph 2, which explicitly stipulates that a misdemeanour procedure will be initiated and completed due to the committed misdemeanour, even if criminal proceedings have been initiated against the perpetrator for a

⁵Exceptions were licensed health workers, members of the Ministry of the Interior, the Ministry of Defense, the Serbian Army and security services, who are on duty, persons licensed by the Ministry of the Interior, crew members of cargo motor vehicles, cargo ships, railway staff vehicles, crews and cabin crew of aircraft, which perform international transport in road, rail, water and air transport; as well as persons who urgently needed medical assistance, with a maximum of two accompanying persons.

criminal offense that includes the characteristics of that misdemeanour, regardless of prohibition from Article 8, paragraph 3 of the Law on Misdemeanours. This provision clearly stipulates that proceedings for the misdemeanour cannot be initiated against a perpetrator of a misdemeanour, or if already initiated, cannot be continued if a person has already been found guilty of a criminal offense which includes the characteristics of the misdemeanour (Turanjanin, 2021b: p. 227).

In the following amendments to the Regulation, the permission to move during the ban was extended to persons with developmental disabilities and autism, but only if accompanied by one adult, up to the maximum of 200 meters from the place of residence or stay. Only three days later, a new amendment to the Regulation was passed, which extended the ban on movement during the Easter holidays as follows: during the Easter holidays, persons under the age of 65 are prohibited from moving from 5 pm on Friday, April 17, until 05 am on Tuesday, April 21, but during this period, in addition to the already prescribed time for taking pets for a walk, it is also allowed to take them out on Monday, April 20 from 08 to 10 am (Turanjanin, 2021b: p. 227-228).

A few days later, restrictions on leaving homes for people older than 65 were even more tightened. Namely, in addition to the provision which allows them to go out on Fridays from 4 to 7 in the morning, it was decided that this was allowed only for the purpose of buying groceries. However, this category of persons was allowed to go out on Tuesdays, Fridays and Sundays in the period from 6 pm to 1 am, for a period of 30 minutes and in the diameter of 600 meters from the place of residence or stay. For persons under the age of 65, the timespan during which it was not allowed to leave the residence was extended to the period from 5 pm to 6 pm. Then, the ban was lifted for the construction workers hired on properly registered building construction and civil engineering construction sites. Also, blind, deaf or persons with hearing difficulties, as well as persons who, due to the existence of similar impairments, cannot move independently, could move accompanied by one companion, in the period when movement was allowed. The ban did not apply to persons who were elected, appointed or employed in a state body, autonomous province body or local self-government body if their presence was necessary for the functioning of competent state bodies, autonomous province bodies or local self-government bodies with the provision that all preventive measures related to preventing the spread of infectious diseases (keeping social distance, disinfection and use of protective equipment, i.e., masks and gloves) were applied. At the request of the competent state body, the body of the autonomous province or the body of the local self-government unit, the Ministry of the Interior issued a special permit for these persons to move (Turanjanin, 2021b: p. 228).

The new amendment to the Regulation of April 24 allowed persons over 65 years of age to go out every day for 60 minutes, but the period in which they were previously allowed to go out was not changed. The ban on going out was also extended during Labour Day holidays, from 6 pm on Thursday, April 30, until 5 am on Monday, May 4. Taking the pets out was allowed from 8 am to 10 am on Friday, May 1. On May 6, 2020, the Law on the Validity of regulations passed by the Government with the co-signature of the President of the Republic during the state of emergency was enacted and then confirmed by the National Assembly. In this way, a set of different regulations with criminal provisions gained the force of law quite illegally. This legal text repealed the regulations, which stipulates that the provisions of those ordinances are applied to the offenders for criminal offences committed during the state of emergency even after the state of emergency has ceased (Article 2) (Turanjanin, 2021b: p. 228).

Migrants' detention

Article 3 of the Regulation stipulated that the Ministry of the Interior could order the closure of all accesses to an open space or facility and prevent it from leaving that space or facility without special permission, as well as order mandatory stay of certain persons or groups of persons in a certain area or certain facilities (reception centres for migrants, etc.). In order to prevent the uncontrolled movement of persons who may be carriers of the virus and to prevent arbitrary leave of migrants from asylum centres and reception centres, the movement of asylum seekers and irregular migrants accommodated in these centres in the Republic of Serbia was temporarily restricted. They could not leave a centre except in the justified cases (going to the doctor or for other justified reasons), with the special approval of the Commissariat for Refugees and Migration of the Republic of Serbia, which was limited in time – in accordance with the reason for which it was issued. The mentioned provisions were also challenged before the Constitutional Court, with the explanation that it was an illegal, arbitrary and collective deprivation of liberty, based on discriminatory criteria, with the lack of judicial protection.

Ne bis in idem

In short, Article 4d of the Regulation stipulates that a person who violates the prohibitions prescribed in Articles 1a and 1b will be punished for a misdemeanour. A misdemeanour procedure could be initiated and conducted for a misdemeanour even in the event that criminal proceedings were initiated or were in progress against the perpetrator for a criminal offense that includes the characteristics of that misdemeanour, regardless of the prohibition of non-repeatability of criminal proceedings.

In the actions of the executive bodies in this field, two problems can be singled out which can later be branched out into several others. First, the Government of the Republic of Serbia acknowledged that the envisaged misdemeanour had the characteristics of a criminal offense under Article 248 of the Criminal Code. Then, the Government submitted that the conduct of two proceedings in relation to the same matter was made possible because the misdemeanour proceedings were faster and more efficient than the criminal proceedings, and thus in specific circumstances a higher degree of respect for the restraining order could be achieved. The misdemeanour procedure, as a rule, ends in a shorter period of time, thus reducing the risk of infection for defendants, holders of judicial office and officials. Particularly problematic is the position in which the Government invoked the possibility of including the sentence of imprisonment or fine that the convict served or paid for the misdemeanour in the sentence imposed for the criminal offense.

DISCUSSION

Curfews

In its decision, the Constitutional Court clearly took the position that the ban on the movement of the population does not constitute deprivation of liberty.⁶ However, this is rather questionable given the ECtHR's views on forced isolation. It is not disputed that Article 5 of the Convention guarantees the right to liberty and security. At the same time, the Constitutional Court compared this situation with the placement of patients suffering from certain diseases in the hospital, emphasizing that this is not deprivation of liberty. This attitude can be extremely wrong.

First of all, we need to examine three steps: whether the applicant was “deprived of his liberty,” whether it was justified under Article 5 § 1 and whether the detention in issue was “lawful” and free from arbitrariness. The ECtHR took a stand that the compulsory isolation orders and the citizens’ involuntary placement in the hospital amounted to a “deprivation of liberty.” Furthermore, Article 5 § 1 of the Convention contains an exhaustive list of permissible grounds of deprivation of liberty. However, the applicability of one ground does not necessarily preclude that of another: a detention may, depending on the circumstances, be justified under more than one sub-paragraph (Turanjanin, 2021b: p. 233).⁷

⁶ It is worthy to emphasize the fact that according to the research, police officers were not sufficiently prepared and trained to respond in these specific circumstances (see more in Janković & Cvetković, 2020).

⁷ *Enhorn v. Sweden*, 2005; *Eriksen v. Norway*, 1997; *Brand v. the Netherlands*, 2004 (see: Mowbray, 2005; Martin, 2006).

The expressions “lawful” and “in accordance with a procedure prescribed by law” (“*selon les voies légales*” in French) in Article 5 § 1 essentially refer back to national law.⁸ An essential element of the “lawfulness” of a detention within the meaning of Article 5 § 1 (e) is the absence of arbitrariness.⁹ The detention of an individual is such a serious measure that it is only justified where other, less severe measures have been considered and found to be insufficient to safeguard the individual or the public interest which might require that the person concerned be detained. That means that it does not suffice that the deprivation of liberty is in conformity with national law, it must also be necessary in the circumstances¹⁰ and in accordance with the principle of proportionality (Turanjanin, 2021b: p. 233-234).¹¹

When we speak about the detention of citizens for preventing the spread of the infection, it should be noted that the ECtHR has so far encountered several forms of this deprivation of liberty. Article 5 § 1 (e) of the Convention refers to several categories of individuals. There is a link between all those persons in that they may be deprived of their liberty either in order to be given medical treatment or because of considerations dictated by social policy, or on both medical and social grounds. It is therefore legitimate to conclude from this context that a predominant reason why the Convention allows the persons mentioned in paragraph 1 (e) of Article 5 to be deprived of their liberty is not only that they are a danger to public safety, but also that their own interests may necessitate their detention.¹² Taking these principles into account, the ECtHR states that the essential criteria when assessing the “lawfulness” of the detention of a person “for the prevention of the spreading of infectious diseases” are:

1. whether the spreading of the infectious disease is dangerous to public health or safety
2. whether detention of the person infected is the last resort in order to prevent the spreading of the disease, because less severe measures have been considered and found to be insufficient to safeguard the public interest (Turanjanin, 2021b: p. 234).

⁸ See *Varbanov v. Bulgaria*, 2000; *Amann v. Switzerland*, 2000; *Steel and Others v. The United Kingdom*, 1998; *Amuur v. France*, 1996; *Hilda Hafsteinsdóttir v. Iceland*, 2004.

⁹ *Chahal v. the United Kingdom*, 1996; *Witold Litwa v. Poland*, 2000; *K.-F. v. Germany*, 1997.

¹⁰ *Witold Litwa v. Poland*, 2000.

¹¹ *Vasileva v. Denmark*, 2003.

¹² *Guzzardi v. Italy*, 1980; *Witold Litwa v. Poland*, 2000.

When these criteria are no longer fulfilled, the basis for the deprivation of liberty ceases to exist.¹³ As judge Costa in *Enhorn* emphasizes, Article 5 § 1 (e), which provides for the possibility of depriving a person of his liberty “in accordance with a procedure prescribed by law” where the purpose is “the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants,” has not given rise to a very extensive body of case-law and there are virtually no precedents concerning “the prevention of the spreading of infectious diseases.” Additionally, we can agree with his statement in *Enhorn*, which can very be copied to some degree on the present, illustrates both the difficulty of striking a balance between liberty (which should ultimately prevail) and the “protection of society,” because disproportionate deprivation of liberty is not necessary and that, if it is not necessary, it borders on arbitrary. Some clarification would be desirable, particularly with the view of ensuring legal certainty and this would be especially helpful in terms of the development of the epidemic situation. Furthermore, as judge Cabral Bareto emphasizes in *Enhorn*, today’s situation also relates to “a deprivation of liberty in the context of the measures which States are called upon to take in order to protect society from the potential acts of individuals who have contracted an infectious disease. The obvious aim of such measures is to prevent the spread of a disease whose consequences are exceptionally serious. The problem is that where such measures entail deprivation of liberty within the meaning of Article 5 § 1 of the Convention, they must be consistent with the Court’s settled case-law, which is rightly stringent” (Turanjanin, 2021b: p. 235).

We believe that the forcible detention of the population in their homes constitutes deprivation of liberty. If we start from the three-level test, we can state that all conditions are not met. First, it is clear that the forced detention of the population, threatened by imposing high fines and imprisonment, in their own homes, is deprivation of liberty. Secondly, it is true that this was done to prevent the spread of infectious diseases. However, according to the legal rules, the restriction of movement can be imposed only in a certain area, while in the Republic of Serbia, an absolute ban on movement was imposed on the entire territory, to all residents, regardless of their health condition. At the same time, if we look at the number of changes and changes in the regime of movement, we can conclude that the detention was not free of arbitrariness (Turanjanin, 2021b: p. 235).

It is important to emphasize one more fact here. Namely, the Constitutional Court described in detail why it found that the provisions regarding the principle of *ne bis in idem* were not in accordance with the

¹³ *Enhorn v. Sweden*, 2005.

Constitution. In the reasoning of the decision, the Constitutional Court definitely took a position on that issue, referring both to the European Convention on Human Rights and to a number of decisions of the European Court of Human Rights. On the contrary, when deciding on the ban on movement, the Constitutional Court very laconically took the position that it was not a matter of deprivation of liberty, without engaging in any form of argumentation for such a position (Turanjanin, 2021b: p. 235).

Migrants' detention

The controversial detention of migrants is the second biggest issue. In its decision, the Constitutional Court took the position that this was not an illegal, arbitrary and collective deprivation of liberty on the basis of discriminatory criteria and without the possibility to exercise judicial protection in relation to the prescribed restriction. The Constitutional Court considers that in the specific case it is a prescribed measure of temporary restriction of movement of the mentioned persons during the state of emergency. According to Article 202 para. 1, this was not a matter of deprivation of liberty either in terms of purpose or content. The reasoning of the Decision is exhaustive in the following:

“The purpose of the temporary restriction was both effective protection against the dangerous infectious disease of asylum seekers and irregular migrants, accommodated in reception centres, and effective protection of the general population, i.e. all citizens. Both of these purposes are legitimate, legally acceptable and constitutionally justified. Namely, if asylum seekers and irregular migrants were allowed to move freely outside the reception centres in the conditions of the state of emergency imposed due to the real threat of citizens from a dangerous infectious disease, it would, in specific circumstances, expose them to a serious risk of infection and suffering from a dangerous infectious disease, and on the other hand, the absence of such a temporary restriction significantly increased the risk of exposing other persons in the Republic of Serbia to the possibility of contracting and contracting the disease. The risk for asylum seekers and irregular migrants in this case was logically significant because by far the largest number of these persons do not intend to stay in Republic of Serbia and live permanently, i.e. stay in Serbia for a relatively long period of time, on the contrary, they try to move to other countries as soon as possible. At the same time, in the specific circumstances when the state borders were maximally secured, they would certainly not have real opportunities to leave the territory of the Republic of Serbia, and if they succeeded in that, they would face serious problems in neighbouring countries. In addition, irregular migrants would most often be forced to try to cross the state border illegally on several occasions in a state of emergency, which would usually be unsuccessful in the given circumstances, and any such attempt would

necessarily and logically be connected with significant to a higher degree of other types of risk than in regular circumstances. Temporary restriction of the movement of asylum seekers and irregular migrants accommodated in asylum centres and reception centres during the state of emergency cannot be considered deprivation of liberty, even in its content. Namely, the content of these measures essentially comes down to creating the necessary conditions for effective protection against dangerous infectious diseases in specific circumstances, targeting precisely those categories of persons who would, in principle, be significantly more exposed to the risk of contracting a specific disease. Such a temporary restriction certainly created a significantly increased risk of spreading a dangerous infectious disease in relation to other persons. Therefore, this essential content of the temporary restriction of movement of asylum seekers and irregular migrants accommodated in asylum centres and reception centres in the Republic of Serbia during the state of emergency, and especially when the previously explained purpose of such restriction is taken into account, is legally acceptable, legitimate and constitutionally justified.” (The Constitutional Court Decision)

Of course, this reasoning raises many questions. As when we talked about the explanation of quarantine, the question arises why the Constitutional Court deviates from the detailed elaboration of the positions of the European Court of Human Rights, but in only a few paragraphs it explains that it is not about the deprivation of liberty in purpose or content. In doing so, both attitudes are questionable.

The Article 5 of the Convention concerns the protection of each person, as confirmed by the Court in *Nada v. Switzerland*.¹⁴ Most EU countries allow migrants to be deprived of their liberty upon entering the country, most often by border police (Cornelisse, 2010: p. 8). Establishing a global image of imprisonment for migrants is considered extremely difficult (Fiske, 2016: p. 191). The grounds for deprivation of liberty are exhaustively stated in the Convention and a person cannot be deprived of his liberty beyond the enumerated grounds (Turanjanin & Soković, 2019: p. 962).¹⁵ However, the “lawfulness” of detention under domestic law is not always the decisive element, so the Court must moreover ascertain whether domestic law itself is in conformity with the Convention, including the general principles expressed or implied therein. In the first place, the general principle of legal certainty has to be satisfied (Turanjanin & Soković, 2019: p. 963).¹⁶

¹⁴ *Nada v. Switzerland*, 2012, § 224.

¹⁵ See *Saadi v. the United Kingdom*, 2008, § 43.

¹⁶ See *Nasrulloev v. Russia*, 2007, § 71; *Khudoyorov v. Russia*, 2005, § 125; *Ječius v. Lithuania*, 2000, § 56; *Baranowski v. Poland*, 2000, §§ 50-52; *Shamsa v. Poland*, 2003, § 40, *Steel and Others v. the United Kingdom*, 1998, § 54.

In addition, Article 5 § 1 requires that any deprivation of liberty has to protect the individual from arbitrariness, and the notion of “arbitrariness” in Article 5 § 1 extends beyond a lack of conformity with national law, so that deprivation of liberty may be lawful in terms of domestic law but still arbitrary, and therefore contrary to the Convention. The Court in *Saadi v. the United Kingdom, A. and Others v. the United Kingdom* and *Rustamov v. Russia* stated that to avoid being branded as arbitrary, detention under Article 5 § 1 (f) must be carried out in good faith; it must be closely connected to the grounds of detention relied on by the Government, the place and conditions of detention must be appropriate, and the length of the detention must not exceed that reasonably required for the purpose pursued (Turanjanin & Soković, 2019: p. 963).¹⁷

Regardless of the position of the Constitutional Court, we believe that in this case we can equalized the migrants’ position with the deprivation of liberty in practice. Simply, by claiming that there was no deprivation of liberty in this case, the Constitutional Court avoided resolving the complex issues of detaining migrants and exercising their judicial protection. The Court’s jurisprudence is extremely rich in this field, and the Constitutional Court should have elaborated its position in relation to the standards set in the Court’s jurisprudence.

Ne bis in idem

In the first place, it is necessary to start from the Criminal Code of the Republic of Serbia, which in Article 248 prescribes the criminal offense as *Failure to act in accordance with health regulations during epidemic*:

Whoever during an epidemic of a dangerous contagious disease fails to act pursuant to regulations, decisions or orders setting forth measures for suppression or prevention thereof, shall be punished by fine or imprisonment up to three years.

This is a blanket criminal offence, which means that the content depends on other legal regulations that were passed during the epidemic. However, Serbia did not pass any laws, but regulations, as bylaws, which criminalized certain behaviours, and the most problematic was the Order of the Minister of Internal Affairs on the prohibition of movement (curfew).

Article 4 of the Criminal Procedure Code prescribes that no one may be prosecuted in connection with a criminal offence for which he has been acquitted or convicted by a final decision of a court, or for which the indictment has been denied by a final decision, or where the proceedings

¹⁷ *Saadi v. the United Kingdom*, 2008, § 74, ECHR 2008; *Rustamov v. Russia*, 2012, § 150; *A. and Others v. the United Kingdom*, 2009, § 164.

have been discontinued by a final decision (Ilić & Milić, 2018; Zupančič, 2011; Bajović, 2014). Article 8 of the Law on Misdemeanours¹⁸ prescribes that no one can be tried again and a misdemeanour sanction may not be imposed again for a misdemeanour on which a final decision has been passed in compliance with the law. No procedure can be initiated for a misdemeanour against a misdemeanour offender who has been finally pronounced guilty in a criminal proceeding of a criminal offence which additionally includes the characteristics of such misdemeanour, and where it has been initiated or is in progress, it may not continue or be completed.

The Constitutional Court took the right position that the principle of *ne bis in idem* had been violated, with reference to the Court's jurisprudence. The Constitutional Court first stated that the Regulation enabled several criminal proceedings to be conducted in parallel and simultaneously. At the same time, the Constitutional Court emphasized that this prohibition is not explicitly provided by the Constitution, but that the creation of the possibility of conducting several simultaneous proceedings is not justified. However, although it is true that this prohibition is not explicitly prescribed, this principle contains precisely this prohibition. This ban, on the other hand, should be explicitly prescribed for reasons of legal certainty.

In the second place, the Constitutional Court concluded that the characteristics of the misdemeanours from the Regulation are essentially identical to the mentioned criminal offense and that they represent the same *idem* in the context of the criteria of both the Court and the Constitutional Court. Moreover, the Government even acknowledged that a formal double penalty for the same offense was provided for in the prescribed manner. However, in this way, even the perpetrators of misdemeanours are privileged, because by the nature of things, the misdemeanour procedure would have been completed earlier by a final decision.

Thirdly, the Constitutional Court correctly noted that the provision of Article 63 para. 3 of the Criminal Code, which prescribes the imputation of a sentence, does not allow the conducting of several simultaneous proceedings. This is especially invalid in situations where the final judgment is rendered in one criminal proceeding and then another is instituted for the same offense. Therefore, in essence, the prescribed solutions, contrary to the Constitution, enable the simultaneous conduct of several criminal proceedings in the same matter, and the Constitutional Court has taken the correct position. The only question is whether the Constitutional Court expressed its position too late.

¹⁸ Published in the *Službeni glasnik RS*, Nos. 65/13 of 25 July 2013, 13/16 of 19 February 2016, 98/16 of 8 December 2016 (CC), 91/19 of 24 December 2019 (other law) and 91/19 of 24 December 2019.

CONCLUSION

The coronavirus epidemic has caused many problems around the world. The sphere of criminal law could not be excluded. The states found themselves facing situations that they had not faced for years, and as a result, the reactions were strikingly varied. However, the analysis of comparative legislation can also show different degrees of respect for human rights.

In this paper, we have tried to answer the question of whether the behavior of state bodies in the Republic of Serbia was in accordance with human rights standards. On the one hand, we have tried to answer the question of whether the forcible isolation of the population constituted deprivation of liberty. Moreover, we discussed whether forcible detention of migrants is deprivation of liberty. Then, whether the state violated the *ne bis in idem* principle. We believe that the answer is positive for every and each question. Constitutional Court confirms our beliefs when we talk about the *ne bis in idem* principle, but not for the first two questions.

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СОЦИЈАЛНЕ ИМПЛИКАЦИЈЕ ИЗАЗВАНЕ ДРЖАВНОМ РЕАКЦИЈОМ НА КОВИД-19 И ЉУДСКА ПРАВА У РЕПУБЛИЦИ СРБИЈИ

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Резиме

Пандемија изазвана коронавирусом неминовно је довела до многобројних промена у свакодневном животу. Промене нису могле да заобиђу ни област кривичног законодавства. Анализирајући реакцију Уставног суда, иако постоји већи број питања која захтевају брижљиву анализу, сматрамо да се издвајају три. То је проблем полицијског часа и затварања становништва у сопствене домове, затварање миграната у центре и питање начела непоновљивости кривичног поступка. На првом месту, неопходно је анализирати да ли је држава имала право да забрани излазак становништву из сопствених станова, узевши у обзир становишта Европског суда за људска права. Истовремено, на другом месту, сличан проблем се јавља и код затварања миграната у центре. Уставни суд је заузео став да се у конкретним случајевима не ради о лишавању слободе, како по циљу тако ни по сврси, те је држава реаговала у складу са Уставом. Но, питање је да ли је заиста тако. Приметно је да је Уставни суд заобишао анализу ставова Европског суда за људска права по овим питањима, а који, ипак на одређен начин указују да се овде радило о лишењу слободе. На трећем месту, Уставни суд је, узевши на овом месту стандарде Европског суда за људска права у обзир, стао на становиште да је повређено начело непоновљивости поступка, јер је актима донетим за време ванредног стања омогућено истовремено вођење прекршајних и кривичних поступака за исту радњу. Образложење ове могућности је проблематично са више аспеката, који су анализирани у раду.

Оригинални научни рад <https://doi.org/10.22190/ТЕМЕ210824064D>
Примљено: 24. 08. 2021. UDK 336.711(4-672EU)
Ревидирана верзија: 31. 08. 2021. 616-036.21COVID-19:338.124.4](4-672EU)
Одобрено за штампу: 05. 12. 2021. 338.23:336.74(4-672EU)

**THEORETICAL OVERVIEW ON NEW ECB
COMPETENCIES IN EU MONETARY LAW:
THE CASE OF EURO CRISES
AND THE COVID-19 PANDEMIC^a**

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Abstract

The subject of analysis in this paper is the identification and analysis of new regulatory competencies of the European Central Bank (ECB) in the field of European Union (EU) monetary law that arose in the circumstances of the Euro crisis (2012) and during the pandemic caused by COVID-19. The first part of the paper points out the traditional regulatory framework of the ECB *de lege lata*, while the following discusses the legal effects of measures applied by the ECB to address the economic consequences of these crises and maintain monetary stability and legal continuity in the application of basic principles of European monetary legislation. The subject of special attention is the monetary analysis of the ECB's program for remediation of the consequences caused by the pandemic, having in mind the fact that it is a non-standard monetary policy measure *sui generis* whose legal justification will surely be the subject of significant controversies in EU monetary law science and practice. Determining the optimal normative framework in monetary legislation with a clear delineation of competencies within the existing organizational structure of the ECB, according to the authors, is a *conditio sine qua non* of preserving monetary stability and the rights of monetary users.

Key words: European Central Bank, monetary law, monetary stability, PEEP.

^a Рад представља резултат истраживања на пројекту „Одговорност у правном и друштвеном контексту“, који финансира Правни факултет у Нишу у периоду 2021-2025. године

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ТЕОРИЈСКИ ОСВРТ НА НАДЛЕЖНОСТИ ЕВРОПСКЕ ЦЕНТРАЛНЕ БАНКЕ У МОНЕТАРНОМ ПРАВУ: ПРИМЕР ЕВРОКРИЗЕ И ПАНДЕМИЈЕ КОВИД-19

Апстракт

Предмет анализе у овом раду јесте идентификовање и тумачење нових регулаторних надлежности Европске централне банке (ЕЦБ) у домену монетарног права Европске уније (ЕУ) које су настале у околностима еврокризе (2012) и током пандемије проузроковане пандемијом КОВИД-19. У првом делу рада, указује се на традиционални регулаторни оквир надлежности ЕЦБ *de lege lata*, док се у даљем тексту разматрају правна дејства мера које ЕЦБ примењује у циљу санирања економских последица поменутих криза и одржавања монетарне стабилности и правног континуитета у примени основних принципа европског монетарног законодавства. Предмет посебне пажње јесте монетарноправна анализа програма ЕЦБ за санирање последица проузрокованих пандемијом имајући у виду чињеницу да је реч о примени нестандардне мере монетарне политике *sui generis* чија ће правна оправданост сугурно бити предмет значајних полемика у науци и пракси монетарног права ЕУ. Утврђивање оптималног нормативног оквира у монетарном законодавству уз јасно разграничење надлежности унутар постојеће организационе структуре ЕЦБ, према мишљењу аутора, јесте *conditio sine qua non* очувања монетарне стабилности и права монетарних корисника.

Кључне речи: Европска централна банка, монетарно право, монетарна стабилност, ПЕЕП програм.

INTRODUCTION

In the circumstances of the global financial crisis and the pandemic caused by Covid-19, there was a qualitative evolution of the role of the ECB, which as a guardian of monetary sovereignty and financial legitimacy in the European Economic and Monetary Union (EMU) must actively participate in repairing the consequences of the crisis. At the very beginning of the Covid-19 crisis, the European Commission initiated *two* very important and practical communications dealing with the economic consequences. In the *first*, the Communication on a coordinated economic approach, it announced several liquidity measures which complementing EU Member States may take that fall outside the scope of EU state aid rules, while in the second Communication, the Commission announced the so-called “Temporary Framework for State Aid” setting out and broadening the scope of state aid measures that fall within current EU state aid rules (Boon, 2020: 28-29). In the circumstances of the pandemic, the flexibility and dynamism of soft EU law was of great importance given the rigidity (slowness) in changing the norms of hard law and the speed of adaptation to new needs. What generally characterizes the soft law of the EU in the circumstances of crisis is not the lack of reaction, but perhaps a more massive amount of measures undertaken at the community level (Oana, 2020: 669-670). As has been the case in practice in the

past, the EU's broad reliance on soft law norms points to the real and logical need to clarify it (especially the way it is adopted and applied) in order to finally avoid controversy over the lack of democratic legitimacy (especially financial output legitimacy) and often non-complementarity with the provisions of primary law, which is very pronounced in the context of EU monetary law as a *hybrid* branch of law that has the crucial characteristics of both hard and soft law.

The Covid-19 pandemic pointed to the limitations of the health system in terms of undertaking emergency interventions and health policy measures in almost all countries. In that context, time was a particularly prominent factor in taking the necessary measures, but it should be borne in mind that this is a crisis of enormous proportions that was difficult to predict. Certain time-lags and shortcomings in the health system can also be observed in EU law, as well as the different responses of member states in the selection of measures against the pandemic, such as the implementation of open access, quarantine and the introduction of a state of emergency. Such different approaches are explained by the fact that in the past, the measures taken in circumstances of extreme state of emergency are such that they were on the verge of endangering the values of democratic societies, the rule of law and human rights (Zemskova, 2020: 1-3). In addition to the mentioned effects, the pandemic has its economic consequences on the world economy, which is difficult to estimate at the moment.

However, here we must keep in mind the fact that the ECB's competence in EU monetary law cannot be viewed as a static category because in practice it often had to be modified by current circumstances (crises) and gained new dimensions determined by secondary legislation (which are sometimes contradictory to the provisions of primary monetary law). The ECB's regulatory competencies are not definitively rounded, which is why they must be viewed realistically, outside the current legal solutions and shaped by the European monetary legislator so that there is always enough room to maneuver in order to acquire some new competencies necessary in stabilizing the monetary and financial system (Golubović, Dimitrijević, 2021). New activities aimed at combating opportunities for financial crime, preservation of the living environment, the full realization of active and passive procedural legitimacy (monetary law disputes) best confirm this because until recently the position of the ECB in this place was only secondary (indirect).

The ECB act as a politically independent institution, whose work is subject to the concept of assessing democratic accountability. In practice, the ECB's responsibility occurs when they decide on the objectives of the common monetary policy and their hierarchy, when the current monetary policy is published and when the monetary policy actions final responsibility is determined (Haan et al, 2005: 218-220). The guardian of co-

operative monetary sovereignty in such circumstances (at least in the example of EMU), becomes the European Central Bank as the supreme monetary institution with the necessary capacity to protect all legal powers arising from its structure (especially the *lex cudenate monetae*).

The influence that ECB achieves in creating the postulates and preserving the value of European monetary law, being its primary creator, but at the same time the main addressee and interpreter. The implementation of all acts coming from the domain of regulatory competence of the ECB provides strong operational and logistical support in a complex and sometimes controversial process of filling gaps in the field of primary and secondary sources of European monetary law and defines the general direction of banking operations in line with the *acquis communautaire* (Dimitrijević, Golubović, 2017: 485-488). The ECB's place in the banking union, cooperation with the European Banking Authority, and new competencies in the field of preserving financial stability (more precisely, new functions in the field of collective guarantee for public debt) are also indirectly aimed at protecting monetary sovereignty in EMU. That confirms the tendency of its evolution into a *sui generis* model of "joint sovereignty", whose dynamic and positive components we find in the legality and legitimacy of ECB regulatory acts that enjoy judicial protection (Dimitrijević, 2017: 500).

A BRIEF OVERVIEW OF THE CONCEPT OF ECB FUNCTIONAL INDEPENDENCES

Effective European monetary law cannot be imagined without guaranteeing the independent position of the ECB, defined negatively, as an obligation of states to refrain from issuing instructions and orders and as an obligation of the ECB to directly or indirectly seek or receive orders from member states or other EU institutions (Ziloly, 2011). In this context, the premise is that in modern democratic society, the national representative body bears the ultimate responsibility for the results of the monetary policy, because it is the parliament that adopts the laws according to which the central bank organizes its work and manifests competence (Amentenbrink, Jakob De Haan, 2002: 65-75). Consequently, the parliament may derogate from the laws that determine the jurisdiction of the bank in response to certain measures taken by the bank. From the aspect of economic analysis of law, this connection corresponds to the setting of the *principal-agent problem* and the phenomenon of *information asymmetry* that occurs in the realization of delegated powers (in this case from the parliament to the central bank). However, at this point, we must agree with the views of the authors who believe that the different competencies of the ECB and the Community are not compatible for comparison, which is why there is no place to apply this setting (Ziloly, Semayr, 2000: 591).

The ECB, together with the International Monetary Fund (IMF), is the primary subject of International and European monetary law, where dilemmas regarding the (non) existence of competence to adopt certain acts, i.e. increasing monetary disputes, end in its favor, which confirms the thesis that the ECB cannot be an agent of the European Parliament in the realization of a centralized monetary policy, but on the contrary, an *actor primus* (Dimitrijević, 2019). In the case of EMU, most authors emphasize that the transfer of monetary sovereignty (from national to supranational level) was realized without the contextual transfer of legislative and regulatory powers. The controversy in this area arises from the fact that the *lex monetae* has been transferred to the level of EMU, but the supervision of payment operations remains at the level of monetary union member states (Vardi, 2011).

The institutional independence of the central bank is also guaranteed by the constitution, so the transfer of such a concept from national to supranational monetary law is quite logical. However, all constitutional texts confirm only the institutional and not the functional independence of the central bank, which emphasizes that in the future it must be explicitly determined by an act of the highest legal force (Goodhart, 2005: 206-207). The main arguments of such an understanding start from the need to reduce the influence of the political factor in meeting the public needs of citizens, but with the simultaneous contribution of the central bank to previously established goals in the field of public services (price stability). It is obvious that the number of targets for which central banks have jurisdiction are becoming sophisticated, and we cannot say that there are competitive relations between them and no place for a potential trade-off. *In our opinion*, we can speak about a complementary relationship between the majority of targets. This tendency is especially noticeable in the example of the ECB, which, like the IMF, creates its right, which is based on secondary legislation, where its competence in the field of general fiscal policy is visible. In this regard, we must keep in mind the actions of the central bank in the role of the, so-called, bank of the last resort (regardless of the legal prohibition of debt monetization), which also implies its action in the field of public debt management policy which is no longer a constitutive segment, neither monetary nor fiscal policy, but an independent and highly developed special subsystem of general economic policy.

The structure of the EU banking union contains the Single Supervisory Mechanism and Single Resolution Mechanism, but at this moment, this concept of centralized banking policy is not fulfilled. In order to finish the concept, it is necessary to avoid the shortcomings of national bank supervision and to provide solid protection of state funds from financial pressures due to the restructuring of insolvent banks and protection of banks from lending requirements for fiscal (budget) deficits (Binder,

Gorstos, 2016: 10-12). By creating the conditions for the work of the Single Supervisory Mechanism as an initial step in the denationalization of banking policy in the EU, the ECB has greatly expanded its competence in the European monetary law. The adoption of the Agreement on the Establishment of the Single Supervisory Mechanism in European Monetary Law has finally created a system of accountability in the banking sector that has real elements of political, financial, and systemic responsibility. The ECB is the *primus inter partes* in this system, and works together with representatives of the national central banks and audit bodies represented on the Governing and Advisory Boards (Ter Kuile et Al, 2015: 155). This system puts the work of the ECB under more coherent judicial control, both at national and supranational instances.

CHANGES IN THE CONCEPT OF PROHIBITION OF PUBLIC DEBT MONETIZATION

The supervisory function of the central bank would be superfluous in the world of free banking, understood as a concept in which banks are treated as classic market entities in the free market and where there are no legal and economic barriers to entering the banking services market. Namely, in such a scenario, the only limitations would be those set by the state (i.e. government and parliament) as the basic subject of economic policy in the context of the implementation of the principles of liquidity, profitability and efficiency that must otherwise be met cumulatively for their successful business (Rothbard, 2008). Nevertheless, in the current economic circumstances, the presence of the central bank in this market is a guarantee of ensuring the concept of the rule of law and fulfilling the functions of the financial market.

The European Central Bank nowadays has the function of a "last resort bank".¹ This function implies that the central bank approves loans to all institutions with liquidity problems (Dimitrijević, Golubović, 2020). In practice, the central bank can charge certain penalties through the request to make a certain type of pledge from commercial banks and discretionary assessment of loans (non) approval (Steinbach, 2016: 364). The

¹ In order to consistently eliminate and control the negative effects of debt crises, that was necessary.

legal basis of this new function of the ECB is Article 127 (5) of the Treaty on the Functioning of the EU, which determines the conditionality of monetary policy and financial stability within the EU, as well as Art. 14 of the Statute of the ESCB which initially had more of a safeguard clause to ensure the position of the national central banks of the countries participating in the ESCB in case of liquidity problems because due to the limitation of monetary sovereignty it must be resolved by the ECB.

Considering that such conduct is contrary to Art. 127 of the Treaty, i.e. the prohibition of collective guarantee for financially troubled member states, in practice, can come from a serious misunderstanding. In this regard, the question arises whether the measures of financial support are in the sphere of monetary policy or state aid policy, i.e. the policy of financial supervision for which the ECB has no competence because it remains at the national level (Dimitrijević, Golubović, 2021). Today, however, it is clear that the ECB must have all the necessary information on the state of the financial system of a particular country and in this regard, it must perform the aforementioned function of the bank of last resort. Although *we agree* with the views that the ECB must also possess the mentioned competencies, it is necessary that a restrictive approach is applied in the implementation of these new competencies and that this function remains only secondary. The consequences of an extensive approach could potentially affect the collapse of international monetary stability and spill its consequences on the global monetary order, threatening to destroy its achievements, which reflect the axiology of the international monetary law.

When it comes to the ECB's participation in monetary disputes, we must note that the structural and functional dualism of the ECB, as well as its organizational complexity within the communicated structure, also impose a prior determination of the ECB's constitutional position. The European Court of Justice, by directly applying the provisions of the Lisbon Treaty, has unequivocally established the independence of the ECB in a dispute with the OLAF. Namely, the court explained its verdict by interpreting Article 108 of the EU Treaty, which represents a kind of "barrier" of the ECB from various political influences, so that it could effectively perform the tasks entrusted to it by

the Treaty and the Statute of the ESCB. In this case, the Court of Justice finally determined the content of the legal standard “EU financial interests,” clearly emphasizing that they (according to Article 280 of the EU Treaty) do not refer to only expenditures and revenues of the single EU budget, but also expenditures and revenues of other community institution (agency and office). As the ECB falls under the institutional structure of the ESCB, i.e. the EU, which means that the ECB also has its revenues and expenditures.

The European Court of Auditors may control the accounting records of the ECB, but with the approval of the EU Council and per Art. 28-30 of the Treaty which limits this control to an examination of the operational efficiency of work. At this point, we must mention that monetary disputes represent a special category of disputes in which the actions of the central bank are decided, more precisely, the administrative law nature of the acts of the supreme independent monetary institution is decided (Hoffman, 2015: 2-5). The fact is that in contemporary monetary law, central banks resemble independent agencies that enjoy a significant place in the country's constitutional order and whose decisions have important implications for the budget and public finances, and whose competencies are elaborated by special laws and bylaws. Until the outbreak of the debt crisis, the ECB's procedural legitimacy was more sporadic and limited to the consequences of inadequate macroeconomic dialogue with other community institutions, primarily with the European Commission. With the adoption of new institutional mechanisms, there is a significant redefinition of the basic principles of European monetary law (primarily in the domestic *lex monetae* in monetary transactions, extraterritorial application of monetary sovereignty, and non-compliance with the provisions on collective responsibility for public debt, i.e. a different view of the *lex contractus*, which caused far-reaching monetary disputes. By analyzing these cases from case law, we can see the best confirmation of the institutional, functional, and financial independence of the EU's supreme monetary institution, and from the outcome of disputes identify its undisputed authority in shaping and derogating monetary law where monetary stability appears as a *conditio sine qua non* of economic stability of the euro zone. We

can notice that in monetary disputes, the requirement to assess constitutionality and legality suffers from certain restrictions, which was confirmed by the European Court of Justice in its decision in the case of the legal harmonization of ECB measures on the purchase of bonds on the secondary market. It is clear from the decision of the Court that the conduct of monetary policy requires the possession of expertise and expertise, which in European monetary law only the ECB has and accordingly enjoys discretionary powers for its implementation.

*ECB ACTION IN THE CIRCUMSTANCES
OF THE COVID-19 PANDEMIC:
PEEP BOND PROGRAM*

The main actors of the EU economic policy, in order to take measures to mitigate the decline in economic activity, have taken a number of measures that include the implementation of the *general escape clause* from the Stability and Growth Pact, and the very important ECB *Pandemic Emergency Purchase Program* (PEPP) which derives its legality from the operable *Asset Purchase Program* - APP (Ibid). In connection with the above, the activation of the European Stabilization Mechanism is of great importance, demonstrating, in practice, that despite its specific legal nature (which was also the subject of a monetary dispute before the ECJ), its existence is very justified. Although the circumstances that led to the adoption of the ESM are diametrically different than those of the pandemic circumstances, its existence has been shown to be very useful in combating negative economic flows in the current circumstances as well. Simultaneously with the mentioned measures, new measures were introduced within the *Coronavirus Response Investment Initiative* (CRII) and the *Coronavirus Response Investment Initiative Plus* (CRII+).

At the beginning of the implementation of the measure and instrument of the ECB's monetary policy for combating the consequences of Covid-19, there were fears of a significant increase in inflation, as well as the question of their effect on the realization of the basic goals of the ECB. The issue of the legal justification of the PEEP program has further gained in relevance and significance on 5 May 2020 when the German Constitutional Court (GCC) decided on the ECB's 2015 Public Sector Purchase Program. Even the ECB is not under its jurisdiction and it is difficult to predict how the legal situation will evolve, some authors point out that from an economic perspective, if the ECB were to abide by the more stringent rules dictated by the GCC, it would make it harder for the ECB to fulfill its primary mandate and secondary objectives (Claeys,

2020). In the contemporary monetary law literature, it is emphasized that the judgment of the German Constitutional Court that challenged the legality of the ECB's QE is based on the legal principle of proportionality, which in economic terms implies the detailed evaluation of the monetary policy redistributive effects (Masciandaro, 2020: 1-4). With this verdict, the judges pointed out the problem of redistributive effects of the common monetary policy pursued by the ECB, as well as the dilemma related to the accounting of the side effects on fiscal, banking and other components of the general EU economic policy (Ibid). The high degree of functional connection of all segments of economic policy, and especially the problem of monetary-fiscal policy mix and fine tuning, strongly determine the real effects of measures taken in practice given the fact that complementary and independent economic policy goals are very rare and that in practice the realization of one goal always, to certain extent, affects the insufficient degree of realization of the second goal.

In the circumstances caused by the Covid-19 pandemic, the tendency to place European and international monetary law on a humane approach took on a new dimension as best shown by the measures taken by the International Monetary Fund and the European Central Bank to mitigate the social and economic costs of the pandemic. In this context, the European Central Bank, as the main subject of European monetary law, has taken several important steps that speak in favor of the tendency of the constant evolution of its functions and tasks that adapt to the new social and economic circumstances.

Namely, on March 18, 2020, the ECB announced the Pandemic Emergency Purchase Program (PEPP) with the budget of 750 billion euros, intended to remedy the consequences caused by the pandemic (ECB, 2020). The PEPP represents *sui generis* temporary asset purchase program of private and public sector securities.² When it comes to the timing and implementation of the program, The Governing Council will terminate net asset purchases under it once it judges that the COVID-19 crisis phase is over, but in any case not before the end of March 2022. The maturing principal payments from securities purchased under the PEPP will be reinvested until at least the end of 2023. In any case, the future roll-off of the PEPP portfolio will be managed to avoid interference with the appropriate monetary stance (Ibid).

A significant issue related to the implementation of the program is its monetary analysis and compliance with the norms of primary legislation. Given the nature of the monetary disputes before the European Court of Justice and the process of the constant evolution of the ECB's jurisdiction, the interest of the scientific and general public is not so surpris-

² Later, the Governing Council decided to increase the initial funds.

ing. However, unlike the previous programs of the ECB, when the question of harmonization of its decisions with the norms of the founding treaties was raised as something that at first glance seemed to be an unfulfilled condition, in the case of PEEP it acts quite differently.

When the European Court of Justice evaluates the measures of the ECB's monetary policy, it does so based on three criteria, namely: 1) compliance with ECB mandates; 2) principle of proportionate to the certain objectives and; 3) compatibility with the prohibition of monetary financing (Grund, 2020: 2). PEEP is a kind of way for the ECB to ensure the smooth functioning of the market and the preservation of price and general financial stability in the circumstances caused by the pandemic. With its adoption, the ECB has not exceeded the limits of its powers because the program *per se* represents a barrier against jeopardizing the implementation of a single monetary strategy and the goals of centralized emotional policy. We think that the already well-known asymmetry between decentralized economic policy and centralized emotional politics is relaxed in this way, especially in circumstances that require the protection of public health as the most important public good.

When considering the conditions of proportionality, it is useful to note here that the European Court of Justice in the case of *OMT case*³ took the position that the program is justified as it cumulatively meets two conditions regarding suitability and necessity to preserve price stability (Grund, 2020: 3-4). In this dispute, in the analysis of suitability, the Court has explicitly taken the view that a program is eligible if it is not calculated with an error of assessment and not misguided from the economic standpoint. The condition of necessity is also fulfilled in the realization of the objectives if the ECB does not go beyond what is necessary. Also, the program is in line with the provisions of primary monetary legislation that prohibit monetary financing, does not represent the equivalent of buying bonds on the primary market, and does not preclude opportunities for harmonized management of national budget policies (Ibid). Although the causes of the global financial crisis and the crisis caused by Covid-19 are significantly different, the literature states that the European Court of Justice can play a significant role in forming a future health union (which is clearly needed) as it played a significant role in establishing a banking union (Bartlett, 2020: 781).

PEEP is a very important response of EU monetary legislation and policy to the consequences of the catastrophic pandemic, and as such is a crucial instrument for preserving monetary transmission mechanisms in circumstances that could not have been foreseen, even with the utmost

³ In this monetary dispute, ECJ undoubtedly confirmed the functional independence of ECB.

care. The question of the legal nature of the program is a question that accompanies the logistics of monetary disputes in general and concerns the identification of time circumstances in which the court supports decisions made by non-majoritarian institutions (such as central banks) or government (Saurugger, Terpan, 2020: 1161). At this point, we must point to the fact that recently there have been diametrically and fundamentally different understandings of the European Court of Justice and the German Constitutional Court precisely in the field of justification of monetary policy measures initiated by the ECB. In this regard, it is useful to point out certain economic coincidences in the causes and consequences of the crisis caused by the Covid 19 pandemic and the debt crisis, although the consequences of the first are primarily sanitary and as such incomparable with the second crisis.

The ECB has further strengthened and reaffirmed its new competence regarding the performance of the bank of last resort by adopting the PEEP, which only shows that such a function is much needed and justified in extreme social and economic circumstances. Interestingly, in some monetary disputes, the treatment of national courts was different from that of the ECJ, which indicates the sensitivity of governments to certain monetary policy measures, although it is completely centralized in the native EMU. *We believe* that this confirms the fact of the existence and vitality of national monetary sovereignty which did not vanish (as some authors claim) with the creation of the monetary union or at least did not completely threaten because some of its components still exists at the national level. Each of the major monetary disputes of the last decade through *Gauweiler*, *Weiss*, and *Accorinti* has attracted much public attention as a significant institutional issue, which in the case of PEEP programs is currently left aside and will require subsequent analysis in circumstances that are not extraordinary (Ibid).

It is very important to point out the fact that the ECB reacted very quickly in the circumstances caused by the pandemic at the very beginning. In the circumstances of the pandemic, the General Court and the Court of Justice considered several cases in which the ECB was involved, but most of these monetary disputes concerned prudential supervision of credit institutions and did not concern bond-buying programs. On the other hand, the German Constitutional Court in Covid-19 circumstances also revised its position towards the judgments of the ECJ in the sphere of monetary policy as a firm opponent. This judgment had no direct connection with the PEEP, but a German court strongly opposed the creation of Eurobonds, which was realized *de jure* if not *de facto* (Ibid, 1166). The problem that is increasingly seen in monetary disputes is that the ECB's measures in crises enjoy the support of the ECJ, but not the support of the Constitutional Courts of the most influential member states, which to

some extent relativizes the meaning of monetary solutions adopted in extraordinary circumstances.

In the context of the pandemic, the concept of economic governance in the European Monetary Union had to be redefined once again, to ensure the institutional basis of the crisis. What characterizes the concept of economic management is continuity and change (Lardi, Tsarouhas, 2020: 1051). During the initial phases of the crisis, the main actors of the EU economic policy used the experience gained during the control and rehabilitation of the consequences of the debt crisis by acting similarly as during the creation of the European Stabilization Mechanism, but it soon became insufficient. In July, the Council adopted a new set of instruments aimed at repairing the economy in the wake of the pandemic. Although it is too early to draw more concrete conclusions on the impact of the pandemic on the effectiveness of institutional regulation of macroeconomic governance in the EU, it is clear that the effects of the crisis will be asymmetric in terms of their impact on economic development. The problem of moral hazard and information asymmetry is an accompanying element of almost every significant economic disturbance.

The main instruments undertaken by the main EU actors in the context of the crisis concern the establishment of *special budget funds* with strictly earmarked funds, the *suspension of fiscal rules* concerning the quantitative limitation of the budget deficit and public debt deficit while strengthening the role of the European Central Bank as the supreme monetary institution. Deviation under the strict norms of monetary law defined by the founding acts is, as in the case of the debt crisis, justified by the intensity and consequences of circumstances that could not have been foreseen when the protection of public health becomes a priority. This temporary relativization of this traditional monetary legal solutions is timely, legal and legitimate because legal rigidity and continuity must not be to the detriment of citizens whose lives are endangered. Also, the deviation from the mentioned fiscal rules does not mean propagating fiscal indiscipline, because the ECB's very active role in the crisis, which in the last few years has taken into account general financial stability, and not only price stability, must be emphasized. EU monetary law once again confirms its vitality, practicality, and care for personal and general social well-being, which is one of its axiological determinants, even with these extreme circumstances. Its meaning is not only the primary protection of money, but the full implementation of all functions of money created by people according to the postulates of the social theory of money and as such should serve them, not only in the traditional sense to meet market preferences, but also public health. Sovereignty must be guaranteed and secured in full abundance at all times.

The PEPP can be seen as a proportionate monetary policy instrument established in response to the specific and extraordinary pandemic,

which is necessary for implementing the centralized monetary policy following the government lockdown measures with economic consequences (Lastra, Kern, 2020: 18-19). In addition, the European Central Bank, also announced that *two* its lending programs would be utilized to combat the economic fall. *For one*, (beginning in June 2020 and until June 2021), the ECB will lend to euro area banks at rates as low as minus 1% through its previously available targeted long-term refinancing operations (so-called TLTROs). *Then*, the ECB announced a series of non-targeted pandemic emergency longer-term refinancing operations (so-called PELTROs) for banks that would become available in May until 2021 (Ibid, 20). The point is that these new programs will probably awaken, to an extent, legal and policy criticism because price stability is being used as an excuse to obscure the fact that the ECB is “simply providing subsidies and credit support in a way that an EU fiscal authority” (Ibid). Nevertheless, in times of crisis, the implementation of such programs seems to be more than urgent.

CONCLUSION

EU monetary law, as a particularly important branch of law for the functioning of the single market, is in the process of constant evolution, which is reflected in the amendment of existing monetary norms, principles and values aimed at implementing a single monetary strategy while preserving the reputation of national monetary jurisdictions. In the conditions of Eurocrises and the Covid-19 pandemic, monetary legal norms are being implemented following a more "humane approach" because monetary stability is an example of public good which can be guaranteed if there is no possibility to grant public health as primordial public good. The European Central Bank is the main subject in this process, but, at the same time, an unavoidable interpreter and arbiter in resolving potential doubts related to the optimal application of the supranational *lex monetae*. Its classical functions established by the provisions of sound monetary legislation (founding acts of the EU) have been upgraded over time with some new competencies that represent the response of modern monetary law to the challenges that have arisen not just in the field of monetary and banking finance, but also in the field of general health and environmental problems where its tasks are secondary.

New monetary legal solutions are often defined by secondary legislation (soft law). Regardless of the formal, and sometimes essential (we would add ideological) inconsistency of the content of these new legal sources (agreements) with primary sources, we think that only in their synergy can they provide an optimal normative framework of ECB regulatory competencies capable of withstanding economic shocks embodied in the consequences of pandemics and financial crises. Of course, in the

future, the European legislator should avoid negative repercussions of the ECB's dualism of power established by primary and secondary monetary legislation, as this produces unnecessary sensationalist effects and undermines the level of macroeconomic dialogue between the ECB and other institutions such as the European Parliament, Commission, Council and the European Court of Justice and the European Court of Auditors. The new regulatory competencies of the European Central Bank are the best proof of the irreplaceable contribution of this institution in the realization of the tasks of supranational banking policy, both in conditions of regular economic flows and conditions of crises.

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ТЕОРИЈСКИ ОСВРТ НА НОВЕ РЕГУЛАТОРНЕ НАДЛЕЖНОСТИ ЕВРОПСКЕ ЦЕНТРАЛНЕ БАНКЕ У МОНЕТАРНОМ ПРАВУ: ПРИМЕР ЕВРОКРИЗЕ И ПАНДЕМИЈЕ КОВИД-19

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Резиме

Регулаторне надлежности Европске централне банке се у монетарном праву Европске уније утврђују одредбама, како примарног (чврстог), тако и одредбама секундарног (меког) монетарног законодавства. У почетним годинама формирања Европске економске и монетарне уније (ЕМУ), примарна монетарна легислатива имала је доминантан утицај, и у пракси се показала као прилично добро регулисана, док је у каснијим годинама, нарочито током околности проузрокованих глобалном финансијском и економском кризом, секундарна монетарна легислатива остварила значајан практични допринос у попуњавању празнина у примарном монетарном законодавству.

Правни акти и мере које је Европска централна банка предузела ради одржавања монетарне стабилности и заштите права монетарних корисника у околностима финансијске кризе су, у извесном смислу, прекинуле дотадашњи монетарноправни континуитет у ЕУ, али само привремено, зарад очувања тековина ЕМУ, што се најбоље може видети на примерима усвајања Европског стабилизационог механизма и мера које је ЕЦБ иницирала за куповину обвезница на секундарном финансијском тржишту (а које су биле и предмет одлучивања пред Европским судом правде). Тенденција ширења секундарне монетарне легислативе је снажно настављена и у околностима проузрокованих програмом ЕЦБ за санирање последица проузрокованих пандемијом Ковид-19, који је усвојен у циљу санирања последица кризе. Монетарноправна анализа програма, за разлику од ранијих нестандартних мера ЕЦБ, задовољава услове које се тичу поштовања принципа пропорционалности и допуштености, као и додатне услове који се тичу нужности, ефикасности и нормативне и економске ефикасности. Усвајање овог програма истовремено потврђује тезу о тенденцији постављања монетарних норми на начин који је више „хуман“, где се заштита људских права све више разматра у литератури и науци савременог монетарног права као нераскидиви сегмент очувања монетарне стабилности која, *per se*, не значи много уколико није намењена општем благостању друштвене заједнице.

Оригинални научни рад <https://doi.org/10.22190/ТЕМЕ210824065K>
Примљено: 24. 08. 2021. UDK 343.261-053.6:342.7]:616-036.21COVID-19
Ревидирана верзија: 24. 10. 2021.
Одобрено за штампу: 05. 12. 2021.

CHILDREN IN CORRECTIONAL INSTITUTIONS AND THE RIGHT TO COMMUNICATE WITH THEIR FAMILIES DURING THE COVID-19 PANDEMIC

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Abstract

Triggered by the proactive approach of Serbian Penal Administration and its decision to, supported by the German NGO Help e.V, procure the ICT equipment to substitute in-person family visits and ensure regular communication during the lockdown, the authors decided to assess the impact of this pilot project on the right of the children in correctional institutions to communicate with their family members within the scope of the restrictions ordered to fight the COVID-19 pandemic in 2020. The authors also explored the attitudes of children in those correctional institutions and of the professionals working with them to get additional perspectives. The results showed that this measure significantly contributed to preserving contacts and family relations in the changed environment, although it cannot completely replace family visits and direct contact. Furthermore, the results of the research showed that the lack of IT literacy, but also the difficult financial and social context of the families of the origin of the children in correctional institutions, remain a significant obstacle for bridging the gap in family connections caused by COVID-19. Finally, the research showed that there is a need to procure more equipment and to increase the frequency of calls and the time available for communication with the family for all users.

Key words: juveniles in correctional institutions, the right to communicate, COVID-19 and modern technologies, child friendly justice and COVID-19.

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МАЛОЛЕТНИЦИ У УСТАНОВАМА ЗА ИЗВРШЕЊЕ КРИВИЧНИХ САНКЦИЈА И ПРАВО НА КОМУНИКАЦИЈУ СА ПОРОДИЦОМ ТОКОМ ПАНДЕМИЈЕ COVID-19

Апстракт

Покренути проактивним приступом Управе за извршење кривичних санкција и њеном одлуком да, уз подршку немачке невладине организације Help e.V., набави ИКТ опрему како би се обезбедила редовна комуникација деце у поправним установама са породицама током изолације, аутори су одлучили да истраже њихове ставове у погледу овог пилот пројекта како би се проценио њен утицај на право деце у поправној установи да комуницирају са члановима своје породице током изолације и других рестриктивних мера усмерених на сузбијање пандемије изазване вирусом COVID-19 током 2020. године. Аутори су такође истражили ставове стручњака запослених у тим поправним установама како би добили додатну перспективу. Резултати су показали да је ова мера значајно допринела очувању контаката и породичних односа у промењеном окружењу, иако не може у потпуности да замени породичне посете и директан контакт. Надаље, резултати истраживања показују да недостатак информатичке писмености, али и тежак финансијски положај и социјална угроженост породица из којих потичу деца у поправним установама, остаје значајна препрека за премошћавање јаза у породичним везама узрокованог COVID-19. Коначно, истраживање је показало да постоји потреба за набавком додатне опреме, како би се повећала учесталост позива и време који за комуникацију са породицом има на располагању сваки корисник.

Кључне речи: малолетници у поправним установама, право на комуникацију, COVID-19 и модерне технологије, правда по мери детета и COVID-19.

INTRODUCTION

The right of the children deprived of liberty to uphold contact with their family members has been recognized as one of the basic rights of persons deprived of liberty. Prisoners shall be allowed, under necessary supervision, to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits. An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and to receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution (UN, 1955: 92). This right was further developed in the field of child friendly justice, where it has been comprehensively recognized as an integral part of the right to fair and humane treatment and is essential to the preparation of juveniles for their return to society (UN, 1990, par. 59). The UN Convention on the Rights of a Child (art. 37(c)) underlines that a child shall have the right to

maintain contact with his or her family through correspondence and visits, save in exceptional circumstances (UN, 1989).

Within this right, “juveniles should be allowed to communicate with their families, friends and other persons or representatives of reputable outside organizations, but also to leave detention facilities for a visit to their family... Should the juvenile be serving a sentence, the time spent outside a detention facility should be counted as part of the period of sentence.” In addition to this, every juvenile should have the right to receive regular and frequent visits, in principle once a week and not less than once a month, in circumstances that respect the need of the juvenile for privacy, contact and unrestricted communication with the family and the defense counsel. Every juvenile should have the right to communicate in writing or by telephone at least twice a week with the person of his or her choice, unless legally restricted, and should be assisted as necessary in order effectively to enjoy this right. Every juvenile should have the right to receive correspondence. (UN, 1990: par. 60-61)¹

Therefore, contact with the outside world through visits from family and friends has a double role – it is a crucial prerequisite for the proper reintegration of a child, but also has a notable positive impact on the psychological health and well-being of children deprived of liberty. The importance of this right is immense, and it therefore requires a careful approach to its potential restrictions and/or limitations, as in terms of the quantity (e.g. frequency and a length of visits or phone calls) as from the perspective of the modalities (in vivo/via phone/ or email/ Skype, etc.) and the environment of visits (space, furniture, privacy). An additional factor that frequently prevents exercising the right to contact with family and friends could be seen in fact that the institutions that detain children are often poorly located geographically, making visits from families difficult – especially those of socioeconomically disadvantaged backgrounds (Nowak, 2019: 269).

¹ In the same manner is the General Comment No. 24 of the UN CRC par. 95(e) which underlines that the staff of the facility should promote and facilitate frequent contact by the child with the wider community, including communications with his or her family, friends and other persons, including representatives of reputable outside organizations, and the opportunity to visit his or her home and family. (CRC, 2019) Indirectly, this right is guaranteed also through the pars. 13 and 26 of the Beijing Rules: 26.5 In the interest and well-being of the institutionalized juvenile, the parents or guardians shall have a right of access. (UN, 1985)

COVID-19 pandemic as an environment of the restrictive access to communication for children deprived of liberty

The appearance of the COVID-19 by the end of 2019, which after the first registered case in China, spread like wildfire throughout the world, put into question the complete picture of the world we used to know. In just a few weeks, passenger traffic was almost completely suspended and the measures prohibiting physical contact and the obligation to maintain physical distance were ordered. A lockdown was largely implemented over the world. All of this has meant months of separation for millions of families around the world. For those families whose members, either parents or children, were incarcerated, the pandemic has brought cancelation of the, already limited communication through the visits (Bateman, 2020: 4). Phone calls are often the main channel of communication between parents in prison and their children, and the restricted regimes made it more difficult for people in prison to gain access to phones (Minson, 2021: 9). Both they and their families are likely to be anxious about the risk of the transmission of Covid-19 (HLPR, 2020: 2). This continuous fear of unknown danger, accompanied with the lack of information on the health condition of their loved-ones, and the disruptions in routine because of COVID-19, can trigger depression and anxiety, but also worsen the existing mental-conditions among juvenile justice population – conditions and diseases that are often related to previous trauma (Barnert, 2020: 2).

Considering this, the UN High Commissioner for Human Rights, Michelle Bachelet has said, ‘Imprisonment should be a measure of last resort, particularly during this crisis’ (Bachelet, 2020). The High Commissioner urged governments and relevant authorities to work quickly to reduce the number of people in detention, and to examine ways to release those particularly vulnerable to COVID-19, but also continue to provide for the specific health-care requirements of women prisoners, including those who are pregnant, as well as those of inmates with disabilities and of juvenile detainees.² According to the World Health Organization (hereinafter: WHO) data in 2019, there were 1,410,000 children deprived of liberty in the administration of justice globally (WHO, 2021).

This UNOHCHR recommendation should be applied not only in terms of the need to protect children from the COVID-19 infection, but also to reduce other negative impact of the pandemic on their physical and mental health, caused by the limited physical activities, changed educational regime, but also by the cancellation of the family visits and contact with their loved ones. Considering this, in situations where in-person visits are restricted or prohibited as part of contagion prevention efforts, it

² See also: (UNODC, 2021, p. 4)

is essential that other means of maintaining contact are made easily and freely available for all families (ACPH, 2020: 15). This should include the provision of, or extension of, the use of free telephone and video calling, emailing and instant messaging, and free or subsidized postal contact (Halton, 2020: 3). It is also important that the contact of this kind be frequent and flexible, to minimize anxiety and distress for children. Cost should never be a barrier to a child's contact with their family (Halton, 2020: 5). However, this alternative regime should be strictly time-limited and applied exclusively during the pandemic. Normal visiting procedures should be resumed as soon as it becomes safe, since there is no alternative to direct communication which can completely substitute it.

*Response to the COVID-19 restrictive measures
in the Serbian penal system*

Since the very first case of the COVID-19 infection was confirmed in Serbia on March 6th 2020, the major concern of the authorities, but also of the citizens was to ensure the highest level of safety and to prevent the disease from spreading. The Serbian Government opted for a very restrictive regime, including the closing of schools, a lockdown, physical distancing, travel restrictions, etc. For children deprived of liberty, these measures have implied an almost unbridgeable obstacle to see their families.

Recognizing an urgency of the situation, as a part of Help's project "Support to Socio-Economic Stability in the Western Balkans 2019-2020," funded through German Development Cooperation, the Prison Administration decided to establish alternative mechanisms of communication during periods of banned physical visits, such as state of emergency and similar situations.

Some of the main criteria were the urgency to reestablish communication, mobility of the equipment and the low price, since there were no large resources available or enough time to plan and ensure additional budget. Therefore, with the support of the Help e.V., equipment worth 4,078.56 euros, 16 tablets with a paid internet package of 20 GB per month for the next 24 months, was donated with the consent of the Administration, for the use in nine institutions for the execution of penal sanctions. Two of the 16 tablets have been procured to be used in the Correctional-educational Institution for Juveniles in Kruševac and 3 for the Juvenile Prison in Valjevo.

Of course, this step was followed by the requirement that the equipment must be used in strictly controlled conditions in order to avoid abuse in any way, while respecting legal procedures and human rights.

The above mentioned tablets and internet packages were offered to juveniles for the purpose of video calls with their family members, using the Viber application, to avoid additional costs for the family members of juveniles. The average frequency of such calls was weekly.

METHODOLOGY

Research Phases and Sampling

The research was conducted as a part of the comprehensive Impact Assessment of Re-socialization program applied by NGO Help e.V. (Improvement of the treatment programmes in correctional institutions for adults and juveniles – SOE03-19)³ in 2020. The Program included various activities designed to support the treatment, reintegration and post-penal care, including workshops, training and the procurement of the equipment aimed at improving living conditions and the treatment in the correctional institutions, but also at gaining professional skills and increasing (self)employment opportunities for convicted persons.

The initial time frame to conduct the research was May-October 2020. Despite challenging circumstances related to collecting data in COVID 19 environment, no extension has been applied and all the data collected. Therefore, all of the three stages of the research were finished within the restrictive COVID 19 environment:⁴

The research was conducted in three phases (May-June, July-September and September-October).

Research Phase I: In this stage, the authors prepared a comprehensive, in-depth questionnaire for the beneficiaries and the prison staff to enable them to express their attitudes on the program comprehensively in writing, and therefore to substitute *in vivo* interviews. The questionnaire was distributed in electronic form through the email.⁵

Research Phase II: Based on the information gathered through the questionnaires, a set of additional questions for the phone call interviews was developed. After the data collection and analysis, the experts gathered the last set of information through in-depth qualitative telephonic interviews with ex-prisoners who are beneficiaries of the self-employment

³ Help e.V. Program subjected to the assessment was implemented in the period initiatives relevant for the scope of this analysis, covering the period from September 2014 to November 2020, through the several stages: Poverty reduction and enhancement of employment opportunities of marginalized and vulnerable population groups in Serbia (Help e.V.: Project Nr.: SER 99-13) May 2013-December 2016; Support to micro businesses in Serbia, phase II (Help e.V. Project No.: SER 126) June 2016- December 2017; Support to the socio-economic stability in the western Balkan 2017-2019 (Help e.V.: Project No.: SOE-01 – 17); “Support to socio-economic stability in the western Balkans region 2019-2020” (Help e.V.: Project No.: SOE-03 – 19)

⁴ The authors thank to the Prison Administration for enabling the conducting of the Research through the distribution of the questionnaires, but also through the phone calls and email to substitute the initially planned interviews in the correctional institutions.

⁵ To enable prison administration management to choose modalities of collecting and sharing findings with the members of the expert team (hard copy originals of the questionnaires were sent by mail, scanned originals sent by email or electronically filed questionnaires).

program support. Finally, experts conducted interviews with the representatives of the prison administration (hereafter: PA) and partner NGOs Help e.V.

Research Phase III: In this stage, all the information collected was analyzed and the conclusions and recommendations defined based on the findings.

As mentioned, the subject Program included various activities aimed to support the treatment, reintegration and post-penal care. Therefore, the whole research included 265 individuals in total, where 252 persons were included through the questionnaires distributed via the management of the correctional institutions, 7 persons (10% of the total) are ex-prisoners / Help e.V. self-employment program beneficiaries, 2 persons from PA, 2 Help e.V. representatives and 2 NGO representatives. The stratification of the sample and the selection of the participants were made in cooperation of the authors, the Prison Administration and the management of the 6 correctional institutions where the Program activities were implemented⁶ so as to reflect the real structure of the prison population and Help e.V. beneficiaries as much as possible.⁷

For the purpose of this paper, we will focus on the research component related to the procurement of the ICT equipment/tablets and the accompanying internet packages for the juvenile correctional institutions.

As stated, two correctional institutions for juveniles received ICT equipment (Correctional-educational Institution for Juveniles in Kruševac and Valjevo Prison for Juveniles). However, since the focus of the research was on the right of the children sentenced on the penal sanction which assumes deprivation of liberty, we focused exclusively on the Correctional-educational Institution for Juveniles in Kruševac. The reason for this is because there is almost no juveniles in the Valjevo Prison for Juveniles, due to the fact that some of the young people there have been sentenced to the penalty of juvenile prison being 18-21 years old in the moment when the crime is committed, or they have become adults during the enforcement of the sentence.

In an attempt to get two different perspectives of the impact of this alternative method of communication with the families, the research included both the juveniles who serve the educational measure and the professionals employed in the correctional institution, where 70% of the interviewed were juveniles.

⁶ Correctional Institution in Sremska Mitrovica, Correctional Institution in Niš, Correctional Institution for Women in Požarevac, Correctional-educational Institution for Juveniles in Kruševac, District Prison in Vranje and District Prison in Sombor.

⁷ The role of the Help e.V. management in this regard was limited to providing data and contacts upon the Expert Team request, in order to ensure the integrity of the research process.

Table 1. Status/Affiliation of interviewed persons

Institution	Juveniles	Employees
Correctional-educational Institution for Juveniles in Kruševac	49	21
%	70%	30%
TOTAL 70		

When it comes to the age structure of the interviewed who serve the correctional measure, it appears that even if they committed a crime as juveniles, most of them (71.4%) have already become adults at the moment when the research is conducted.

Table 2. Age of the interviewed juveniles

Institution	Under 18	18-21	21-40
Correctional-educational Institution for Juveniles in Kruševac	11	35	3
%	22.4%	71.4%	6.1%

Although at first glance it may seem irrelevant, the data on the age structure of professionals in correctional facilities is important for shaping their views on the procurement and use of ICT equipment, both in terms of their computer literacy, to accept novelties and to support children in its use, and in terms of perceiving potential obstacles to reaching the maximum benefits of this type of communication, as well as ways to overcome them. Considering this, most of the interviewed employees (81%) were middle-aged, while 19% were young. None of them were over 65.

Table 3. Age of the interviewed employees

Institution	21-40	40-65	Over 65
Correctional-educational Institution for Juveniles in Kruševac	4	17	/
%	19%	81%	0%

When it comes to the gender structure of the sample, males were predominant (95.9%), since that reflects the gender structure of the all wards in the institution. For the employees, the sample was almost ideally balanced.

Table 4. Gender of interviewed persons – juveniles and employees

Juveniles	Male	Female
Number	47	2
%	95.9%	4.1%
Employees	Male	Female
Number	11	10
%	52.4%	47.6%

For the same reason as for the age structure, an education level of the interviewed persons is important, in order to frame the expectations, but also the results in terms of the capacities to master the ICT skills and to accept novelties. While, as expected, the employees are mostly highly educated, barely 15% of wards finished high school.

Table 5. Education level of interviewed persons – juveniles and employees

Category of interviewed	No Elementary School Ed.	Elementary School Ed.	High School Ed.	Secondary School or Faculty Ed.
Juveniles	10	32	6	1
%	20.4%	65.3%	12.2%	2.1%
Employees	/	/	6	15
%	0%	0%	28.6%	71.4%

FINDINGS

Asked to evaluate the introduction of the alternative to the in-person visit model, the interviewed persons evaluated the program in which they participated in a way that 31.4% ranked it as excellent, 45.7% as good, 20% as satisfactory and only 2.9% as unsatisfactory. However, significant differences were present between the evaluation done by juveniles and by employees in the correctional institution, since 40.2% of juveniles evaluated the measure as excellent, while only 9.5% of employees did the same. This still doesn't mean that they were not satisfied, having in mind that even 76.2% of them evaluated this alternative method of communication as good.

Table 6. How the interviewed persons evaluate the program in which they participated

Institution	Excellent	Good	Satisfactory	Unsatisfactory
Juveniles	20	16	11	2
%	40.2%	32.7%	23.4%	4.1%
Employees	2	16	3	0
%	9.5%	76.2%	14.3%	0%
Total	22	32	14	2
%	31.4%	45.7%	20%	2.9%

Differently from the general evaluation, where respondents were offered four possible answers, for further evaluation they were free to provide the main reasons why they liked, or not, this model of communication.

When it comes to **juvenile respondents**, as the positive sides of this measure, they mostly referred to the possibility to talk to their family members even in the situation of the lockdown and travel restrictions. It is

important to mention that the juveniles frequently used the phrase “to see my family members” which illustrates a great difference between this model of communication and the phone calls. Obviously, this kind of emotional exchange and opportunity to express their emotion nonverbally means a lot to juveniles. In addition to this, some juveniles express that this was their very first opportunity to use a tablet device or the Viber application.

Finally, some of their answers shed light on certain unexpected, but priceless aspects in terms of how the resocialization and reintegration processes of juveniles can be fostered, through the stimulation of the positive emotions in the contact with the familiar persons and objects:

- *“I was able to see our pets and the house in which I grew up.”*
- *“The fact that I could see the people that I miss the most.”*
- *“My parents do not have to spend money to see me.”*

When it comes to the negative sides of this measure, the juveniles mostly referred to the frequency of calls, since they preferred to have them on a daily basis. In relation to this, they expressed that there is a need to procure more tablets in order to ensure better frequency of usage, but also the calls that last longer. Some juveniles disagreed with the choice to exclusively use the Viber application since there are juveniles whose family members do not use Viber and don’t know how to install it, or, cannot install it since a mobile number is required. Furthermore, some family members have no access to the Internet at all, or do not possess smartphones.

When asked about the possible continuation of this project, but also about the possible ways to improve it, the juvenile respondents unanimously suggested the continuation, and provided several concrete suggestions. Namely, in addition to the previously mentioned need to increase the number of devices, they suggested expanding the use of the tablet devices to other applications apart from Viber. This suggestion appears in several variations, from the modality which assumes the use of these tablet devices in parallel, to communicate and to increase ICT and other skills and knowledge, to the ideas to make these devices available for playing video games and/or other ways to spend a spare time.

- *“The length and the frequency of conversations should be increased.”*
- *“The juveniles should be allowed to talk not only to their family members but to other persons as well.”*

The **employees in the correctional institution** considered this alternative model of communication as “suitable for and effective on juveniles”. They said that positive effects on juveniles of such communication in continuity were visible. The employees underlined the positive effect on juveniles and the impact of the application of educational measures. They emphasized these benefits especially for those juveniles whose fam-

ily members do not live in Serbia and therefore cannot travel to visit them even in periods when COVID-19 restrictive measures are temporarily suspended. They concluded that, “generally speaking, this way of communication has beneficial effects on all juveniles, since it facilitates a stronger emotional interaction between them and their family members and encourages them to express their emotion, which has a positive impact on their future behavior.”

In some cases, they expressed that they experienced personal and professional satisfaction due to effects of this alternative way of communication:

“My greatest personal benefit from this Project comes from the satisfaction and happiness that the juveniles felt in the moments when they talked to their family members, which also has a positive impact on further work with them.”

However, much like the juveniles, in terms of the negative sides of this innovation, they considered the number of procured tablet devices insufficient. They also considered that some additional pieces of equipment would be useful, for example, a tablet holder that would prevent the tablet devices from potential damage. They also said that they faced a serious lack of time needed to organize calls between juveniles and their family members. They expressed some concerns in terms of the juveniles’ equality in their access to this alternative model of communication, due to previously mentioned challenges caused by family members’ poverty or IT illiteracy, which prevents them from communicating with their children in the correctional institution. They mentioned that they experienced situations where juvenile’s family members do not use Viber, or any other social networks or apps which could be used for the purpose of video call.

When it comes to the employees’ attitudes in terms of the continuation of this way of alternative communication, including some suggestions for improvement, as expected, they suggested increasing the number of tablet devices, but they articulated this idea more clearly than the juveniles. Namely, they said that the number of tablet devices should be increased, so that each pavilion of the Correctional Institution could have its own tablet device, since a larger number of tablet devices would allow the conversations between juveniles and their family members to last longer, as well as allow the employees in the educational-correctional institution in Kruševac to communicate and work with juveniles’ family members online/without additional travel costs or their absence from the work space. In order to manage this, but also to allow the larger number of juveniles to use this channel of communication, the employees also suggested expanding the list of free applications which can be used to contact with family members.

DISCUSSION OF THE RESEARCH FINDINGS

As the research findings showed, that there is a unanimous support to the introduction of the alternative modalities of the communication between incarcerated juveniles and their family members, obviously the focus should be put on the reasons they might triggered the differences in evaluation of this pilot project as “excellent” or “good” identified between juveniles and employees. Namely, in both categories, more than 75% of respondents evaluated this innovation as “excellent” or “good”, but there is a significant majority of the employees/professionals who rather see it as “good”, but not “excellent”. The reasons for that could be seen in the light of the unexpected “cure” for the suffering of the juveniles deprived of seeing their families, which make them happy, but also in terms of their preferences to use modern technologies. Contrary, the employees, as professionals, are more aware of all the limitations of such a substitute, and see it rather as a temporary, or transitional solution, either until all are back to the “old normal”, or until shortcomings identified in this transitional stage are overcome.

Additional finding that is worthy of further analysis is related to the equality principle in terms of exercising the right to communicate with the family members, either using face-to-face visits or using alternative virtual tools. Namely, it seems that the respondents from both groups opened a can of worms, of sorts, since raising the important question of substituting in-person visits of those whose family members have no access to the Internet, smartphones or computers, due to poverty or ICT illiteracy, thus revealing inequality at play. The same, or even bigger challenges are the families from vulnerable groups whose juvenile members are deprived of liberty and these people daily face challenges in their attempt to organize regular, in-person visits. Frequently, they don't possess personal vehicles and cannot afford public transportation tickets for all (or any) family member(s). Some of them have never left their place of living or have no idea how to travel since they are illiterate. With this in mind, it seems that this pilot should be used also to explore to what extent this “online modality” can substitute hardly affordable in-person visits, especially in situations where the distance between the place of living and the correctional institution is great to the extent that the smartphone or tablet is cheaper than a travel ticket. In addition to this, there is no reason to limit the choice of application exclusively to Viber, since the only criteria should be that the application is free of charge, in line with the privacy standards, and that the app does not require a high configuration/performance of the device.

Finally, it seems that there is a great capacity for the multipurpose use of the procured devices. There is no doubt that e-literacy must be one of the educational backbones in correctional institutions, since it significantly influences further reintegration process, especially in terms of em-

ployment and self-employment of the young people released from the correctional institutions. However, in addition to communication and education, the use of electronic devices such as computers or tablet devices should be included as a way to creatively spend spare time, (Halton, 2020: 5) if followed by a proper selection of content and the support of the professionals working in the correctional institution. It may contribute to the creativity of the young people, especially in terms of various forms of scientific and artistic content that can be developed or learnt by these young people. Together with the possibility to keep in touch, not only with the family members, but also to see their homes, pets and other familiar contents, a proper use of electronic devices in the context of treatment and the organization of spare time, can stimulate positive emotions and motivate juveniles to change their life attitudes.

The last, but not least, worthy of further consideration, is the suggestion made by the professionals working in the Correctional institution in Kruševac which refers to use of online communication between professionals and parents within the scope of the preparation allowing the employees in the educational-correctional institution in Kruševac to communicate and work with juveniles' family members online/without additional travel costs or their absence from the work space. Considering the great importance of the proper preparation for the efficient reintegration processes (Stevanović, 2020: 60) this alternative way of communication may ensure continuity in communication, but also a better insight in the family environment.

CONCLUDING REMARKS

The pilot project analyzed in this paper showed that sometimes an unexpected circumstance, like the COVID-19 pandemic, could serve as a kind of booster to encourage the introduction of new, innovative approaches to juvenile justice. The commendable decision of the Prison Administration to introduce the alternative to in-person visits during the restrictive measures appears to be approved by the positive evaluation of the users themselves. Even more, this pilot has opened a new horizon in terms of the possible expanded use of the procured equipment for the purpose of juvenile education and treatment, but also to enable the professionals in the Correctional Institution to maintain continuous contact with the parents/legal guardians of the juveniles placed in that institution, as a part of the preparation for the release from the institution. Finally, it showed that a donor's responsiveness sometimes prevails over the amount of available budget, because it enables immediate and well-targeted intervention, in line with the real needs of the beneficiaries. Out of any doubt, this initiative should not be abandoned by getting back to the "old normal". On the contrary, it is up to the Prison Administration to

build upon it and develop a modern approach to the communication, treatment and the preparation for release, based on the usage of the modern technologies.

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МАЛОЛЕТНИЦИ У УСТАНОВАМА ЗА ИЗВРШЕЊЕ КРИВИЧНИХ САНКЦИЈА И ПРАВО НА КОМУНИКАЦИЈУ СА ПОРОДИЦОМ ТОКОМ ПАНДЕМИЈЕ КОВИД-19

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Резиме

Покренути проактивним приступом Управе за извршење кривичних санкција и њеном одлуком да, уз подршку немачке невладине организације Help e.V., набави ИКТ опрему како би се обезбедила редовна комуникација деце у поправним установама са породицама током изолације, аутори су одлучили да истраже њихове ставове у погледу овог пилот пројекта како би се проценио њен утицај на право деце у поправној установи да комуницирају са члановима своје породице током изолације и других рестриктивних мера усмерених на сузбијање пандемије изазване вирусом COVID-19 током 2020. године. Аутори су такође истражили ставове стручњака запослених у тим поправним установама како би добили додатну перспективу.

Резултати су показали да је ова мера значајно допринела очувању контаката и породичних односа у промењеном окружењу, иако не може у потпуности да замени породичне посете и директан контакт. Даље, резултати истраживања показују да недостатак информатичке писмености, али и тежак финансијски положај и социјалну угроженост породица из којих потичу деца у поправним установама, остаје значајна препрека за премошћавање јаза у породичним везама узрокованог COVID-19. Коначно, истраживање је показало да постоји потреба за набавком додатне опреме, како би се повећала учесталост позива и времена које за комуникацију са породицом има на располагању сваки корисник.

Као резултат истраживања, аутори су дошли до закључка да пилот пројекат представља добру основу, како за даљу употребу ИКТ као алтернативних видова комуникације између малолетника у васпитно-поправним установама и њихових породица, тако и између запослених у служби третмана који са породицама малолетника раде у контексту припреме за отпуст из установе. Најзад, ауто-

ри сматрају да треба размотрити вишенаменску употребу набављених, или уређаја који ће тек бити набављени, тако да, осим у сврху комуникације, буду коришћени у едукативне сврхе и у контексту организације слободног времена малолетника, чиме би се унапредила њихова знања, вештине и креативност, а тиме и подigli ефекти третмана и поспешила реинтеграција након отпуста.

PENITENTIARY SYSTEMS AND THE COVID-19 PANDEMIC: PRISON POPULATION IN THE PERIOD OF THE 'NEW REALITY'

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Abstract

The appearance of the SARS-CoV-2 virus and the spread of the infectious disease COVID-19 led to the declaration of a pandemic by the WHO in early 2020, and epidemics at the level of nation states. The consequences of the enormous speed of the spread of the virus and the consequences for human health have influenced significant changes in all spheres of social life. The period of 'new reality', as the time in which we live is called, is characterized by numerous limitations and restrictions of "normal life flows and activities" in an attempt to prevent or slow down the spread of the virus. Established restrictions on fundamental rights and freedoms vary in scope and duration depending on the epidemiological situation in a particular country. Pandemic trends are unpredictable, so the reactions of states at the normative level are usually forced. The authors devoted their work to the prison population as one of the vulnerable groups during the pandemic, the impact of COVID-19 on the functioning of prison systems, the normative aspect of prison health protection at the global level, comparative trends in virus infection and prevention in prisons, and especially restricting the rights of convicts in the Serbian penitentiary system during the pandemic.

Key words: penitentiary system, pandemic, covid-19, prison population.

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ПЕНИТЕНЦИЈАРНИ СИСТЕМИ И ПАНДЕМИЈА КОВИД-19: ЗАТВОРСКА ПОПУЛАЦИЈА У ВРЕМЕНУ 'НОВЕ РЕАЛНОСТИ'

Апстракт

Појава вируса SARS-CoV-2 и ширење заразне болести КОВИД-19 довеле су до проглашења пандемије од стране СЗО почетком 2020. године и епидемија на нивоу националних држава. Последице енормне брзине ширења вируса и последице по људско здравље утицале су на значајне промене у свим сферама друштвеног живота. Период 'нове реалности', како се назива време у којем живимо, карактеришу бројна ограничења и рестрикције "уобичајених животних токова и активности" у покушају да се ширење вируса спречи или успори. Успостављена ограничења основних права и слобода мењају обим и трајање у зависности од епидемиолошке ситуације у одређеној држави. Промене у нормативној сфери су брзе и неконзистентне, често угрожавају принципе правне сигурности и једнакости грађана пред законом. Пандемијски трендови су непредвидиви, стога су и реакције држава на нормативном нивоу најчешће изнуђене. Аутори су свој рад посветили затворској популацији као једној од рањивих група у време пандемије, утицају COVID-19 на функционисање затворских система, нормативном аспекту здравствене заштите затворске популације на глобалном нивоу, упоредним трендовима заражавања и превенције ширења вируса затвореника, а посебно ограничавању права осуђених лица у српском пенитенцијарном систему за време пандемије.

Кључне речи: пенитенцијарни систем, пандемија, ковид-19, затворска популација.

INTRODUCTION

The appearance of the SARS-CoV-2 virus in late 2019 in China and the rate of its transmission to populations around the world, almost unprecedented in human history, led to the proclamation of the COVID-19 pandemic globally by the World Health Organization¹ and epidemics at the national level at the beginning of 2020. Although very little was known about the virus after its appearance (mode of transmission, treatment protocols, consequences, long-term consequences, mortality rate, etc.), the fear of accelerated spreading and potential consequences for individuals and society as a whole led almost all countries in the world to change the normative sphere and introduce numerous prohibitions and restrictions on basic human rights and freedoms.

Consequently, as a result of changes in the normative sphere and, to a greater or lesser extent, unsuccessful attempts to restraint the spread of the consequences of COVID-19 in the general population, the freedom

¹ WHO Director-General's media briefing on COVID-19 - 11 March 2020: <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>, Retrieved August 15th 2021.

and basic rights of citizens have been restricted. The period in which we live, due to the extent of deprived or limited rights and freedoms, is often called the period of 'new normality' or 'new reality'. By not accepting the term 'new normality' as a category of permanent character, the period of 'new reality' can be accepted as a notion of temporally limited duration. The period of 'new reality' means the time when, in order to prevent the spreading of a COVID-19, the scope of fundamental rights and freedoms is limited and various forms of prohibitions are introduced (from a complete ban on movement to restrictions on movement conditioned by the possession of a green passport (evidence that the person has not been infected or has been vaccinated)).

However, deprivation or restriction of rights, in addition to the general population, additionally adversely affects other vulnerable categories of the population, especially health-endangered or chronic patients. Certainly, persons deprived of their liberty may be particularly affected by the additional deprivation of certain rights in prisons during the pandemic. The authors analyze the position of the prison population as one of the vulnerable groups during the pandemic and the impact of COVID-19 on the functioning of prison systems, the normative aspect of prison health protection, comparative trends in virus infection in prisons, especially, restricting the rights of convicts in Serbian penitentiary system during the pandemic.

PRISON POPULATION IN A GLOBAL PERSPECTIVE AND THE COVID-19 PANDEMIC

Prison institutions are key settings for communicable diseases due to higher prevalence of risk factors for infection, as well as environmental factors in prison such as unavoidable close contact, overcrowding, poor ventilation and limited access to healthcare services, compared to community settings. Viruses can be transmitted between prisoners, staff and visitors.

When it comes to numbers and prison population globally, the twelfth edition of the World Prison Population List gives details of the number of prisoners held in 223 prison systems in independent countries and dependent territories. It shows that more than 10.74 million people are held in penal institutions throughout the world, either as pre-trial detainees or remand prisoners, or having been convicted and sentenced, in September 2018. There are more than 2.1 million prisoners in the United States of America, 1.65 million in China, 690,000 in Brazil, 583,000 in the Russian Federation, 420,000 in India, 364,000 in Thailand, 249,000 in Indonesia, 233,000 in Turkey, 230,000 in Iran, 204,000 in Mexico and 188,000 in the Philippines and they are presenting the penitentiary systems with biggest prison population. The countries with the highest prison

population rate – that is, the number of prisoners per 100,000 of the national population – are the United States (655 per 100,000), followed by El Salvador (604), Turkmenistan (552), U.S. Virgin Islands (542), Thailand (526), Cuba (510), Maldives (499), Rwanda (464), Bahamas (438), Seychelles (437), Grenada (435), Russian Federation (402) (Walmsley, 2018: 1-2).

According to the same source, the Republic of Serbia had a prison population of 10,807 people, i.e. population rate of 154. According to the data of the Council of Europe Annual Penal Statistic, as of January 31st 2020 the total prison population in the Republic of Serbia was 11,077 (Aebi, Tiago, 2020: 73). Prison overcrowding index (Grujić, Milić, 2016: 286-295) was 107.3.

It is easy to conclude that penitentiary systems with the largest prison population are, at the same time, systems in which there are the greatest risks of spreading the virus, i.e. the biggest problems in preventing COVID-19 infections can arise. In any case, 11 million people deprived of their liberty represent a vulnerable population that needs additional health protection during pandemic circumstances.

*The normative aspect of protection
of the prison population during the pandemic*

Immediately after the outbreak of the virus in Europe, WHO/Europe published a special interim guidance called Preparedness, prevention and control of COVID-19 in prisons and other places of detention,² which in the introductory remarks indicates that:

“people deprived of their liberty, such as people in prisons and other places of detention are likely to be more vulnerable to the coronavirus disease (COVID-19) outbreak than the general population because of the confined conditions in which they live together for prolonged periods of time. Moreover, experience shows that prisons, jails and similar settings where people are gathered in close proximity may act as a source of infection, amplification and spread of infectious diseases within and beyond prisons. Prison health is therefore widely considered as public health. The response to COVID-19 in prisons and other places of detention is particularly challenging, requiring a whole-of-government and whole-of-society approach.”

² WHO/Europe, Preparedness, prevention and control of COVID-19 in prisons and other places of detention
<https://apps.who.int/iris/bitstream/handle/10665/336525/WHO-EURO-2020-1405-41155-55954-eng.pdf?sequence=1&isAllowed=y>, Retrieved August 15th 2021.

The document provided scope and objectives, virus pathogen characteristics, signs and symptoms, way of transmission, planning and leveling the risk, training and education, definitions, preventing measures, assessing suspected case of COVID-19 and case management. The guidance on how to deal with COVID-19 in prisons by WHO/Europe were updated on February 8th 2021.³

United Nations Office for Drugs and Crime published a paper on March 31st 2020 on COVID-19 preparedness and responses in prisons in which it is stated, *inter alia*, that “by definition, prisoners live, work, eat (and often sleep) in close proximity within strictly restricted areas... The systemic neglect of prisons and other places of detention in many countries has resulted in inadequate resources, management, oversight and accountability mechanisms, including ill-equipped personnel and limited linkages to public health systems... cramped accommodation areas, poor hygiene, ventilation and nutrition as well as insufficient health-care services in many prison systems will equally undermine infection control measures and thus significantly increase the risk for infection, amplification and spread of COVID-19” as well as that “preparedness, prevention and response measures in custodial settings should be designed and implemented in line with dedicated guidance developed by the WHO.”⁴

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) issued on March 20 2020 Statement of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (Covid-19) pandemic⁵ in which, *inter alia*, noted that “coronavirus disease (Covid-19) pandemic has created extraordinary challenges for the authorities of all member States of the Council of Europe. There are specific and intense challenges for staff working in various places of deprivation of liberty, including police detention facilities, penitentiary institutions, immigration detention centers, psychiatric hospitals and social care homes, as well as in various newly established facilities/zones where persons are placed in quarantine”. Document provides ten principles that should be applied by

³ WHO/Europe, Preparedness, prevention and control of COVID-19 in prisons and other places of detention Interim guidance 8 February 2021:

<https://apps.who.int/iris/bitstream/handle/10665/339830/WHO-EURO-2021-1405-41155-57257-eng.pdf?sequence=1&isAllowed=y>, Retrieved August 15th 2021.

⁴ United Nations Office for Drugs and Crime, Position paper on COVID-19 preparedness and responses in prisons: https://www.unodc.org/documents/justice-and-prison-reform/UNODC_Position_paper_COVID-19_in_prisons.pdf, Retrieved August 15th 2021.

⁵ CPT Statement of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (Covid-19) pandemic, CPT/Inf(2020)13: <https://rm.coe.int/16809cfa4b>, Retrieved August 15th 2021.

all relevant authorities responsible for persons deprived of their liberty within the Council of Europe area.

In addition to the basic international documents related to the functioning of penitentiary systems, in all countries, i.e. prison administrations, issued special regulations on the manner of dealing with the pandemic.⁶

*Brief account on prison population world-wide
during the pandemic period*

From the beginning of the pandemic, it was clear that densely packed prisons and jails – the result of decades of mass incarceration in the U.S. – offered ideal conditions for the transmission of the coronavirus.⁷ Federal Bureau of Prison (BOP) in January 2020 began planning for its COVID-19 response. Guidance memos were issued from Central Office, including guidance sent by the BOP Medical Director to all field clinical personnel. The guidance described screening best practices, provided inmate and staff screening tools, and CDC best practices/flyers as to preventing the spread of the disease.⁸ In November 2020, BOP Modified Operations in order to mitigate the spread of COVID-19.⁹

Anyway, in the COVID-19 pandemic's first year, "US prison populations had infection rates five to six times higher than in free-living populations, with mortality rates two to three times higher. Overcrowded congregate living spaces, inadequate testing, lack of personal protective equipment and adequate sanitation, mistrust of medical personnel, and policies that disincentivize symptom reporting by people who are incarcerated all increase outbreak risks in US prisons" (Ryckman, Chin, et al., 2021: 1).

⁶ For example, European Organization of Prison and Correctional Services issued first report on European prison services' responses to COVID-19 crisis on March 30th 2020, latest report on November 16th 2020. The latest report concludes that "the steep increase in the community transmission during the second wave has also had negative implications for the prison system. The number of infected prisoners and staff members is rapidly growing in a number of countries. It is noticeable that some countries, especially in the Eastern European region, where no infections occurred in prisons during the first wave, are now reporting substantial numbers of infections": <https://www.europris.org/covid-19-prevention-measures-in-european-prisons/>, Retrieved August 15th 2021.

⁷ Prison Policy Initiative, Covid-19 and the Criminal Justice System, <https://www.prisonpolicy.org/virus/>, Retrieved August 15th 2021.

⁸ Federal Bureau of Prison (BOP) COVID-19 Response https://www.bop.gov/coronavirus/overview.jsp#bop_covid-19_response, Retrieved August 15th 2021.

⁹ BOP Modified Operations: https://www.bop.gov/coronavirus/covid19_status.jsp, Retrieved August 15th 2021.

On September 1st 2021, there was the total of 5,223,451 incarcerated tested, from which 418,975 were tested positive. The total of 2,573 incarcerated deaths were recorded. Data shows 105,279 prison-staff positive, but also 183 staff member deaths. On the same date 476,825 incarcerated people received at least one vaccine dose, and 107,893 prison staff received at least one vaccine dose.¹⁰

In Europe the situation is not significantly different. For example, in the UK 17,595 prisoners or children in custody have tested positive for COVID-19 since the start of the pandemic, across 127 establishments, almost all of whom were adults. Of the 208 deaths, 179 were suspected or confirmed to be caused by COVID-19, 123 were prisoners and 56 were supervised individuals. There were 623 new confirmed prisoner and children cases only in July 2021, which is almost seven times more new cases than the 90 positive test results in June 2021. According to the Ministry of Justice, as of May 14 a total of 25,655 prisoners in England had received the first dose of the coronavirus vaccine. Out of the total English prison population of 73,045, it means 35% of prisoners were protected.¹¹

COVID-19 has had significant impacts on prisons in Latin America, where levels of overcrowding are well above the global average. Almost all prisons in the region have more prisoners than their allowed capacity, and in some cases, overcrowding is above 200%. Data shows that prison populations have doubled in the last fifteen years in most countries in Latin America. Prisons in the region are, clearly, places where COVID-19 can easily spread. This explains the high number of COVID-19 cases in Latin American prisons. Specifically, the data shows that by August, there had been at least, 138,522 cases, and 1,504 deaths in Latin American prisons. By the first week of August, Brazil had already recorded over 20,000 infected cases, Mexico over 2,000, Central America over 6,000; and Argentina, Chile and Uruguay had recorded 4,000 cases overall. In Mexico, inmates are 2.3 times more likely to die from COVID-19 than regular citizens. Moreover, all of these numbers are underreported, as the lack of information and transparency is a serious issue in the region.¹²

¹⁰ COVID Prison Project, Nacional COVID-19 Statistic: <https://covidprisonproject.com/data/national-overview/>, Retrieved September 1th 2021.

¹¹ UK Ministry of Justice, HM Prison and Probation Service COVID-19 Official Statistics, Data to 31 July 2021: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1010458/HMPPS_COVID19_Jul21_Pub_final.pdf, Retrieved August 15th 2021.

¹² COVID-19 and prisons in Latin America, <https://www.fairtrials.org/news/commentary-covid-19-and-prisons-latin-america>, Retrieved August 15th 2021.

Currently, in relation to the vaccination process, as a form of prisoner protection, in Spain more than 84% of prisoners are fully vaccinated against COVID-19 and another 13% have received their first dose. In Poland, 74% of prisoners have been vaccinated with at least one dose. In Finland, Ireland and Sweden, vaccination coverage among prisoners was reported as 34.4%, 43.7% and 59.1%, respectively.¹³ In addition to these positive examples, there are countries where there are no such high vaccination rates for the prison population. The biggest problem in the process of collective immunization of prison population remains the unequal availability of vaccines in different geographical areas due to cost and market availability.

SERBIAN PENITENTIARY SYSTEM IN THE COVID-19 PANDEMIC

The Republic of Serbia has more than thirty penitentiaries, which house persons deprived of their liberty on various legal grounds. These are persons who have a certain legal status in the penitentiary (convicts, misdemeanor convicts or detainees). Certainly, persons who are serving a sentence of juvenile imprisonment, as well as persons who are serving an educational measure remand to a correctional facility, are considered persons deprived of their liberty. Furthermore, persons who are undergoing security measures, compulsory psychiatric treatment and keeping in a health institution are also persons deprived of liberty. Also, as a rule, these are all other persons who are deprived of liberty according to a certain legal basis. The position of persons deprived of their liberty differs precisely with regard to the legal status they have in the penitentiary institution (Milić, 2020: 89, 90). Those sentenced to life imprisonment which was introduced into the Serbian criminal legislation in 2019 (Grujić, 2019: 1111), have recently, from 2020, been part of the convict community.

According to World Prison Population list in 2018, the Republic of Serbia had a prison population of 10,807 people, i.e. population rate of 154. According to the data of the Council of Europe Annual Penal Statistic, as of January 31st 2020, the total prison population in Republic of Serbia was 11,077 (Aebi, Tiago, 2020: 73). Prison overcrowding index (Grujić, Milić, 2016: 286-295)¹⁴ by this source was 107.3.

¹³ WHO/Europe Rates of COVID-19 vaccination in prisons:

<https://www.euro.who.int/en/health-topics/health-determinants/prisons-and-health/news/news/2021/7/who-europe-shows-high-rates-of-covid-19-vaccination-in-prisons>, Retrieved September 1th 2021

¹⁴ Ministry of justice official data on “estimated” prison capacity of 9,000 prisoners in Republic of Serbia, the occupancy rate of prison overcrowding was 120 in year 2009, 125 in 2010, 123 in 2011, 114 in 2012 and 111 in 2013. However, if we accept the assessment of the CPT of 6,500 prisoners, the occupancy rate was 166 in 2009, 172 in

The position of persons deprived of their liberty is regulated by the Law on Execution of Criminal Sanctions (ZIKS),¹⁵ Law on Execution of Imprisonment for criminal offences of organized crime,¹⁶ Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles,¹⁷ other laws and numerous bylaws. All national regulations are fully in line with the most important international sources in the field of rights and protection of persons deprived of their liberty in prison institutions, primarily with the Standard Minimum Rules of the United Nations on the treatment prisoners - Nelson Mandela's rules (United Nations General Assembly A/RES/70/175 adopted on 17 December 2015)¹⁸ and European Prison Rules of the Council of Europe (Recommendation Rec (2006)2 of the Committee of Ministers to member states on the European Prison Rules).¹⁹

Shortly after the proclamation of the pandemic caused by the spread of COVID-19 by the WHO, the Republic of Serbia issued the order to declare an epidemic,²⁰ a state of emergency was declared on March 15th and lasted until May 6th 2020.²¹ In a short period of time, a large number of regulations were passed restricting or abolishing certain rights and freedoms of citizens, and until present time more than one hundred acts were issued concerning the COVID-19 pandemic.²²

2010, 170 in 2011, 157 in 2012 and 154 in 2013 (!). That means that the official data show, in the five consecutive years, the occupancy rate of a 25% above the capacity decreased to 11%, which can be characterized as "acceptable", while unofficial data indicate that the prison overcrowding rate is far above the European states with highest rates.

¹⁵ "Official Gazette of the Republic of Serbia" no. 55/2014 and 35/2019.

¹⁶ "Official Gazette of the Republic of Serbia" no. 72/2009 and 101/2010.

¹⁷ "Official Gazette of the Republic of Serbia" no. 85/2005.

¹⁸ Originally adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders in 1955, constitute the universally acknowledged minimum standards for the management of prison facilities and the treatment of prisoners, and have been of tremendous value and influence in the development of prison laws, policies and practices in Member States all over the world. Standard Minimum Rules for the Treatment of Prisoners Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

¹⁹ Adopted by the Committee of Ministers on 11 January 2006 at the 952nd meeting of the Ministers' Deputies. First version of European Prison rules, Council of Europe Committee of Ministers Recommendation No. R(87)3, was adopted by Committee of Ministers on 12 February 1987 at the 404th meeting of the Ministers' Deputies.

²⁰ Order on the Declaration of the COVID-19 infectious disease epidemic, "Official Gazette of the Republic of Serbia" no. 37/2020.

²¹ Decision on suspension of the state of emergency, "Official Gazette of the Republic of Serbia" no. 65/2020.

²² All documents and acts can be found on: <https://www.paragraf.rs/svi-propisi-uputstva-zasprecavanje-sirenja-korona-virusa-covid-19.html>, Retrieved August 15th 2021.

However, despite the large number of documents, no act has been passed regarding the position of persons deprived of their liberty in penitentiary institutions. Persons deprived of their liberty were undoubtedly deprived of numerous rights guaranteed by law, but no official act of the Government during the pandemic was available to the public.

It can be indirectly concluded that based on government decrees, the Director of the Administration for Execution of Criminal Sanctions passed restrictive "new prison regulations" that limit or abolish certain rights of prisoners prescribed by law, but such acts have never been made public. Such restrictions and prohibitions, as well as their duration, have in certain cases been communicated through the media or published on the websites of local bar associations. (Milić, 2020: 91, 92).

It is unacceptable that at the time of the largest recorded pandemic in the world, decisions concerning the population of over 11,000 people who are otherwise deprived of their liberty and limited in scope of basic rights and "hidden" from the public eye, are inaccessible.

In the period of additional endangerment of the prison population due to the spread of the virus in penitentiary institutions, the measures and restrictions of the rights of persons deprived of their liberty, prescribed by the law, can only be concluded indirectly. The main restrictions in the scope of the rights of the prison population referred to the abolition or restriction of the right to visits, extended rights exercised outside prison facilities, but also the rights considering position of the incarcerated in the institution in case of suspicion of infection or the onset of symptoms of COVID-19.

We assume that the greatest restrictions and prohibitions were in force during the declared state of emergency in the period between March 15 and May 6, 2021. In the period after that, having in mind the changing epidemiological situation, it is to be assumed that during periods of minimal spread of the infection, restrictions and prohibitions were repealed.

Suspended rights of the incarcerated in the period of state of emergency

Within the guaranteed rights of convicted persons, all persons serving a prison sentence in penitentiary institutions have the right to visit as one of their key rights. According to the provisions of the Law on Execution of Criminal Sanctions, a convict has the right to receive a visit from their spouse, children, parents, adoptive parents and adoptive children and other relatives in the direct line and in the collateral line up to the fourth degree of blood or marriage relations, as well as foster parents and guardians. Manager of the prison institution may approve visits of other persons to the convict (Article 90 ZIKS).

According to Article 94 of the ZIKS, convict have the right of visit in a separate room once in two months, in order to stay with their spouse,

children or other close persons for three hours in special premises of the institution.

Also, the convict has the right to be visited by a defense counsel or an attorney who represents him or when he has invited them to give power of representation (Article 91 ZIKS).

Visits to foreign citizens are prescribed by Article 92 ZIKS which stipulates that a foreign citizen has the right of visit the diplomatic and consular representative of the country of which they are a citizen, i.e. the state that protects their interests, and convicts whose interests are not protected by any state have the right of visit by competent bodies and organizations of the Republic of Serbia and competent international organizations. The convict gives written consent to the visit.

All rights of visit had been suspended.

Within the extended rights or benefits of a convicted person, the ZIKS envisages a corpus of rights aimed at maintaining contacts with the outside world and simplifying the process of social reintegration of convicted persons. Extended rights do not belong to all categories of convicted persons, nor can they be used to the same extent. During the state of emergency, convicted persons were prevented from using numerous special benefits or rights.

Part of the extended rights or benefits again refers to visits to a convicted person. Convicted persons are prevented from exercising the following rights: extended right to the number of visits; extended right to a circle of persons who can visit the convict (further relatives, friends and others); extended right to receive unsupervised visits to the visiting premises; extended right to receive visits in special premises; extended right to receive visits outside the institution (Article 129 ZIKS).

In addition to the above, convicted persons could not use the following benefits, provided by the same article: free exit to the city (outside the prison facilities); visiting families and relatives on weekends and holidays; award leave from the institute for up to seven days during the year; and the use of annual leave outside the institution. These benefits are not prescribed to all convicts, nor to the same extent.²³

If the convict exercised the right to work outside the prison (Article 101 ZIKS) or at his workplace before being sent to serve the prison sentence (Article 102 and 102a ZIKS), these rights could not be exercised

²³ Thus, for example, a convict who was assigned to group A1 received extended rights and benefits that are used outside the institution, as follows: 1) reception of visits outside the institution for a period of eight hours - twice a month; 2) free exit to the city once a month for eight hours; 3) visits to family and relatives on weekends and holidays in the total duration of up to 120 hours per month, and in the month in which the non-working state or religious holiday is up to 144 hours.

during the state of emergency, but also in the subsequent period in accordance with the epidemiological situation.

The issue of exercising the right to health care (Article 113-118 ZIKS) for the prison population is particularly problematic, given the limited information available. Pandemic protocols and priorities have indisputably reduced the possibilities of providing health care to sick convicts. The manner of achieving health care for convicts who are infected in the institution, the isolation of suspicious or infected persons must certainly be the subject of a special study. The issue of protocols in relation to violations of the fundamental rights of convicted persons must also be the subject of special attention. Therefore, the issue of the right to health care of convicted persons during a pandemic remains open.

At the moment, we are in the fourth wave of mass spread of the infection in the Republic of Serbia. Bearing in mind that the end of the pandemic is not in sight, despite the mass vaccination of the population, it is unknown what can be expected in the period ahead. Additional prohibitions and restrictions on the rights of the prison population without publicly available documents and timely information are inadmissible.

CONCLUSION

The pandemic circumstances in which we live, and the cycles (waves) of the spread of SARS-CoV-2, i.e. the consequences of COVID-19 infection on human health, leave indelible consequences on the functioning of all segments of modern states. The period of 'new reality' is a time of uncertainty, cyclical restriction of basic human rights and freedoms and their re-establishment, legitimized by protecting the health of the individual, reducing mortality, functioning health systems, economy, society and the state as a whole. No social group is exempt from restrictions and "imposed" rules in a pandemic. Rules change frequently, solutions are inconsistent and often confusing for citizens.

The authors tried, without sufficient time distance and available information and data, to point out the vulnerability of the prison population during the pandemic because, in case of spreading the infection within prison institutions, there is no possibility of "physical distancing", taking adequate prevention measures or adequate treatment of convicts. Isolation of a convict suspected or proven to be positive for the virus in prisons becomes a measure of solitary confinement. Isolation due to the virus can take a very long time given the size of the prison population and prison overcrowding. Without isolating the infected or sick, the entire prison population can be infected. That is why prisoners are a vulnerable group at the time of the pandemic.

On the other hand, the authors wanted to point out the fact that the legally defined basic (or extended) rights of convicted persons are signifi-

cantly limited at the time of the pandemic. During the state of emergency in the Republic of Serbia, all the rights of convicts related to receiving visits or leaving the prison were suspended. The legal basis for restricting legally defined rights is not publicly available. Indirectly, the manner of deprivation or restriction of rights is assumed. Serbia is no exception.

In the end, the importance of normative activities at the international level in relation to persons in penitentiary institutions must not be left out, because they are, as rules, guidelines, protocols, the basis for dealing with the prison population during the COVID-19 pandemic. They must also be the basis of our prison system.

Transparency of treatment of the prison population during the epidemic, availability of acts restricting or revoking the rights of convicts, prevention measures, adequate treatment protocols and availability of the health care system must be the basis of their future position of persons deprived of their liberty. The pandemic continues.

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ПЕНИТЕНЦИЈАРНИ СИСТЕМИ И ПАНДЕМИЈА КОВИД-19: ЗАТВОРСКА ПОПУЛАЦИЈА У ВРЕМЕНУ 'НОВЕ РЕАЛНОСТИ'

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Резиме

Појава вируса SARS-CoV-2 крајем 2019. године у Кини и брзина преношења, готово незабележених размера у људској историји на популацију у читавом свету, довела је до проглашења пандемије КОВИД-19 на глобалном нивоу од стране Светске здравствене организације и епидемија на нивоу националних држава. Иако се након појављивања вируса о њему јако мало знало (начин преношења, протоколи лечења, последице, дугорочне последице, стопа морталитета и др.), из страха од убрзаног ширења и потенцијалних последица по појединце и друштво у целини, од почетка 2020. године готово све државе света су изменама у нормативној сфери и увођењем бројних забрана и ограничавања основних људских права и слобода покушале да зауставе или успоре ширење вируса. Консеквентно изменама у нормативној сфери и, у већој или мањој мери, неуспелим покушајима "обуздавања" ширења последица КОВИД-19 у општој популацији, дошло је до ограничавања слободe и основних права грађана. Период у коме живимо, због обима одузетих или ограничених права и слобода, често се назива периодом 'нове нормалности' или 'нове реалности'. Не прихватајући термин 'нова нормалност' као категорију трајног карактера, период 'нове реалности' може се прихватити као појам темпорално ограниченог трајања. Период 'нове реалности' означава време у коме се, зарад спречавања ширења пандемије, ограничава обим основних права и слобода и уводе различити облици забрана (од потпуне забране кретања до ограничења кретања условљена поседовањем зеленог пасоша (доказ да особа није заражена или да је вакцинисана). Ипак, лишавање или ограничавање права поред опште популације додатно неповољно утиче на друге вулнерабилне категорије становништва (посебно здравствено угрожене и хроничне болеснике) али, свакако, на положај лица чија је слобода или обим права, иначе, ограничен. Када је реч о овој другој категорији, лица лишена слободe или затворска популација може посебно бити погођена додатним одузимањем законом ограниченим обимом одређених права у затворским установама. Аутори су свој рад посветили затворској популацији као једној од рањивих група у време пандемије, утицају КОВИД-19 на функционисање затворских система, нормативном аспекту здравствене заштите затворске популације на глобалном нивоу, упоредним трендовима заражавања и превенције ширења вируса затвореника, а посебно ограничавању права осуђених лица у српском пенитенцијарном систему за време пандемије.

COVID-19 PANDEMIC AND CONTRACTUAL RELATIONSHIPS: FORCE MAJEURE AND IMPOSSIBILITY^a

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Abstract

In every country touched by Covid-19, contractual performance is affected. Legislation enforcing lockdowns has made many contracts illegal to perform. Excessively unbalanced contracts become major issue due to health emergencies. In order to release the debtor, the force majeure must be unpredictable. However, the world has been warned of a looming epidemic and its consequences onto unprepared world. The paper examines if the Serbian Act on Obligations and its rules on impossibility protect the debtors in the circumstances of Covid-19, by comparing domestic solutions with European, transnational and Common law. Despite numerous provisions, traditional solutions were not adequate, so emergency regulations have been adopted, usually incompatible with the private law regime.

Key words: Force-majeure; Impossibility; Contract Frustration; Covid-19; obligation termination.

ПАНДЕМИЈА КОВИД-19 И УГОВОРНИ ОДНОСИ: ВИША СИЛА И НЕМОГУЋНОСТ

Апстракт

Ковид-19 пандемија утицала је на уговорне односе широм планете. Услед рестриктивних мера испуњење многих уговора постало је немогуће, а здравствени разлози пореметили су уговорну економију у корист једне или на штету обе стране. Да би ослободила дужника од обавезе, виша сила треба да је непредвидива. Напротив, свет је упозорен да је неспреман за претећу пандемију и њене последице. У раду се анализира да ли српски Закон о облигационим односима одредбама о немогућности испуњења штити уговараче у ковид-19 околностима, упоређујући домаћа решења са европским, међународним и Common Law изво-

^a The paper is the result of research on the project "Responsibility in the legal and social context", funded by the Faculty of Law, University of Niš

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рима. Бројна традиционална решења нису адекватна, па су их заменили интервентни прописи, често неусклађени са режимом приватног права.

Кључне речи: виша сила; немогућност; престанак облигације; неиспуњење обавезе.

INTRODUCTION

The Covid-19 pandemic has been characterized as “a natural catastrophe in slow motion”. In the aftermath of the governmental measures (e.g. suspension of business activities, mandatory quarantines, mobility restrictions), almost any contractual relationship has been seriously challenged, since the performance have turned out to be entirely or partially impossible. Across Europe, telework is mandatory. Companies must take the necessary measures to ensure social distance. Those unable to comply must close, rendering their contractual performance impossible.

Performance may become either physically or legally impossible; and the impossibility may be only temporary or permanent. Even if performance remains possible, one party may find it much more expensive or difficult, or may no longer have any interest for contract execution. Frequently, the contracting party simply can no longer afford to pay. The most vulnerable are affected the most, common consumer problems are debt and unsuccessful refunds for cancelled travel bookings and events. Difficulties encountered by suppliers and customers are outside the normally assumed risks. The impact of the pandemic is unprecedented. As a global crisis affects all society and economy, it goes far beyond what the traditional legal means were developed for.

The situation is classified as social force majeure, since individuals have been hit by unemployment or illness. The law needs to balance the impact on the whole economy, rather than just protect single entity, be it a business or an individual. A notion of “societal force majeure” recognize that businesses are also in severe and unexpected difficulties (Alderman et al., 2020: 440).

FORCE MAJEURE

France

The notion of force majeure derives from the Code Civil of 1804 (CC), which included it as an excuse to contractual liability. Before the reform in 2016, art. 1148 stated that force majeure exonerates a party from paying damages: There is no occasion for any damages where a debtor was prevented (...) because of force majeure or an accidental event. This was similar to Serbian Act on Obligations (ZOO) art. 263, “Release of Debtor from Liability”:

A debtor shall be released from liability for damage upon proving his inability to perform the obligation, or that his delay in performing was due to circumstances taking place after contract conclusion, which he was unable to prevent, eliminate or avoid.

Provision in art. 263 belongs to ZOO section on contractual liability, and it does not relieve the debtor from primary obligation, just exonerates them from damages. We can associate the absence of debtor's fault in art. 263 with externality of force majeure.

The drafters of the CC did not provide any force majeure definitions. In 2016, legislature finally ended this uncertainty with the new Art. 1218: In contractual matters, there is force majeure where an event beyond the control of the debtor, which could not reasonably have been foreseen at the time of the contract conclusion and whose effects could not be avoided by appropriate measures, prevents the debtor to perform their obligation. If the prevention is temporary, performance is suspended unless the delay justifies contract termination. If the prevention is permanent, the contract is terminated by operation of law and the parties are discharged under the conditions provided by art. 1351 and 1351-1 (impossibility). Three elements are traditionally required: externality, unforeseeability and irresistibility (Fauvarque-Cosson, 2019: 24). Please notice that force majeure results in impossibility.

Natural disasters do not automatically qualify as force majeure under French law. Even though the courts are very restrictive, the Covid-19 pandemic is considered as force majeure (Berger and Behn, 2020: 95). Temporary impediment occurs in many cases regarding the pandemic, e.g. if the production can be resumed after the lockdown. In case of a permanent impediment, both parties are unbound from their obligations. Under the pre-2016 law, permanent impediment does not terminate the contract *ipso iure*, but the court judgement was required. These days, the contract is terminated by *ipso lege*, as in PECL and the UNIDROIT Principles (Fauvarque-Cosson, 2019: 25).

Serbia

The Serbian literature typically deals with force majeure as a reason for excluding liability in the tort law. Art. 177 ZOO, "Exemption from Liability", reads:

(1) An owner (of dangerous object) shall be exempt from liability after proving that injury or loss took place due to a cause (...), whose effect could not have been foreseen, avoided or eliminated.

A force majeure is a natural event that causes damage. It encompasses three main characteristics: 1. Event is extraordinary or unpredictable, exceptional or highly unusual, even for a very careful person. Certain natural phenomena (earthquakes and floods) can be predicted, but cannot be

controlled. 2. Event is inevitable or unavoidable, “stronger than human”. Phenomena inevitable in one society can be remediable in another, and vice versa. 3. Event is external, not associated in any way with tortfeasor’s activity. Natural catastrophes, such as earthquakes, storms, floods, avalanches and landslides, as well as unexpected actions by third parties (sabotage or assassination) represent the force majeure (Radišić, 2004: 231).

In a special part of ZOO dedicated to named contracts, there are certain provisions regarding *Vis Major*. Article 598, “Loss of Object due to an Act of God”, reads:

(1) The lease shall be terminated should the object leased is lost accidentally by an Act of God. Article 663, “Carriage Charge in Case of Interruption of Transport”, provides: (3) A carrier shall not be entitled to carriage charge if the shipment is lost in course of transport due to an Act of God. Article 833, “Shipping”, delivers: (5) Should a forwarding agent depart from instructions received, he shall also be liable for damage caused by Act of God, unless successful in proving that the damage would have occurred even if he had followed instructions.

General part of ZOO, dedicated to contracts in general, does not mention neither “Act of God” nor “*Vis major*” under those names. The Covid-19 pandemic is a natural event with all hallmarks of an external, unpredictable and unavoidable event, so it represents *Vis Major*. Even if no governmental restrictive measures were introduced, it is still a *Vis Major* (Pušac, 2020,: 145).

Force Majeure in a contractual clause

The force majeure renders the performance not just excessively onerous as in hardship, but impossible. The Covid-19 pandemic appears as a classical force majeure. Factual effects may involve illness or quarantine or even death of personnel, facility closures, or interruption of supply chains. Legal effects relate to lockdowns, curfews, travel restrictions and other measures (Berger and Behn, 2020: 91).

On 30 January 2020, the WHO declared Public Health Emergency of International Concern. Neither this declaration, nor force majeure certificates issued by public authorities (Pušac, 2020: 145), may not prejudice a court’s factual evaluation of the Covid-19 situation in a given case (Berger and Behn, 2020: 92). It is important to prevent misuse of the force majeure defense, a tactic called “*price majeure*”, i.e. attempts to renegotiate an unfavorable contractual bargain without an actual force majeure scenario (Berger and Behn, 2020: 93).

Because there are no codified legal rules on force majeure in the Common Law, and since the impossibility doctrine is very narrowly interpreted, contracting parties routinely include a standard Force Majeure clause:

“If either party shall be delayed or prevented from the performance of any obligation through no fault of their own by reason of labor disputes, inability to procure materials, failure of utility service, restrictive governmental laws or regulations, riots, insurrection, war, adverse weather, Acts of God, or other similar causes beyond the control of such party, the performance of such obligation shall be excused for the period of the delay”.

This clause addresses the requirement of externality and includes a specific list of events. It includes a catch-all provision (“other similar causes”) at the end (Schwartz, 2020: 55). Please notice that consequence of force majeure is temporal or permanent suspension of affected obligation.

In the Covid-19 scenario, there are two options for a party seeking to be excused: The “governmental laws” or the “Act of God” provision. Many treat the Covid-19 pandemic in the same manner as other natural disasters, like hurricanes, earthquakes or avalanches. Some commentators suggest that the pandemic does not qualify as an Act of God because its severity depends on human action. Others argue the opposite – an earthquake is still an Act of God, whether or not the factory has been earthquake-proof. A hurricane is an Act of God, even if it is partially a consequence of human-caused climate change. Pandemic is still an Act of God, despite it was spread by human behavior (e.g. travel) (Schwartz, 2020: 58).

Some force majeure clauses specifically list “diseases”, “plagues”, “epidemics” and “health emergencies”. The recently revised ICC Force Majeure Model Clause of March 2020 lists plagues and epidemics. Those are uncontrollable and unforeseeable, provided that the party is able to prove that the effects could not have been avoided (Berger and Behn, 2020: 114). Application of Vis majeure clause will therefore depend on the selection of events listed as triggers, the consequences addressed by them (inability to perform, reduction in supplies), and whether what has actually happened is covered (Beale and Twigg-Flesner, 2020: 1197).

An interesting point is the “futility of enumeration.” Prior to terrorist acts of September 11, 2001, Force Majeure clause that included the term “terrorism” was a rare occurrence. Since then, clauses including “terrorism” or “terrorist,” become much more common. The clever solution may be to delete the Force Majeure clause entirely and rely solely on the Impossibility doctrine. Enumeration is pointless. Countless other disasters might come, from super-volcanoes to meteors. If you try to list all of these, a Force Majeure clause will be interpreted narrowly. If you add “meteor collision,” but a comet ends up hitting the earth, a court would likely hold that not to be covered. However, if you exclude the Force Majeure clause entirely, the court would treat a comet the same as a meteor (Schwartz, 2020: 60).

Belgium

In Belgian commercial practice, force majeure exempts the debtor when new circumstances with the following characteristics arise: aggravated party is unaccountable; circumstances are unforeseeable and unavoidable; irresistibly results in an impossibility (Philippe, 2020: 1280). Please notice that force majeure is tied to impossibility. This is not the case in the Serbian law, where it is noted that sometimes force majeure can make performance more difficult, but not impossible. Vice versa, impossibility may have the cause other than force majeure (Jankovec, 1993: 55).

Force majeure must be an external, disruptive event, not attributable to the party that invokes it. This applies to the virus that comes from abroad and spreads impressively. The notion of unforeseeability is relative; the pandemic was envisaged in the 2013 German parliament report; in 2015, Bill Gates warned the public that the world was not prepared for the next pandemic. This leads us to the question of whether that means that the coronavirus pandemic was predictable. We refer to the prudent and diligent man placed under the same circumstances. The Covid-19 pandemic and its effects were not foreseeable. Based on the publicly accessible info, the existence of the virus was known as early as January 15 2020, but it is important to distinguish the impossibility to predict this sort of event, and the foreseeability of its effects. If the event was foreseeable, but its effects were not, the debtor will still be able to excuse himself. On 15 January, none could have foreseen that Covid-19 would spread on all continents: seller commits on February 2020 to deliver a product on April 2020; he knows of the coronavirus and its effects in China at this time, but he does not know that his Belgian factory will be closed on March 2020 under the Belgian ministerial decree; therefore, he can argue that restrictions were unpredictable when he committed (Philippe, 2020: 1281).

Force majeure results in the contract dissolution if it is final, and contract suspension if temporary. In a synallagmatic contract, the doctrine of risk applies. *Res perit creditori*: the thing perishes at the creditor's risk. Practically, if the seller is unable to deliver because of force majeure, he is released, while the buyer is also exempt from paying the price (Philippe, 2020: 1286).

Another question would be how to apply force majeure on a lease. Due to lockdown, his store has been closed so the tenant refuses to pay rent claiming force majeure; the landlord counters that the lack of liquidity is never a force majeure; Article 1722 of Belgian CC states that the lease is void in the event of a loss of the rented object so the impossibility of usage is equated with the loss; the landlord is not fulfilling his obligation to make rented property available for usage. Therefore, the tenant is entitled to suspend the payment of rents (Philippe, 2020: 1283). We already showed that Serbian law does contain similar provision in art. 598

ZOO. The solution from the Belgian author may be overextended, but it may be the only option for a tenant in Serbia.

Transnational Contract Law

The force majeure represents a truly transnational legal principle, a part of the “New Lex Mercatoria.” It is reflected in Art. 79 CISG and Art. 7.1.7 UPICC. As digest of the decisive requirements, provisions overcome the differences contained in most domestic legal systems. Art. 7.1.7 UPICC provides:

1. party is excused if she proves that the non-performance was due to an impediment beyond control and that she could not reasonably be expected to have taken it into account at the time of the contract conclusion or to have avoided or overcome it or its consequences;
2. When the impediment is only temporary, the excuse shall have effect for such period.

The transnational force majeure doctrine does not appear to be grounded in impossibility, which of course is the sole justification for the original French doctrine (Berger and Behn, 2020: 109).

Transnational force majeure is based on the following four cumulative requirements: Externality: the obligor has not assumed the risk for the external event; Unavoidability/Irresistibility: The event was beyond the obligor’s sphere of control and was absolute; Unforeseeability: The event and its consequences, i.e. the adverse impact on the ability to perform, could not reasonably have been avoided, e.g. by alternative and commercially reasonable modes of performance or safety measures; Causation (*conditio sine qua non*): The obligor’s non-performance was caused by the external event and not by the obligor’s own fault, e.g. by self-inflicted production problems, defective goods or packaging etc. The Covid-19 pandemic meets all four requirements, at least for contracts concluded before February 2020 (Berger and Behn, 2020: 110).

Virologists have predicted for many years that a pandemic such as the SARS of 2002-2004 could break out again. But the Covid-19 scenario was not foreseeable per se, no one could predict when and where it would occur. In spite of the disastrous consequences of the fast-spreading infectious diseases, parties cannot be “on permanent alert.” Covid-19 is an event so unlikely to occur that reasonable parties see no need to allocate the risk of its occurrence (Berger and Behn, 2020: 111).

The global consequences of the Covid-19 pandemic, which affected multiple business sectors, make it easier for the affected party to prove the unavoidability. Contractual performance is partially or totally, temporarily or permanently suspended. Contract termination is only an “ultima ratio” remedy (Berger and Behn, 2020: 113).

IMPOSSIBILITY

Differences in Civil and Common Law

Many jurisdictions recognize some form of an impossibility doctrine tracing its roots to well-known *impossibilium nulla obligatio est*. Impossibility means the obligation cannot be fulfilled as agreed and no increased efforts could change that (Karanikić-Mirić, 2020a: 50). Subsequent impossibility excuses performance if renders it impossible for the party (subjective) or for everyone else (objective) and cannot be attributed to obligor's fault, i.e. willful or negligent action or omission. Mere incidence of expense or delay or onerousness is not sufficient.

The impossibility doctrine is narrow and rarely applied, as it undermines contract as a legally enforceable promise, otherwise parties would lose faith that contracts really are binding. An ordinary change in difficulty due to increased wages, prices of raw materials, or costs of construction, unless well beyond the normal range, are not sufficient (Schwartz, 2020: 49-50).

Doctrines on impossibility are common throughout the world. However, there is some variation: for example, Germany incorporated both initial and subsequent impossibility into BGB; England only recognized initial impossibility firstly (until providing for subsequent impossibility later); France only incorporated subsequent impossibility (as the force majeure) (Berger and Behn, 2020: 98).

The English courts developed a doctrine of frustration, where the underlying basis or purpose of the contract is altered, destroyed or made useless. If an unforeseen event amounts to frustration, the parties are released. The common law frustration doctrine looks like an extremely narrow version of a civil law doctrine of changed circumstances. However, it is still far away from many civil law jurisdictions because "common purpose" of both parties needs to be frustrated (Berger and Behn, 2020: 102). In civil law jurisdictions, even one-sided excessive onerousness exposes contract to *clausula rebus sic stantibus*.

The US modified impossibility doctrines to provide defense in situations where performance remains technically possible, but would be excessively onerous. Common law did not recognize the Canon law doctrine of changed circumstances and never developed a hardship doctrine, so subsequent changes are handled under impossibility doctrine (Berger and Behn, 2020: 97). Practical impossibility is recognized in Serbian doctrine as well. Obligation is practically impossible if it is associated with such exceptional obstacles, difficulties and material expenses that it is, by common sense, considered objectively impossible. For example, the debtor could pull the sunken machine out of the seabed, but with colossal additional costs, which cannot be reasonably demanded (Karanikić-Mirić, 2020a: 45). The practical impossibility is a normative query: is it fair to

ask the debtor to ruin himself? The practical impossibility implies that it has become irrational and meaningless to ask for performance as originally agreed. Fulfillment requires excessive expenses or it is a risk for life or health (Karanikić-Mirić, 2020a: 46).

Contracts can be frustrated because of changes in the law, supervening illegality, war, cancellation of an expected event and abnormal delay. Covid-19 and consequent governmental actions are falling within these categories. Where timing is important, the unavailability of stocks or staff is a frustrating event. Similarly, governmental Covid-19 restrictions render the performance of certain obligations illegal (Berger and Behn, 2020: 103).

Serbian ZOO

The ZOO contains a provision on impossibility dedicated to synallagmatic contracts. Article 137, “Impossibility of performance not attributable to either party” reads:

(1) Should performance of obligation by one party become impossible due to an event not attributable to either party, the other party's obligation shall be terminated too, while a party performing part of his obligation may request restitution (...). (2) Should partial impossibility of performance be due to events not attributable to either party, one party may repudiate the contract should incomplete performance fail to meet his needs; otherwise the contract shall remain valid, while the other party shall be entitled to proportionate reduction of his obligation.

In case of total impossibility, contract is terminated *ipso lege*. (Karanikić-Mirić, 2020a: 31)

Subsection 2 of art. 137 is convenient for partial impossibility, it does not deal with permanent or temporal aspects. However, the logic is similar. In the case of a long-term contract (subscription-style contracts, gym membership, video streaming services) performance may be interrupted: a swimming pool is temporarily closed, a sport channel is unable to offer live events. If obligations are severable, then frustration applies to severable parts only. If the contract is frustrated partly, with some instalments already delivered, then the seller is entitled to receive payment for them. If the client paid for membership monthly, payment for each month and the access to gym facilities would be treated as severable. However, had the client paid for a whole year upfront, it might be more problematic to argue partial frustration. Proportionate part of the fee should be released (Beale and Twigg-Flesner, 2020: 1193).

In a special Decree, The Serbian Government implicitly took the position that the contractual obligations of travel organizers during the pandemic and state of emergency have not become impossible, but only

more difficult (Karanikić-Mirić, 2020b: 110). In reality, the situation was closer to temporary impossibility.

In addition to cited art. 137 dedicated to contracts, impossibility terminates obligations in general. Art. 354, "Termination of obligation due to impossibility of fulfilment" recites: (1) An obligation shall come to an end should its fulfilment is impossible due to circumstances for which the debtor is not to blame. 2) A debtor must prove the existence of the circumstances exempting him from liability. In both art. 137 and 354, the absence of fault is required for contractual obligation to cease without negative consequences for the debtor. As extraordinary and exogenous event, the impossibility will excuse the party and nonperformance will not count as a contractual breach.

Strict application of impossibility is justified because the law should not offer an escape route for what has turned out to be a bad bargain. Since the burden of proving the absence of fault lies on the debtor, the unpredictability of the pandemic goes to his advantage. Everything is foreseeable, at least with good imagination. Countless books and movies specifically depict alien invasions. However, if an invasion renders contractual performance impossible, it seems clear that the impossibility doctrine should apply. Conversely, if the parties enter into a contract after a hurricane has been spotted offshore, difficulties in performance due to that particular hurricane will not lead to a successful impossibility defense (Schwartz, 2020: 50).

Application to Covid-19

Doctrine of impossibility directly applies to contracts undermined by Covid-19. Pandemics have happened before (Spanish Flu of 1918), and scientists have repeatedly warned of recurrence. However, the same applies to hurricanes, avalanches or fires. The mere fact that natural disasters have happened in the past does not exclude the impossibility doctrine (Schwartz, 2020: 52).

If performance of the contract has become impossible due to Covid-19 (e.g. travel and work restrictions) the contract will be frustrated. If a government order prohibits the party from doing what they promised, this is "legal impossibility". A further category relates to physical impossibility, e.g. because of death or personal illness, lack of transport or other essential services. Sometimes legal and physical impossibility are mixed. If the babysitter failed to show up because pandemic made it physically dangerous for her to enter your house, the impossibility doctrine will excuse her. The outcome is even clearer if the government has issued an order for all to remain home (Schwartz, 2020: 53).

Not all of the Covid-19 measures will render performance permanently impossible. Many contracts can still be performed, or completed, only later. This requires asking whether the delay deprives the other party

of the substance of what they were contracting for. Similarly to consequences of force majeure in France or Belgium, Serbian literature classifies impossibility as temporal or permanent (Radišić, 2004: 177). It is worth to notice that ZOO does not acknowledge this important distinction (Jankovec, 1993: 75).

The Covid-19 pandemic significantly affects credit agreements. The ability of borrowers to keep up with regular instalments is compromised. Due to loss of income, consumers face serious financial difficulties resulting in the inability to repay the credit. Nevertheless, as generic obligation, monetary payment is treated as always possible (Pušac, 2020: 151). Illiquidity does not amount to frustration; instead, it is a risk that the debtor and creditor have to bear. Serbian law acknowledges the practical impossibility, although it cannot be reduced to the debtor's economic problems. The economic impossibility is not a valid defense. The obligation cannot be terminated just because it has become too difficult in the economic sense, even if it threatens the debtor's livelihood. Economic impossibility is not an objective impossibility, which ceases the obligation *ipso lege* (Karanikić-Mirić, 2020a: 48, 51).

Nevertheless, the circumstances are different this time, the systemic solution in the form of "emergency legislation" circumvented major public revolt and probably rebellion. The European Law Institute (ELI) published a summary of legal issues in relation to Covid-19. Principle 12 is about the moratorium on regular payments, particularly on taxes, rents, and loans. Final maturity date is extended for the duration of the moratorium and neither the calculation of the amount due, nor of other taxes or instalments subsequently due, are in any way increased. Statutory period of limitations should likewise be suspended. Furthermore, by acknowledging solidarity, States should favor partial or full release of certain types of matured debts (European Law Institute, 2021: 11). Moratoria on consumer credit and rent obligations have been introduced across Europe. The moratorium varies typically between three and six months. However, there remains uncertainty what happens when it ends (Alderman *et al.*, 2020: 439). National Bank of Serbia introduced moratorium on loan and leasing repayments (Decision on temporary measures for banks to mitigate the consequences of the covid-19 pandemic in order to preserve the stability of the financial system, Official Gazette of RS, 103/2020).

More difficult cases develop where Covid-19 renders performance much more difficult or expensive, but not factually or legally impossible. For instance, a supplier promises to deliver merchandise, but their factory in New York is shut down by government order. At first, it seems that performance has become legally impossible. But, same merchandise can be produced in a factory in Japan, with doubled cost. In that case, the courts would not relieve the supplier. At some point, however, the added expense could rise to a level where performance is effectively impossible.

In one well-known case, the court granted relief after performance cost turned out to be ten times what was anticipated. But the question of what would happen if it were five times as expensive arises (Schwartz, 2020: 53). In continental law, subsequent imbalance of contract economy (violation of the principle of equal value of contractual benefits) is a signal for the application of doctrine of changed circumstances. However, it is difficult to draw a precise line between onerousness and impossibility.

Refunds and Vouchers

A very disruptive element of the pandemic is the cancellation or substantial delay of prepaid events and services, due to the restrictions imposed. Weddings, sports events, cruises, air-travel, concerts and similar events are moment-sensitive. Businesses often lack resources to issue immediate refunds. Regarding economic impossibility of fulfillment, German courts had previously accepted defense of “existential devastation”, the looming economic ruin of a debtor forced to perform an agreed obligation. But the concept was soon abandoned (Jankovec, 1981: 242). It led to the contract termination by force of law, which was not the goal of the contracting parties (Karanikić-Mirić, 2020a: 47).

There are three alternative approaches. First, consumers may be entitled to a full refund, or a voucher for future use. A second approach is to oblige consumers to accept vouchers. The third approach require consumers to accept vouchers equal to the value of their original ticket, unless the consumer can show that they are in financial difficulties, e.g., unemployed or unable to use the service later. Otherwise, the consumer must pay the cancellation fees (Alderman *et al.*, 2020: 444-446). The choice of solution depends on whether the regulator is more in favor of the businesses or the consumers.

The Decree on the offer of a replacement travel is an emergency regulation by which the Serbian government protected the economic interests of tourist travel organizers during the pandemic. The Government left the passengers with two options: to accept replacement travel or to terminate the contract. However, the passenger who opts for termination cannot demand a refund, contrary to the rules of contract and consumer law. Instead, he is obliged to grant the organizer an interest-free loan. Although this prevents a large number of simultaneous refunds, the government has failed to incorporate any safeguards for the passengers (Karanikić-Mirić, 2020b: 115). States should ensure that the consequences of the disruption of contractual relationships, such as the cancellation of travel arrangements, should not be at the sole risk of one party, in particular of a consumer or SME (European Law Institute, 2021: 11).

A more difficult situation arises when the event is not directly affected by the pandemic, but rather by the consumer’s concerns and fears. Restrictions are over but the consumer may still feel unsafe. The remedy

should be a refund or travel voucher, at the option of the provider (Alderman *et al.*, 2020: 446). Beyond the framework of consumer protection, in a traditional private law regime, arbitrary cancellation of travel for fear of Covid-19 would be considered as a self-imposed (subjective) impossibility, which is not a valid reason for the exemption from the contractual obligation. In other words, the tourist would have to pay.

CONCLUSION

Let us again consider the hypothetical tenant whose restaurant has been closed rendering him unable to pay rents for months during lockdown. We have to revert to asking which ZOO provisions exist to protect the tenant, but also what the dispute with the landlord would look like. The problem is that there probably would be no agreement at the end of that harsh dispute. According to one opinion, art. 137-1 (impossibility in synallagmatic contracts) is discarded because it refers to permanent impossibility (Pušac, 2020: 51). Article 137-2 speaks of partial impossibility, but does not mention temporary impossibility. Article 263 releases the tenant from the secondary obligation – damages, but is silent on the primary obligation – payment of rent. The tenant cannot use art. 354 (termination of obligation in general) since the rent payment is a generic obligation, resistant to impossibility (art. 355). Moreover, economic impossibility is not accepted.

There is no ZOO provision about force majeure excusing the primary obligation. There is no provision for temporary impossibility, nor impossibility of successive performances, and the hypothetical tenant's obligation is of those categories. Application of contractual force majeure clause is unlikely because it is a rarity in local practice, and the contracts themselves are often verbal.

Referring the tenant to the rules on changed circumstances (Jankovec, 1981: 242) is not expedient because those imply the court intervention, which is slow due to the individual assessment. Quantity of claims would overwhelm the courts. Furthermore, the debtors are already in default, so they cannot invoke the changed circumstances. Conversely, rules on impossibility apply *ipso lege*.

Despite numerous ZOO provisions, and as many academic concepts about impossibility, it is curious that none of them is of much use to our hypothetical tenant. Solutions from ZOO have failed when they are needed the most. What should an impossibility look like if the global catastrophic consequences of Covid-19 are not enough to constitute one, is the question here. That is why the public authorities pass intervention regulations in order to save the debtors from economic ruin, but also themselves from looming rebellion. Traditional solutions are inadequate

to deal with the Covid-19 circumstances since rules on force majeure or impossibility set a high threshold for invoking them.

Possible solution 1: rent for each month under lockdown is considered separately and terminated as an installment; the over-all obligation to pay the rent continues and the contract lives on (Art. 137-2 analogy). Solution 2 relies on a wider interpretation of art. 598 ZOO (Loss of rented object due to an Act of God). The landlord's obligation has become impossible, because he cannot provide *ususfructus* to the tenant. As a counter-performance, the payment of rent ceases.

The analysis unlocked some theoretical dilemmas. Acceptance of practical impossibility means that the notion of objective impossibility is significantly narrowed in favor of the subjective impossibility. An excessively difficult problem for one legal entity can be a simple obstacle for another.

Rejection of economic impossibility ignores economic reasons due to which the debtor cannot fulfill his obligation. The position of all legal entities is equalized, although their economic strength is different. This overlooks the fact that with enough money - many problems become workable. Performance which is impossible for the poor, is possible for the rich. Moreover, almost any obligation can be condensed to a cash equivalent. It follows that any impossibility can be understood as economic impossibility, and thus not recognized.

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ПАНДЕМИЈА КОВИД-19 И УГОВОРНИ ОДНОСИ: ВИША СИЛА И НЕМОГУЋНОСТ

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Резиме

Хипотетички купац је спречен да плаћа закупнину јер је његов ресторан затворен због рестриктивних мера. Које одредбе ЗОО му иду у прилог? Према једном мишљењу, чл. 137 ст. 1 (немогућност у узајамним уговорима) отпада јер се односи на трајну немогућност. Члан 137 ст. 2 говори о делимичној немогућности, али не помиње привремену немогућност. Члан 263 ослобађа купца од споредне обавезе – накнаде штете, али ћути о примарној обавези – плаћању закупнине. Закупцу не иде у прилог ни чл. 354 (престанак облигације) будући да је плаћање закупнине генеричка обавеза, отпорна на немогућност (чл. 355). Штавише, економска немогућност није прихваћена.

Не постоји одредба ЗОО о вишој сили која би угасила примарну обавезу. Не постоје одредбе о привременој немогућности, као ни о немогућим сукцесивним престајама, а обавеза хипотетичког купца спада у ове категорије. Примена

уговорне клаузуле о вишој сили је мало вероватна јер је њено уговарање раритет у локалној пракси, а сами уговори су често усмени.

Упућивање закупца на правила о промењеним околностима (Јанковец, 1981: 242) није сврсисходно јер подразумева интервенцију суда, дуготрајну због индивидуалне процене сваког случаја. Тужбе би преплавиле судове. Поред тога, дужници су већ у доцњи, па је касно за позивање на промењене околности. Насупрот томе, правила о немогућности важе *ipso lege*.

Бројне одредбе ЗОО о немогућности и теорије у литератури нису од велике користи хипотетичком закупцу. Решења из ЗОО су заказала када су најпотребнија. Каква би то немогућност требало да буде ако катастрофалне последице глобалне пандемије нису довољне? Зато органи власти доносе интервентне прописе како би спасили дужнике од економске пропасти, али и себе од претеће побуне. Традиционална решења су неадекватна за суочавање са последицама пандемије, зато што су услови за позивање на вишу силу и немогућност превише строги.

Потенцијално решење бр. 1: током рестрикција, закупнина за сваки месец је засебна обавеза која се гаси; уговор остаје на снази (аналогија са чл. 137 ст. 2). Решење бр. 2 ослања се на шире тумачење чл. 598 (Пропаст закупљене ствари услед више силе). Обавеза закупадавца постала је немогућа, јер не може да пружи *ususfructus* закупцу. Као противчинидба, гаси се и обавеза исплате закупнине.

ЕКОНОМИЈА
ECONOMY

INFLUENCE OF PERSONALITY TRAITS ON STUDENTS' SOCIAL ENTREPRENEURIAL INTENTIONS IN THE CONDITIONS OF THE COVID-19 PANDEMIC

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Abstract

Social entrepreneurs are characterized by a high level of moral responsibility and entrepreneurial intentions, which encourage them to create entrepreneurial ventures that alleviate social problems. This paper aims to examine whether personality traits: extroversion, agreeableness, conscientiousness, neuroticism, and openness (according to the Big five model) influence social entrepreneurial intentions (SEI). The data was collected among students of economics at the University of Niš during the Covid-19 pandemic that makes the context of the research and the obtained data untypical. Multiple linear regression analysis was applied to assess the influence of personality traits on SEI, whereas socio-demographic characteristics were observed also as predictors of SEI. The results indicate that extroversion, conscientiousness and neuroticism have a positive and statistically significant influence on SEI, while agreeableness and openness do not have statistically significant influence on SEI. Therefore, the research has twofold contributions: theoretical contribution is reflected in filling the gap in the literature on drives of SEI in extraordinary circumstances; and practical implications of the paper direct career counsellors and educators toward identification and guidance of students with specific personality traits for a social entrepreneur to acquire entrepreneurial competencies necessary for business management and consequently solving social problems.

Key words: personality traits, Big Five, social entrepreneurial intentions, students, Covid-19 pandemic.

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УТИЦАЈ ОСОБИНА ЛИЧНОСТИ НА СОЦИЈАЛНЕ ПРЕДУЗЕТНИЧКЕ НАМЕРЕ СТУДЕНАТА У УСЛОВИМА ПАНДЕМИЈЕ КОВИД-19

Апстракт

Социјалне предузетнике карактерише висок ниво моралне одговорности и предузетничких намера, који их подстиче да покрећу предузетничке подухвате који ублажавају социјалне проблеме. Овај рад има за циљ да испита да ли особине личности: екстровертност, пријатност, савесност, неуротичност и отвореност (према моделу Великих пет) имају утицај на социјалне предузетничке намере (СПН). Подаци су прикупљени међу студентима економије Универзитета у Нишу током пандемије Ковид-19, што контекст истраживања и прикупљене податке чини нетипичним. Вишеструка линеарна регресиона анализа коришћена је за процену утицаја особина личности на СПН, док су социо-демографске карактеристике посматране су такође посматране као предиктор СПН. Резултати указују на то да екстровертност, савесност и неуротизам имају позитиван и статистички значајан утицај на СПН, док пријатност и отвореност немају статистички значајан утицај на СПН. Самим тим, истраживање има двоструки допринос: теоријски допринос се огледа у попуњавању празнина у литератури о факторима СПН у ванредним околностима; и практичне импликације рада представљају смернице за каријерне саветнике и едукаторе у циљу идентификације и усмеравања студената са специфичним личним особинама за социјалног предузетника како би стекли предузетничке компетенције за управљање пословањем и сходно томе за решавање друштвених проблема.

Кључне речи: особине личности, Великих пет, социјалне предузетничке намере, студенти, пандемија Ковид-19.

INTRODUCTION

The role of social enterprises is very important since social entrepreneurs can perceive social problems to which not enough attention has been paid by other members of the society (Ivanović Đukić, Petrović Rande-
lović, & Talić, 2020). Social enterprises help to solve the problems of social inclusion and poverty reduction, assist vulnerable social groups, participate in solving environmental problems, contribute to the preservation of old crafts and the like (Hjorth, 2013). However, the establishment and development of companies, especially those with a social mission, is not at all easy and requires the fulfilment of certain conditions. Prioritizing the creation of social value over economic value is often considered a key difference between social enterprises and traditional business ventures.

It is assumed that social entrepreneurs often possess certain personality traits that define their behaviour. Personality traits are partially developed through a person's growing up, socialization and education. Many researchers suggest that formed values and beliefs play an important role in establishing a social enterprise (Zhao, Seibert, & Lumpkin, 2009; Nga & Shamuganathan, 2010). Thus, personality traits can affect the intentions and the way individual acts.

Bearing in mind the foregoing, this study is based on answering the research question of what the determining personality traits that may have an impact on the intentions of starting a social enterprise in the context of the Covid-19 pandemic are. Under the phenomenon of the pandemic, the study aims to identify the main personality traits from the Big Five group (extroversion, agreeableness, conscientiousness, neuroticism and openness) which have a significant impact on the social entrepreneurial intentions (SEI) of a faculty students' population and to fill the existing gap in the literature and educational process.

In the context of the Covid-19 pandemic, the importance of social entrepreneurship in mitigating social needs which occurred in extraordinary circumstances is emphasized. Providing those social enterprises could encourage socially acceptable actions and reconcile the needs of different sectors during the pandemic, Bacq and Lumpkin (2020) encourage researches on the drivers of starting a social enterprise. Most recent researches have shown that personal feelings such as fear and anxiety due to Covid-19 proved to be negative determinants of entrepreneurial self-efficacy and intentions to start a business (Loan et al, 2021). Additionally, environmental factors appeared to be unmotivating to start their own business during the Covid-19 pandemic (Gomes, Sousa, Santos, Oliveira, Oliveira, & Lopes, 2021). On the other hand, there are researches in the contemporary literature on personal characteristics investigating their relationship with stress during pandemics (Liu, Lithopoulos, Zhang, Garcia-Barrera, & Rhodes, 2021), compliance with measures to prevent the spread of Covid-19 (Carvalho, Pianowski, & Gonçalves, 2020) and coping behaviour (Volk, Brazil, Franklin-Luther, Dane, & Vaillancourt, 2021), but there is still a gap in the literature that connects the concept of personality traits and social entrepreneurship while Covid-19 pandemic is still ongoing.

The paper consists of five parts. After the introduction, the second part provides a literature review on Big Five personality traits and SEI as concepts, and gives an overview of the research hypothesis. The third section shows the sample structure, method and measures used in the research and the study results. The fourth section comprises a discussion of the results and implications of the study for both theory and practice. The fifth part gives concluding remarks of the paper.

LITERATURE REVIEW AND HYPOTHESIS DEVELOPMENT

Personality traits of a social entrepreneur

The social entrepreneur is quite similar to a traditional entrepreneur. The difference is expressed by a higher level of empathy, emotions, courage and collective thinking of a social entrepreneur. In addition, while the traditional entrepreneur is expected to generate a certain finan-

cial profit, the social entrepreneur strives to create value for a certain segment of society or society as a whole. This does not mean that social entrepreneurs do not make a profit (Martin & Osberg, 2007). On contrary, they gain profit while targeting certain social issues.

The entrepreneurial orientation of a potential social entrepreneur has a great influence on starting a business in the social sphere, especially the ability to create a vision, risk-taking, perseverance, commitment, etc. (Ivanović Đukić et al., 2020). Although social entrepreneurs and volunteers have certain characteristics in common, they cannot be equated. A characteristic that distinguishes a social entrepreneur from a volunteer or humanitarian worker is the entrepreneurial spirit. In addition, social entrepreneurs deal with systemic and long-term solutions to social problems, unlike volunteers, who are mainly guided by short-term goals and one-time project activities (Ivanović-Đukić & Radosavljević, 2018; Petković, 2021).

In order to start a social enterprise, it is necessary to have a clear vision, great enthusiasm and moral responsibility (Zahra et al., 2009). The ability to create a vision helps the social entrepreneur to imagine what the world would look like if a certain social problem were solved (Best, 2018). Another important characteristic, not only for individuals who intend to engage in social entrepreneurship, but for all entrepreneurs, is the propensity to take risks. This trait plays an important role in an entrepreneur's determination of whether to engage in entrepreneurship or not (Zahra et al., 2009). However, this does not mean that both groups of entrepreneurs face the same types of risks.

Based on the review of the existing literature, it can be noticed that there is a big difference between the personal characteristics of social entrepreneurs in different researches, which can be related to the level of development of the country where the research was done. For example, in underdeveloped countries, there is a tendency to meet basic needs, while in developed countries there is a demand for other types of needs in addition to the basic ones (Caldera, Ortega, & Sanchez, 2016).

Furthermore, differences in the actions of individuals who are in the same situations (such as the Covid-19 pandemic) can be explained precisely by their personality traits. During the Covid-19 pandemic, students' motivation to start a business did not vary compared to the period before the pandemic (Gomes et al., 2021). From the perspective of coping behaviour while living during the pandemic, people who are emotional, extrovert and conscientiousness appeared to be more successful in such actions (Volk et al., 2021). Furthermore, Carvalho et al. (2020) revealed that extrovert persons are not keen on following containment measures for stopping the spread of the Covid-19 virus, while conscientious persons were marked as ones who obey the rules. Lastly, Liu et al. (2021) discovered that higher levels of stress among people during the pandemic is connected with their trait neuroticism and extroversion.

Big Five personality traits and social entrepreneurial intentions

A large number of authors have studied antecedents of SEI. Following Ajzen's (1991) Theory of Planned Behaviour which proposes that persons' entrepreneurial behaviour is predicted by its intentions, while intentions are under the influence of persons' attitudes, subjective norms and perceived behavioural control, Mair and Noboa (2006) developed their concept of SEI. They assert that the person's empathy, moral obligations, self-efficacy and perceived social support are predictors of SEI. Furthermore, Hockerts (2017) expanded their model by adding one more predictor of SEI – previous experience with social problems.

Additionally, personality traits appear to be SEI's predictors (Nga & Shamuganathan, 2010; İrengün & Arıkboğa, 2015; Bernardino, Santos, & Ribeiro, 2018). Personality traits are enduring, predictable characteristics of an individual's behaviour, which can be influenced by the individual's unique, subjective personal knowledge, values, beliefs, perceptions, and experiences (Kor, Mahoney, & Micheal, 2007). One of the most common methods used to define personality traits is the model of Big Five personality traits (Goldberg, 1993). The Big Five model is a systematic framework used to analyse personality traits that include extroversion, agreeableness, conscientiousness, neuroticism and openness.

Extroversion is a personality trait associated with ambition, sociability, and individuality (Ciavarella, Buchholtz, Riordan, Gatewood, & Stokes, 2004). Extroverted individuals are often described as sociable, friendly, assertive, proactive (Zhao et al., 2009). These characteristics are desirable for both traditional and social entrepreneurs. Social entrepreneurs are expected to possess this trait, due to the large number of stakeholders with whom they communicate. Therefore, we believe that:

H1. Extroversion positively influences the social entrepreneurial intentions of students in the Covid-19 pandemic.

Agreeableness is a trait that implies community focus, cooperation, caring for others, altruism, trust (Brandstätter, 2011). Social entrepreneurs operate in a specific environment in which they create relationships with many actors (e.g., NGOs, local authorities, commercial enterprises). Therefore, they must possess this trait to properly manage relationships with other actors from the environment. Thus, we expect that:

H2. Agreeableness positively influences the social entrepreneurial intentions of students in the Covid-19 pandemic.

Individuals characterized by a high level of conscientiousness can be described as diligent, responsible, hardworking, persistent individuals who adhere to rules and regulations. This personality trait is often positively associated with the entrepreneurial intentions of commercial entrepreneurs, as well as with the long-term survival of a business venture (Ciavarella et al., 2004). We believe that the situation is similar to social entrepreneurs. Therefore, the third hypothesis is stated as follows:

H3. Conscientiousness positively influences the social entrepreneurial intentions of students in the Covid-19 pandemic.

Neuroticism shows the emotional balance of the individual. Emotional instability is associated with sudden mood swings, impulsivity, low self-esteem (Brandstätter, 2011), anxiety, lack of control over the situation. As entrepreneurs face numerous challenges and different risks during their business, a high level of emotional intelligence and self-control are necessary. Social entrepreneurs in particular face many challenges (lack of finances, support, etc.). In this sense, there is often a negative link between neuroticism and the intention to establish a social enterprise (Zhao et al., 2009). Thus, the next hypothesis is proposed:

H4. Neuroticism negatively influences the social entrepreneurial of students in the Covid-19 pandemic.

Openness refers to the tendency to accept new experiences, innovative ideas and creativity (Zhao et al., 2009). As it is necessary to find innovative ideas for solving social problems to start a social enterprise, the possession of this feature can be one of the indicators of the intention to start such endeavours. Individuals characterized by openness are more willing to explore new business models that include social innovation (Wood, 2012). Therefore, the following hypothesis is proposed:

H5. Openness positively influences the social entrepreneurial intentions of students in the Covid-19 pandemic.

Based on the previous review of the literature and the research of Awwad and Al-Aseer (2021), Figure 1 presents the design of the conceptual model. In this model, Big Five personality traits and socio-demographic variables appear as independent variables, while SEI is the dependent variable.

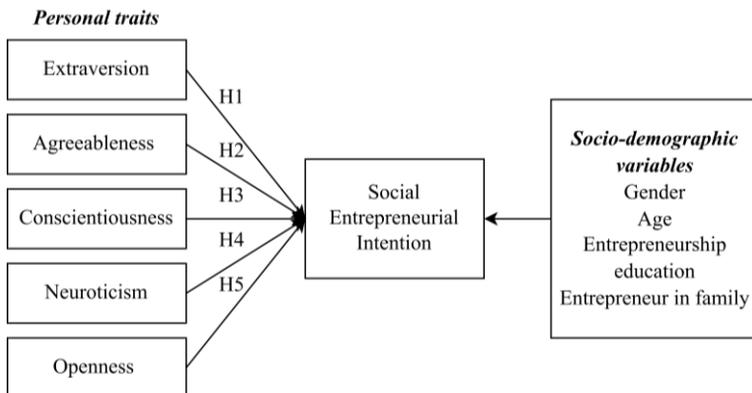


Figure 1. The conceptual model

Source: Authors

RESEARCH METHODOLOGY

In order to conduct quantitative empirical research, the survey data were collected among students of the University of Niš enrolled in the studies of economics. The main reason for focusing the research only on students with a major in economics is based on the assumption that these students will acquire essential knowledge through the formal educational process to start their own business. The data was collected during the spring semester of 2021 in the conditions of the Covid-19 pandemic. During the data collection process, students had already been engaged in distance learning with minimum contact with their peers and teachers for almost a year.

Sample

Three hundred and fifty students enrolled in the studies of economic filled the questionnaires distributed via the Internet. With the advancement in information technology and due to the Covid-19 pandemic, paper-based questionnaires have been overcome and avoided to decrease physical contact. There was no missing data in the pull of surveys because of the features of the Google form applied for gathering the data. Based on the above, the availability sampling method was used.

The following table illustrates the sample characteristic and implies that all respondent groups are well represented. The sample consists of mostly female students (75.7%), aged between 18 to 24 (71.1%), who already attended courses in entrepreneurship (62.9%) and have no entrepreneur role model among close family members (70%).

Table 1. Sample characteristics

	N	Percentage
Number of participants	350	100%
Gender		
Men	85	24.3%
Women	265	75.7%
Age		
18-24	249	71.1%
≥ 25	101	28.9%
Entrepreneurship education		
Yes	220	62.9%
No	130	37.1%
Entrepreneur in the family		
Yes	105	30%
No	245	70%

Source: Authors' calculation

Measurements

In this study, ten variables are observed, nine independent variables and one dependent variable. The group of independent variables is made up of two subgroups: socio-demographic variables and Big Five personality traits.

Socio-demographic variables as independent variables. The first part of the questionnaire comprised questions concerning the socio-demographic profile of the respondents. The pool of questions was derived from the literature on SEI, hence the following variables were examined: gender, age, entrepreneurship education and entrepreneur in the family. These variables are included in the research model as dummy variables.

Big Five personality traits as independent variables. The questionnaire for personality traits assessment is adopted from John and Srivastava (1999). The Big Five Inventory (BFI)-44 is used as a self-report measurement for five personality types: extroversion, agreeableness, conscientiousness, neuroticism, and openness. Participants are asked to rate how well statements describe one's personality. The respondents were ranging their attitudes on the 5-point Likert scale from 1 - strongly disagree to 5 - strongly agree. BFI used in this research consists of 38 items, while 6 items were excluded to increase the reliability of the measurement scale.

Dependent variable. Having in mind that this paper aims to estimate the influence of personality traits on SEI, the dependent variable in this research model is SEI. Therefore, the two-item scale of Hockerts (2017) is used in this study, while one item was excluded due to low reliability. As in previous, the same 5-point Likert scale was applied. Cronbach alpha coefficients are given in the parentheses of the Table 2.

Method of analysis

Except for analysing socio-demographic data, descriptive statistics is applied for assessing minimum, maximum, mean and standard deviation of the researched variables. Bivariate correlation analysis (two-tailed) is used for analysing the relationship between Big Five personality traits and SEI of respondents. Multiple linear regression analysis was applied to test the influence of socio-demographic characteristics and Big Five personality traits (independent variables) on SEI (dependent variable) perceived during the Covid-19 pandemic. The significance level for all data was $p < 0.05$.

RESULTS

The following table (Table 2) presents descriptive statistics, Pearson correlation coefficients and reliabilities of the researched variables (Cronbach alpha) that are given in the parentheses. The reliability of the studied data is assessed by using the Cronbach alpha coefficient whose values were around the acceptable threshold (George & Mallery, 2003) and presented in the parentheses of Table 2.

Table 2. Mean, standard deviations, minimum and maximum values, and correlations between researched variables

Variable	Mean	SD	Min	Max	E	A	C	N	O	SEI
1. E	3.578	.766	1.286	5.000	(.788)					
2. A	3.909	.578	2.750	5.000	.039	(.679)				
3. C	4.091	.627	2.000	5.000	.162**	.383**	(.758)			
4. N	2.825	.663	1.125	5.000	-.515**	-.280**	-.068	(.712)		
5. O	3.786	.599	2.571	5.000	.470**	.091	.350**	-.309**	(.687)	
6. SEI	2.729	.993	1.000	5.000	.084	-.124*	.117*	.179**	.129*	(.631)

Note: E – Extroversion; A – Agreeableness; C – Conscientiousness; N- Neuroticism; O – Openness; SEI – Social Entrepreneurial Intentions; ** Correlation is significant at the 0.01 level (2-tailed); * Correlation is significant at the 0.05 level (2-tailed); Reliabilities are given in parentheses.

Source: Authors' calculation

SEI is positively but not significantly correlated with extroversion ($r = .084, p > .05$). Negative and statistically significant correlation is identified between SEI and agreeableness ($r = -.124, p < .05$), while positive and statistically significant correlation exists between SEI, on the one side, and conscientiousness ($r = .117, p < .05$), neuroticism ($r = .179, p < .01$), and openness ($r = .129, p < .05$), on the other. The five personality traits are in some cases significantly correlated with each other and with SEI, and therefore the problem of multicollinearity will be investigated.

To test the linear relationship between predictors' variables and dependent variable, the multiple linear regression analysis is applied. Following the aim of the research model and the paper, the influence of previously defined sets of independent variables on the SEI was assessed and the results are presented in Table 3.

Table 3. Results of multiple regression analysis

Independent variables	Dependent variable: SEI
<i>Socio-demographic variables</i>	
Gender (0 = male; 1 = female)	-.259*
Age (0 = 18-24; 1 = ≥ 25)	-.373**
Entrepreneurship education (0 = yes; 1 = no)	-.115
Entrepreneur in the family (0 = yes; 1 = no)	-.296**
<i>Big Five personality traits as variables</i>	
Extroversion	.231**
Agreeableness	-.194
Conscientiousness	.313**
Neuroticism	.436***
Openness	.142
R^2	.155
Adjusted R^2	.133
F	6.951***

Note: * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Source: Authors' calculation

Table 3 presents the obtained data through analysis and given significance of the model. The assessment of the influence of the independent variables on the SEI indicates that the model is statistically significant ($F = 6.951$, $p < 0.001$). The coefficient of determination ($R^2 = .155$, $p < .000$) shows that 15.5% of SEI variability as a dependent variable is explained by the variation of independent variables. It should be emphasized that nor autocorrelation nor multicollinearity among researched variables was identified. The results point out that after taking into consideration the socio-demographic variables (gender, age, entrepreneurship education and entrepreneur in the family) and Big Five personality traits in the model, several variables appeared as significant predictors of SEI.

Specifically, Table 3 shows that respondents' gender ($\beta = -.259$, $p < 0.05$), age ($\beta = -.373$, $p < 0.01$) and the presence of entrepreneurship behaviour among close family members ($\beta = -.296$, $p < 0.01$) have significant influence on SEI meaning that males, students between 18 and 24 years, and those who have entrepreneur in the family will have greater intention to be social entrepreneurs. Additionally, respondents' entrepreneurship education ($\beta = -.115$, $p > .05$) has also influence on presence of SEI but not statistically significant.

Three out of five personality traits from the Big Five pull emerged as significant determinants of the SEI. Precisely, the results lead to the conclusion that student's SEI is significantly and positively influenced by respondents' personal trait extroversion ($\beta = .231$, $p < 0.01$), conscientiousness ($\beta = .313$, $p < 0.01$) and neuroticism ($\beta = .436$, $p < 0.001$). The level of respondents' agreeableness has negative SEI ($\beta = -.194$, $p > .05$) and openness has positive ($\beta = .142$, $p > .05$) but not significant effect on the dependent variable.

DISCUSSION AND IMPLICATIONS

The basic characteristics of a social entrepreneur can be seen through their demographic characteristics (gender, age), entrepreneurial orientation and skills and knowledge he or she possesses. The authors' research indicates that if students of economics are male, they will have greater intention to be social entrepreneurs than female students. Regarding demographic characteristics, previous research of Hoogendoorn, Van der Zwan, and Thurik (2011) shows that age and gender have a certain influence on the decision to start a social business and perseverance in its development. In addition, most previous researches have proven that women are more inclined to start entrepreneurial ventures with a social mission (Leahy & Villeneuve-Smith, 2009). Such results suggest that the primary goal of companies founded by men is economic benefit, while women pay more attention to the goals of social value, and the situation is the same in the Covid-19 pandemic. Additionally, the study re-

sults imply that for students aged between 18 and 24, the probability to have SEI is higher than for older students. Similarly, Hoogendoorn et al. (2011) confirmed the U-shape hypothesis that young and old persons are more prone to start a social venture. The research indicates that following an example of an entrepreneur among close family members such as mother, father, brother, sister or grandparents will have a positive impact on their intention to be a social entrepreneur. Similar conclusions were made in the previous researches (Tiwari, Bhat, & Tikoria, 2017).

A strong influence was found for three personality traits: extroversion, conscientiousness and neuroticism. The effect of extroversion and conscientiousness on students' SEI is positive and thus hypotheses H1 and H3 are confirmed. On the other hand, hypotheses H2, H4 and H5 implying that agreeableness and openness have positive and neuroticism has negative and statistically significant influence on SEI were rejected, respectively.

The findings of the research area are in the line with past studies in which extrovert persons (İrengün & Arikboğa, 2015; Bernardino et al., 2018) and conscientious individuals' characteristics (Nga & Shamuganathan, 2010) appeared as strong predictors of SEI. Oppositely to study results, neuroticism as a personal trait in most studies is a positive predictor of SEI (İrengün & Arikboğa, 2015; Awwad & Al-Aseer, 2021). Oppositely, neuroticism was found to have the strongest positive influence on SEI while literature asserts that a low level of neuroticism and/or high level of a person's emotional stability will positively determine their SEI (Bernardino et al., 2018). In any case, this result is not an exception and there are a few supporting results in the literature that a higher level of person's neuroticism contributes to its intention to be a social entrepreneur and to provide resources for that purpose (İrengün & Arikboğa, 2015).

Our findings indicate that SEI is positively influenced by higher levels of students' extroversion as a personality trait, meaning that entrepreneur needs to be ambitious, sociable, ready to take the leading role, friendly, open for a new acquaintance, etc. Secondly, the SEI of the respondents in this study are influenced by persons' conscientiousness suggesting that people who are responsible, industrious, striving to succeed, and with similar characteristics are more likely to manifest SEI. Lastly, if a person manifests emotional instability meaning that they are not peaceful, self-assured or relaxed, this personal trait will lead him or her to become a social entrepreneur. Although extroversion and conscientiousness emerged as influential traits of a social entrepreneur in previous studies, a high level of neuroticism is not one of the common traits for such a person. This phenomenon can be attributed to the context of the research. The Covid-19 pandemic has changed the business environment and lives of all inhabitants, created new "normal" living conditions and put millions of lives in imbalance. All people, including students, lost their tranquility,

were put in emotional distress and their resilience was challenged. Moreover, during the major part of 2020 and the first half of 2021, schooling took place in a different environment and because of that, it is not surprising that students' emotional instability showed as the factor that will bring to fore students to establish its social enterprise. In that way, while striving to profit, they will try to resolve some social problems in the community.

The study of personality traits and SEI have both theoretical and practical implications. Firstly, the research results contribute significantly to the contemporary literature on SEI. Secondly, the results shed the light on the new personal trait (namely, neuroticism) that turned out to be significant factors of SEI. Hence, the current study points researchers toward further scientific exploration of the impact of the Covid-19 pandemic on personal traits and the SEI. Thirdly, the present study broadens the research field from entrepreneurial intentions that are well investigated in the Republic of Serbia (Rajković, Nikolić, Čockalo, Stojanović, & Kovačić, 2020; Djordjevic, Cockalo, Bogetic, & Bakator, 2021) to their category with a social dimension.

The practical implications of the research are focused on career counselling and entrepreneurship education of students. According to students' traits, gender, age and positive examples of entrepreneurial success in the family, career counselling practices could be developed to encourage a person to direct its efforts towards the establishment of a company with a social dimension (Zhao et al., 2009). Entrepreneurial traits are not the most important factor of a future entrepreneur. Zhao et al. (2009) point out that personal characteristics are only a small part of entrepreneurship success and that competencies acquired through education are more important. By accessing students' traits and socio-demographic characteristics, educational institutions could direct students toward learning courses designed for entrepreneurship education. Şahin, Karadağ, and Tuncer (2019) indicate that not only formal educational activities such as lectures and presentations should be used, but also practical exercises in real work situations through an internship.

CONCLUSION

Social entrepreneurship was highlighted as one of the solutions for economic, health and social crises that aroused with the Covid-19 pandemic. Moreover, after the beginning of the pandemic, the only market-oriented companies recognised the contemporary social issues and shifted their activities to those that contribute by producing public goods. Likewise, in such an emergency prolonged to more than a year, social enterprises were entities that could reconcile the requirements of stakeholders.

Having in mind the importance of social enterprises, and that previous research have presented that entrepreneurial behaviour is mostly driven by entrepreneurial intentions, it is of importance to identify factors influencing SEI. Therefore, this paper aimed to assess the influence of students' personality traits on their preference for social entrepreneurship (SEI) in the context of the Covid-19 pandemic. The participants of the study were students of economics at the University of Niš because it was assumed that they will acquire basic knowledge on social entrepreneurship and develop SEI. When it comes to personality traits, the Big Five model of personality traits were adopted, thus investigating the effect of extroversion, agreeableness, conscientiousness, neuroticism and openness on SEI. Lastly, socio-demographic variables were also entered into the model.

Multiple linear regression analysis revealed that male, younger students, and students with the entrepreneur in the close family will probably have well represented SEI. It was hypothesized that except neuroticism which has negative, all other four personality traits have a positive influence on SEI. However, extroversion, conscientiousness and neuroticism have stood out as significant and positive predictors of SEI. Openness and agreeableness did not load significantly in the research model. Generally, all obtained data was in the line with the literature except for the effect of neuroticism. This result could be explained by the effect of the pandemic that has caused many changes in the behaviour of individuals and therefore emotional instability and opportunistic behaviour could significantly propel a person to the solution of the problems such as social issues.

This paper makes contributions to the theory and practice by making suggestions on how to direct career management and education according to the personal character of a student to develop the future competent social entrepreneur or potentially how to take into account personal traits when approving funds for social entrepreneurship ventures. Nonetheless, the study has its shortcomings. Firstly, it is focused only on students with one major. Secondly, it is advisable to assess personality traits and SEI after the end of the pandemic and to compare results. Lastly, the research model could include additional variables in analysis such as ascendants of SEI according to Hockert's (2017) model. Therefore, these shortcomings should encourage researchers to expand the boundaries of ongoing research.

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УТИЦАЈ ОСОБИНА ЛИЧНОСТИ НА СОЦИЈАЛНЕ ПРЕДУЗЕТНИЧКЕ НАМЕРЕ СТУДЕНАТА У УСЛОВИМА ПАНДЕМИЈЕ КОВИД-19

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Резиме

Социјални предузетници имају важну улогу у друштву, имајући у виду да се укључују у решавање социјалних проблема и проблема животне средине. Циљ социјалних предузећа је пронаћи начине за решавање социјалних проблема – ублажавање проблема социјалне искључености и сиромаштва, на економски одржив начин. Специфичност ових предузећа лежи у чињеници да је њихова мисија базирана на социјалној и еколошкој димензији, али уз остваривање финансијских циљева. Имајући у виду њихову улогу и циљеве, оваква предузећа су посебно важна у условима криза као што је пандемија Ковид-19 јер доприносе економском опоравку и решавању социјалних проблема.

Претходна истраживања показују да на намеру индивидуе да оснује социјално предузеће могу утицати социо-демографски фактори као што су пол, године старости, образовање, узор у породици, али и особине личности. Особинама личности бавио се велики број аутора и настало је више модела. Један од најцитиранијих који је прихваћен у литератури и у овом раду је модел Великих пет (енгл. Big five model). Реч је о Великих пет особина личности - екстрвертност, пријатност, савесност, неуротичност и отвореност. Екстрвертност карактерише проактивне, асертивне и друштвене људе, док се пријатност односи на људе који имају изражене комуникационе вештине, брину о другима и стварају односе поверења. Савесност је карактеристична за појединце који су одговорни, посвећени радном задатку, упорни и поштују правила и прописе. Неуротичност подразумева емоционалну нестабилност, импулсивно понашање и недостатак самоконтроле, што указује на негативан утицај ове особине личности на социјалне предузетничке намере. На крају, отвореност се односи на спремност прихватања иновативних идеја и нових пословних модела који укључују и социјалне иновације.

У раду је испитан утицај социо-демографских карактеристика и Великих пет особина личности на социјалне предузетничке намере, на примеру 350 студената економије Универзитета у Нишу током пандемије Ковид-19. Статистичком анали-

зом се долази до следећих закључака: 1) студенти припадници мушког пола, старости 18-24 године и студенти који у својој ближој породици имају предузетнике вероватно ће имати израженије социјалне предузетничке намере; 2) екстрвертност, савесност неуротичност имају статистички значајан позитиван утицај на социјалне предузетничке намере студената; 3) пријатност и отвореност немају значајан утицај на социјалне предузетничке намере студената који су обухваћени узорком. Овакви резултати истраживања усклађени су са постојећим студијама овог утицаја, осим ефеката које има неуротичност (емоционална нестабилност) као лична особина на социјалне предузетничке намере. Овај резултат може бити последица услова у којима је спроведена анкета, посебно имајући у виду минимум контаката студената са својим колегама и професорима у условима пандемије Ковид-19 и емоционалну нестабилност изазвану истом.

ECONOMIC IMPACT OF COVID-19 ON THE EUROPEAN AIRLINE INDUSTRY

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Abstract

Business entities from various industries are facing significant challenges since the COVID-19 pandemic outbreak. The airline industry, along with travel, tourism and hospitality, have been the worst affected economic sectors during the coronavirus health crisis. The paper analyzes the economic impact of COVID-19 on the European airline industry. The research is made by measuring the liquidity and profitability of five leading European airline companies before and after the pandemic outbreak (in the period from 2015 to 2020). The aim is to determine the extent of the health crisis consequences on the financial results of the five European companies with the largest number of passengers in 2019. The research is conducted through financial statement analysis and descriptive statistics. The results show that the COVID-19 pandemic had a significantly more detrimental effect on profitability compared to the liquidity of European airlines.

Key words: airline industry, COVID-19, liquidity, profitability, European airline companies.

ЕКОНОМСКИ УТИЦАЈ КОВИД-19 НА ЕВРОПСКУ АВИО-ИНДУСТРИЈУ

Апстракт

Пословни субјекти из различитих индустрија суочавају се са значајним изазовима од избијања пандемије *COVID-19*. Авио-индустрија, заједно са путовањима, туризмом и угоститељством, били су најтеже погођени економски сектори током здравствене кризе изазване коронавирусом. У раду се анализира економски утицај *КОВИД-19* на европску авио-индустрију. Истраживање се врши мерењем ликвидности и профитабилности пет водећих европских авио-компанија пре и након избијања пандемије (у периоду од 2015. до 2020. године). Циљ

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је да се утврде размере последица здравствене кризе на финансијске резултате пет европских компанија са највећим бројем путника у 2019. години. Истраживање је спроведено кроз анализу финансијских извјештаја и дескриптивну статистику. Резултати показују да је пандемија *КОВИД-19* имала знатно штетнији утицај на профитабилност него на ликвидност европских авиопревозника.

Кључне речи: авио-индустрија, *КОВИД-19*, ликвидност, профитабилност, европске авио-компаније.

INTRODUCTION

The COVID-19 pandemic is considered to be the most serious public health crisis in the last hundred years. The first case of pneumonia with an unknown cause was reported by the World Health Organization (WHO) Country Office in China on December 31, 2019 (WHO, 2020). Specifically, a comprehensive analysis found that the cluster of pneumonia patients in the City of Wuhan in the Chinese province of Hubei was connected to the Huanan Seafood Wholesale Market (Alah, Abdeen, & Kehyayan, 2020). The rapid transmission of the novel virus forced the Chinese authorities to lockdown Wuhan on January 23, 2020. However, the coronavirus disease rapidly spread beyond China, causing an unprecedented global health crisis that the WHO characterized as a pandemic on March 11, 2020; while more than 210 countries reported COVID-19 cases in early May 2020.

By mid-August 2021, more than 208 million confirmed cases of COVID-19 infection and more than 4,37 million deaths from the disease have been reported worldwide (WHO, 2021). In addition to human tragedy, the coronavirus outbreak has also produced extensive disruptions to the global economy, trade, and mobility. All social and economic trends have completely shifted from their usual flows, without indication about whether and when they will return to their regular framework. The research of Yeyati and Filippini (2021) proves that the global recession caused by COVID-19 is the deepest since the end of World War II. Specifically, the global economic growth is reduced by 3,2% and world trade volume by 8,1% in 2020, according to the July 2021 World Economic Outlook Report published by The International Monetary Fund (IMF, 2021). Although the IMF's projections for economic growth and world trade in 2021 are more optimistic, the COVID-19 pandemic has left a deep mark in some industries that will have significant difficulties in their recovery.

The airline industry belongs to the economic area which is characterized by particularly harmful consequences of the COVID-19 outbreak. For example, Yimga (2021) points to the effects of the global pandemic on the U.S. airline industry by stating that only about 95,000 passengers were screened across U.S. airports on April 16, 2020, at the start of the pandemic; while that number represents a 96% decline from 2.6 million passengers on the same day the year before. Such statistics on the number

of passengers are similar for other parts of the world. Due to dire economic outcomes of COVID-19, projections indicate that it is unrealistic to expect that the number of passengers in 2019 will return to that level before 2023-2024.

This paper examines the impact of COVID-19 on the European airline industry. The purpose of the research is to measure the liquidity and profitability of the five leading airline companies in Europe before and after the pandemic outbreak. The empirical analysis covers the period from 2015 to 2020, i.e. the five years before the COVID-19 pandemic (2015-2019) and the year in which the health crisis had a full impact on the airline industry (2020). The findings of the paper can be useful to the observed airline companies to maintain their expenses and achieve positive financial results in the future, but also to policy makers as a reliable delivery framework that will ensure that the eventual support reaches the companies that need it most.

The paper contains four separate segments. The first segment deals with the theoretical background and literature review on the economic impact of the COVID-19 on the passenger transportation and the global airline industry. Methodology and research questions are defined in the second segment of the paper. The results of the research are presented and discussed in the third segment. The last segment provides the concluding remarks.

LITERATURE REVIEW

The outbreak of COVID-19 has caused a significant economic vulnerability in the airline industry across the Globe, being one of the most affected with this turmoil (Dube et al., 2021; Suau-Sanchez et al., 2020). Even though, there has been hard times that this industry went through in the past, such as those caused by oil crisis, financial crisis, wars and other diseases like SARS, the negative impact of COVID-19 on economic and financial performance of airline industry worldwide is estimated to notably surpass the precedent collapses effect (IATA, 2020).

Such a downturn in the airline industry was induced with a number of forces being triggered by important events and decisions that took place during the most recent collapse. The limitation or/and absolute prohibition of the air traffic followed with country-wide lockdown being one of the governmental measures aimed at preventing further dissemination of illness had a direct and strong impact on the customer demand and, therefore, on the airline industries' operations and performance (Bielecki et al., 2020). The impact on the supply side measured with 56% drop in a number of passenger seats available has been vast as well. Accordingly, the customer revenue per kilometer has experienced a 48% decline compared to 2019 which has induced an estimated loss of \$314 billion in companies' overall revenues (IATA, 2020).

Despite the fact that the volume of flight operations has plunged, the negative pressure on the industry's performance has occurred from the expenditure side as well. In the pursue of cutting their expenses, most of the companies have decided to operate with minimum staff being on strict rotation. In line with that, the employment in civil aviation industry has recorded a drop of 35% (IATA, 2020). As suggested by Sobieralski (2020), the employees being affected the most are those in charge of customer care. While the fuel and labor costs in this sector went down, there have been aircraft maintenance and other fixed costs such as parking costs that preserved and were needed to be handled (Adrienne et al., 2020).

Given that maintaining the airline companies' operations is characterized with high capital cost, the liquidity and survival of these companies has been particularly challenged with the COVID-19 outbreak (Zhang and Zhang, 2018; IATA, 2020). Under these circumstances, financial sustainability of the civil aviation industry has turned to depend markedly on external financing. In this situation, the stock valuation plays a meaningful role for attracting the outside resources. Accordingly, Maneenop and Kotcharin (2020) have investigated the impact of COVID-19 related press releases on the stock prices in the airline industry, providing the empirical evidence of stock price volatility induced by both, their underreaction and overreaction to these announcements. Similarly, having examined the returns to stocks of the travel and leisure companies listed in US, Chen et al. (2020) identified that the most severe negative impact on stock valuation caused by COVID-19 measures was identified in the civil aviation industry. Since with this turmoil the private sector financial injection was lacking due to evident uncertainty on the economic prospects in this industry, the governmental direct and indirect financial support in the form of loans, wage subsidies, tax reliefs, etc., has become an indispensable remedy and to many players the only possible solution for survival (Truxal, 2020).

The enormous decrease in demand being accompanied with sharp capacity reduction and uncertainty have been some of the challenges for the airline industry striving hard to find a path to recover its revenues (Wasterhof, 2020). As suggested by Lange (2020), while the main focus of the airline companies is on survival, identifying the routes of not only avoiding or minimizing the loss but those which still generate some profit is of equal importance. Resolving this puzzle becomes not an easy task in the situation when most of the airline companies struggle hard to sustain their cash flow coverage due to a faster cash burn compared to the times of their normal operations. For many airline operators, prioritizing the cargo transportation over the passenger transportation, which has been recording a growing trend by February 2020, has turned to be the only option for survival (Bielecki et al., 2020).

The empirical evidence of studies that aimed to assess the impact of COVID-19 on the financial performance, and the response that airline companies had to, it is still frugal. Accordingly, as suggested by Agrawal (2020) who analyzed the financial performance of Indian airline operators in the period between 2010-2019, the suspended operations have remarkably impaired the companies' solvency that employed intensively their cash reserves to cover the emerged losses. According to the author's findings resulting from analysis of profitability and Altman Z scores, this sector profitability has been harmed by a strong negative impact of the COVID-19 and its further prospects will depend on variable costs recuperation and loss diminishing.

According to Budd et al. (2020) who investigated the responses to COVID-19 challenges of the airline companies in the period March-May 2020, most commonly the operators attempt to protect their profitability harmed due to enormous flights detraction through modifying their flight operations, staff rationalization and networks reshaping. Assessing the impact of health related upsets on financial performance of airlines in Asia Pacific region, Peoples et al. (2020) suggest that the examined companies are predicted to face enormous challenges to preserve their profitability throughout COVID-19 crisis period. Namely, an effective usage of local workforce, fares increase and creation of unions with other operators may be a good approach towards cutting costs, boosting productivity and having their before the crisis performance back.

In sum, with an exception of the evidence on the cargo transportation performance which has recorded mostly a positive trend, the economic impact of the COVID-19 is assessed to be negative and very harmful in the domain of passenger transportation. The losses that the airline companies have faced are expected to have a long term impact on their future operations, financial results, ability to meet their financial obligations and growth prospects. The speed and magnitude of their recovery will evidently depend on a range of factors including governmental support, revival of customer confidence and demand, general economic conditions and pandemic persistence, as well as on taken measures by single companies for faster recuperation of their operations.

METHODOLOGY AND RESEARCH QUESTIONS

The aim of the research is to assess the economic and financial impact of the COVID-19 pandemics on one of the most affected industries in Europe – airline industry. To that end, liquidity and profitability of the five airline companies in Europe have been analyzed, covering five years before the pandemics, and 2020 as the year representing the peak of COVID-19. The top five airline companies have been chosen according to the biggest number of passengers in 2019: Ryanair, Lufthansa, Inter-

national Airline Groups – IAG, Air France and easyJET (Centre for Aviation, 2021). The liquidity and profitability analysis provide an insight into the companies' ability to meet their short term obligations, as well as to maintain their expenses and perform positive financial results.

For the purpose of research and financial analysis, the information base is the financial statements (balance sheet and income statement) of the selected airline companies, available on their websites for the analyzed period (2015-2020). Methods used in the analyses are financial statement analysis and comparative analysis.

In order to achieve the research aim, the paper is based on the following research questions:

1. Has COVID-19 threatened the companies' ability to meet their short term obligations?
2. Have the airline companies managed to maintain positive financial results in times of the COVID-19 pandemic?
3. Have the top five airline companies in Europe reacted to the pandemics in the same direction regarding their liquidity and profitability?

RESULTS AND DISCUSSION

Liquidity

Liquidity, as one of the most important segment of financial statement analysis, shows the company's ability to convert current assets into cash, aiming to cover current liabilities without raising external funds (Cornett, Adair, Nofsinger, 2012). The most commonly used liquidity ratios, being applied in this research, are the following:

1. Current ratio
2. Quick ratio (acid-test ratio)
3. Cash ratio

1. *Current ratio* measures the number of euro of current assets available to pay each euro of current liabilities (Madushanka, Jathurika, 2018).

$$\text{Current ratio} = \frac{\text{Current assets}}{\text{Current liabilities}}$$

Table 1 shows results for the current ratio of the five selected airline companies in Europe. All selected companies managed to keep their liquidity in the pandemic-marked 2020 at the similar level compared to the previous period (2015-2019). While in 2020, Air France recorded 0.84 euro of current assets per 1 euro of current liabilities, which is an even better result than in previous years, in 2020 Ryanair recorded the current ratio of 0.82 indicating the liquidity lower around 50% compared to 2015, but 12% lower than in 2019. According to this ratio, IAG and

EasyJet perform the lowest liquidity in 2020, while Lufthansa's current ratio in 2020 is higher compared to 2016 and 2018.

Table 1. Current ratio for the selected airline companies, 2015-2020

Current ratio	2020	2019	2018	2017	2016	2015
Ryanair	0.82	0.93	1.23	1.56	1.43	1.72
Lufthansa	0.68	0.71	0.66	0.87	0.46	0.38
IAG	0.68	0.89	0.91	1.05	1.05	0.80
Air France	0.84	0.68	0.63	0.82	0.75	0.63
easyJET	0.67	0.79	0.97	1.04	0.92	0.72

Source: Authors' calculations

2. *Quick ratio (acid-test ratio)* measures the number of euro of more liquid current assets (cash and marketable securities, accounts receivable) available to pay each euro of current liabilities (Cornett, Adair, Nofsinger, 2012).

$$\text{Quick ratio} = \frac{\text{Current assets} - \text{Inventory}}{\text{Current liabilities}}$$

Based on the results of the quick ratio in table 2, excluding the inventory as the least liquid asset does not affect the liquidity of Ryanair and EasyJet. On the other hand, quick ratio as the more precise liquidity ratio shows lower liquidity for the rest of companies indicating the same fluctuations as previously explained for current ratio.

Table 2. Quick ratio (Acid test ratio) for the selected airline companies, 2015-2020

Quick ratio	2020	2019	2018	2017	2016	2015
Ryanair	0.82	0.93	1.23	1.56	1.43	1.72
Lufthansa	0.64	0.64	0.60	0.81	0.45	0.37
IAG	0.65	0.84	0.87	1.01	1.00	0.75
Air France	0.79	0.62	0.58	0.77	0.69	0.58
easyJET	0.67	0.79	0.97	1.04	0.92	0.72

Source: Authors' calculations

3. *Cash ratio* measures the number of euro of cash and marketable securities available to pay each euro of current liabilities (Cornett, Adair, Nofsinger, 2012).

$$\text{Cash ratio} = \frac{\text{Cash and marketable securities}}{\text{Current liabilities}}$$

In case only cash and marketable securities are taken into consideration as the most liquid assets, the companies succeed in covering their current liabilities, although the liquidity is low. Based on this ratio, the

biggest impact on the liquidity level in 2020 is recorded for Lufthansa (cash ratio is lower for around 40% than quick ratio).

Table 3. Cash ratio for the selected airline companies, 2015-2020

Cash ratio	2020	2019	2018	2017	2016	2015
Ryanair	0.69	0.77	1.07	0.41	0.37	0.35
Lufthansa	0.37	0.21	0.20	0.31	0.09	0.06
IAG	0.51	0.52	0.56	0.68	0.00	0.00
Air France	0.57	0.33	0.29	0.44	0.39	0.26
easyJET	0.61	0.59	0.67	0.80	0.45	0.37

Source: Authors' calculations

Liquidity ratio analysis shows that the selected airline companies managed to keep the liquidity in 2020 at the similar level as in previous years. Liquidity ratio above 1, as a sign of a company's ability to deal with short term liabilities, is recorded for Ryanair (2015-2018), IAG (2016-2017) and easyJET (2017) regarding the current and quick ratio, while the cash ratio greater than 1 is noticeable only for Ryanair in 2018.

Profitability

Profitability ratio analysis shows the company's capacity to generate profit from its operations (Andekina, Rakhmetova, 2013). The most often used ratios for measuring the company's profitability are the following:

1. Profit margin ratio (PMR)
2. Basic earnings power ratio (BEP)
3. Return on assets (ROA)
4. Return on equity (ROE)
5. Debt to equity ratio (D/E)

1. *Profit margin ratio* (PMR), also known as the net profit margin ratio, shows the percentage of sales after a company covers all fixed and variable costs (Cornett, Adair, Nofsinger, 2012).

$$\text{Profit margin ratio} = \frac{\text{Net income available to common stockholders}}{\text{Sales}}$$

Based on the profit margin ratio results shown in table 4, only Ryanair managed to keep the positive PMR in 2020 and thus overall financial results, even though it was the lowest in the observed period. On the other hand, the rest four airline companies struggled with negative financial results in 2020 caused by their difficulties to cover cost of revenue, while fixed costs additionally worsened the final financial results (AirFrance, 2021, easyJET, 2021, IAG, 2021, Lufthansa, 2021, Rayanair, 2021).

Table 4. Profit margin for the selected airline companies, 2015-2020

Profit margin	2020	2019	2018	2017	2016	2015
Ryanair	7.64	11.50	20.28	19.79	23.85	15.33
Lufthansa	-49.49	3.38	6.03	6.64	7.69	6.60
IAG	-88.69	6.72	11.82	8.71	8.65	6.63
Air France	-63.83	1.00	1.40	-1.16	3.19	0.46
easyJet	-12.73	4.28	5.12	5.11	7.76	11.35

Source: Authors' calculations

2. *Basic earnings power ratio* (BEP) measures the operating income generated per euro of the company's total assets (Cornett, Adair, Nofsinger, 2012).

$$\text{Basic earnings power ratio} = \frac{\text{EBIT}}{\text{Total assets}}$$

The results of the basic earnings power ratio in table 5 are similar as the PMR results. Ryanair is again the only analyzed company with the positive result in 2020, indicating 7.64 euro of operating income earned per euro of total assets and this result is similar or not much below results in previous years. Lufthansa, IAG, Air France and easyJET did not manage to earn any euro of operating profit per euro of assets in 2020 due to the same reason as previously elaborated for negative PMR. In the previous analyzed years, these four companies have relatively stable BEP.

Table 5. Basic earnings power ratio for the selected airline companies, 2015-2020

Basic earnings power ratio	2020	2019	2018	2017	2016	2015
Ryanair	7.64	7.67	13.49	12.27	12.54	8.10
Lufthansa	-13.72	3.55	6.91	7.80	3.39	2.76
IAG	-21.49	7.31	13.38	10.05	9.07	8.21
Air France	-15.37	3.51	4.62	6.07	4.87	4.63
easyJet	-9.17	5.71	6.58	6.77	9.05	14.25

Source: Authors' calculations

3. *Return on assets (ROA)* measures the total return on the company's assets, showing net income generated per each euro of total assets (Cornett, Adair, Nofsinger, 2012).

$$\text{Return on assets} = \frac{\text{Net income available to common stockholders}}{\text{Total assets}}$$

Ryanair recorded 4.4 euro of net income earned per euro of total assets in 2020, but these results are 34% lower than in 2019 and 62% compared to 2018 (table 6). ROAs for another four airline companies are negative in 2020 considering their loss in this year.

Table 6. Return on assets for the selected airline companies, 2015-2020

Return on assets	2020	2019	2018	2017	2016	2015
Ryanair	4.40	6.68	11.73	10.98	13.90	7.11
Lufthansa	-17.03	2.89	5.66	6.52	4.67	4.65
IAG	-22.88	4.81	10.29	7.34	7.13	5.37
Air France	-23.43	0.89	1.28	-1.23	3.45	0.51
easyJet	-12.73	4.28	5.12	5.11	7.76	11.35

Source: Authors' calculations

4. *Return on equity (ROE)* measures the return on the company's common stockholders' investment in the company's assets (Cornett, Adair, Nofsinger, 2012).

$$\text{Return on equity} = \frac{\text{Net income available to common stockholders}}{\text{Common stockholders' equity}}$$

Based on the results in table 7, return on equity can be considered as the most challenging indicator for the selected companies. Except Ryanair with a positive ROE in 2020, but lower than in the previous years, other companies have extremely low ROE in 2020 indicating no net income earned per euro of common stockholders' equity.

Table 7. Return on equity for the selected airline companies, 2015-2020

Return on equity	2020	2019	2018	2017	2016	2015
Ryanair	13.20	16.97	32.45	29.75	43.35	21.48
Lufthansa	-484.86	12.00	22.59	24.63	21.17	22.78
IAG	-526.06	25.11	42.93	27.06	34.46	27.39
Air France	-130.64	11.87	19.95	-9.92	61.11	43.22
easyJet	-56.82	11.69	10.98	10.89	15.74	24.37

Source: Authors' calculations

5. *Debt to equity ratio (D/E)* shows the relationship between the stockholders' equity and overall liabilities. While D/E below 1 is preferable, D/E above 1 indicates the increased financial risk (Anuar, Chin, 2016).

$$\text{Debt to equity} = \frac{\text{Total liabilities}}{\text{Common stockholders' equity}}$$

Debt to equity ratio results (table 8) show that all analyzed companies in this period (2015-2020) have a certain financial risk, reflected in debts several times bigger than equity. While Ryanair has D/E in 2020 with the similar value as in the previous years (e.g. in 2020 total debt was twice higher than total equity), other companies deteriorated the financial structure in 2020 by increasing total liabilities over total equity (e.g. in 2020 Lufthansa recorded total debt 27.47 higher than total equity). Air

France is the only analyzed company with negative equity in 2020 showing the company's insufficient assets for overall liabilities.

Table 8. Debt to equity ratio for the selected airline companies, 2015-2020

Debt to equity ratio	2020	2019	2018	2017	2016	2015
Ryanair	2.00	1.54	1.77	1.71	2.12	2.02
Lufthansa	27.47	3.16	2.99	2.78	3.54	3.90
IAG	22.00	4.22	3.17	2.69	3.83	4.10
Air France	- 6.58	12.37	14.58	7.10	16.69	84.48
easyJet	3.46	1.73	1.15	1.13	1.03	1.15

Source: Authors' calculations

The liquidity and profitability ratio analysis have provided an insight into the ability of the observed five European airline companies to be liquid and profitable in 2020 as the year marked with the COVID-19 pandemics. The overall liquidity of the selected airline companies was not much changed and affected in 2020 compared to the previous year, showing that companies managed to keep relatively enough liquid assets for their operations. On the other hand, the profitability ratio analysis shows that not all companies managed to be profitable in 2020. Ryanair is the only one out of five analyzed companies with positive net income available to common stockholders in 2020, and therefore the company has all profitability ratios with a positive sign. However, the profitability ratio analysis of Lufthansa, IAG, Air France and easyJET shows the companies' difficulties to cover costs of operations in 2020 and therefore their negative financial result.

Table 9. Descriptive statistics for the selected airline companies, 2015-2020

	N	Minimum	Maximum	Mean	Std. Deviation
Current ratio	30	0.38	1.72	0.8763	0.29641
Quick ratio	30	0.37	1.72	0.8487	0.30698
Cash ratio	30	0.00	1.07	0.4313	0.24740
PMR	30	-88.69	23.85	-0.1657	24.35125
BEP	30	-21.49	14.25	4.6817	8.57267
ROA	30	-23.43	13.90	2.5527	9.39486
ROE	30	-526.06	130.64	-10.6627	137.50015
D/E	30	-6.58	84.48	7.7767	16.03977

Source: Authors' calculations

Based on the previous analysis, the minimum value of current ratio is recorded in Lufthansa in 2015, while the maximum value has Ryanair in the same year. The same explanation applies for the quick ratio. Rya-

nair also has the highest value for the cash ratio in 2018, and this' indicator minimum values has IAG in 2015/16. The minimum value for the rest of profitability and liquidity indicators (PMR, BEP, ROA, ROE, D/E) is negative in 2020 and except D/E for Air France, all others are recorded for IAG. This confirms the negative impact that the COVID-19 had on the economic performance of the selected airline companies lowering their liquidity and profitability below the level they have achieved in the previous period. On the other hand, maximum value of PMR, BEP, ROA, ROE and D/E has been recorded for almost all selected companies, but in 2015 and 2016.

CONCLUSION

Market survival has become a business imperative in almost all industries around the world during the COVID-19 pandemic. Such a business model puts the ability of companies to maintain liquidity and profitability in the center of attention, without which it could not be reached the continuity of a business. These important performance indicators determine business potential for sustainability and growth.

Financial statement analysis of the five leading European companies in the airline industry provides clear answers to all research questions defined in the second segment of the paper. A general conclusion that can be recognized in this empirical research is that the COVID-19 pandemic had a significantly more detrimental effect on profitability compared to the liquidity of European airline companies. Specifically, the overall impact of the pandemic on liquidity can be interpreted as moderately detrimental, while its impact on profitability is significantly detrimental.

According to all three applied liquidity ratios, Air France is the only one of the observed companies that increased its liquidity in 2020 compared to 2019. The remaining four companies reduced liquidity in 2020 compared to 2019 in at least one of the applied ratios. This points to the general conclusion that the leading European airlines managed to maintain their liquidity to a greater extent in 2020 as a crisis year. Namely, the ability of the observed companies to convert current assets into cash in the year of global health crisis has remained almost unchanged compared to the pre-crisis period (it is moderately reduced).

The analysis finds that the situation is far more serious when it comes to profitability of European airlines after the COVID-19 outbreak. All five profitability ratios indicate the devastating effects of the health crisis on the financial results of all observed companies except Ryanair, which also recorded a decline in profit, but not to the same extent as other airlines. The negative effect of the pandemic on airline profitability is most visible in ROE indicator. For example, Lufthansa had a positive ROE of 12.00 in 2019, while in 2020 it reached negative value of -

484.86. Similarly, IAG had a positive ROE of 25.11 in 2019, while in 2020 it reached negative value of -526.06. Also, the proportions of the financial shock were clearly shown in D/E indicator. For example, the same companies, Lufthansa and IAG, achieved an increase of D/E in the period 2019-2020 from 3.16 to 27.47 and from 4.22 to 22.00, respectively. That means that these companies recorded total debt 27.47 and 22.00 higher than total equity in 2020.

The conclusions of the research are limited to the group of companies and the period of time covered by analysis – the five leading airline companies in Europe according to the number of passengers in the period from 2015 to 2020. However, it can reasonably be assumed that the COVID-19 pandemic had a similar (or even stronger) negative impact on smaller airlines in the Euro region. Therefore, the study emphasizes the importance of active observation and supporting airline industry in the times of crisis, both company management and policy makers.

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ЕКОНОМСКИ УТИЦАЈ *КОВИД-19* НА ЕВРОПСКУ АВИО-ИНДУСТРИЈУ

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Резиме

Опстанак на тржишту постао је пословни императив у готово свим индустријама широм света током пандемије *КОВИД-19*. Такав пословни модел у средшће пажње ставља способност предузећа да одржавају ликвидност и профитабилност, без којих се не би могао постићи континуитет пословања.

Авио-индустрија, заједно са путовањима, туризмом и угоститељством, били су најтеже погођени економски сектори током здравствене кризе изазване коронавирусом. Иако је авио-индустрија прошла кроз тешка времена, попут оних узрокованих нафтном кризом, финансијском кризом, ратовима и другим заразним болестима, процењује се да ће негативане последице пандемије *КОВИД-19* на економске и финансијске перформансе авио-индустрије широм света бити далеко озбиљније.

У овом раду се анализира економски утицај пандемије *КОВИД-19* на европску авио-индустрију. Истраживање се врши мерењем профитабилности и ликвидности пет европских авио-компанија са највећим бројем путника у 2019. Години: *Ryanair*, *Lufthansa*, *International Airline Groups – IAG*, *Air France* и *easyJET*. Циљ рада је да се утврде размере последица здравствене кризе на финансијске резултате анализираних авио-компанија. Истраживање је спроведено кроз упоредну анализу и анализу финансијских извјештаја за период од 2015. до 2020. Године.

Општи закључак који се може препознати у овом емпиријском истраживању је да је пандемија *КОВИД-19* имала знатно штетнији утицај на профитабилност него на ликвидност европских авио-компанија. Прецизније, укупан утицај пандемије на ликвидност може се тумачити као умерено штетан, док је њен утицај на профитабилност значајно штетан.

Закључци истраживања ограничени су на групу компанија и временски период обухваћен анализом. Међутим, с разлогом се може претпоставити да је пандемија *КОВИД-19* имала сличан (или још јачи) негативан утицај на мање авио-компаније у Европи. Стога, рад наглашава потребу активног посматрања и подршке авио-индустрији у кризним временима, како од стране менаџмента самих компанија, тако и од стране креатора економске политике.

THE COVID-19 PANDEMIC AND FOOTBALL COMPETITIONS – OVERVIEW OF ECONOMIC AND MEDIA INFLUENCE

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Abstract

The Covid-19 pandemic has brought great financial problems to the whole world. The football industry also felt the negative effects. A two-month break from not playing football matches affected all football factors. The clubs lost income from various sources, among which they were most financially affected by the lack of fees for TV rights and the loss of earnings from the game itself. The Covid-19 pandemic caused problems even after the return of football competitions, among other things due to the ban on spectators coming to the stadiums. There was no income from non-football sources, such as concerts and other events held at football stadiums. Due to the firm connection between the media, the economy and football, the aim of this paper is to present, from an economic and media point of view, the situation in which the football industry in Europe finds itself under the influence of the Covid-19 pandemic.

Key words: football, Covid-19, competitions, media, economics.

ПАНДЕМИЈА КОВИД-19 И ФУДБАЛСКА ТАКМИЧЕЊА – ПРИКАЗ ЕКОНОМСКОГ И МЕДИЈСКОГ УТИЦАЈА

Апстракт

Пандемија Ковид-19 донела је велике финансијске проблеме целом свету. Негативне ефекте осетила је и фудбалска индустрија. Двомесечна пауза неоди-гравања фудбалских утакмица погодила је све фудбалске чиниоце. Клубови су изгубили приходе из различитих извора, међу којима их је финансијски највише погодио недостатак накнада за ТВ праваи губитак зараде од саме утакмице. Пандемија Ковид-19 задавала је проблеме и након повратка фудбалских такми-чења, између осталог и због забране доласка гледалаца на стадионе. Прилив новца изостао је и из не-фудбалских извора, попут концерата и других манифе-

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стација одржаваних на фудбалским стадионима. Услед велике повезаности медија, економије и фудбала, циљ овог рада јесте да из економског и медијског угла представи ситуацију у којој се нашла фудбалска индустрија у Европи под утицајем пандемије Ковид-19.

Кључне речи: фудбал, Ковид-19, такмичења, медији, економија.

INTRODUCTION

From the earliest communities to the present postmodern age, the human race has faced various infectious diseases. Is history constantly repeating itself or has every great challenge of infection, disease, alienation and fear in a specific way affected the social, mental and spiritual life of people?

Except for the mass mortality of the population who found itself on the 'path of the infection', epidemics had been changing the course of human history, stopping invaders, destroying previous empires, stopping or starting wars, allowing religions to spread, causing economic crises, influencing the change of identities and taking people's lives (Bollet, 2004; Jonhston, 2016; Osheim, 2008; Peckham, 2013).

On December 31, 2019, China reported the appearance of the new SARS-CoV-2 virus to the World Health Organization, and a day later, on January 1, 2020, it closed the Wuhan Huanan Seafood Wholesale Market (Singhal, 2020). The spread of the virus has had an exponential growth, being transmitted from person to person (Huang et al., 2020). Global connectivity, the ability to travel quickly and easily from one destination to another, has contributed to the spread of the infection (MacKenzie, 2020). Since football is a team sport that abounds in close contacts both during the matches and trainings, between teammates, with opposing players, as well as with members of the professional staff (Corsini et al., 2020), given the mode of the coronavirus transmission and epidemiological measures recommended by the World Health Organization (WHO, 2020), all football and sports competitions were expected to be interrupted. A big and dramatic change in the lives of people on the planet due to social distancing and quarantine (Clark, Davila, Regis & Kraus, 2020) has led to changes on the football fields as well.

Numerous restrictions in everyday life have caused the emergence of negative economic effects and cannot yet be reliably estimated how much they will affect the world economy and the standard of living in the future. In the mid of 2020, the International Monetary Fund made a very pessimistic estimation that the global economy would shrink by three percent during that year, which is more than during the global economic crisis of 2008/09 (IMF, 2020). Estimations for 2021 are slightly better, with a projected growth of six percent due to the emergence of the vaccine against Covid-19 which enabled a reduction in the number of newly

infected and the relaxation of restrictive measures (IMF, 2021). These indicators have influenced the increase of social activities, among others in the football industry as well. However, there is no doubt that the financial shock caused by the Covid-19 pandemic will leave a deep trace on the financial solvency of all football factors, both directly and indirectly.

The aim of this paper is to present, from an economic and media point of view, the situation in which the football industry in Europe finds itself under the influence of the Covid-19 pandemic. There is a firm connection between economic and media influence on football, especially when the amount of money invested in TV rights to broadcast football competitions is considered (Wilson, Ramchandani & Plumley, 2018). It has already been difficult for some time to imagine football without television, or television programs not including football, because football, like all other industries, has taken over all already established commercial and marketing aspects (Boyle & Haynes, 2004, 7-8).

EVENTS IN EUROPEAN FOOTBALL DUE TO THE COVID-19 PANDEMIC

With the declaration of state of emergency on March 15, 2020 in Serbia (Legal Information System, 2020), all sporting events were suspended including football. A similar thing happened in other countries, as well, so on March 13, 2020, professional football was suspended in the United Kingdom (Bond et al., 2020). On March 12, the European Football Federation (UEFA) announced the postponement of all under-17 and under-19 men's and women's competitions (UEFA, 2020a), and three days later announced the decision to stop the strongest European competitions such as the Champions League, Europa League and all competitions for younger categories, such as the Youth League (UEFA, 2020b). Other national football federations in Europe (except Belarus, where football was played unhindered during the lockdown) also made decisions based on UEFA's reputation, interrupting their competitions at all levels. On the same day when the competitions in the junior categories were postponed, the Spanish Football Association also interrupted its national championship (Lowe & Jackson, 2020). Some of the federations have completely ended their football championships under the influence of political decisions at the state level, such as France, where all sports competitions were suspended until September 1, and the team which was occupying the first place at the time, Paris Saint-Germain, was named the champion (BBC, 2020). In the Netherlands, the football championship was also over, but without declaring the winner of the championship (Telegraaf, 2020). However, most national federations have left open the question of the continuation of their championships, giving deadlines for a possible return to competition.

The leading competition of national teams organized by UEFA, Euro 2020, which was supposed to be held in June and July of the same year, was also called into question. However, already on March 17, the European Football Federation decided that it was in the interest of human safety to postpone the championship for the next year, 2021 (UEFA, 2020c), considering that the competition was planned to be held in eleven host countries, which would be a great health risk for the competitors, organizers and spectators.

The coronavirus also influenced the preparations for the upcoming Olympic Games in Tokyo in 2020. Firstly, the information that the Olympic Games would not be postponed was released to the public: "We never talked about canceling the Games..." (Danas, 2020a), the Organizing Committee announced; "We may have to postpone the Tokyo Olympics" (AA, 2000), said the then-Japanese Prime Minister Shinzo Abe. However, as the spread of the coronavirus turned into a pandemic, no one was surprised by the postponement of the Olympic Games for the next year. After the meeting of IOC President Thomas Bach and the Prime Minister of Japan, the Games were officially postponed (Politika, 2020). That was how football lost another big competition in 2020.

After two months of the pandemic and two months without football, the competitions have been restarted. In Europe, the German national Bundesliga was the first who continued the national football season on May 16 (Protić, 2020). Shortly afterwards, other national federations decided to continue the championships¹ (Hammerschmidt, Durst, Kraus & Puumalainen, 2021). The football championship in Serbia restarted on May 29 with the matches of the 27th round of the Serbian Super League (Superliga, 2020). The European Federation announced the continuation of the strongest club competition in the Champions League for August 7, 2020 (UEFA, 2020d). The format of the remaining rounds, from the quarterfinals to the finals, has been changed from the usual two games (home and away) to a mini-tournament with one game each in one city, Lisbon.

After the return of football, all the competitions had one thing in common: attendance of the spectators was not allowed on the stadium. Thus, regardless of the continuation of the competition, football still had heavy losses in the economic respect, because the spectators were not allowed to fill the stands of the large stadiums. There were certainly rare exceptions to this rule, because while Europe was in the lockdown, the semifinal match of the National Cup between *Crvena Zvezda* (Red Star) and *Partizan* was played at the Partizan Stadium in Serbia in the presence of a large number of fans (estimated at about 16,000 spectators) (BBC

¹Austria June 2, Spain June 11, Sweden June 14, England June 17, Switzerland June 19, Italy June 22.

News, 2020). The mentioned game of eternal rivals is emphasized as one of the main culprits of the worsening of the epidemiological situation in Serbia (Danas, 2020b). Of course, the foreign media reported on this event with disbelief, but at the same time they regretted that due to the coronavirus, this atmosphere of cheering at matches in their countries was missing (Blic Sport, 2020; DW, 2020).

In the summer of 2020, football matches, as well as other sports competitions were held in front of empty stands. In that period, one of the most important characteristics of football before the Covid-19 pandemic was missing and that is the typical stadium atmosphere (Drewes, Daumann & Follert, 2021a). The use of new technologies has made it easier to get used to 'new normality'. Due to the lack of live spectators during television broadcasts, in order to simulate the atmosphere of a full stadium and the sounds of cheering, the effects of the event were amplified, so sports fields resounded with artificial applause (Drewes, Daumann & Follert, 2021b). In this way, to some extent, the presence of spectators in stadiums can be replaced, but the feeling of togetherness and belonging cannot be compensated, and the boundaries between the real and the virtual, between reality and the media illusion cannot be erased. "Being a fan... means getting together with others and being free" (Cooper, 2011, 56). With the new football season (2020/21), the situation was improving. According to the epidemiological situation in some countries, a certain number of spectators are allowed in stadiums under the condition that the epidemiological measures are respected: wearing masks, social distancing, enhanced hygiene (Conn, 2020). UEFA tested the return of the spectators to the stadiums at the European Super Cup match at the end of September 2020 in the Puskas Arena in Budapest (UEFA, 2020e). After a successful pilot match, a decision was made to return a maximum of 30 percent of the respective capacity to all UEFA matches, where local laws permit (UEFA, 2020f). The possibility of a partial return to the stands had a positive effect on spectators and fans all over Europe, which influenced the strengthening of the social component of every football competition.

Apart from club competitions, a significant event caused by the coronavirus in 2021 was the playing of the postponed European Football Championship. Even before the Covid-19 pandemic, the idea of a championship that would be played in several European countries with a lot of travel by national teams, encountered harsh criticism. The symbolic unification of the old continent through the football game was a noble idea, but at the same time an organizational "nightmare", because it implies thousands of kilometers that national teams have to cover in order to play their matches. The Covid-19 pandemic postponed the competition for the next year.

The corona was not outfought this year either, but the championship had to be held with the request of UEFA to the host cities to fulfill

the minimum of audience quota (B92, 2021a). Some cities did not succeed (Bilbao and Dublin), so the host cities within the same state were either replaced (Seville instead of Bilbao) or the host country was completely excluded (Republic of Ireland and Dublin). The rule on limiting the number of spectators at stadiums depended on the regulations of the state and health authorities and ranged from 20-100 percent of occupancy. UEFA has allowed more than 60,000 spectators for the semi-final and final matches played at London's Wembley, in cooperation with the English authorities, in compliance with strict rules when entering the stadium; complete vaccination with two doses of vaccine, at least 14 days before the arrival at the match (UEFA, 2021). The European Championship is over, and the weeks to come will show how successful it was from the point of view of health safety. In any case, the championship organized in this way will not be repeated, because UEFA has already abandoned such an idea (B92, 2021b).

ECONOMIC IMPACT OF THE COVID-19 PANDEMIC ON EUROPEAN FOOTBALL

Football clubs have grown from sports organizations based in local communities to sports corporations operating on an economic basis (Calabuig, Prado-Gascó, Núñez-Pomar & Crespo-Hervás, 2021), although professional football is considered to be "social business, which is basically an economy, but by nature still social" (Morrow, 2013). Taking the position of a corporation implies that football clubs are organized like other companies, only differing in their readiness to take risks and get into debt by providing quality players in order to achieve the maximum possible result. Football clubs primarily need a continuously good result on the field, even at the cost of current financial difficulties, in order to be able to count on economic profit in the long run. Therefore, any potential crisis, such as the injury of key players, the departure of sponsors due to poor results, makes the football corporation (club) financially vulnerable (Hammerschmidt et al., 2021). The result is very important, because, for example, relegation negatively affects the club's income (Schreyer, Schmidt & Torgler, 2018). It is estimated that the European football market is around 25 billion pounds worth, and that the joint income of the "League of Five" (England, Germany, Italy, Spain and France) for the 2017/18 season amounted to 13 billion pounds (Delloite, 2019). In the next season (2018/19), the value of the football market in Europe already increased to 28.9 billion euros (Dašić, Tošić & Deletić, 2020). However, the crisis that arose with Covid-19 threatens to shake the empire of the football industry.

This pandemic is considered to be the largest global state of emergency since World War II, which may also affect the onset of the global economic crisis (Mohr et al., 2020). The previous global economic crisis

in 2008 also affected the sports sector (Parnell, Spracklen & Millward, 2017). However, the professional football industry did not have large losses, moreover it made significant profits (Deloitte, 2017). On the other hand, the crisis caused by the pandemic definitely affects the change at the basis of the football (sports) industry (Parnell, Widdop, Bond & Wilson, 2020). The football industry has a significant impact on the economies of many countries (Hammerschmidt et al., 2021), while football as a sport affects not only earnings in the sports sector, but also in the economy, social spheres and cultural sector (Escamilla-Fajardo, Núñez-Pomar, Ratten & Crespo, 2020). Given the connection with other spheres of society, the postponement of football (sports) competitions, in addition to economic implications, also has a significant social impact. Sporting events contribute to the daily routine of people's lives and their interconnectedness (Krustrup & Parnell, 2019).

Covid-19 not only affected the discontinuation of the competitions, but also created financial problems (Parnell, Bond, Widdop & Cockayne, 2021). Club owners, shareholders, sponsors, the media found themselves in a situation previously unknown to them, which forced them to reorganize their operational and commercial strategies (Parnell et al., 2020). If the business model of any sport is observed, including football leagues, there are three principal income streams for sports leagues: broadcasting (sales of media rights), commercial (sponsorship and advertising partnerships) and match day revenue (ticketing and hospitality) and, as it turned out, all three sources were greatly affected (Hall, 2020). At first, while there was no football, there was no broadcasting either, and therefore no potential advertising. Instead of the abundance of information that usually accompanies sports (football) events, sports journalists most often reported on the number of infected athletes and sports workers. They conveyed information about the rules that would prevail during future competitions, about the conditions of accommodation of athletes and the maximum number of potential spectators. In the end, ticket revenues were lacking, as was the possibility of additional income coming from money spent in club shops at stadiums.

In some of the largest European football clubs, losses have exceeded one billion euros (Skinner & Smith, 2021). Similar losses were experienced by the organization of the Olympic Games, which led to the polarization of Tokyo residents (Sato, Oshimi, Bizen & Saito, 2020). The financial loss due to the postponement of EURO 2020 for 2021 is estimated at around 300 million pounds (Parnell et al., 2020), while the total losses in the football leagues for the 2019/20 season are estimated at 4.14 billion, of which more than half of that amount makes a loss from broadcasting (Football Benchmark, 2020). Similar data for the same season is valid for the Premier League in England, where revenues were reduced by 1.1 billion euros, with 50 percent of that amount permanently lost, and

with most of the money lost due to the ban on fans to attend matches, but also because of the rights of television broadcasts (Dašić et al., 2020). Consequently, the states had to react by granting the clubs certain financial resources. Probably the richest aid to mitigate the effects of the Covid-19 pandemic was granted in the United Kingdom, whose government approved 300 million pounds to save some professional sports, including football (Skinner & Smith, 2021). In German football, there have been cases where certain clubs in the First and Second Divisions were at risk of insolvency (Zülch, Ottenstein & Manz, 2020). The consequence of that was the organization of richer clubs in the Bundesliga, which helped other clubs financially through the solidarity fund. Four Bundesliga clubs that participated in the Champions League provided 20 million euros in aid to other clubs in the league (Daumann & Follert, 2020).

Although the final economic impact of Covid-19 has yet to leave its full mark, it is already predicted that clubs in smaller football countries and those in lower leagues of larger countries will feel the biggest blow (or have already felt it), because they mostly depend on the income of the match (Deloitte, 2021). While, for example, the German Bundesliga, which was among the first to restart, may float out financially with empty stands, securing money from television broadcasting rights, the clubs in lower leagues will not have that chance due to the constant fear of infecting those spectators who would come to watch live football matches (Horky, 2021).

Football clubs that were in a good financial situation before the Covid-19 pandemic withstood this crisis more easily. This primarily refers to large clubs that did not have huge debts and bad investments. However, smaller clubs, with weaker financial potentials, as well as those that are not well run, could be in big trouble, and find themselves facing closure. As already mentioned, the football industry also affects other social sectors, so closing down clubs, especially those that are deeply involved in their local communities, could have a negative economic effect on all people living in that community (Bond et al., 2020).

Given that the inflow of money due to the Covid-19 pandemic is significantly lower, the players were also hit, because the clubs, financially burdened, were forced to negotiate with the players to reduce salaries or to limit them (salary cap) like in American sports leagues (Drewes et al., 2021a). Such kind of organization of business means an agreement that the club can spend a limited amount of money on the salaries of players, which is determined at the level of the entire team. Implementation of this approach requires that all clubs at some level of the competition agree to such a deal. Unlike American sports, such rules are not applied in European football, but the level of earnings of each individual player is determined by negotiations between the player (his manager) and the club. The analyses indicate (Dietl, Franck & Nüesch, 2006) that

salary restrictions such as the US club business system are unlikely to be possible for several reasons: due to the league entry and exit system (there are none in US leagues), limited player transfer periods, and less important in terms of competitive balance between clubs in order to attract the interest of fans, which is insisted on in American sports leagues.

In order to overcome the financial difficulties due to the Covid-19 pandemic, some European clubs such as *Milan, Real, Barcelona, PSG, Southampton* are entering a business with cryptocurrencies, which goes beyond traditional types of sponsorships. Finally, it is believed that the long-mentioned idea of forming a European Super League was prompted by the economic consequences of the Covid-19 pandemic (Skinner & Smith, 2021), although in the end, at least for now, it failed (Chanda & Saha, 2021).

MEDIA POSITION IN EUROPEAN FOOTBALL AFTER THE APPEARANCE OF THE COVID-19 PANDEMIC

The role of the media in professional football is of great importance, not only because of the amount of money invested in sports, but also because of the powerful position of broadcasters who broadcast football live to the spectators around the world (Manoli, 2017). A review of the business financial reports of the football industry (Deloitte, 2017, 2018, 2019, 2020) shows what share in the financial profit of football clubs has the income received from media for TV broadcasting rights. All successful football leagues in Europe have such incomes. The lucrative television offerings, which rose from £304 million in 1992 to £4.46 billion for UK rights for the 2019-22 cycle (Wilson et al., 2018), helped the English Premier League become one of the richest professional sports leagues in the world (Deloitte, 2020), because reports indicate that 59 percent of the total income of clubs comes from the right to TV broadcasts. It follows that the media are no longer just intermediaries between spectators and football clubs, but equal business partners who help clubs strengthen their brand, expand their influence on current and potential consumers (Manoli, 2020).

The higher the revenue from television rights and the more different sources to fill the budget, the more capable the club is of overcoming potential adversities, while small clubs without strong media support become unsustainable (King, 2017). In most of the strongest European leagues, the rights to broadcast TV transmission are sold collectively (at the level of the entire league), which enables a more equal distribution of income between clubs and an increase in competitiveness. A good example is the purchase of the English Premier League, the most lucrative contract in the world in the football industry, which amounts to around three billion pounds a year and is divided relatively democratically ac-

ording to the results achieved by the clubs (Maguire, 2021). However, there are cases such as in Portugal, where each club sells the rights to broadcast its matches to media separately. On such occasion, clubs at the top of the table receive ten to fifteen times more funds from TV broadcasts than middle-ranking clubs. In the countries that apply collective sales of TV rights, the difference between clubs averages 2.3 times (Gouveia & Pereira, 2021).

Since March 2020, televisions have found themselves in an unenviable position, because football (sports) events did not take place, so the broadcasts were suspended. That is why sports televisions in Germany broadcast historical matches from the World Cups and German Cups, as well as important (e.g. farewell) matches of famous German football players, at a time when the program was scheduled to play matches. Some televisions also broadcast matches from the archives between teams that would have played according to the schedule if there had not been the lockdown due to the Covid-19 pandemic (Schallhorn & Kunert, 2020).

After the events related to the Covid-19 pandemic, the return of football, at first, did not mean the return of fans to the stadiums. However, football returned by means of small screens, which allowed the media to get an even more powerful position, because in the case of a longer duration of pandemics and constant minor or major restrictive measures, would have been the only link between fans and football competitions. Given the fact that the media were in a slight decline in their power before the Covid-19 pandemic (Manoli, 2017), the current situation could affect them. In the English Premier League, billions of pounds of TV revenue will be called in question if football is not played, which puts pressure to broadcast matches even if the stadiums are empty. The Premier League can thus survive with stadiums closed for the spectators, but in matches broadcast worldwide, in some other, smaller leagues, there is still a need for spectators (Bond et al., 2020).

Some theories also suggest that the demand for television broadcasts could decline if television fans would miss the typical stadium atmosphere when watching football matches. For that matter, the payment of the television subscription could be reduced, and that way the value of the television rights as well (Drewes et al., 2021a). Nevertheless, the financial influence of the media in the football industry still plays a significant role. Due to the restrictions caused by Covid-19, football clubs had to give up the income from the game itself (banned presence of spectators at stadiums), which was not a great trouble to rich clubs, because their revenue from ticketing is of secondary importance (Follert, 2018). But, they hurried up to restart the competitions (unlike other sports), because, apart from sports reasons, they were counting on renewed revenues from television marketing (Quitau, 2020). Revenues from TV rights can be said to be, in fact, the main reason for the hasty launch of the competi-

tions. The need for the clubs was to receive the latest installments regarding the TV rights fee, because most broadcasters in the European countries stopped all payments to clubs for broadcasting rights on locked channels at the time of the suspension of football competitions, which led the clubs to an unenviable financial situation (Gouveia & Pereira, 2021). In England, there was even a vote in different levels of men's and women's football competitions. Only the first two strongest men's competitions decided to continue the championship, while the others decided to completely stop their championships. The decision to continue the championship was supported by the fulfillment of the agreement on TV rights (Moore, 2021). However, even after the return of football competitions, the situation with the income from broadcasters has not completely improved. Clubs that played in international competitions received lower compensation for broadcasting than was originally agreed because UEFA changed the Champions League and European League final system and instead of two games in each elimination round to the final, designated just one to be played. Any decrease in the number of matches also affected the decrease in broadcasting revenues (Maguire, 2021).

The position of broadcasters in the period of re-establishment of football competitions, on the example of Portugal, was such that they could choose the days and dates of all matches, considering that there were no spectators. This model of organization was, in the given circumstances, the most suitable for broadcasters in order to satisfy as many spectators as possible and to earn maximum subscriptions. On the other hand, the economic crisis has caused a large number of families not to be able to afford a subscription for locked channels in order to watch the matches. In order to avoid crowds in bars, restaurants, cafes where matches can be watched on locked channels, the Portuguese authorities bought the rights to TV broadcasts of the best matches every week, thus enabling people to enjoy football on unlocked channels at home (Gouveia & Pereira, 2021).

The Covid-19 pandemic and all the restrictions it caused, opened new, above all, technical possibilities for broadcasters. At first, without spectators in the stands, and now, with insufficient occupancy and not being allowed to go to a football match, allows televisions to broadcast the reactions of fans who watch the matches in their homes instead of showing the reactions of fans in stadiums. In the era of smartphones that many people own, it is possible to record and send or broadcast live their own reactions to events on the football field. In that manner, the television can broadcast those recordings several times during the broadcast of the match and thus actively involve the viewers in the event (Majumdar & Naha, 2020).

CONCLUSION

The Covid-19 pandemic has brought great financial problems to the whole world. The football industry also felt the negative effects, especially those clubs that largely depend on the income from the match-day revenue because the return of football after a two-month break in the spring of 2020 was accompanied by the lack of live spectators ("ghost games"). To the clubs in the major leagues in Europe, the income from matches is of secondary importance. Their interest is, above all, broadcasting and advertising, so the return of football competitions was important because of the TV broadcast that would be seen all over the world, and because the income from TV rights at major clubs amounts to more than 50 percent of the total profit.

Nevertheless, the financial burden due to the crisis caused by the Covid-19 pandemic affected all factors in the football industry. Clubs were forced to reduce and limit the salaries of players and other employees, because the planned budgets were limited due to the lack of inflow of money from various sources. For example, there was no income from non-football sources at all. Due to the ban on gatherings, clubs could not make money on concerts and other events for the needs of which the organizers rented club spaces. Therefore, the management of the clubs had to devise other ways of earning money, to be more creative in terms of placing their brand, to use all the advantages of the technological progress of the modern world, the possibilities of new, social media. Likewise, in times of crisis, it is necessary to make more careful decisions related to investment, primarily the amount of transfers fee when buying players, as well as the salary amount.

A certain number of fans returned to the stadiums. The appearance of the vaccine helped to facilitate the organization of football competitions and the number of spectators. One of the most important characteristics of football in terms of the typical stadium atmosphere is present again. In this regard, the financial situation in terms of earnings from matches is improving; however, the Covid-19 pandemic has not abated and in many countries stadium occupancy is not maximal. It resulted from the medical authority restrictions in each country, as well as from the spectators' fear of being infected.

The management of football clubs will be greatly influenced by the duration of the Covid-19 pandemic, as well as the dynamics of the appearance of new patients. Many industries find it difficult to adapt to the new situation. The struggle for the survival of the global economy will last for a long time, because nature first stopped, and then limited the free flow of people, goods and capital. It remains to be seen how the football industry will cope in times of crisis.

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ПАНДЕМИЈА КОВИД-19 И ФУДБАЛСКА ТАКМИЧЕЊА – ПРИКАЗ ЕКОНОМСКОГ И МЕДИЈСКОГ УТИЦАЈА

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Резиме

Од најранијих заједница до данашњих дана људски род се суочавао са различитим заразним болестима. Историјски посматрано, сваки такав изазов на различите начине утицао је на друштвено-економски, ментални, духовни живот људи. Епидемије су мењале токове људске историје, заустављале освајаче, ру-

шиле царства, обустављале или покретале ратове, узимале животе људи. Када је Кина децембра 2019. године Светској здравственој организацији пријавила појаву новог вируса SARS-CoV-2 уследила је велика и драматична промена живота људи. Многобројна ограничења у свакодневном животу условила су појаву негативних ефеката у свим сферама друштва.

Како је фудбал тимски спорт у коме се бележе блиски контакти наутакмици и тренингу између саиграча, са противничким играчима, као и са члановима стручног штаба, било је очекивано да се с обзиром на начин преноса корона вируса и епидемиолошке мере које је препоручила Светска здравствена организација прекину сва спортска, односно фудбалска такмичења. Циљ овог рада јесте да из економског и медијског угла представи ситуацију у којој се нашла фудбалска индустрија у Европи под утицајем пандемије ковид-19. Велика је повезаност економског и медијског утицаја на фудбал, поготово када се има у виду количина новца која се улаже у ТВ права на преносе фудбалских такмичења. Већ дуже време је тешко замислити фудбал без телевизије, или телевизијске програме у којима нема фудбала, јер је фудбал као и све друге индустрије преузео све већ успостављене комерцијалне и маркетиншке аспекте.

Пандемија ковид-19 донела је велике финансијске проблеме целом свету. Негативне ефекте осетила је и фудбалска индустрија. Двомесечна пауза неодигравања фудбалских утакмица погодила је све фудбалске чиниоце. Клубови су изгубили приходе из различитих извора, међу којима их је финансијски највише погодио недостатак накнада за ТВ права и губитак зараде од саме утакмице. Пандемија ковид-19 задавала је проблеме и након повратка фудбалских такмичења, између осталог, и због забране доласка гледалаца на стадионе. Фудбалским клубовима који су од спортских организација са упориштем у локалним друштвеним заједницама, прерасли у спортске корпорације које функционишу на економској бази, потребан је континуирано добар резултат на терену да би могли да рачунају на економску добит на дуже стазе. Стога, свака потенцијална криза чини клуб финансијски рањивим. Власници клубова, деоничари, спонзори и медији нашли су се у ситуацији која им до тада није била позната, а која их је натерала да реорганизују своје оперативне и комерцијалне стратегије. У неким од највећих европских фудбалских клубова губици су премашили и милијарду евра. Сличне губитке доживела је и организација Олимпијских игара.

Пандемија ковид-19 и сва ограничења која је проузроковала, отворила су нове, пре свега, техничке могућности емитерима. У прво време потпуни недостатак гледалаца на трибинама, а сада, недовољна попуњеност и одсуство потпуне слободе одласка на фудбалску утакмицу, даје могућност телевизијама да уместо приказивања реакција навијача на стадионима, емитују реакције навијача који утакмице прате у својим домовима. Телевизија те снимке може да емитује и више пута током преноса утакмице и тако активно укључи гледаоце у догађај.

Пандемија ковид-19 не јењава, и у многим земљама попуњеност стадиона гледаоцима није максимална. Разлог томе су ограничења која одређују медицинске власти у свакој држави, као и страх гледалаца од могућности заражавања. На пословање фудбалских клубова много ће утицати дужина трајања пандемије ковид-19, као и динамика појаве новооболелих. Многе индустрије, па и фудбалска мораће да се прилагоде новонасталој ситуацији.

ECONOMIC IMPLICATIONS OF COVID-19 ON THE INSURANCE SECTOR

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Abstract

The proclamation of the COVID-19 pandemic resulted in the world economy shutdown, which ultimately caused a global recession. Although the consequences of the pandemic were not the same in all national economies and economic sectors, the governments of most countries, in order to mitigate the negative effects of the crisis, adopted fiscal packages to support the citizens and subsequently business entities in their countries, which ranged from 1% to 7% of gross national product. However, these measures do not guarantee the possibility of rapid economic recovery in the long run. During the crisis, a large number of economic entities expected that a part of the loss caused by the negative effects of the pandemic will be covered. However, insurers have encountered not only an increased number of requests, but also an intensification of operational risks, threatened solvency and profitability. Reorganization of business activities of insurance companies has become mandatory, whereas ensuring fair treatment of policyholders and the stability of the insurance sector has become an ultimate condition.

Key words: risk, pandemic, crisis, decline in economic activity, demand, solvency, insurance, risk management models.

ЕКОНОМСКЕ ИМПЛИКАЦИЈЕ КОВИДА-19 НА СЕКТОР ОСИГУРАЊА

Апстракт

Резултат проглашавања пандемије ковид-19 је затварање економија многих земаља, што је у коначном проузроковало глобалну рецесију. Иако последице пандемије нису биле исте у свим националним економијама и привредним секторима, владе највећег броја земаља су у циљу ублажавања негативних ефеката кризе усвојиле фискалне пакете као подршку грађанима, а потом и пословним субјектима у њиховим земљама, чија вредност се кретала од 1% до 7% бруто друштвеног производа. Међутим, ове мере нису гарант могућности брзог опоравка привреде дугорочно посматрано. У условима кризе велики број привредних субјеката очекивао је покриће дела губитка проузрокованог нега-

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тивним ефектима пандемије од стране осигуравача. С обзиром на повећани обим одштетних захтева, али и интензивно деловање оперативних ризика озбиљно је могла бити угрожена солвентност и профитабилност осигуравача. Реорганизација пословних активности осигуравајућих компанија постала је неопходна, а обезбеђење фер односа према осигураницима и стабилност сектора осигурања услов свих услова.

Кључне речи: ризик, пандемија, криза, пад привредних активности, тражња, солвентност, осигурање, модели управљања ризиком.

INTRODUCTION

The crises that occurred during the evolution of human civilization often devastated the economy of smaller or larger numbers of countries and affected different segments of human society. According to the World Economic Forum study, conducted in more than 130 countries, the group of “top five risks” that have the greatest impact on the world economy are: fiscal crises, cyber-attacks, unemployment, shocks caused by energy prices and failure of national governance. Frequently, we can find in the literature that socially derived risks and dangers are absolutely dominant in the 21st century, i.e. that the industrial society has created new, previously unknown dangers and risks (Ulrih, 2011, p.18). In this respect, it is quite logical to claim that the pandemic caused by the COVID-19 virus led to a crisis that halted the whole world and did not miss any segment of human existence, disproving the effects and ranking of the “top five risks”. The virus has become a key global threat to human life, the economy and society as a whole (World Economic Forum, 2020). Uncertainties about the duration of the virus, as well as the intensity of its consequences, support the previous statement. Also, the pandemic revealed numerous weaknesses and failures in the “development strategy” of modern societies, and opened space for the re-examination of value systems in human civilization. Based on the previous statements, a quite logical question arises: where is human society going to?

The validity of the answer can be related to the warning of Teodor Momzen, which he sent to his contemporaries, while describing the collapse of the Roman Empire through five historical epochs (Janković, 2013, p. 752), as well as to the basic idea of Elena Bavacka that the history of human civilization is not a continuous progress. In that sense, it is quite comprehensible that theorists and practitioners share the same attitude concerning the life after the COVID-19 pandemic, it will change in general, as well as the work in companies, the functioning of states and society as a whole.

In an effort to elaborate on the consequences of the spread of COVID-19 virus on the insurance sector, the impact of the pandemic risk on the first-affected branches of economy which have an interest in insurance will be emphasized before all. The direct and indirect effects of the

pandemic on the insurance sector in the short and long term will be explained afterwards. After explaining the characteristics by which this risk differs from usual risks that insurers take for their own coverage, a pandemic risk management model will be proposed in order to minimize its harmful consequences on the community and insurance companies.

COVID-19 AND BUSINESS ACTIVITY OF THE COMPANY

The history of the evolution of human society shows that infectious diseases accompanied the development of human civilization. The “Antonine plague” ravaged the Roman Empire, and the plague pandemics were devastating Europe for a long time; the “Spanish flu” had an extremely high death toll; the “swine flu” was characterized by high infectivity, and so on. The COVID-19 pandemic represents the first global crisis since World War II, which may be the reason for the lack of a clear definition. The available reports and scientific papers have stirred controversy whether the coronavirus disease is a pandemic, an epidemic or a syndemic. Many scientists view the pandemic as an epidemic of a contagious disease that is spreading through the population in a larger geographical area. Similar to this one is the definition according to which a pandemic is an outbreak of an infectious disease that affects a significant part of the world's population within a few months (Rogers, 2020). In the Law on Protection of the Population from Contagious Diseases of the Republic of Serbia, a pandemic is defined as an infectious disease that crosses state borders and spreads to most of the world or the world as a whole, endangering people in the affected areas. From the above definitions, the preconditions for the emergence of a pandemic can be derived (World Health Organization, 2009):

- the first precondition is the appearance of a hitherto unknown disease that is the result of a new viral strain emerging in a population to which people have little or no immunity;
- then, the onset of infection and severe consequences for human health as an impact of the disease causative agent; and finally,
- extremely rapid spread of disease-causing infectious agents and their retention among people.

Misapprehension of the concept of the pandemic causes fear and suffering in people (Ghebreyesus, 2020, p.129). At the moment the World Health Organization declared the virus COVID-19 a global pandemic (March 11, 2020), the virus was present in more than 110 countries around the world. The number of cases of the illness in these countries exceeded 118 million, with the potential for further spread. According to the data of Johns Hopkins University, as of the end of June 2020, 217.2 million people were infected in the world, while more than 4.5 million died. Data from the Ministry of Health of the Republic of Serbia and “Dr.

Milan Jovanović Batut” Institute of Public Health show that in Serbia 779,723 people or 15.28% of those tested fell ill with COVID-19, and 7,379 people or 0.95% died by September 5, 2021. A simulation made by professors from Humboldt University shows that a pandemic can today spread to all the continents in only a few hours, because passenger air transport, with its infrastructure of 4,000 airports and 25,000 flights, allows it. According to Taleb, the pandemic changed the economic, political and social aspects of human civilization in a short time, and the course of events showed that human history does not follow any sole pattern (Taleb, 2007, p.28).

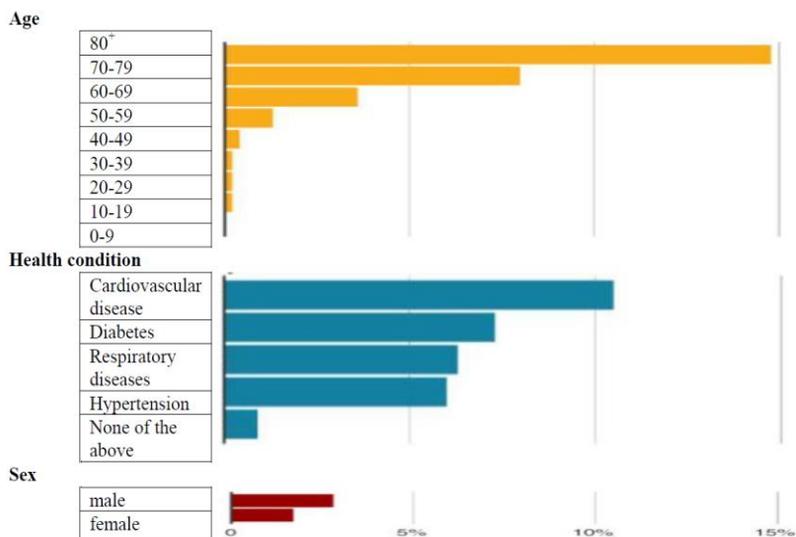
The rule is evidently confirmed (Kočović, Rakonjac-Antić, Koprivica, 2020, p.15) that pandemic cycles involve shifts of:

- underestimating the risk, because in the period preceding the pandemic, preventive activities are not taken and early warnings are ignored,
- as well as panic, given that with the onset of a pandemic reactions are usually delayed and uncontrolled.

According to available literature, an epidemic is a contagious or viral disease that has infected a large number of people in a specific geographical region. Its characteristics are: speed of spread and mass infection occurrence, resistance of microorganisms, possibility of importing diseases from distant parts of the world, constant potential danger posed by natural-focal infections, as well as the risk of worsening the epidemiological situation in emergencies (Đurić, Ilić, Petrović, Čosić, Ristić, 2007, p. 8). An epidemic is declared when the number of patients exceeds the number expected as a result of the infection.

Syndemic is a combination of the words “synergy” and “pandemic”, according to its creator, the American medical anthropologist Meryl Singer. The use of this term was intended to explain the interaction between two or more diseases that results in devastating social, economic and political consequences that are much greater than the sum of the effects of individually observed diseases (Plit, 2020). The logic of this goal is understandable because the prefix “syn” in translation designates “with”, “joined” or “together”. The results of research conducted in communities whose members used various drugs have confirmed previously cited assertions. Namely, most members had associated diseases (tuberculosis or some other disease). It is increasingly acknowledged today that COVID-19 interacts with diabetes, cancer, heart issues and other problems.

Regardless of the definitions, similarities and differences between the terms, the consequences of COVID-19 are evidently felt not only in the short term, but also in the long term. The manifestations of the consequences can be sublimated as significant human casualties and enormous economic damages. The first to be affected were the sectors and industrial



Graph 1. Mortality rate depending on age, health condition and sex

branches in which social contacts cannot be avoided. In this respect, the number of infected and sick people in need of health care has shown the (un)preparedness and insufficient capacity of national health systems. The indicators of the development of health systems are the existing hospital capacities and the number of experts for medical care and nursing of sick persons. The health systems of highly developed countries have an average of 30 doctors, 81 nurses and 55 hospital beds per 10,000 inhabitants, whereas the countries belonging to the list of the least developed countries have 2.5 doctors, 6 nurses and 7 hospital beds per 10,000 inhabitants (United Nations Development Program, 2020). Variations also exist among the Western Balkan countries. Serbia has more doctors and hospital beds compared to neighboring countries, and slightly less investment in health care compared to some of them. Although the conditions of the infected are different, the costs of treatment are high. Thus, at the very beginning, the price of the mask was 1 euro, millions of euros were allocated from the budget for medicaments and vaccines, a COVID-19 rapid antigen test costed about 17 euros, and the analysis of nasal swab samples averaged 30 Eur. If a patient was treated at home, the bill in the pharmacy was from 30 to 100 euros. One hospital day of general care in Serbia is 15 euros, while a day in intensive care is 35 euros (Rulebook on Prices of Secondary and Tertiary Health Care Services). In private clinics, a hospital day on a respirator, depending on the ward where the patient is, costs between 250 and 300 EUR. The data showed that the health care sector is not the only one in trouble.

As stated in the available data in the EU, the number of tourist reservations decreased by 90% in 2020 compared to 2019, hotels and tour operators recorded a drop in guests of 85%, while travel by plane and cruise ships declined by 90% as well. According to the estimates of the International Air Transport Association, the losses in air traffic amounted to 113 billion dollars at the beginning of March 2020. The net debt of 124 companies monitored by Bloomberg amounted to 402 billion dollars from the end of 2019 to the end of 2020. In the world, the average number of total air flights during 7 days in 2020 was 73, where 28 of them were commercial flights. The International Labor Organization estimates that economic constraints in the fight against the coronavirus have resulted in the loss of 300 million jobs around the world. However, according to the “COVID-19 and the World of Work” report presented by the ILO in Geneva in the second quarter of 2021, almost 11% of working hours were lost worldwide, representing 305 million full-time jobs. The predicted unemployment rate for 2021 is 7.9%. The number of underemployed workers who are formally employed has also increased, because they work shorter hours or remotely. Demand has been reduced at the global level because households spend only on basic needs – food, medicaments, and possibly protective equipment. Investments in the economy have been reduced. Most states have increased expenditures, mainly on health care for residents. In view of supply, there is an evident reduction or even cessation of production by many economic entities, primarily due to quarantine restrictions or even “lockdown” of many parts of the world, in order to comply with the requirement to maintain social distance and reduce contacts. Protectionism and border closures are not a valid response to the pandemic, as economies around the world that rely on global supply chains are being penalized this way. There are also opinions that the first indicator of the impact of the Coronavirus on economic activity was the decline in known indices. The value of the Dow Jones index fell by 9.99% in just one day (March 12, 2020). The Standard & Poor’s Index fell by 9.5%, whereas the Nasdaq Composite Index fell by 9.4%. Also, the massive growth of public debts cannot be ignored. The Institute of International Finance published that the total global indebtedness, with 255 thousand billion in 2019, exceeded 277 thousand billion dollars at the end of 2020. The logical question is how the global economy will get rid of its debt without major negative consequences for economic activity? Viewed from this aspect, the only thing that is certain is that the responsibility is passed on to future generations, and people today make themselves vulnerable to many other risks.

A survey conducted by the Serbian Association of Employers (SAE) and the International Labor Organization (ILO) showed that the crisis caused by the COVID-19 pandemic exerted a moderately negative effect on the activities of companies in Serbia. According to the same

source, about 17% of companies completely suspended their activities during the crisis, 42% maintained a certain level of activity, and 17% switched to remote work. Almost 70% of companies reported a decline in revenue in 2020 by an average of 25% as compared to the same period in 2019. However, there are big differences in the decline depending on the size of the company. The highest revenue decline was in micro-enterprises, averaging out to 31%, while the lowest loss of 20% on the average appeared in large companies. According to the same source, no large company reported a drop in productivity, and 20% of companies even declared to have increased it.

Unemployment is not the best indicator of the immediate impact of the crisis on the labor market, although it cannot be ignored that over 700,000 workers in wholesale and retail trade, accommodation, transport, services, forestry and logging, crop and livestock production are at immediate risk during the health crisis. In micro and small enterprises, every fourth worker stopped working completely. That is why the joint assessment report of the European Bank for Reconstruction and Development and the International Labor Organization states that the coronavirus costed Serbia 510,000 full-time jobs due to the decline in working hours during the second quarter of 2020.

In the first five months of 2020, the total number of tourists in Serbia decreased by 52.8% compared to the same period in 2019 (Ministry of Trade, Tourism and Telecommunications of the Republic of Serbia). Increased interest of tourists was recorded only for rural tourism accommodation in individual farms. As a result, companies in this branch had to lay off a large part of the workforce compared to the average of all sectors. The inflow of foreign direct investment has dropped significantly. In 2020, foreign direct investment figured out at 6.2% of GDP, while in 2018, as the year preceding the COVID-19 pandemic, it amounted to 7.4% of GDP (Bulletin Public Finances 205/2021). The average salary in Serbia, regardless of the problems with the coronavirus, increased from 420 EUR in 2018 to 511 EUR in 2020. Public debt increased from 53.7% to 57.4% of GDP. The escalation of the pandemic consequences also urged the Serbian government to adopt four sets of economic measures that were supposed to ensure the economic stability of the state and help small and medium enterprises to cope with the recession. It is an indisputable fact that the short-term effects of the adopted measures are positive. However, the source of their financing is the state budget, and the uncertainty whether the “unlocking” of the economy and the population might cause new infections is very real (Prašević, 2020, p.11). Accordingly, a new question arises: how long can the effects of the adopted measures last? For that reason, long-term effects on the labor market must also be considered. They refer to the possibility of rising unemployment over a longer period of time, but also to the deterioration of the state of human capital, competencies and skills of workers who do not go to work.

VULNERABILITY IN THE INSURANCE SECTOR

Taking risks that do not arise from regular economic activity, growing demand for capital in financial markets, the increasing capital budgets of insurance companies, the problem of adverse selection and moral hazard have, above all, contributed to the attractiveness of institutional investors. The key role of insurance, although these companies belong to institutional investors, has always been to minimize the risk by forming risk communities of individuals at risk of same danger, in an organized and institutionalized way, and to protect individuals and business entities from risks that cause harm to their property and lives.

At the beginning of the pandemic the circumstances required that insurance companies should preserve business continuity and do not cause harm to the health and safety of employees and clients. Also, current and potential clients, suppliers and all those who in any way interact with the insurance company, had the right to be informed in a transparent manner about the way of their business activities and plans to preserve business continuity. Since most employees worked and still work from home, the functioning and success of this kind of work requires that IT sector provides uninterrupted, but secure access to computers and files from alternative locations, to solve technical problems in case of audio-video business meetings, to ensure insurance sales, reporting a damage electronically. In addition, CISO managers had to ensure the secure exchange of confidential information among employees, connecting outside the business premises, i.e. to enable the smooth functioning of a communication system in general (Shaw, 2020). That is why insurance companies operating in the insurance market in Serbia increased in the year 2020 the investments in software packages only by 39.92% compared to 2018, the year before the pandemic. The application of software solutions has enabled efficiency and flexibility in accepting information, reduced routine operations and claims management expenses, provided actual damage assessment, but also created new threats and risks, and intensified some of them, such as cybercrime, through its numerous forms (viruses (Trojans), spyware (adware), ransomware, scareware, identity theft, phishing). Although the costs of cybercrime range between 445 billion and two trillion dollars globally, there are many issues and reasons why this segment of insurance is accessed slowly (lack of data needed for actuarial calculation of the adequate amount of insurance premium, lack of internal knowledge needed to take risks in this segment, fear of the so-called tsunami effect where indemnities for cyber risks can have catastrophic consequences for insurance). However, it must be admitted that many insurance companies, immediately before the pandemic, published their contact information on websites, social media accounts, etc. all with a purpose to reduce reputational risk to an acceptable level.

The key types of insurance affected by the coronavirus are: work interruption insurance, health and life insurance, to a certain extent insurance against travel cancellation, insurance against cancellation of concerts and other events, insurance of supply chains, wedding insurance for the weddings that cannot be held, as well as travel health insurance. As a rule, the business interruption insurance of legal entities compensates for the lost profits that could not be realized due to occurrence of a harmful event. Since this insurance is concluded as a supplemental insurance, the obligation to cover the damage from insurance against danger of interruption of work exists only if there is an obligation of the insurer to compensate for material damage due to the occurrence of the insured event from fire and some other events (example: machinery break insurance). The huge losses caused by the work interruption of business entities, which in the short term can exceed technical reserves and capital within the insurance sector, cannot be covered by insurance companies without the government aid, i.e. provide protection under favorable conditions.

Table 1. Damages based on insurance against the work interruption due to fire danger (in 000 RSD)

No Elements	2018	2019	2020
Amount of reserved reported, but not	91,227	90,400	27,729
1 settled claims from previous year			
2 Value of calculated settled claims	37,532	155,754	69,460
The value of calculated reserved reported	90,400	27,729	37,680
3 not settled claims from the current year			
4 Total claims value	219,159	273,883	134,869

Source: National Bank of Serbia for the specified years

In other types of non-life insurance, a number of new insurance contracts decreased. According to the data of the National Bank of Serbia, in 2020 there was a decrease in the number of accident insurance contracts, insurance of property against fire and other risks, but the value of the premium increased. According to the insurance companies' data, the largest decline in the number of insurance contracts was with the largest insurers: Dunav, DDOR, Generali, UNIQA non-life insurance and Wiener from 10% to 23%. The value of the premium dropped only with Generali and UNIQA non-life insurance. Voluntary health insurance, based on the number of contracts, decreased in 2020, compared to 2018 and 2019, but the value of the premium has been increasing from year to year. With these types of insurance, the number of claims increased, but also their value covering all the bases (reserved reported, but not settled reported claims in the current year, calculated claims and reserved reported, but not settled claims).

The decline in economic activity and the job losses reduced the purchasing power of the insured, which, in the short term, led to a decline in life insurance purchases in terms of the number of contracts and the number of insured. However, in the long run, the fear of a new pandemic may stimulate the increased demand for life insurance. In Serbia, during the year 2020, the number of insurance policies slightly decreased compared to the previous two years, but the number of insured persons and the value of premiums increased. The dynamics of the increase in the number and value of claims within this type of insurance is slightly higher than the dynamics of the increase in insurance premiums.

Table 2. Some elements of business activities of insurers dealing with life insurance (in 000 RSD)

Elements	2018	2019	2020
Amount of reserved reported but not settled claims from previous year	414,414	472,938	663,235
Value of calculated settled claims	10,293,331	12,255,135	13,351,317
The value of calculated reserved reported not settled claims from the current year	472,938	66,235	927,599
Total claims value	11,180,683	12,794,308	14,942,151
Insurance premium	21,616,651	22,584,062	23,481,706
Technical insurance premium	18,059,185	18,797,875	19,556,184

Source: National Bank of Serbia for the specified years

Life insurance circumstances determine the investment activity of insurance companies. The deteriorating macroeconomic environment, unfavorable financial market fluctuation, deteriorating credit ratings of debt securities issuers and the increased credit risk for insurers investing in these instruments have had negative effects on the solvency and capital requirements of insurance companies.

Table 3. The structure of working capital of insurance companies operating in the insurance market in the Republic of Serbia

No. Indicators	2018	2019	2020
1 Receivables / working capital	8.12%	9.03%	9.38%
2 Financial placement/working capital	66.95%	71.58%	72.39%
3 Debt securities /working capital	57.18%	60.10%	62.57%
4 Debt securities /financial placement	85.41%	83.95%	86.43%
5 Equity securities / working capital	0.40%	0.55%	0.46%
6 Equity securities /financial placement	0.60%	0.77%	0.64%
7 Other securities / working capital	0.28%	0.41%	0.54%
8 Other securities/ financial placement	0.42%	0.58%	0.75%

Source: calculated on the basis of the National Bank of Serbia data - insurance sector for the specified years

Although the literature on the impact of the pandemics on the insurance industry is limited, a parallel can be drawn with the impact of other extreme risks (e.g. natural disasters) on global financial system (Cummins et al. 2002). In this respect, the accumulated payments from the insurance in the event of a pandemic can be much greater than the financial and technical capacity of insurers to bear them. In addition, it is difficult to convince potential policyholders to buy insurance that covers low-probability risk (occurs once in several decades) and the intensity of action is extremely high and has multiplicative effects on the economy in general and the life of the individual. Thus, the development of pandemic insurance is limited by both supply and demand factors (Richer & Wilson, 2020, p.182).

SOME PANDEMIC RISK MANAGEMENT MODELS

At first glance, All Risks insurance compared to other types of insurance limited to the named perils insurance solves insurance problems even from pandemic risks. However, this insurance is designed as a kind of combination of standard types of insurance in one policy or a document within an insurance (Klobučar, 2014, p. 199). In addition, the pandemic risk does not meet the basic requirements for insurance and the pandemic threatens sustainable economic and social development and is a huge burden for all countries in the world, regardless of the level of development.

In cases of mass damages resulting from extreme risks, as well as the pandemic risk, one of the solutions to get over the problem is the model of public-private partnership. For example, the governments of some countries have contributed to the development of the insurance market by establishing regulatory measures for microinsurance and supporting public-private partnerships. In the Philippines, insurance companies, governments, benefactors and other organizations work together for the common good of clients. India, Peru, South Africa, have created a legal basis for involving people in financial arrangements, removed barriers and launched incentives for microinsurance companies. Practice has shown that the private sector is suitable for introducing innovations in order to improve efficiency and meet customer needs.

In Serbia, the Law on Public-Private Partnerships and Concessions introduced the concept of public-private partnership into the legal system and created the opportunity for the state and local government bodies to meet the needs for infrastructure and public services by using this model, clearly respecting the established rules of conduct. The goal of introducing the private sector was to reduce fiscal pressure on the local budget, accelerate infrastructure investments, improve services and reduce their prices.

The implementation of the PPP project is realized through several stages: assessment of justification of the PPP model application, preparation and approval of PPP project proposal, a public contract award or a tender which includes selection of private partner and conclusion of public PPP contract, project implementation which includes contract management and subsequent assessment. The main advantages of PPP are: 1. raising the quality of providing public services, 2. accelerating economic growth and development, 3. enabling public administration reform by transferring knowledge and skills in PPP project management, from private to public sector, 4. reducing fiscal pressure on budgets, 5. distribution of risks between public and private sectors, whereas the limitations of PPP are: a long period of time for partner selection, complexity of the procedure, lack of standard contract conditions.

Insurance pools or consortia of insurers with sufficiently high capital can also be one of the solutions to pandemic risk management. A consortium would operate on the coinsurance principle, and the excess risk would be reinsured. The state would cover only those damages that exceed the reinsurance coverage, and in that way the pressure on its funds to cover the huge damages would be reduced.

CONCLUSION

The shock that the COVID-19 pandemic caused in the economy showed that non-economic and non-financial factors can cause huge economic and financial effects on a global level, which would result in an economic recession. The awareness of the pandemic risk has initiated a debate on possible ways to make the economy and population resilient to the inevitable future pandemics. One of the conditions to increase the resilience of the economy and the population is the need to change the paradigm of pandemic risk management from an ex-post to an ex-ante approach, with greater participation of the insurance sector in bearing the burden of the pandemic.

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ЕКОНОМСКЕ ИМПЛИКАЦИЈЕ КОВИДА 19 НА СЕКТОР ОСИГУРАЊА

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Резиме

Објава пандемије нове болести КОВИД-19 марта 2020. године наговестила је значајан утицај и на економска дешавања и кретања. Деловање пандемије као негативног егзогеног шока шири се кроз економски систем, изазивајући економски пад и рецесију. Међутим, говорити о њеним коначним ефектима није могуће јер пандемија вируса ковид-19 још увек делује, без апсолутно јасних знакова колико ће дуго у будућности овај витус бити присутан.

Оперативно пословање донело је читав низ практичне и етичке дилеме, као што су да ли целокупни продајно-промотивни процес пребацити на друге канале продаје, како организовати рад, треба ли у новонасталим условима да запослени имају непосредне контакте итд. Очекивало се да осигуравајуће компаније покрију највећи део губитка настао прекидом пословања. Међутим, осигуравачи и њихова удружења широм света указали су да већина осигураника није стекла осигуравајуће покриће које ће одговорити на губитке у прекиду пословања настали као последица ковид-19. Структура инвестиционог и портфеља осигурања, рочна усклађеност имовине и обавеза, степен зависности од реосигуравача и степен интегрисаности дигиталних технологија у пословање су кључне детерминанте утицаја пандемије на индивидуалне осигураваче.

Пробуђена свест о ризику пандемије је подстакла дебату о могућим начинима да се економија и становништво учине отпорним на пандемије које неизбежно следе.

СОЦИОЛОГИЈА
SOCIOLOGY

Оригинални научни рад <https://doi.org/10.22190/TEME210830073D>
Примљено: 30. 08. 2021. UDK 37.331:004.738.5]:616.89-008.47-053.5
Ревидирана верзија: 16. 09. 2021. 616.89-008.47-053.5:[616.98:578.834
Одобрено за штампу: 05. 12. 2021.

SOCIAL COMPETENCE AND ANTISOCIAL BEHAVIOR IN STUDENTS WITH ADHD BEFORE BEGINNING AND AFTER THE END OF ONLINE CLASSES DURING COVID-19 PANDEMIC^a

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Abstract

The paper presents a study that aims to determine the relation between social competence, antisocial behavior and the severity of ADHD symptoms in older primary school students before beginning and after the end of online classes during the COVID-19 pandemic. The research sample included 52 students with ADHD of fifth, sixth and seventh grade. The School Social Behavior Scale – Second Edition was used to assess social competence and antisocial behavior, while ADHD-related symptoms were assessed by the teacher and parental form of the Conners ADHD Index Rating Scales – Third edition. The results show that peer relations, self-management and the quality of social competence as a whole were statistically significantly worse after conducting online classes than before they started. Students with ADHD showed a significant worsening of all examined forms of antisocial behavior after online classes. Mediation analysis found that antisocial behavior before online classes does not mediate the relation between results of social competence and the severity of ADHD symptoms [$\beta = 1.01$, % 95 CI (-0.0034, 1.9989)]. After online classes, it was found that antisocial behavior played a mediating role mentioned relation [$\beta = 1.42$, % 95 CI (0.6124, 2.5768)].

Key words: social competence, antisocial behavior, online classes, ADHD, COVID-19.

^a This research was the result of work on projects approved by the Ministry of Education, Science and Technological Development of the Republic of Serbia (No. 179025 and No. 179017).

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СОЦИЈАЛНА КОМПЕТЕНЦИЈА И АНТИСОЦИЈАЛНО ПОНАШАЊЕ КОД УЧЕНИКА С ADHD ПРЕ ПОЧЕТКА И НАКОН ЗАВРШЕТКА ОНЛАЈН НАСТАВЕ ТОКОМ КОВИД-19 ПАНДЕМИЈЕ

Апстракт

Рад даје приказ истраживања које је имало за циљ да утврди везу између социјалне компетенције, антисоцијалног понашања и озбиљности испољавања симптома ADHD код ученика старијег основношколског узраста пре почетка и након завршетка онлајн наставе током пандемије КОВИД-19. Узорак истраживања укључивао је 52 ученика с ADHD V, VI и VII разреда. За процену социјалне компетенције и антисоцијалног понашања коришћено је друго издање Скале социјалног понашања у школи, док су симптоми везани за ADHD процењени наставничком и родитељском формом трећег издања Конерс рејтинг скале. Резултати показују да су односи са вршњацима, управљање сопственим понашањем и квалитет социјалне компетенције у целини били статистички значајно лошији после спроведене онлајн наставе него пре њеног почетка. Ученици с ADHD показали су значајно погоршање свих испитаних облика антисоцијалног понашања након онлајн наставе. Медијационом анализом утврђено је да антисоцијално понашање пре онлајн наставе не посредује у односу између резултата социјалне компетенције и озбиљности испољавања симптома ADHD [$\beta = 1.01$, % 95 CI (-0.0034, 1.9989)]. Након онлајн наставе пронађено је да је антисоцијално понашање остварило посредничку улогу у наведеном односу [$\beta = 1.42$, % 95 CI (0.6124, 2.5768)].

Кључне речи: социјална компетенција, антисоцијално понашање, онлајн настава, ADHD, КОВИД-19.

INTRODUCTION

Social competence represents social, emotional and cognitive skills and behaviors that are key to successful social adaptation and social interaction (Petrović, 2008). Students with a lower score of social competence, in challenging social situations, are likely to resort to antisocial behavior, such as: lying, disrespect, some types of aggression, fights, violence, etc. (Đurišić & Gajić, 2016).

Attention deficit/hyperactivity disorder (ADHD) is most often diagnosed in childhood, before the age of 12 (APA, 2013). It is estimated that about 5% to 10% of school-age children have symptoms of ADHD (Song, Zha, Yang, Zhang, Li, & Rudan, 2021). Research shows that the disorder is more common in boys than in girls, more than three times. The same source states that frequent violations of rules and non-compliance with instructions by these students are noted in the classroom, with frequent conflicts with peers and teachers (Roberts, Milich, & Barkley, 2015). Due to disruptive and inattentive behavior, they have difficulties in forming and maintaining friendships with peers (Hoza, 2007). Previous studies have found that students with ADHD tend to exhibit antisocial behavior especially in older elementary school age (Sibley et al., 2011).

DSM-5 identified a profile of symptoms related to low levels of social competence and pronounced antisocial behavior in students with ADHD. This profile includes impulsive and disruptive behaviors that are often negatively perceived by peers at school (e.g., frequent conversation interruptions, incessant speech, difficulty waiting in line) and careless behavior (e.g., rapid distraction, difficulty directing attention) (APA, 2013). Frequent negative verbalizations, breaking rules, complaints, teasing and disrespecting, as well as hyperactive and impulsive episodes make it even more difficult to engage in conversation and group activities with peers at school (Retz et al., 2021).

Given that these students show difficulties in initiating social interactions and maintaining relationships with peers outside of school, it is believed that they can improve social competence primarily in school (Ros & Graziano, 2020). The school experience of students with ADHD is shaped through their experiences with others and with school responsibilities. A good relationship with teachers, rules and structure, as well as school content that is of real interest to a student, are contributors to positive attitude (Ђурић-Здравковић, 2020).

Due to the COVID-19 pandemic, with the schools closing down and transitioning to online classes, students with ADHD were exposed to increased social isolation, and the access to the necessary educational and therapeutic services was denied. In this environment, the pandemic has, at least in the short term, exacerbated risk factors for antisocial behavior and increased problems in social adjustment (Adegboye et al., 2021), especially in students with ADHD (Becker et al., 2020). Although the long-term impact of the pandemic on social competence and antisocial behavior is unknown, short-term adverse effects have been reported for most children with ADHD, i.e. declining attention quality and increased hyperactivity, as well as increased problems in behavior (Cost et al., 2021; Nonweiler, Rattray, Baulcomb, Happé, & Absoud, 2020). For this reason, previous papers emphasize the importance of examining the impact of the COVID-19 pandemic on complex problems that students from vulnerable groups have and the importance of establishing early interventions in a format that can be adapted to the challenges of the pandemic (Raballo, Poletti, Valmaggia, & McGorry, 2020).

Bearing in mind the deficits of social competence and the frequency of antisocial behavior of students with ADHD, it was important to determine if there are changes in these domains during the interruption of school teaching and transitioning to online mode. The aim of this paper is to determine the relation between social competence, antisocial behavior and severity of ADHD symptoms in older primary school students before beginning and after the end of online classes during the COVID-19 pandemic.

MATERIAL AND METHODS

Participants

The research sample included 52 students with ADHD (37 boys (71.15%) and 15 girls (28.85%)) of fifth, sixth and seventh grade, age 11 to 13 years and six months ($AS = 12.22$, $SD = 0.88$). The students attended primary schools in Belgrade, Zemun, Sremska Mitrovica, Šabac and Kragujevac.

The testing of the participants was conducted twice – before online classes began and after they ended for older primary school students:

- The first testing was performed at the beginning of the second semester of the 2020/21 school year, in the period when older primary school students attended classes according to the combined model: one day they attended classes at school, one day at home online, before exclusively switching to online classes (January 18, 2021 - March 12, 2021),
- The second testing was conducted when regular teaching was reinstated in schools after the online classes for older primary school students (April 19, 2021 - June 1, 2021).

Inclusion criteria for this study were: involvement of students with ADHD of fifth, sixth and seventh grade of primary school (eighth grade was excluded due to preparations for the Final exam) and regular attendance of classes conducted in school. Exclusion criteria included intellectual disability, autism spectrum disorder, cerebral palsy, additional psychiatric or medical diagnoses, neurological diseases, hearing or vision impairment, and the use of medications that affect psychomotor functions.

All parents gave their written consent for the involvement of their child in the research and gave the access to the accompanying medical documentation. It was explained to them that they could withdraw from participating in the data collection at any time. The teacher councils of primary schools attended by the students from the sample, supported the implementation of the research and verified it with written decisions.

The initial sample consisted of 124 students with ADHD of fifth, sixth and seventh grade. However, 72 students were excluded from the study because they did not meet the inclusion criteria. The remaining 52 students formed the final sample (See flowchart, Figure 1).

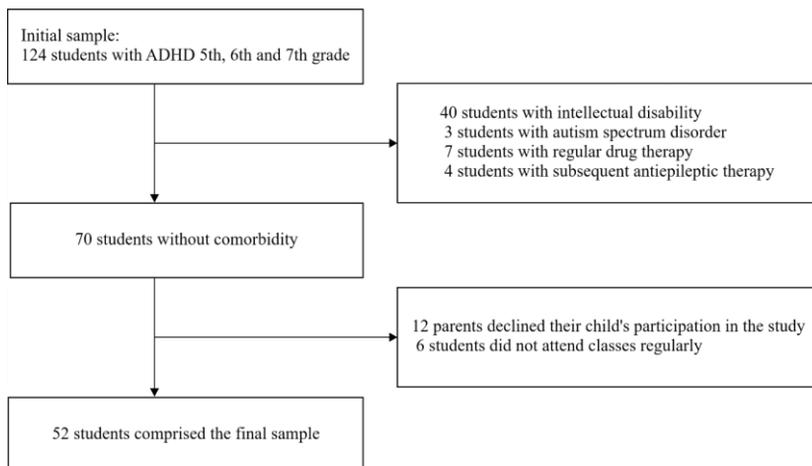


Figure 1. Flowchart of the study population selection.

Measures

The School Social Behavior Scale – Second Edition (SSBS-2, Merrell, 2002) was constructed with the aim of assessing the social competence and antisocial behavior of children and young people aged 5 to 18. It is mostly used by educators in preschool institutions and teachers in schools, to evaluate the social and antisocial behavior of children and youth in kindergarten and school environment. There are 64 items grouped into two major scales: The Social Competence Scale (SCS) and The Antisocial Behavior Scale (ABS), each of which is comprised of 32 items. The SCS includes items that describe positive social skills and traits displayed by socially competent respondents. It is divided into three subscales: Peer Relations, Self-Management and Academic Behavior. The Peer Relations subscale includes items that measure social skills important for establishing positive relationships with peers, as well as social acceptance by a peer group. The Self-Management subscale includes items that measure social skills related to self-restraint, cooperation, and compliance with the demands of school rules and expectations. The Academic Behavior subscale is made of items related to the quality of academic engagement. The ABS includes items that describe various socially problematic behaviors that can hinder successful socialization, include destructiveness, and cause negative social outcomes. It too, is divided into three subscales: Hostile/Irritable, Antisocial/Aggressive and Defiant/Disruptive. The Hostile/Irritable subscale measures antisocial behavior in confrontational and antagonistic trends in academic tasks and social interactions with peers. The Antisocial/Aggressive subscale includes items that describe behaviors concerning intimidation or harms to other children and deliberate infringement of rules and boundaries. The Defi-

ant/Disruptive subscale is made of items related to potentially disruptive behaviors to the classroom climate and unacceptable demands on teacher and child. Items in SSBS-2 are rated according to a five-point Likert-type scale (“1 = Never” to “5 = Frequently”). In this study, the Cronbach’s alpha coefficient for SSBS-2 was 0.92, for the SCS it was 0.89, and for the ABS 0.93.

Symptoms related to ADHD were assessed by the teacher and parental form of the *Conners ADHD Index Rating Scales, 3rd edition* (Conners 3 AI; Conners, 2008; Conners 3 DSM-5 Update, 2014). The Conners 3 AI is a reliable tool for multi-informative assessment of children and young people aged 6 to 18 in the detection of ADHD problems. The updated version from 2014 provides a new way of scoring for some of the items, in accordance with the met criteria for ADHD defined by the DSM-5. It includes 10 specifically selected items taken from full-length forms. Scoring is performed on a four-point frequency scale ranging from 0 (never) to 3 (very often). It is used when it is necessary to assess a larger group of children and adolescents for a limited time and when it is necessary to determine whether the assessment of ADHD is justified. A T-score of more than 60 can indicate that the child may have an issue such as ADHD. A T-score greater than 60, but under 70, may indicate moderately severe issues. A T-score above 70 may be a sign that the behavioral, academic or emotional problems are severe. The Cronbach’s alpha coefficient for Conners 3 AI was 0.87 for the instrument as a whole.

Intellectual status assessment was performed by the *Wechsler Intelligence Scale for Children – Fifth Edition* (WISC-V; Wechsler, 2014). This instrument was used to assess the cognitive functioning of children and adolescents age 6 to 16 years and 11 months. It gives a composite score that represents the child’s general intellectual ability (full-scale IQ) and identifies cognitive delays.

Procedure

Determining ADHD-related symptoms by DSM-5 diagnostic criteria, as well as assessing by SSBS-2, was performed by the study authors. Diagnosis of ADHD, which is an integrative part of students’ medical documentation, was performed by child psychiatrists and child neurologists within the competent pediatric departments in Serbia. Examining the intellectual level using WISC-V was performed by a psychologist at the school or the developmental counseling center, as part of a regular assessment. At the beginning of the second semester of the 2020/21 school year, parents were contacted by phone, objectives of the study were explained and an agreement on potential participation was made. Due to the compliance with the epidemiological measures that were in effect at the time of both tests, the collection of data from informants – homeroom teachers, was done using Zoom, a platform for digital distribution. During

the individual data collection, the homeroom teachers gave answers to the questions orally, naming the answers they considered correct, with a detailed explanation. The researchers recorded the answers.

Statistical Analysis

All calculations were conducted in the statistical program IBM SPSS version 25.0 software. For all obtained values, which represent the results by subscales and the total score, the basic descriptive statistics were calculated for two time points. The reliability of the instruments was tested by applying the internal consistency coefficient (Cronbach's α). The paired sample t-test was used to compare normally distributed data. Correlations between variables were analyzed by the Pearson correlation test. The level of statistical inference was determined at $p < 0.05$. The bootstrap method (Preacher & Hayes, 2008) was used to analyze mediation and determine the significance of the mediator effect in the study. If there is a mediator effect, zero should not be covered by confidence intervals. PROCESS Macro for SPSS, SAS, and R v3.3 was used for bootstrap score calculations.

RESULTS

Table 1 shows the scores on the SCS, ABS and Conners 3 AI scales before and after online classes have ended during the COVID-19 pandemic. A paired t-test was applied to assess differences in the quality of social competence, the presence of antisocial behavior and the severity of ADHD symptoms during these two periods. It has been noted that, with reverting to school teaching, relationships with peers, self-management and the quality of social competence as a whole, were statistically significantly worse than before online classes. There was no statistically significant difference in the quality of academic behavior of students with ADHD after online classes ended. Regarding the antisocial behavior, it is noted that students with ADHD, when examining all forms of behavior, showed significant deterioration when they returned to school teaching. Likewise, it can be observed that the underlying symptoms associated with ADHD were more pronounced after students returned to school teaching.

Table 1. Distribution of SCS and ABS scores in relation to the period before and after online classes (M ± SD)

	Before online classes	After online classes	<i>t</i>	<i>p</i>
	M ± SD	M ± SD		
Social Competence Scale	23.56 ± 9.14	18.16 ± 5.24	5.306	< .001
Peer Relations	17.27 ± 4.09	14.11 ± 6.81	4.582	< .001
Self-Management	21.84 ± 9.18	20.13 ± 7.12	1.112	.204
Academic Behavior	62.79 ± 22.17	52.46 ± 19.27	4.342	.001
Total SCS scores				
Antisocial Behavior Scale				
Hostile/Irritable	41.11 ± 18.47	50.42 ± 14.23	-6.408	< .001
Antisocial/Aggressive	25.36 ± 16.91	33.72 ± 12.07	-5.811	< .001
Defiant/Disruptive	20.88 ± 9.54	24.41 ± 13.29	-2.426	< .001
Total ABS scores	87.49 ± 44.42	108.71 ± 39.19	-7.268	< .001
Total Conners 3 AI scores	72.24 ± 18.62	84.88 ± 22.91	-3.617	.007

SCS – Social Competence Scale; ABS – Antisocial Behavior Scale;

Conners 3 AI – Conners ADHD Index Rating Scales, 3rd edition

Tables 2 and 3 show Pearson's correlation analysis that determined whether the quality of social competence and the frequency of antisocial behavior will vary depending on the results of the Conners 3 AI score, before and after the online classes. After the online classes, a weak positive correlation between SCS and Conners 3 AI scores, a moderate positive correlation between ABS and Conners 3 AI scores and a strong negative correlation between SCS and ABS were recorded. When examining the relation of variables before online classes started, a statistically significant relation between SCS and Conners 3 AI scores, as well as ABS and Conners 3 AI scores was not determined. A weak negative correlation was recorded between SCS and ABS scores.

Table 2. Correlations between SCS, ABS and Conners 3 AI scores before online classes

		Total SCS scores	Total ABS scores
Total SCS scores	<i>r</i>	–	
	<i>p</i>		
Total ABS scores	<i>r</i>	-.276	–
	<i>p</i>	.031	
Total Conners 3 AI scores	<i>r</i>	.189	.162
	<i>p</i>	.094	.129

SCS – Social Competence Scale; ABS – Antisocial Behavior Scale; Conners 3 AI – Conners ADHD Index Rating Scales, 3rd edition

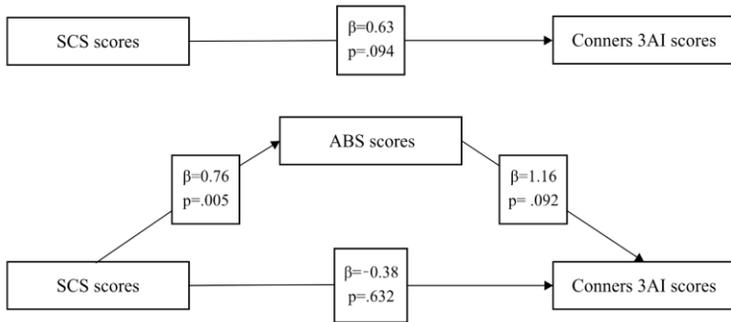
Table 3. Correlations between SCS, ABS and Conners 3 AI scores after online classes

		Total SCS scores	Total ABS scores
Total SCS scores	<i>r</i>	–	
	<i>p</i>		
Total ABS scores	<i>r</i>	–.734	–
	<i>p</i>	.000	
Total Conners 3 AI scores	<i>r</i>	.398	.601
	<i>p</i>	.003	.000

SCS – Social Competence Scale; ABS – Antisocial Behavior Scale; Conners 3 AI – Conners ADHD Index Rating Scales, 3rd edition

The mediating role of antisocial behavior in the relation between social competence and severity of ADHD-related symptoms was tested using mediation analysis, by dint of bootstrapping method. Figure 2a shows the relation between students' social competence and the severity of ADHD symptoms before online classes started. It is noted that this ratio was not statistically significant ($\beta = 0.63$, $p = .094$). Including mediators in the period before the online classes started, shows that the direct impact of social competence on antisocial behavior is significant ($\beta = 0.76$, $p = .005$), while the direct impact of antisocial behavior on severity of ADHD-related symptoms is not significant ($\beta = 1.16$, $p = .092$). The 95% bias-corrected confidence intervals included zero, indicating that antisocial behavior did not mediate the relation between the results of social competence and severity of ADHD symptoms in the period [$\beta = 1.01$, % 95 CI (–0.0034, 1.9989)]. After online classes ended, the overall impact of social competence on severity of ADHD-related symptoms was statistically significant ($\beta = 1.18$, $p = .003$). The direct impact of social competence on antisocial behavior ($\beta = 0.47$, $p < .001$) and the direct impact of antisocial behavior on severity of ADHD-related symptoms ($\beta = 1.22$, $p < .001$) were also statistically significant. Since the 95% bias-corrected confidence intervals did not include zero, it is noted that after online classes, antisocial behavior mediates between social competence and severity of ADHD-related symptoms [$\beta = 1.42$, % 95 CI (0.6124, 2.5768)]. The results support the full mediation effect of antisocial behavior on the relation between social competence and the severity of ADHD-related symptoms after completing online classes. This mediation relation is given in Figure 2b. The overall effect of social competence on the severity of ADHD symptoms was not significant ($\beta = -0.24$, $p = .761$).

a) Before online classes



b) After online classes

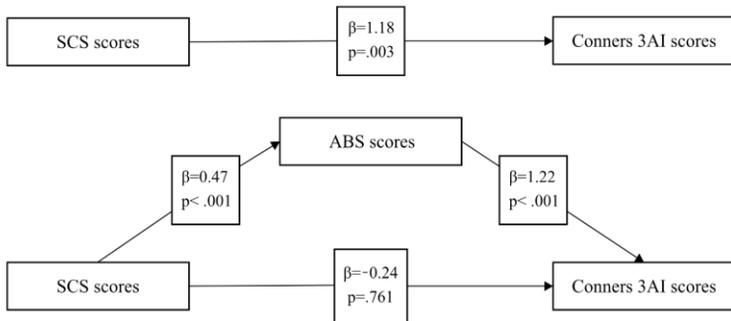


Figure 2. Mediator effects of antisocial behavior.

DISCUSSION

In an attempt to compare the effects that occurred before the beginning and after the end of online classes during the COVID-19 pandemic, in students with ADHD the relation between social competence, antisocial behavior and the severity of the symptoms of this clinical picture was examined.

Reinstating school teaching, peer relations, self-management and quality of social competence as a whole were significantly worse than before online classes started. The results registered significantly less frequent contacts with peers at school, and when that joining would happen, it was inadequate and caused resentment of peers. Initiating peer conversations or being involved in them rarely existed after online classes, and an increased inadequate way of advocating for one's own needs has been noted. Previous studies have found that students with ADHD spend less time with friends outside of school (Marton, Wiener, Rogers, & Moore,

2015), which is potentially another indicator of a lack of closeness in peer relations that were more compromised during online classes. There was no statistically significant difference in the quality of academic behavior of students with ADHD after online classes ended, compared to the previous period. Teachers stated that the results of students' work corresponded to their abilities. School interventions on students with ADHD are mostly focused on academic behavior (Tresco et al., 2017), and this may be the reason why we did not find differences in scores during the two testing periods.

Results within antisocial behavior are more dramatic. Participants, when examining all forms of behavior, showed a significant deterioration when they returned to school teaching, after online classes ended. The results showed that there was a significantly more frequent interference with ongoing activities, lying, causing fights and quarrels, impulsive reactions, defiance and a tendency to temper tantrums. Informants stated that the students had great problems complying to preventive epidemiological measures, and in the classroom it was characterized as antisocial behavior (intentionally not keeping physical distance, spitting at another, spitting on a desk, removing a face mask, spilling disinfectant, etc.). Research aimed at examining the main problems of adolescents with ADHD during the COVID-19 pandemic indicated that social isolation and online classes increases the risks for some of antisocial forms of behavior (Sibley et al, 2021).

The findings of the study show that the basic symptoms related to ADHD were more pronounced after students returned to school teaching. Given the described risks of what social isolation and closing of schools can do to students with ADHD, such result was expected. Some of the previous studies yielded similar results examining the worsening of symptoms associated with this clinical picture during the COVID-19 pandemic (Becker et al., 2020; Nonweiler et al., 2020).

The results indicating lower scores of social competence and higher scores of antisocial behavior in subjects with ADHD during the COVID-19 pandemic coincide with ours and were noted in the Israeli sample (Pollak, Shoham, Dayan, Gabrieli-Seri, & Berger, 2021). Unfortunately, the authors failed to find available research that would compare the results of social competence and antisocial behavior in the population of students with ADHD of primary school age before and after online classes, so the data obtained by our study are the first in this category.

Although no significant correlation was found between results of social competence, antisocial behavior, and severity of ADHD symptoms before online classes began, symptom severity increased as the result of antisocial behavior increasing and social competence decreasing after online classes ended, and previous school teaching continued. Antisocial behavior was found to be a full mediating factor in the relation between

social competence and severity of ADHD symptoms after online classes. Antisocial behavior has been singled out, as in previous studies, as a disproportionate but common factor in students with ADHD that includes internalizing behaviors such as social withdrawal and externalizing behaviors that include aggression, high irritability during daytime, and hyperactivity (Fogleman, Leaberry, Rosen, Walerius, & Slaughter, 2018; Kuja-Halkola, Lichtenstein, D'Onofrio, & Larsson, 2015).

One of the limitations of this study relates to the absence of a comparison group of subjects without ADHD. This would explain whether the data obtained were exclusively specific to students with ADHD. Also, students with ADHD and comorbid conditions (intellectual disability, autism spectrum disorder, epilepsy, etc.) are not included in the sample and this makes it difficult to adequately represent the entire population of students with ADHD. Although we compared social competence, antisocial behavior, and severity of ADHD-related symptoms during significant changes related to the COVID-19 pandemic in Serbia, we did not evaluate these variables before the pandemic. Finally, the sample consisted largely of boys, which is expected for ADHD, but this means that the results may not be able to be generalized for girls.

This study highlighted the need to focus the education system in Serbia during the COVID-19, on vulnerable groups such as students with ADHD. The pandemic has caused introduction of online classes in primary schools. During this challenging period, it is noted that ADHD can be considered as an additional risk factor for lowering social competence and increasing the frequency of antisocial behavior. Timed and organized support from peers, teachers, schools and the Ministry of Education, Science and Technological Development can increase the resilience of students with ADHD to the challenges posed by the COVID-19 pandemic.

Students with ADHD should, due to the deterioration of the clinical picture caused by the COVID-19 pandemic (Jefsen, Rohde, Nørre-mark, & Østergaard, 2021) be provided with timely intensive support that should be carried out immediately as school 2021/22 year starts. If, because of social difficulties in participating in the educational process, in accordance with legal rights, student with ADHD would have a need for additional support, (Đurić-Zdravković, Japundža-Milisavljević, Milanović-Dobrota, 2019), the authors strongly encourage such a way of providing support in order to overcome the problems caused by the COVID-19 pandemic. In that sense, it is proposed to implement interventions that will bring positive experiences in different social situations in the post-COVID-19 period.

Finally, it is important to put the interpretation of the results in a broader context. In this research, the variable is not just online teaching, it is an "umbrella" for the whole spectrum of variables that make up this social turbulence during pandemic (teachers that cannot properly manage

online teaching, inadequate equipment in students' homes, parents that cannot handle classes in online context, parents who lost their jobs, death or illness of close family members).

CONCLUSION

Changes that happened in the education system of the Republic of Serbia during the COVID-19 pandemic were a significant source of social danger for many students, especially for students with ADHD. Our research determined that students with ADHD showed significantly more frequent problems in exhibiting antisocial behavior and a lower level of social competence after online classes ended and students returned to school teaching. The research determined the following relations: a decrease in social competence leads to an increase in manifestations of antisocial behavior, and more frequent antisocial behavior leads to a worsening of the basic symptoms related to ADHD after online classes ended. Therefore, online classes pose an obvious risk for deepening problems within social competence and antisocial behavior in students with ADHD.

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СОЦИЈАЛНА КОМПЕТЕНЦИЈА И АНТИСОЦИЈАЛНО ПОНАШАЊЕ КОД УЧЕНИКА С ADHD ПРЕ ПОЧЕТКА И НАКОН ЗАВРШЕТКА ОНЛАЈН НАСТАВЕ ТОКОМ КОВИД-19 ПАНДЕМИЈЕ

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Резиме

Под социјалном компетенцијом најчешће се подразумевају социјалне, емоционалне и когнитивне вештине и понашања која су релевантна за успешну социјалну адаптацију и социјалну интеракцију. Ученици са нижим скором социјалне компетенције у изазовним социјалним ситуацијама вероватно ће прибегавати антисоцијалном понашању. Ученици с ADHD, којих има од 5% до 10% од укупних школараца, имају тенденцију ка испољавању антисоцијалног понашања. Овај рад имао је за циљ утврђивање везе између социјалне компетенције, антисоцијалног понашања и озбиљности испољавања симптома ADHD код учени-

ка старијег основношколског узраста пре почетка и након завршетка онлајн наставе током пандемије КОВИД-19. Узорак истраживања укључивао је 52 ученика с ADHD V, VI и VII разреда. За процену социјалне компетенције и антисоцијалног понашања коришћено је друго издање Скале социјалног понашања у школи, док су симптоми везани за ADHD процењени наставничком и родитељском формом трећег издања Конерс рејтинг скале. Учено је да су поновним повратком на школску наставу односи са вршњацима, управљање сопственим понашањем и квалитет социјалне компетенције у целини били статистички значајно лошији него пре почетка онлајн наставе. Што се тиче антисоцијалног понашања, уочава се да су ученици с ADHD при испитивању свих облика понашања показали значајно погоршање приликом поновног доласка на школску наставу, након завршетка периода спровођења онлајн наставе. Исто тако, уочава се да су основни симптоми везани за ADHD били израженији након повратка ученика на школску наставу. Медијациона улога антисоцијалног понашања у вези између социјалне компетенције и озбиљности симптома везаних за ADHD испитана је помоћу медијационе анализе, путем бутстрапинг методе. Однос социјалне компетенције ученика и озбиљности испољавања симптома ADHD пре почетка онлајн наставе није био статистички значајан ($\beta = 0,63$, $p = ,094$). Увођењем медијатора у периоду пре почетка онлајн наставе уочава се да је директни утицај социјалне компетенције на антисоцијално понашање значајан ($\beta = 0,76$, $p = ,005$), док директни утицај антисоцијалног понашања на озбиљност испољавања симптома везаних за ADHD није значајан ($\beta = 1,16$, $p = ,092$). Резултати подржавају потпуни медијацијски утицај антисоцијалног понашања на однос између социјалне компетенције и озбиљности испољавања симптома везаних за ADHD након завршетка онлајн наставе [$\beta = 1.42$, % 95 CI (0.6124, 2.5768)].

Након спровођења онлајн наставе уочило се да се ADHD може сматрати додатним фактором ризика за снижавање социјалне компетенције и повећање учесталости антисоцијалног понашања.

CHALLENGES FACED BY SERBIAN MIGRANTS CAUSED BY THE COVID-19 PANDEMIC ^a

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Abstract

This paper studies the impact of the COVID-19 pandemic on different groups of migrants from Serbia. The paper aims to identify and analyse difficulties and the most migration-related stressful issues that international migrants from Serbia coped with due to the societal impacts of the COVID-19 pandemic. We explored how they perceive those migration-related stressors and how they act in the context of limitations and opportunities in countries of origin and destination out of necessity to counter these challenges. We also highlighted the migration plans in accordance with the migration motives before the pandemic, and the possibilities for their realisation after the pandemic. The paper is based on qualitative research conducted using semi-structured in-depth telephone interviews with 34 participants.

As major migration-related stressors that were singled out are those associated with professional and financial hardship, their return, legal status, stigma, health and family. The results indicate the importance of the migration context for understanding the ability of individuals to cope with numerous and sudden challenges in crisis situations.

Key words: COVID-19 pandemic, international migration, migrant workers, migration-related stressors, Serbia.

ПРОБЛЕМИ МИГРАНАТА ИЗ СРБИЈЕ ПРОУЗРОКОВАНИ ПАНДЕМИЈОМ КОВИДА 19

Апстракт

Овај рад проучава утицај пандемије ковида-19 на различите групе миграната из Србије. Главни циљ рада је да идентификује и анализира потешкоће и нај-

^a This paper was written as part of the 2021 Research Programme of the Institute of Social Sciences with the support of the Ministry of Education, Science and Technological Development of the Republic of Serbia

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стресније ситуације са којима су се међународни мигранти из Србије суочили услед друштвених последица пандемије ковида-19. Такође истражујемо како они доживљавају те миграционе стресоре и како поступају у контексту ограничења и могућности у земљама порекла и одредишта, из потребе да се суоче са тим изазovima. Истакнути су и планови у вези будућих миграционих подухвата, а у складу са миграционим мотивима пре пандемије, те могућности за њихово остварење након пандемије. Рад је заснован на квалитативном истраживању спроведеном коришћењем полуструктурираних дубинских телефонских интервјуа са 34 испитаника.

Као главни миграциони стресори издвојили су се они повезани са пословним и финансијским тешкоћама, повратком, правним статусом, стигмом, здрављем и породицом. Резултати указују на значај миграционог контекста за разумевање способности појединаца да се суоче са бројним и изненадним изазovima у кризним ситуацијама.

Кључне речи: Пандемија ковида 19, миграциони стресори, међународне миграције, радни мигранти, Србија.

INTRODUCTION

Serbia has been facing numerous and diverse challenges of international migration for decades. One of the largest is the pronounced emigration of the local population, among which economic migration is the most common. Although most emigrants from Serbia are labour migrants who usually remain permanently in host countries, in the last ten years there was a visible increase in the share of temporary and circular migration (Arandarenko, 2020), and transnational migration practices have become more prevalent ever since. Migration flows are particularly intense towards EU countries, which are geographically close and well-connected by traffic. These countries have traditionally been the most important destination countries for our citizens, and the migration ties with them are well-established (Predojević-Despić and Penev, 2016). Social and material costs of migration have been considerably reduced thanks to innovations in communication and information technologies, which significantly affects the change of migration patterns, that is, the increasing prevalence of temporary migration and new destination countries (Predojević-Despić and Penev, 2016; Arandarenko, 2020). Among them are new EU members, and non-European countries, as well as China and the Gulf countries where temporary visas are practically the only option for work-related residence (Czaika and Villares Varela, 2012).

Labour migration is known to represent a significant livelihood strategy undertaken by individuals and households in countries with low and medium levels of development and high unemployment (Mak, Zimmerman and Roberts, 2021). Such a strategy also implies various potential benefits. Opportunities to enter the labour market, as well as job availability and higher salaries, career development and gaining international experience are strong pull factors (Khoo et al., 2007) and signifi-

cantly affect the choice of destination country (Crawley and Hagen-Zanker, 2018) and future migration plans. Analyses also show that in the last few years, the reasons for the significant increase in migration flows from Serbia to the EU have been more on the side of demand factors in destination countries, rather than on increased supply due to unfavourable trends in the Serbian labour market (Arandarenko, 2020).

The survival of dependent family members at home considerably depends on sending remittances from family members working abroad (Chowdhury and Chakraborty, 2021). The high inflow of remittances also shows the strong connection between migrants and their (larger) families in the country of origin. The role of social networks, of family, but also friends and agents (including smugglers) is very important because they mediate between migrants and communities and influence the context in which migration decisions are made (Crawley and Hagen-Zanker, 2018: 21) especially at the beginning of the migration process. Migration policies that allow migrants to return home unhindered, that is, circulate for economic reasons, or to have access to various migration services and integration programmes also provide significant benefits for migrants and their families.

However, livelihood strategies bring different challenges. Migrants may experience life stressors common to all individuals (health or family-related issues), although within these categories the individual problems faced by non-migrants and migrants may differ considerably. They also face stressful issues that affect only migrants, which relate to the attitudes of the receiving community, such as the lack of ties with the ethnic and host communities, but also racism, stereotyping, and stigma (Dow, 2011). The irregular legal status also negatively influences the process of adjustment to a new country (Arionan, 1993). Wong and Song (2008) single out financial and material difficulties as the most stressful issues for migrant workers. Dow (2011) indicates that unemployment and underemployment not only frustrates ambition, but also jeopardises mental health. Mak, Roberts and Zimmerman (2021) identify five areas of migration-related stressors: job, irregular legal status, stigma, family and health. According to the adapted elements of the existing workplace stress framework (Luthans, 2002) and acculturative frameworks (Berry et al., 1987) Mak, Zimmerman and Roberts (2021) formulated the migration-related stressor categories, which are usually intertwined and have a combined effect. Of these, *workplace / employer group* of stressors are the most present (for example, job insecurity, poor working conditions, wage theft, occupational hazards, and restriction of movement), followed by *family* - extended absences contributing to the deterioration of relationships with close family members; *recruitment agent/agency* - job-seeking and application process, fees, etc.; *environment* - housing, non-work-related conflicts, discrimination etc.; *legal* - negative experience with the authorities

or due to migrants' status; *socio-cultural* - political, economic, social, linguistic and religious issues both in the country of origin and destination; and *health* - migrants' health condition, no access to healthcare, etc. (Mak, Zimmerman and Roberts, 2021). At the time of the COVID-19 pandemic upsurge, the migrant population faced numerous challenges which also led to a significant reduction in the magnitude of international migration flows (OECD, 2020). In that sense, several studies emphasise that migrant workers were especially vulnerable at the beginning of the pandemic, but also during several waves of lockdowns. The results show that in immigration overseas countries, as well as in the EU, and especially in Western Europe (Fasani and Mazza 2020), migrants do most of the work belonging to the group of cleaners, helpers and labourers in mining and construction. Additionally, migrants are at potentially higher risk of infection, including COVID-19, because compared to the domicile population they are more likely to live in overcrowded conditions, often do not have access to basic sanitation, while health insurance coverage is significantly lower (Guadagno, 2020). Exposure to stigma and discrimination is also common, due to attitudes that the migrant population largely transmits viral infection (Kluge et al., 2020; Guadagno, 2020). One study (Garrote-Sanchez et al., 2020) also shows that migrants originating from non-EU countries are particularly prevalent in occupations most exposed to job loss after the pandemic outbreak in the EU. It is also stated that similar conclusions can be drawn for other high-income countries, and that the consequences in lower-income countries are even much greater. Often, these challenges remain complex upon their return to the country of origin (Moroz et al. 2020; Guadagno, 2020).

The first months of COVID-19 showed that quite a large number of Serbian citizens was abroad, both migrants and non-migrants. Serbia organised special flights or otherwise helped their citizens to return home during the lockdown. Data from the border police in Serbia shows that in March and April 2020, more than 400,000 of its citizens entered the country, regardless of their legal status. In addition, a significant part of them remained in the receiving countries and started returning home at the end of June, when favourable conditions were created¹.

As far as the authors know, only one qualitative study on the impact of the COVID-19 pandemic on migrants has so far been conducted in Serbia (Mirkov, Poleti-Čosić, 2020; Pešić, 2020; Vesković Andjelković, 2021). The results of this online survey provide some information about the challenges that our citizens faced during and after their return to Serbia. Psychological and social challenges stand out, but

¹ The data on passenger traffic to / from the Republic of Serbia were obtained from the Border Police Administration, Ministry of Internal Affairs of the Republic of Serbia, at the request sent in July 2020.

also economic problems, primarily housing and material resources, which also lead to existential insecurity. However, the survey focused on all Serbian citizens who found themselves abroad at the beginning of the pandemic, while the migrant population made up slightly less than half of the respondents. It is also stated that the online method of data collection caused the sample skewness, with a clear dominance of active internet users, so that the majority are highly educated and respondents from Belgrade (Mirkov, Poleti-Ćosić, 2020).

The physical and mental health of the immigrants is at greater risk due to the amount of stress they undergo during the migration process (Dow, 2011), especially in times of crisis such as the COVID-19 pandemic (Benjamin et al. 2021). Our approach is based on previous studies (Mak, Zimmerman and Roberts, 2021; Mak, Roberts and Zimmerman, 2021; Bhandri et al. 2021; Dow, 2011) that were focused on migration-related stressors and coping strategies migrants used to respond to migration-related stressors, which were additionally emphasised by the outbreak of the COVID-19 pandemic. This paper aims to deepen the understanding of the impact of the COVID-19 pandemic on different groups of migrants from Serbia. Building on the literature on migration-related stressors, our aim is to explore their presence, i.e. to identify and analyse major migration-related stressful issues that international migrants from Serbia coped with due to the societal impacts of the COVID-19 pandemic. To achieve this, we explored their migration experiences, motives, and plans at destination and on return. However, this paper, similar to the ones we refer to, does not assess the participants' mental health, nor were the psychological consequences of migration-related stressors and coping in the focus of the study.

METHODS

Semi-structured in-depth interviews were conducted, as a frequently used research method in social sciences. This approach was selected considering its ability to collect open-ended data and present respondents' perceptions, attitudes, and opinions regarding researched issues (Barriball and While, 1994).

The questionnaires were divided into subsections, where the questions were guided by the aim of understanding difficulties and the most stressful issues faced by migrants from Serbia as a result of the societal impact of the COVID-19 pandemic. The interviews were conducted by phone (Viber call). This method encouraged the respondents' participation and provided long verbal responses to open-ended questions in a close dialogue between researchers and respondents (McGuirk and O'Neill, 2016). The research was conducted from May to December 2020. The participants were called twice (at the beginning and at the end

of this period), which provided a perspective on the changing migration experience, migration strategies and plans over time. The interviews lasted around 30 minutes. In the search for 'information-rich cases' (Baxter and Eyles, 1997), the snowball technique was used. Recruitment occurred until saturation appeared, and we reached the point of no new themes and data.

The data was collected by the method of note-keeping with verbatim noting selected spoken words. ID numbers were added to the material, and content analysis and thematic analysis were used for data analysis, where key themes were marked prior to the conclusion. Quotations about central issues were selected to explain and better understand participants' thoughts, feelings and beliefs about particular topics.

The research included 17 male and 17 female migrants from Serbia aged between 20 and 59 who lived abroad (8), who worked abroad on a temporary basis (23), and daily border-crossers who make the smallest group of the sample (3). The majority of the participants are at peak working age (30-49 years), married and have children. In terms of education, two-thirds of the respondents have secondary education, and others have higher education. The respondents are employed in various sectors of the economy, mainly in service-based sectors (9), construction (7), and transportation (5). Out of destination countries of migrant workers, European countries were most represented (28, of which 23 in the EU), but there were also those who worked in the USA, South Korea, Canada, Australia, Taiwan, and the United Arab Emirates (6 in total). For those who worked abroad on a temporary basis, the last country in which they worked and resided is listed. The length of their migrant experience varies according to the type of migration (from two, three or five months to one, three, five, seven, ten and twenty-five years).

RESULTS AND DISCUSSION

Job and financial hardship

Previous research indicates that most of the stressors that migrants face are job related (Mak, Roberts and Zimmerman 2021). COVID-19 caused job and financial hardship for migrants and their families abroad or in their countries of origin. The types of jobs they held had extra constraints relative to the COVID-19 pandemic. Specifically, the literature on the position of immigrants in the labour market (Fasani and Mazza, 2020; Moroz et al. 2020; Guadagno, 2020) indicates that they take jobs they are overqualified for, work in the informal sector, with low and uncertain incomes, temporary contracts, and unregulated employment. There is an evident concentration of immigrants in certain labour market sectors that have been severely affected by the COVID-19 pandemic crisis, such as agriculture, industry, the service sector (especially accommodation and

food) or homecare services (Guadagno, 2020; Fasani and Mazza, 2020; OECD, 2020). Migrant hospitality workers were among the first to lose their jobs, with the attendant consequences of financial stress, inability to pay for bills, housing, or medications (Hospo Voice, 2020).

Most respondents from Serbia worked in sectors that were initially affected by the pandemic, putting their workers at high risk of unemployment. A respondent employed in the UAE aviation industry says about this experience:

“For me, it was very stressful when the big layoffs in my company started. You don’t know how to survive here, and you still can’t leave the country, or the border of your country is not open.” (3F)

According to Vesković-Andelković (2021), for almost a third of returnees to Serbia after the outbreak of the pandemic, the motive for return was their precarious work conditions and financial problems, whether they were left without income, without a job, sent on forced leave, with reduced income, or uncertain employment status.

The findings from our interviews confirm that those with temporary or some forms of extended employment were the first to lose their jobs due to the COVID-19 pandemic outbreak. Most of them returned to Serbia when the conditions for the return were met.

“I thought I would be able to go through the layoff much easier, but I see that it has negatively affected my determination to look for a job. I don’t know if I will look for it here (Germany, author’s note) because the job offer has dropped dramatically, or in Belgrade.” (24F)

The differences in the impact of the COVID-19 pandemic-induced job and financial hardship crisis on the lives of migrants depending on the type of migration, are noticed by the respondents themselves.

“I have a work visa through my wife, so I’m not too affected. However, those who come for a couple of months would be very wrong if they were stuck in the middle of the pandemic here. Everything is very expensive.” (31M)

Besides job losses, the respondents point to income reduction as a stressful issue that shaped their experiences. In the event of reduced income, employing another household member, as well as reducing consumption, seemed important as a support system and coping response.

“When the pandemics started, the boss told us to choose either a social program and to unregister us or to stay registered but with 80% salary. Yes, it was a loss of 20%, but we reduced our home expenses and did not spend on going out.” (32M)

As a consequence of the COVID-19 pandemic, some respondents mentioned that their contracts had been terminated before they expired,

which resulted in unpaid wages that their families in the country of origin were counting on. Job insecurity, i.e., temporary work stoppages or termination of informal engagement, were also mentioned as important stressful issues.

“I clean flats... I haven't worked for two months at all ... People are afraid of coronavirus ... I have a couple of families who didn't even call me to come back to work for them ... it all made my financial situation worse.” (6F)

Challenges of migrant return, legal status, and stigma

The legal status of the respondents proved to be very important when considering risk exposure during their stay abroad (Kluge et al., 2020; Arionan, 1993). Stigma and border crossing are specific migration-related stressors that have been studied (Mak, Zimmerman and Roberts, 2021). As a result of travel restrictions and border closures following the COVID-19 outbreak, Serbian migrants surveyed experienced different uncertainties in their desire to continue their journey or return to the country of origin. In this context, the most common challenges that emerged depended on the stages of migration, the specifics of their legal or employment status, on whetherof the respondents were in irregular legal status or were illegally employed, and had entered foreign countries with tourist visas or in some other way and did not further regulate their work status. Additionally, barriers to staying in the destination country were also caused by restrictive laws of the destination country in relation to certain migrant categories, such as temporary migrants and daily border-crossers.

A few Serbian migrant workers surveyed who travelled to countries of destination or were working on cruise ships during the COVID-19 outbreak spoke about the experience of being stuck in transit or onboard for days or even months.

“I crossed the border, entered Croatia, but I couldn't go any further. Waiting, there was uncertainty, customs officers were angry, no one gives you explanations... We waited in a hall for 4-5 days to be returned to Serbia. Then I returned to Serbia, and I had to be quarantined.” (16F)

Upon the COVID-19 outbreak, some respondents did not want to go back to Serbia for fear of infecting household members in the country of origin, given their occupation.

“How do I know I didn't get infected working in different houses so I wouldn't pass the virus on to my child if I came back.” (7F)

The respondents who wanted to return to Serbia upon the COVID-19 outbreak specifically emphasised they were feeling helpless in trying

to return home immediately, because the borders were closed and travel opportunities were limited. Similar to other findings (OECD, 2020), most migrants from Serbia pointed out that during their return they faced some kind of uncertainty or problems in finding transportation to their country of origin after the borders were closed. One of the problems was the lack of support from public services in destination countries and the fact that diplomatic missions of the country of origin were not well organised in informing citizens and coordinating the return home. This was particularly true of circular migrants, many of whom were in irregular status.

“Nobody there (Germany, author’s note) says anything, our consulate says one thing now, another thing tomorrow... and plane tickets were resold at three times the price. I would have paid that much, but flights were full.” (14M)

The unfavourable public opinion about returnees was also pointed out by respondents, who were further stigmatised by negative media reporting as irresponsible instigators of the COVID-19 pandemic. According to Pešić (2020), in the midst of the pandemic crisis, the returnees were recognised by the authorities as the importers of the infection and the main culprits for its spread in Serbia. Anti-migrant narratives and stigmatising attitudes towards different types of migrants, including return migrants, have been observed in many other countries triggered by the COVID-19 pandemic (Guadagno, 2020).

“Here, upon return, we were greeted as if we all had the virus.” (8F)

In the countries where temporary visas are practically the only option for work-related residence, such as the Gulf countries (Czaika and Villares Varela, 2012), labour migrants from Serbia were especially affected by economic uncertainties and border closures.

“They do not allow you to be unemployed here and to stay in the country (UAE, author’s note), When you stop working, you have a month to find another job, or you are deported to your country of origin.” (13M)

Respondents who belong to the group of transnational migrants, i.e. living in two or more countries at the same time are also vulnerable to disruptive global changes (Järv et al. 2021). However, the challenges they face are rather different from other migrant groups. Due to legal obligations, a respondent had to find a way to travel to the USA during the first lockdown. He closed his restaurant in Belgrade and found a job in the USA to earn money for himself and his family living in Serbia. While economic stressors are similar to those for other groups of migrants, the ones related to health circumstances and coping with repeated self-isolation in several countries stand out.

“I have been to three countries (Hungary, Serbia, and Taiwan) and in three quarantines. I’m used to mobile life, and I adapt quickly, but it is definitely not easy to adjust to the time in quarantine, because our brains need to move in order to maintain mental health.” (27F)

Health and family concerns as stressful issues

The sudden outbreak of the pandemic caused health reasons to be high on the list of stressors that migrants encountered (Kluge et al., 2020). The research shows that most of the respondents, regardless of whether they worked abroad for a longer or shorter period of time, had some kind of health insurance in the destination country before the outbreak of the pandemic. On the other hand, only a third of respondents had social protection through a company abroad. However, with the loss of a job abroad, almost all respondents lost their social and health care.

Most respondents had health insurance under employment contracts, or through insurance companies. The respondents who often repeated shorter work stays abroad and did not have work, but only tourist visas, paid for travel health insurance, usually only at the beginning of the work stay.

“I was told at the German consulate that it was good for me to pay for health insurance. I did that in the beginning, then I thought they would pay for my insurance from home if I needed it. Who would expect such a catastrophe to take place?” (28M)

The respondents who exercised their right to health insurance through an international agreement on the transfer of insurance from one country to another pointed to complicated bureaucratic procedures as the main reason why many families failed to exercise this right.

“I waited almost a year for my insurance to be transferred... and nothing happened until I did everything myself... You have to be persistent... I understand why 99% of people don’t ask for it even though it belongs to them.” (22F)

In addition, caring for family members at home was a reason for additional stress, as well as looking for ways to return home quickly, especially among temporary migrants. The uncertainty related to the health situation of their families in Serbia was one of the most important stressors, along with the impossibility to send remittances in the usual way, which before the pandemic often involved informal channels.

“The mother of a colleague I came with got sick, he was desperate, so we all came back together even though the job wasn’t finished.” (26M)

Reflections on strategies and future plans

For most respondents, the migration motive was economic in nature (higher earnings or employment prospects), although there are those who moved for family reasons (family reunification). Upon the outbreak of the COVID-19 pandemic, migrants mostly used coping strategies to respond to migration-related stressors.

In response to the effect of legal status stressors and job-related stressors, those who worked abroad on a temporary basis, who were in an irregular situation or illegally employed, affected by job loss or reduced workload and income, mainly choose the problem-solving strategy and return migration as a strategy response (Mak, Roberts and Zimmerman, 2021). The re-talk with one migrant showed that due to their changed socio-economic situation, she returned to Serbia with the spouse who was neither of Serbian nor of the destination country origin.

The respondents who lived abroad with their families used a strategy of reduced consumption. Daily border-crossers, affected by border crossing as one of the specific migration-related stressors, overcame this problem by starting to work from home in agreement with the employer. When our respondents lost their jobs, social and/or health insurance, the vast majority opted for the problem-solving strategy (Mak, Roberts and Zimmerman, 2021), i.e. they tried to return to their country of origin at all costs. The loss of health and social insurance in most respondents created an additional negative impact on the feeling of insecurity in the country of destination, which in other studies also proved to be an important motive for returning to the country of origin (Vesković Andjelković, 2021).

In the period of uncertainty after losing a job and/or trying to return to Serbia, almost all respondents emphasise the importance of their private contacts, relatives and friends, i.e. their initial support system, as the most important in coping with new stressors (Mak, Zimmerman and Roberts, 2021), such as organising stay in the destination country after the pandemic started, finding transportation home, but sometimes also finding employment at home after a sudden job loss in the destination country.

“Until I got to my cousin in Cologne, it was difficult... the hostels didn't work either... everything was closed. Fortunately, some acquaintances found me a place to sleep, on a mattress in a closed beauty studio, without a bathroom, without a window... terrible, but even that is good when you have nothing.” (14M)

The vast majority of the respondents who were in the country of origin at the time of the research doubt that they will be able to get a job abroad in the near future due to the uncertainty of the pandemic and the speed of economic recovery afterwards. This attitude is especially present among workers in accommodation and food service activities and

transport, as well as among those with unregulated work status. Such an attitude was confirmed by the re-talk at the end of 2020.

“I think a lot has changed globally and every country will rather hire its own worker first...” (4F)

If the opportunity arises, almost all respondents would rather not change their livelihood strategies. This also applies to many respondents who do not have a regulated status in the country of destination. Potential countries of emigration for most of the respondents who have returned to Serbia are precisely those in which they lived before the pandemic, mostly the EU. At the same time, they believe that these countries have the most people from the countries of the former Yugoslavia, which significantly helps them find employment and accommodation. Respondents stated that it is very important for them that these countries are relatively close, which allows them to visit their family in the country of origin more often and return home quickly and cheaply.

CONCLUSION

There are some limitations to this study. The research is small in scale and was mostly conducted among migrants who returned to the country of origin (both temporarily and permanently) after the beginning of the COVID-19 pandemic. Although it captures a wide diversity of experiences, its conclusions cannot be generalised. However, it is one of the first studies in Serbia to provide a deeper insight into understanding the impact of migration-related stressors on different groups of migrants from Serbia during the COVID-19 pandemic. The understanding of these stressful migration-related issues can help develop a faster and better policy response to protect the migrants' rights, particularly in crisis situations. The authors also emphasise that although the paper discusses the various migration-related stressors faced by respondents after the outbreak of the COVID-19 pandemic, the psychological consequences they cause are not considered. In addition, research is based solely on the attitudes of research participants. While such a perspective is very important, further evidence is needed to formulate meaningful policy options.

The research findings show that at the beginning of the COVID-19 pandemic, all the respondents suddenly became exposed to a number of stressors. Most stressors that migrants from Serbia were exposed to since the pandemic were job related. The results indicate that stressful issues also depended on the legal status of migrants abroad. Temporary migrants who frequently repeated their stay abroad, including undocumented labour migrants, as well as daily border-crossers, were exposed to the greatest insecurity. Most of them were the first to get laid off, before the employment contract expired. Moreover, almost all were left without so-

cial and health care, which proved to be a particularly stressful issue. One of the reasons for the sudden change in employment and social status is that temporary migrants mostly work in sectors initially affected by the pandemic. Migrants with temporary work visas who had stayed in destination countries for a long time also faced sudden stressors. In countries where temporary labour status dominates for labour migrants, such as the Gulf countries, during the crisis, labour migrants from Serbia were especially affected by economic uncertainties and border closures. However, respondents with a permanent work permit or citizenship of the destination country, who were employed at the time of the outbreak of the COVID-19 pandemic, were in a slightly better position. Although they also faced workload reduction, lower earnings, or layoffs, they were provided with social support measures in the destination countries.

The presented differences between migrant groups also somewhat contributed to different coping strategies migrants mostly used to respond to migration-related stressors during the first months of dealing with the COVID-19 pandemic. Respondents with permanent visas who stayed with their families abroad mostly decided to stay in the destination country using the strategy of reduced consumption. Those who did not have a permanent visa overcame the challenges and the sense of existential insecurity in the destination countries through problem-solving strategies, by finding ways to return home in the conditions of severe travel restrictions. In this regard, they were greatly helped by the initial support networks, mostly family, friends, and acquaintances. It also came about that environmental stressors were pronounced, especially negative attitudes of the public opinion and stigma. The vast majority of respondents who have returned to Serbia, despite the experienced problems after the outbreak of the pandemic, wish to go abroad again. However, they believe that due to the uncertainty of the duration of the pandemic and economic recovery, they will not have the opportunity to (legally) get a job abroad in the foreseeable future.

Migration-related COVID-19 problems and its long-term consequences may negatively affect migrants' wellbeing. Therefore, future research should continue to investigate not only migration-related stressors, but also the physical and mental health of migrants in crisis situations such as the COVID-19 pandemic, and the ability of different types of migrants to cope with numerous and sudden migration-related stressors in such situations.

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ПРОБЛЕМИ МИГРАНАТА ИЗ СРБИЈЕ ПРОУЗРОКОВАНИ ПАНДЕМИЈОМ КОВИДА-19

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Резиме

Један од највећих изазова међународних миграција са којима се суочава Србија је наглашена радна емиграција. Током последње деценије долази до значајног увећавања привремених и циркуларних миграционих облика. Отуда се у кратком периоду по избијању ковид-19 пандемије у Србију вратио велики број

њених грађана. У исто време, они су се суочили са бројним изазовима, а многи од њих су били својствени углавном за мигрантско становништво.

Стога, у раду се истражује утицај пандемије ковида-19 на различите групе миграната из Србије. Главни циљ рада је да идентификује и анализира потешкоће са којима су се међународни мигранти из Србије суочили услед друштвених последица пандемије ковида-19. Такође, истражује се како они доживљавају те миграционе стресоре и како поступају у контексту ограничења и могућности у земљама порекла и одредишта, из потребе да се суоче са тим изазовима. Истакнути су и миграциони планови у складу са миграционим мотивима пре пандемије, те могућности за њихово остварење након пандемије. Рад је заснован на квалитативном истраживању спроведеном коришћењем полуструктурираних дубинских интервјуа – телефонски, са 34 испитаника.

Резултати показују да су по избијању пандемије ковида-19 сви испитаници нагло постали изложени бројним изазивачима стреса својственим углавном за мигрантску популацију. Преовладале су потешкоће везане за посао и финансијско стање, повратак, правни статус, стигму, здравље и породицу. Показало се да врста и интензитет изазова и изазивача стреса зависе и од правног статуса миграната у иностранству. Разлике у правном статусу су у извесној мери допринеле и различитим стратегијама сналажења миграната током првих месеци суочавања са пандемијом. Једна од стратегија сналажења је и повратак у земљу порекла. Резултати такође показују да је велика већина испитаника који су се вратили у Србију, упркос комплексним проблемима са којима су се суочили, као и сумњи да ће бити поново у прилици да добије посао у иностранству, исказала жељу да поново емигрира. Мигранти су се током тражења решења значајно ослањали на иницијалне миграционе мреже, односно породицу и пријатеље. Са друге стране, наглашава се изостанак подршке институција земаља дестинације, првенствено и у погледу доступности социјалне и здравствене заштите, што се нарочито односи на привремене мигранте. Такође, упркос изостанку добре координације током организовања повратка у земљу порекла, истиче се важност подршке земље порекла.

Иако је ово истраживање малог обима и његови закључци се не могу генерализовати, оно представља једно од првих истраживања у Србији које даје дубљи увид у разумевање утицаја миграционих стресора на различите групе миграната из Србије у време пандемије ковида-19. Целовитије сагледавање проблематике миграционих стресора релевантних за међународне миграције, може допринети бржем и бољем политичком одговору у заштити права миграната, нарочито у кризним ситуацијама.

ДЕМОГРАФИЈА
DEMOGRAPHY

EFFECTS OF THE COVID-19 PANDEMIC ON MORTALITY IN SERBIA IN 2020^a

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Abstract

The coronavirus SARS-CoV-2 causes the systemic disease COVID-19, which killed more people in a few months than all infectious diseases together in this century. COVID-19 was one of the leading causes of death in 2020 in many countries (according to the preliminary data).

By applying the demographic method to final mortality data for 2020, we can give an overview of the situation in Serbia through population mortality indicators.

The effect of COVID-19 on mortality in Serbia in 2020 was higher than anticipated. The surplus of mortality that occurred in 2020 (compared to the three-year average of 2017-2019) is 14,657, an increase in mortality of about 14%. Deaths from COVID-19, according to vital statistics, make up 71% of excess mortality. This increase is also reflected in life expectancy at birth which dropped by 1.55 years. The male population observed higher mortality rates from COVID-19 and a more significant life expectancy drop. Around 4% of those who died from COVID-19 are younger than 50. A person who is 85 or older was almost 100 times more likely to die from the consequences of COVID-19 than a person who is 34 or younger. COVID-19 was the second leading cause of death in Serbia in 2020. One of the few positive things about this pandemic is that violent deaths plummeted.

Key words: COVID-19, SARS-CoV-2, pandemic 2020, mortality, Serbia.

^a This paper was written as part of the 2021 Research Program of the Institute of Social Sciences with the support of the Ministry of Education, Science and Technological Development of the Republic of Serbia

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ПОСЛЕДИЦЕ КОВИД-19 ПАНДЕМИЈЕ НА СМРТНОСТ СТАНОВНИШТВА СРБИЈЕ 2020. ГОДИНЕ

Апстракт

Коронавирус проузрокује системску болест КОВИД -19 која је за неколико месеци усмртила више људи него све заразне болести у овом веку. Последице по здравље становништва још нису довољно истражене, а према првим подацима КОВИД-19 је међу водећим узроцима смрти 2020. у многим земљама.

На основу коначних резултата за 2020. годину, применом демографског метода анализе података, кроз показатеље смртности становништва, могуће је дати приказ стања у Србији.

Ефекти пандемије на морталитет у Србији су били већи него што се могло очекивати. Вишак морталитета који се догодио 2020. (у поређењу са трогодишњим просеком 2017-2019) је 14.657, што је повећање морталитета за око 14%. Према виталној статистици, смрт од КОВИД -19 чини 71% од прекомерне смртности у Србији. Ово повећање смртности утиче и на очекивано трајање живота при живорођењу које је пало за 1,55 година. Мушка популација има веће стопе морталитета од КОВИД -19 и значајнији пад очекиваног трајања живота у 2020. години. Око 4% умрлих од КОВИД -19 су млађи од 50 година. Особа која има 85 или више година има скоро 100 пута већу вероватноћу да умре од последица КОВИД -19 него особа која има 34 или мање године. КОВИД -19 је други водећи узрок смрти у Србији 2020. Једна од ретких позитивних ствари везаних за ову пандемију је смањење насилних смрти.

Кључне речи: КОВИД-19, коронавирус, пандемија 2020, морталитет, Србија.

INTRODUCTION

Throughout history, infectious diseases have been the most faithful companion of humankind. The smallest microorganisms – the ever-changing viruses – have posed a challenge to the health of the human population over and over again. Pandemics leave especially deep marks¹, as they can change the arc of history. Infectious diseases have killed more people in written history than all-natural disasters and wars combined (Glezen, 1996). Only in the 20th century, we had three influenza pandemics: 1918, 1957, and 1968 and all lasted for about three years (Kilbourne, 2006). The 1918 influenza pandemic (Spanish flu) undoubtedly took the most lives, with some estimates going as high as 50 million deaths globally (Garber, 2021). Other pandemics in the 20th century were not as deadly. Overall, infectious diseases, especially since the middle of the 20th century in Europe and the developed world, ceased to be among the leading causes of death. This remarkable triumph of humanity led to a loss of public interest and more relaxed behavior of health systems when

¹ Pandemics due to infectious diseases are most often the result of the emergence of a strain of the influenza virus (i.e. the flu), which is new to the human population and can spread through the population of a larger geographical area, continent or the whole world.

infectious diseases were in question. Attention shifted to chronic, non-communicable diseases until 2020 when the world was shaken by a new pandemic caused by a coronavirus called SARS-CoV-2.

COVID-19 is an infectious disease caused by the newly discovered coronavirus SARS-CoV-2. The clinical features of COVID-19 vary widely, from asymptomatic infection to severe pneumonia with acute respiratory failure. COVID-19 is a systemic disease resulting from the predominant inflammatory response, which can cause severe health conditions, even in young patients (Massabeti, Cipriani & Valenti, 2020). The SARS-CoV-2 virus pandemic should be seen as an extremely high health risk for the population, as 1.8 million deaths with a diagnosis of COVID-19 were reported in 2020, while recent estimates by the World Health Organization (WHO) indicate excess mortality in that period of at least 3 million (WHO, 2021). While at the beginning it seemed that the threat of a current pandemic is less severe than that of the Spanish flu of 1918, mortality from COVID-19 in the coming period may surpass the overall mortality from all infectious diseases in the last 100 years (Goldstein and Lee, 2020) and leave consequences for the health of the population which have not been recorded so far.

Based on the analysis of available data on the SARS-CoV-2 pandemic, different countries have suffered in very different ways. We must be aware that there was no time to establish a uniform methodology for diagnosing a new disease in the year of the pandemic and that the overall quality of data is not at a high level. The quality of the data also varies significantly across different countries. Many countries still lack functional civil registration services and vital statistics systems that can provide accurate, complete, and timely data on births, deaths, and causes of death (WHO, 2021). Thus, researchers often try to give an early snapshot of the situation based on preliminary data. Based on data for 2020 (March to December), Serbia is among the ten countries in the world with the highest excessive mortality (Karlinsky and Kobak, 2021). The other Balkan countries (Northern Macedonia, Bulgaria, Serbia, Albania, Bosnia and Herzegovina) stand out as well. The research based on the preliminary data for 34 European countries showed that the countries in Southern Europe faced the most significant consequences of the pandemic and that those in the north of the continent had the most favorable outcomes (Marinković and Galjak, 2021). The same research underlines no apparent regional regularity and that nearby countries' outcomes can differ dramatically.

In the first months of the pandemic, researchers discovered that men had higher mortality across all age groups (Ahrenfeldt et al., 2020; Goldstein Lee, 2020; Takahashi et al., 2020). The number of deaths is highest in men with pre-existing cardiovascular conditions (Gebhard et al., 2020). Unlike other respiratory diseases, mortality due to COVID-19 does not represent a typical U-shaped curve, an increased risk in infants and children, as well as the oldest-old (Raoult et al., 2020). In previous epidemics, the young population was even more impacted due to the

higher infection rates, which is not the case with the new pandemic (Sasson, 2020). Mortality data by age for many countries in the world indicate that it is the elderly who are the most vulnerable. Many analyses published so far point out that mortality from COVID-19 is concentrated in the elderly (Dowd et al., 2020). People over the age of 70 account for an average of 58% of total mortality from COVID-19 in developing countries, compared to 86% in industrialized nations, according to standardized data from 26 countries (Demombynes, 2020). This finding points out the critical role of the population's age structure in explaining the differences in mortality rates between countries and how the disease spreads. COVID-19 transmission chains that begin in the younger population, depending on the composition of households, eventually reach the old population.

As the pandemic matures, the global death toll rises at an alarming rate. The European continent is in a particularly precarious position since, in addition to having an aging population, it also represents a crossroads of migrant flows. The situation in less developed sections of the world, where the population is on average younger, is also not encouraging. These countries often face a lack of medical material, poor health infrastructure, and poorer education regarding individual health. Serbia is part of a group of countries that could be particularly vulnerable. The population is one of the world's oldest, having a life expectancy at birth among the lowest in Europe (Marinković and Radivojević, 2016). The prevalence of cardiovascular disorders indicates that the so-called cardiovascular revolution has yet to occur, with many individuals in Serbia still suffering from chronic heart and circulatory diseases. Health risk factors (smoking, hypertension, obesity, alcohol, polluted air) are very much present in the population (Marinković, 2017, 2020), and the level of health care and public health lags significantly behind the most developed societies (Marinković, 2021). The large diaspora that ties Serbia to Europe's most significant economic hubs, which have become an important source of the infection's transmission, exacerbates the unfavorable situation. To a large extent, all of the above determines the possible consequences of the SARS-CoV-2 virus epidemic in our country.

The paper's primary objective is to analyze the mortality of Serbia's population in the year 2020. The hypothesis of a more significant increase in mortality among men and a disproportionate increase in mortality among the elderly is being tested. Measuring the contribution of different age cohorts by gender enables us to determine whether the effects of a pandemic on mortality in Serbia are unique or consistent with research in other countries. The analysis of mortality by cause of death should establish whether COVID-19 was a significant cause of death in 2020. It should also confirm the author's thesis that the high prevalence of cardiovascular disease in Serbia, with men and women having a relatively short life expectancy (compared to other European populations), might be a prerequisite for a high number of COVID-19 related deaths.

METHODS

Before analyzing data on mortality in Serbia in 2020, it is necessary to give some methodological explanations. The WHO has developed clear instructions on diagnosing COVID-19 and coding the disease. There are two basic codes (SARS-CoV-2 virus (U071) present and clinical or epidemiological diagnosis of COVID-19, without virus isolation (U072)). It is recommended that when occurring with comorbidities in the form of chronic diseases, the SARS-CoV-2 virus remains the leading cause if it is present in the body. COVID-19 is not coded as a cause of death in cases of violent causes of death or other conditions (myocardial infarction). If a person with an isolated virus dies in the next 14 days, the underlying cause is COVID-19 regardless of other chronic conditions (WHO, 2020). In practice, determining the first cause in the causal chain of those that led to the death is not simple. Even when medical documentation is provided, incorrect conclusions regarding the underlying cause of death are sometimes made. The chances of making a mistake are higher during the year of the pandemic with the heavy demand on the healthcare system. Therefore, the research results on mortality due to COVID-19 must be observed with a dose of caution.

Data from previous epidemics reveals that instances of cases were more accurately diagnosed at the start, but that over time, a growing share of excess mortality is attributed to other causes, most common diseases of the heart or lung (Glezen, 1996). Reported cases of SARS-CoV-2 infection do not represent the overall burden of COVID-19 disease, as case reports depend on patients seeking health care, availability and types of care, and testing capacities. Likewise, not all deaths diagnosed with COVID-19 had the virus as the primary cause of death (Angulo et al., 2021). The main feature of the pandemic is excess mortality, which is defined as the difference between the total number of deaths in a crisis compared to the number expected under normal conditions (WHO, 2021). Excess mortality captures the full scope of the pandemic and avoids all of the problems associated with virus mortality diagnosis. Most importantly, through this indicator, it is possible to see the direct consequences and those that indirectly affect the total mortality of the population.

The paper analyzes the changes in the total mortality of the population of Serbia in 2020 compared to the 2019 or three-year average 2017-2019. The analysis of mortality by age and sex is provided by summarizing specific mortality rates by calculating life expectancy at birth. When it comes to this statistic, it is especially significant to look at the changes induced by the pandemic compared to the prior period. Typically, this indicator is employed in international comparisons and time-series analysis of population mortality. This demographic indicator presupposes that people live from birth to death under the conditions of mortality from the year of observation, which, in the case of epidemic mortality,

implies that the epidemic occurs every year as a person grows old. Despite these limitations, this indicator is indispensable in the analysis of mortality. The method of decomposing² life expectancy shows changes in mortality by the age of the male and female population in 2020. Calculations of excess mortality were used to assess the direct and indirect implications of the COVID-19 pandemic in Serbia. For analyzing mortality in Serbia, we used the final vital statistics data published by the Statistical Office of the Republic of Serbia on July 1, 2021 (SORS, 2021). Vital statistics data were obtained at the official request for this research.

RESULTS

Overall Mortality

In Serbia, the year of the SARS-CoV-2 virus pandemic resulted in a significant increase in overall mortality in 2020. Compared to the previous year, in 2019, the mortality rate is higher by 15% or slightly more than 15,000 people. The total number of deaths in 2020 is 116,850, which is the most significant number of deaths since the establishment of regular vital statistics in Serbia (period 1950-2020). Overall, 17 deaths per 1,000 people represent the highest rate since the middle of the twentieth century. The male population was particularly vulnerable in 2020, and the death rate is 18 deaths per 1,000 inhabitants, twice the lowest average rate during the 1960s. Life expectancy at birth (e_0) in 2020 is 74.40 years, 1.55 lower than the previous year. Such a level was last recorded ten years ago (in the period 2010-2011). It is even more important to emphasize that no such drop in e_0 has been recorded in the last 70 years. Data from 1950 onward show that only the 1967-1969 period recorded a significant drop in e_0 (about one year). At that time, the world was also going through a pandemic (Kilbourne 2006). In the previous two decades in Serbia, life expectancy dropped only three times (2000, 2015, 2017), most likely due to the increased effect of seasonal flu. Also, this phenomenon was not present only in Serbia, which is confirmed by the works of foreign authors (Mølbak et al. 2015; Raleigh 2018). Observed by gender, the male population experienced a significantly greater decline in e_0 than the female population in 2020 (1.85 versus 1.16 years).

Age Component

Using the decomposition method on life expectancy, we can accurately look at the contributions of age groups in the male and female population to the changes in 2020 compared to 2019 (Table 1). All age

² The method is described in Preston et al. 2001.

groups aged 35 or more in men contributed to the increase in e_0 with their increased mortality, while in women, the interval was somewhat shorter, 40 or more years. Men aged 65-69 had the most significant negative impact, with a share of 17%. Interestingly, in men, the oldest group of 85 and older (7%) had a smaller share than the old 50-54 years (10%). In women with 16%, the group aged 75-79 years had the most significant effect on the decline of e_0 . In contrast to men, contributions in the female population are more evenly distributed in all age groups of 60 or more years. The decomposition confirmed the thesis that the increase in mortality in the elderly is responsible for the large decline in life expectancy in both sexes in 2020. Especially in the male population, the elderly middle-aged population significantly contributed to the decline. The pandemic's effects on mortality in 2020 are noticeable in both older and older middle-aged men.

Table 1. Decomposition of life expectancy by sex in Serbia, 2020 compared to 2019

RS	2019-2020 Δ m	%	2019-2020 Δ f	%
0	-0.02	1.18%	0.01	-0.70%
1-4	0.01	-0.54%	0.01	-1.21%
5-9	0.01	-0.40%	0.00	0.38%
10.-14	-0.02	1.13%	0.01	-0.47%
15-19	0.02	-1.24%	0.00	-0.20%
20-24	-0.01	0.53%	0.00	0.02%
25-29	-0.03	1.78%	-0.01	0.64%
30-34	0.00	0.01%	-0.01	1.17%
35-39	-0.06	3.06%	0.02	-1.44%
40-44	-0.07	3.72%	-0.04	3.55%
45-49	-0.09	5.09%	-0.03	2.18%
50-54	-0.19	10.42%	-0.08	7.08%
55-59	-0.17	9.01%	-0.10	8.52%
60-65	-0.17	9.46%	-0.14	12.33%
65-69	-0.32	17.16%	-0.16	13.68%
70-74	-0.25	13.36%	-0.17	14.80%
75-79	-0.23	12.24%	-0.18	15.58%
80-84	-0.12	6.67%	-0.13	11.54%
85+	-0.14	7.36%	-0.15	12.54%
sum	-1.85	100.00%	-1.16	100.00%

Note: m-male, f-female; $^{2019}e_{0m} = 73.34$, $^{2020}e_{0m} = 71.49$, $^{2019}e_{0f} = 78.58$, $^{2020}e_{0f} = 77.42$.
Source: Authors' calculation.

COVID-19 Deaths

The total number of deaths from COVID-19 in 2020 is 10,356. By gender, women accounted for 36% of total mortality from COVID-19. In the year of the pandemic, men had 87% higher mortality rates from COVID-19 than women. The analysis by age shows that COVID-19 burdens the young and middle-aged population the least in Serbia (4% of the total number of deaths with this diagnosis are younger than 50), and the eldest, especially those 70 and older (61% of the total number of COVID-19 deaths). Mortality rates increase with age, and in the oldest 85 or more years, they amount to as many as 928 deaths per 100,000 inhabitants. On the other hand, rates are below 10 per 100,000 until the age of 35. A person who is 85 or older is almost 100 times more likely to die from the consequences of COVID-19 than a person who is 34 or younger. Observed by gender and age groups, men aged 35-44 have a 3.5-4.0 times higher risk of death from COVID-19 than women of the same age. At the age of 70 or more, where the highest number of deaths occurs, the mortality rates in the male population are twice as high (Figure 1).

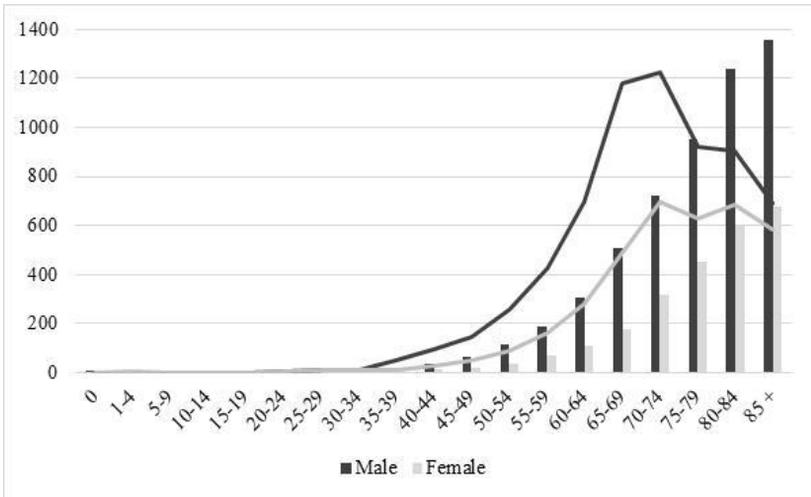


Figure 1. Number of deaths and mortality rates from COVID-19 by age and sex in Serbia in 2020

Note: The lines represent the number of deaths, and the bars the mortality rate (the scale is the same). Rates are per 100,000 inhabitants.

Source: Authors' calculation

Causes of Death

The analysis of data on the primary cause of death for 2020 shows that long-term trends in the leading causes of death have been disrupted. The traditional growth in the number of deaths from malignant tumors has been halted. The number of deaths from cardiovascular diseases has

increased (following a 15-year decline). Respiratory diseases and infectious diseases have increased their share of total mortality significantly. The most common cause of death category in Serbia is the diseases of the circulatory system (I00-I99)³, which make up about half of all deaths annually. In 2020, the number of deaths from this cause totaled 55,305 people, which is an increase of about 2,500 compared to the average from the previous three years (2017-2019). Tumors (C00-D48) have had an annual increase in deaths for 70 years. One of the rare years when the value is not higher than in the previous year is 2020. The number of deaths has decreased by about 600 compared to the three-year average of 2017-2019. Respiratory diseases have been rising for the last 20 years (J00-J99). In the year of the pandemic, there were about 1,300 more deaths than the three-year average. Violent causes (S00-T98) have a declining trend, and in 2020 the decline intensified (there are 8% fewer deaths compared to the three-year average). Of the other significant changes in the leading causes of deaths, the so-called undefined conditions (R00-R99) increased, with 921 more recorded deaths than the previous three-year average.

When looking into a more precise cause of death coding, i.e. not just by a broad category but by a specific cause of death (three-character coding), the diagnosis of COVID-19 is in the second place of the most common causes of death in Serbia in 2020 (Table 2). In the male population, mortality from COVID-19 is the leading cause of death, while in the female population, this cause is in the fifth place.

Table 2. Top ten causes of death in Serbia in 2020

Cause of Death	ICD-10	Total	Male	Female
Cardiomyopathy	I42	12.593	5.386	7.207
COVID-19	U07	10.356	6.629	3.727
Cerebrovascular disease	I60-I69	9.853	4.536	5.317
Hypertensive diseases	I10-I15	9.310	3.878	5.432
Ischemic heart diseases	I20-I25	8.793	4.735	4.058
Malignant neoplasm of trachea, bronchus and lung	C33-C34	5.010	3.407	1.603
Diabetes mellitus	E10-E14	3.395	1.530	1.865
Influenza and pneumonia	J09-J18	3.036	1.840	1.196
Malignant neoplasm of breast	C50	1.825	43	1.782
Malignant neoplasm of colon	C18	1.353	804	549

Note: ICD-10 is the 10th revision of the International Statistical Classification of Diseases and Related Health Problems

Source: Authors' calculation

³ The codes are according to the International Statistical Classification of Diseases and Related Health Problems, 10th revision.

Excess Mortality

Assessing the effect of the SARS-CoV-2 pandemic by looking at confirmed COVID-19 deaths can only lead us to overlook the pandemic's overall impact on population mortality. Excess mortality includes those who died from COVID-19 and those who died from all other causes. This means that both direct and indirect mortality metrics are needed to understand the overall impact of a pandemic. The surplus of mortality that occurred in 2020 (compared to the three-year average of 2017-2019) is 14,657, an increase in mortality of about 14%. Deaths from COVID-19, according to vital statistics, make up 71% of excess mortality.

DISCUSSION AND CONCLUSION

The COVID-19 pandemic is not over, and the tally from 2020 shows only the situation from the first nine months of the health crisis that is shaking up the entire world. The situation in Serbia is quite unfavorable. When the pandemic ends, the final toll and its consequences for the mortality of the population will be unparalleled in the peacetime conditions of our country. With the current number of deaths from COVID-19 and high excess mortality in 2020, Serbia is among the most impacted countries in Europe (Karlinsky and Kobak, 2021; Marinković and Galjak, 2021). It is especially worrying that in addition to the old population, middle-aged men in Serbia also make a big contribution to the decline in e_0 , which is not typical for Western European countries. However, it is for the countries of the Balkans and Eastern Europe.

Life expectancy is a summary indicator of mortality, the value of which was significantly reduced in 2020. The values have returned to the level from the previous decade. Next year, we expect an even more significant decline because the preliminary indicators are significantly less favorable than 2020. However, we should not expect a continuous decline of e_0 in Serbia, nor the stability of this indicator in the coming years at the current level. The end of the pandemic, which resulted in the increased mortality of the elderly and the most vulnerable, will produce a culling effect, i.e. there would be fewer people left to die, leading to a sharp increase in e_0 , which will reach record levels in the years after the health crisis.

In the last 70 years (1950-2020), it has not been recorded that a contagious disease was the leading cause of death, as is now the case in Serbia. The high proportion of COVID-19 deaths in the male population is of particular concern since it has surpassed the traditionally most common diseases – the cardiovascular diseases. It is difficult to predict the end of the pandemic, but an infectious disease is certainly not expected to maintain this share in total mortality in the coming period. Infectious diseases will likely return to below 1%, as before the pandemic. Positive changes are the lowest recorded death rates from violent causes of death

so far. However, this will probably not be the case in 2021. Measures to control the movement of the population, which are the main reason for the lower number of violent deaths, were not in force to that extent in 2021, so a return to the level before the health crisis is expected.

Excess mortality shows that in addition to direct deaths due to COVID-19, there is a significant increase in so-called indirect mortality caused by the pandemic in Serbia. It is difficult to say to what extent it results from an error in reports on the underlying cause of death or an increase in mortality due to inadequate health care for other non-COVID-19 patients. The overload of the health system at the time of the pandemic is evident. However, data and analyses necessary to show that the potential delay in surgical interventions or diagnostic examinations is responsible for the increase in deaths are still missing. A detailed analysis of trends in the leading causes of death, along with data for 2021, could be a way to estimate indirect mortality from COVID-19.

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ПОСЛЕДИЦЕ КОВИД 19 ПАНДЕМИЈЕ НА СМРТНОСТ СТАНОВНИШТВА СРБИЈЕ 2020. ГОДИНЕ

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Београд, Србија

Резиме

Ефекти пандемије на морталитет у Србији су били већи него што се могло очекивати. У односу на претходну, 2019. годину, морталитет је виши за 15% или за нешто више од 15 хиљада лица. Овако драстично повећање морталитета спустило је очекивано трајање живота у Србији за 1.55 година. Мушка популација је посебно угрожена у 2020. години, а стопа смртности дупло виша од најниже просечне стопе током 1960-их. Декомпоновањем је потврђена теза да је раст смртности код старих одговоран за велики пад очекиваног трајања живота код оба пола у 2020. години. Посебно у мушкој популацији треба нагласити и значајан допринос старијег средовечног становништва. Последице пандемије на смртност у 2020. години у Србији видљиве су како код старих, тако и код старијих средовечних мушкараца. Анализа по старости показује да КОВИД-19 најмање оптерећује младо и средовечно становништво у Србији (4% укупног броја умрлих са овом дијагнозом је до 50-те године живота), а највише старе, нарочито 70 или више година (61% од укупног броја КОВИД-19 смрти). Готово 100 пута је већа шанса да од последица КОВИД-19 умре особа 85 или више година него 34 или мање. То значи да су tzv. бејби-бум генерације (рођени непосредно после Другог светског рата) најугроженије. КОВИД-19 је у 2020. години био други најчешћи узрок смрти, одмах после обољења срчаног мишића (I42). Анализа података о основном узроку смрти за 2020. показује да су нарушени дугогодишњи трендови код водећих узрока смрти. Традиционални раст броја умрлих од малигних тумора је прекинут, повећао се број умрлих од кардиоваскуларних оболења (после 15 година смањивања), а болести респираторних органа, као и заразна и инфективна оболења изразито су увећала удео у укупној смртности. Стопа смртности од насилних узрока 2020. године је рекордно ниска.

ПСИХОЛОГИЈА
PSYCHOLOGY

BURNOUT IN HEALTHCARE PROFESSIONALS DURING COVID-19 PANDEMIC: CORRELATES AND PREDICTORS^a

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Abstract

The research presented in this paper is among the first attempts to research burnout at work in healthcare workers (HCWs) in Serbia during the COVID-19 pandemic. It is designed to examine the level, correlates and predictors of burnout in healthcare professionals of three healthcare institutions in Novi Sad, Serbia, during September 2020. The Copenhagen Burnout Inventory, work burnout scale (CBI-WB) was applied, and a questionnaire designed for research purposes to collect basic demographic data, information on the work environment and on the perception of working conditions, as well as on job satisfaction. The sample includes 133 respondents, 28 males and 105 females, aged 21 to 65. The obtained value on the CBI scale shows that on average subjects had a moderate to high degree of burnout symptoms; and 52.6% can be placed in category with a high level of burnout. Significantly higher values of burnout were registered in the employees in the Clinical Center of Vojvodina than in those in the Institute of Public Health of Vojvodina. Within the final model, which explained 57% of the variance of the criteria and which was statistically significant, predictors of a smaller number of symptoms of work related burnout were higher job satisfaction ($\beta = -.503$, $p < .001$) and less stress response ($\beta = .353$, $p < .001$), which led us to the conclusion that the level of burnout can be lowered by improving working conditions and atmosphere in teams, and by raising overall job satisfaction.

Key words: burnout, healthcare workers, COVID-19.

^a We would like to thank colleagues who helped in conducting this research: Prof. dr. Vesna Gavrilov-Jerković, Faculty of Philosophy in Novi Sad, Department of Psychology; Dragica Jovišević, Institute of Public Health of Vojvodina; Nedeljko Platiša, CCV, Clinic for Psychiatry; Tatjana Bokun, Center “Srce”; Georgina Trifunović

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ИЗГАРАЊЕ КОД ЗДРАВСТВЕНИХ РАДНИКА ТОКОМ ПАНДЕМИЈЕ КОВИД-19: КОРЕЛАТИ И ПРЕДИКТОРИ

Апстракт

Истраживање представљено у овом раду један је од првих покушаја испитивања изгарања на раду међу здравственим радницима у Србији током пандемије КОВИД-19. Дизајниран је да испита ниво, корелате и предикторе изгарања међу здравственим радницима три здравствене установе у Новом Саду, у Србији, током септембра 2020. Примењен је Копенхаген инвентар, скала изгарања на раду (СВИ-WB) и упитник креиран за потребе истраживања ради прикупљања основних демографских података, информација о радном окружењу и о перцепцији услова рада, као и о задовољству послом. Узорак укључује 133 испитаника, 28 мушкараца и 105 жена, старости од 21 до 65 година. Добијена вредност на скали СВИ показује да су у просеку испитаници имали умерен до висок степен изгарања, а да се 52,6% може сврстати у категорију са високим изгарањем, при чему су значајно веће вредности регистроване међу запосленима у Клиничком центру Војводине него међу онима у Институту за јавно здравље Војводине. У оквиру коначног модела, који је објаснио 57% варијансе критеријума и који је био статистички значајан, предиктори мањег броја симптома изгарања на раду били су веће задовољство послом ($\beta = -.503$, $p < .001$) и мањи стрес на раду ($\beta = .353$, $p < .001$), што нас је довело до закључка да се ниво сагоревања може смањити побољшањем услова рада и атмосфере у тимовима, те повећањем укупног задовољства послом.

Кључне речи: изгарање, здравствени радници, КОВИД-19.

INTRODUCTION

With the onset of the COVID-19 pandemic, healthcare professionals around the world, especially HCWs at the forefront, have experienced varying levels of work stress. Research worldwide shows very different results of stress experienced while working in a healthcare institution during the COVID-19 pandemic, from less than 60% of staff experiencing moderate stress in Wuhan, China at the very beginning of pandemic (Wang et al., 2020, p.1490), to 74.0% in Palestine among frontline HCWs at the same time (Maraqa, Nazzal & Zink, 2020).

Significant differences were noted across job categories for self-reported stress and resilience, with nurses reporting the highest stress scores and younger personnel higher stress and more resilience in some studies (Croghan, Chesak & Adusumalli, 2021).

A review of 14 COVID-19 related studies confirmed an extensive strain on HCWs due to stress, depression and anxiety (Bohlken, Schomig & Lemke, 2020).

The COVID-19 pandemic has placed HCWs in untenable stress while balancing the risk to themselves and others (Greenberg, Docherty & Gnanapragasam, 2020). Stress, which may be caused by physical, mental or emotional factors, has both physical and psychological consequences, e.g. increased allostatic load, fatigue, inattentiveness, mood disorders, addiction issues, job related injuries, and absenteeism (Cool &

Zappetti, 2019). Doctors who keep working despite experiencing signs of burnout are more likely to have decreased work productivity, exhaustion and poor quality of care when compared to their earlier performance. Additionally, it can also increase the economic burden of training and recruiting new staff members when efficient physicians quit due to the inability to handle stress (Patel, Bachu & Adikey, 2018). It was emphasized earlier that future research is indicated to include well-designed randomized controlled trials and standardized measurement tools (Chesak, Cutshall, Bowe, 2019).

During a pandemic, HCWs are among the highest risk (Salazar de Pablo, Vaquerizo-Serrano & Catalan, 2020). They are highly stressed by overtime work, shortage of personal protective equipment (PPE) and training, long-term self-isolation, stigma, high exposure to patients' death, and the risk of infection or death to self and family (Adiukwu, Bytyc & Hayek, 2020).

Direct exposure to the high level of distress during the COVID-19 pandemic seems to increase the risk of professional burnout with adverse outcomes for the whole organization (Patel et al, 2018).

Burnout syndrome is defined as the result of chronic stress in the workplace that has not been successfully resolved. It is characterized by three dimensions: feeling of exhaustion or loss of energy; increased mental distance from the work done or feelings of negativity or cynicism about one's work; and a sense of inefficiency and lack of achievement (Schaufeli, Leiter & Maslach, 2009). In general, the COVID-19 pandemic seemed emotionally draining, but some authors claim that it encouraged HCWs to have a sense of personal achievement due to work and commitment (Jakovljevic, Stojanovic & Nikolic Turnic, 2021).

Some studies show that all three burnout dimensions (personal, work-related, and client-related burnout) were associated with a specific set of covariates, including gender, marriage status, having children 12 years old or younger, education level, years of professional experience, frontline work, health problems and direct contact with infected people (Duarte, Teixeira & Castro, 2020).

The study presented in this paper is among the first attempts to research work burnout among HCW in Serbia. It is designed to examine the level, as well as correlates and predictors of burnout in healthcare professionals.

We examined employees in two health institutions, the Clinical Center of Vojvodina (CCV) and the Institute of Public Health of Vojvodina (IPHV). Although HCWs in these institutions perform different types of work, generally all of them have experienced some changes in working conditions since the beginning of the COVID-19 pandemic. Some, but not all, employees in CCV have been in direct contact with Covid patients. They have worked in Covid wards, called "orange zones" (wards with patients who are suspected, but not yet confirmed, to have

Covid infection) and “red zones“ (wards with patients diagnosed as having Covid infection). In IPHV, employees do not work directly with hospital patients, but the staff includes virologists and epidemiologists, as well as HCWs who have been doing the Covid testing, and had contact with infected sampled materials. In addition, IPHV employees were exposed to increased demands for epidemiological surveys and data processing. They were obliged to report the number of infected individuals and the number of deaths due to COVID-19 on a daily basis, and to maintain relations with the media, in conditions of permanent public pressure. Finally, some of them were facing increased demands for educating population on how to prevent the spreading of the virus. Employees in both institutions were engaged in jobs that they had not done before, with increased workload, night shifts and overtime work, and all tasks were performed with less available staff. Having in mind the aforementioned, we thought it made sense to expect an increased level of burn-out symptoms in HCWs, and this research is an opportunity to check this expectation, and to compare burn-out levels in both institutions.

Objectives of the study were the following:

1. To examine the perception of working conditions (degree of stress during work, atmosphere in the regular work environment, workload during the pandemic, atmosphere in COVID-teams, satisfaction with the leader of the COVID-team);
2. To register general job satisfaction among respondents;
3. To examine the level, as well as correlates and predictors of burnout in healthcare professionals.

METHOD

Description of the research sample - demographic data and work description

The sample consisted of 133 respondents, 28 males (21.1%) and 105 females (78.9%). The age of the respondents ranged from 21 to 65 years, and the average was 41 years ($SD = 10.43$). The largest number of respondents lives with family - a partner and children (41.4%). Nearly 1/10 of the sample (11.3%) lives alone. The remaining respondents (47.3%) live only with a partner, only with children, with parents or in an extended family.

Most of the respondents are employed at the Clinical Center of Vojvodina/CCV (Klinički centar Vojvodine, KCV), 85 of them (63.9%). Among other respondents, 43 (32.3%) are employed at the Institute of Public Health of Vojvodina/IPHV (Institut za javno zdravlje Vojvodine, IZJZV) and 5 (3.8%) at Healthcare Centers in Novi Sad (Dom zdravlja Novi Sad). HCWs from the Health Centers were included only in the analyzes that were conducted on the entire sample.

A smaller part of the sample consists of medical doctors, 35 of them (26.3%), while the rest are medical technicians, health associates and technical staff (N = 98, 73.7%).

Table 1 shows the tasks performed by the respondents at the time of the survey, and Table 2 shows the workload related to the situation, in terms of increased amount of work and duration of the engagement directly related to the pandemic.

Table 1. Jobs performed during the pandemic

	f	%	f-CCV	f-IPHV
Non - pandemic activities	38	28.6	22	14
Work in Covid zones - the red (N=28) and the orange zone (N=20)	48	36.1	48	0
Other (laboratory, data entry, employee / public education)	47	35.3	15	29
Total	133	100.0	85	43

Table 1 shows an equal number (slightly more than a third) of respondents were engaged in direct work with Covid patients (red and orange zone - 36%), as well as in jobs related to the pandemic that do not involve direct contact with patients (data entry, employee / public education - 35%). A slightly smaller number (29%) did not directly perform tasks related to the pandemic, and among them there are employees in both CCV and IPHV.

Although the respondents who are engaged in the red and orange zones are all employees of CCV, in the last group (category "other") there are also employees of CCV, and not only IPHV, because CCV also has a laboratory service, pharmacy, administrative and technical workers.

Table 2. Workload during the pandemic

	f	%	f-CCV	f-IPHV
I was not engaged in work related to the pandemic	31	23.3	17	13
I was not engaged, but the workload increased due to the pandemic	20	15.0	11	6
Less than three months	35	26.3	25	10
More than three months	47	35.3	32	14
Total	133	100.0	85	49

Instruments

A questionnaire designed for research purposes was used to collect basic demographic data, information on the work environment and on the perception of working conditions, as well as on the job satisfaction. A question regarding job satisfaction was taken from the instrument used in the national employee satisfaction survey (study entitled "Analysis of

employee satisfaction in state health institutions“) conducted annually by the Institute of Public Health of Serbia “Dr Milan Jovanovic Batut“ (Jovanović, 2019, Jovanović & Horozović, 2020). The question was “How tense, stressed or pressured are you when doing your job?”, and the answering scale was five-point with a range of grades from 1 - not at all, to 5 - very much)¹.

The Copenhagen Burnout Inventory, work burnout subscale (Kristensen, Borritz, Villadsen & Christensen 2005; adaptation in Serbian, Berat, Jelić & Popov, 2016) was used to assess burnout at work. The original article by the authors of the scale (Kristensen et al., 2005) lists a number of advantages that this instrument has over the most commonly used Maslach Burnout Inventory (MBI, Maslach & Jackson, 1981). Following the publication of this article, several studies were conducted that have used the CBI and tested its psychometric characteristics. These studies have concluded that the instrument is suitable for stress assessment within different professions and in different parts of the world (Milfont, Denny, Ameratunga, Robinson & Merry, 2008; Biggs & Brough, 2006; Winwood & Winefield, 2004; Yeh, Cheng, Chen, Hu & Kristensen, 2007; according to: Berat et al., 2016). The novel methodological studies found that this inventory (CBI) is a good instrument for investigating work burnout among the HCWs during the outbreak of the COVID-19 epidemic (Talaee, Varahram & Jamaati, 2020).

CBI - WB is a scale for measuring intensity of burnout syndrome. It assesses the degree of physical and mental fatigue and exhaustion that a person experiences related to his/her work. It consists of seven items (eg. “Is your work emotionally exhausting?”), with a five-point response scale (from never/almost never to always). Original scoring was used (the answer never/almost never counted as 0, rarely as 25, sometimes as 50, often as 75 and always as 100), and the total score was obtained as the arithmetic mean of the answers to all seven items. The reliability of the instrument within this study was satisfactory ($\alpha = .895$). In analysing data on burnout, we chose scores of 25 or lower, 25 to 50, and higher than 50, to categorize low, intermediate and high burnout, as it was done in one study where CBI was used (Caesar, Barakat, Bernard & Butler, 2020).

Procedure

The research was conducted during September 2020, about six months since the beginning of the COVID-19 pandemic. The instruments were administered through the Google forms platform, so that respondents did not leave any personal data. The consents of the Ethics Commit-

¹ <https://www.batut.org.rs/download/izvestaji/Analiza%20zadovoljstvo%20zaposlenih%202018.pdf> (p. 40)

tees of the involved institutions were obtained for conducting the research.

RESULTS

Perception of working conditions

Respondents were asked to rate the degree of stress they were exposed to while doing their job. The results are shown in Table 3.

Table 3 Degree of stress when doing work (How tense, stressed or pressured are you when doing your work?)

	f	%	Cumulative %	f-CCV	f-IPHV
Extremely (5)	17	12.8	12.8	16	1
Very much (4)	34	25.6	38.4	26	7
Moderate (3)	64	48.1	86.5	37	25
Little (2)	12	9.0	95.5	4	7
None (1)	6	4.5	100.0	2	3

The average grade of stress was $M = 3.33$ ($SD = .97$), which is close to the theoretical arithmetic mean and corresponds to moderate level of stress. When the employees in CCV ($M = 3.59$) and IPHV ($M = 2.91$) were compared according to the degree of stress, the difference was statistically significant ($t(126) = 4.042$; $p < .001$), indicating that the stress level is higher in employees in CCV. In the categories with high levels of stress, employees in CCV predominate.

It is important to note that almost half of the respondents (48%) are under moderate stress, and that more than 1/3, according to their estimates, experience high stress while doing their work.

When asked about the atmosphere in the regular work environment in the health institution where they are employed, the respondents gave answers shown in Table 4.

Table 4 Assessment of the atmosphere in the regular working environment

	f	%	Cumulative %	f-CCV	f-IPHV
Worst possible (1)	18	13.5	13.5	18	0
Poor (2)	23	17.3	30.8	21	1
Neither bad nor good (3)	50	37.6	68.4	290	19
Good (4)	33	24.8	93.2	13	18
Best possible (5)	9	6.8	100.0	4	5

The average score of the atmosphere in the work environment was $M = 2.94$ ($SD = 1.11$), which is the theoretical mean score on the scale used. When employees in CCV ($M = 2.58$) and IPHV ($M = 3.63$) were compared, the difference was statistically significant ($t(126) = 6.380$; $p < .001$). The atmosphere in the work environment was rated as worst by

employees in CCV. It can be seen that 30% of respondents rate the atmosphere in a regular work environment as the worst possible or as poor, and almost all of them are the employees of CCV.

Respondents were asked how much they are additionally exhausted by engaging in work related to the epidemic. The answers are shown in Table 5.

Table 5 Answers to the question about the workload related to the epidemic

	f	%
More exhausting	62	46.6
Equally exhausting	24	18.0
Less exhausting	4	3.0
I was not engaged	41	30.8

The results show that almost half of the respondents estimate that their work related to the epidemic additionally exhausts them.

The difference between CCV and IPHV employees was not statistically significant (Mann Whitney U = 775,500; p = .431).

The answers to the question about the atmosphere within the teams engaged in epidemic-related work ("COVID-teams") are shown in Table 6.

Table 6 Atmosphere within teams engaged in epidemic-related work

	f	% (Valid %*)	Valid cumulative %
Extremely good (5)	28	21.4 (31.1)	31.1
Mostly good (4)	33	25.2 (36.6)	67.8
Neither good nor bad (3)	17	13.0 (18.8)	86.7
Mostly bad (2)	7	5.3 (7.7)	94.5
Extremely poor (1)	5	3.8 (5.5)	100.0
I was not engaged	41	30.8 -	

* - percentage within the number of respondents who were engaged in jobs related to the epidemic

The table shows that two thirds of the respondents who were engaged in work related to the COVID-19 epidemic assess the atmosphere within COVID-teams as very good or good.

The answers of the employees in CCV and IPHV were compared and it was obtained that the atmosphere is better in the COVID-teams in IPHV (M = 4.36) than in CCV (M = 3.55), and the difference was statistically significant (t(88) = -3.060, p < .01).

The next question refers to the feeling of personal and professional safety provided by the leader of the COVID-team.

Table 7. Answers to the question of how much respondents had a sense of personal and professional support provided by the COVID-team leader

	f	% (Valid %*)	Valid cumulative %
Yes, exceptionally (5)	13	9.8 (14.1)	14.1
Yes, to a significant extent (4)	25	18.8 (27.2)	41.3
Yes, moderate (3)	16	12.0 (17.4)	58.7
Yes, to a lesser extent (2)	12	9.0 (13.0)	71.7
No, not at all (1)	26	19.5 (28.3)	100.0
I was not engaged	41	30.8 -	

* - percentage within the number of respondents who were engaged in jobs related to the epidemic

It can be seen from the table that 40% of the respondents felt sufficiently supported (exceptionally and to a significant extent). Together with those who felt moderately supported, that makes up almost 60%.

In this case also, difference between those employed in CCV and IPHV was statistically significant ($t(88) = -3,401$, $p < .001$). Respondents engaged in COVID-teams in IPHV ($M = 4.36$) had a greater sense of support than in CCV ($M = 3.56$).

Overall job satisfaction

The last question from this group refers to the global job satisfaction. The task of the respondents was to rate job satisfaction on a five-point scale, where 1 means complete dissatisfaction, and 5 complete satisfaction. The frequencies of individual grades are shown in Table 8.

Table 8 Frequencies of individual job satisfaction ratings

	f	%	Cumulative %	f-CCV	f-IPHV
Very dissatisfied (1)	14	10.5	10.5	14	0
Dissatisfied (2)	23	17.3	27.8	20	2
Neither satisfied nor dissatisfied (3)	42	31.6	59.4	24	16
Satisfied (4)	47	35.3	94.7	24	21
Very satisfied (5)	7	5.3	100.0	3	4

The average grade of job satisfaction was 3.08 ($SD = 1.08$), and a comparison of employees in CCV ($M = 2.79$) and IPHV ($M = 3.63$) showed statistically significant difference ($t(126) = -4.413$; $p < .001$), indicating greater satisfaction in employees in IPHV.

Then, the percentage of satisfied and very satisfied is 40.6%. The percentage of indifferent in this survey is 31.6%. Finally, nearly 30% of respondents were (very) dissatisfied in this research and almost all of them are employees of CCV.

Burnout in healthcare workers, correlates and predictors

Table 9 shows the basic descriptive data related to burnout at work in HCW.

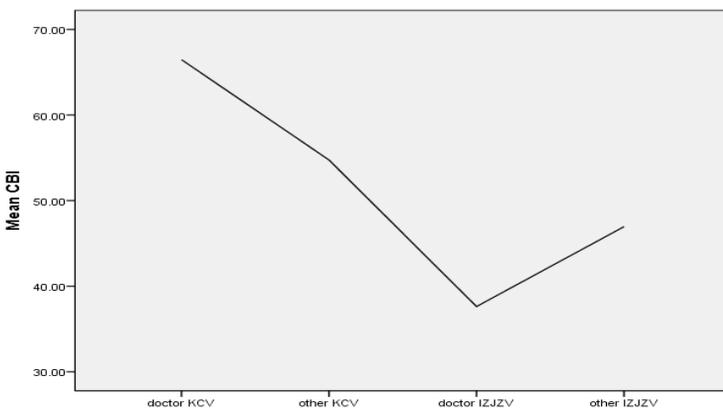
Table 9 Descriptive data on burnout in HCW

N	Min	Max	Mean	SD	Skew.	Kurt.
133	3.57	100.00	52.236	21.748	.087	-.432

The obtained values show that the arithmetic mean, 52.2, is close to the theoretical one, which, having in mind the answer scale, means that on average subjects had a moderate to high degree of burnout symptoms. We obtained the following distribution of participants into the categories: 13% (N = 17) have low, 34.4% (N = 45) have moderate, and 52.6 (N = 69) have high level of burnout.

Statistically significant difference was obtained according to sex of the respondents ($t(129) = 2.072$; $p < .05$), indicating that average burnout was higher in men ($M = 59.69$) than in women ($M = 50.21$). (There was no difference in terms of occupation - doctor or other - between men and women.) Statistically significant difference ($t(126) = 3.496$; $p < .01$) was registered between respondents employed in CCV ($M = 57.23$) and in IPHV ($M = 43.62$).

Having in mind the large difference obtained between HCWs in CCV and IPHV, four groups were compared: doctors in CCV (N = 18), other employees in CCV (N = 67), doctors in IPHV (N = 15) and other employees in IPHV (N = 27). A statistically significant difference was obtained between these four groups ($F(3) = 6.502$; $p < .01$). The results are presented graphically.

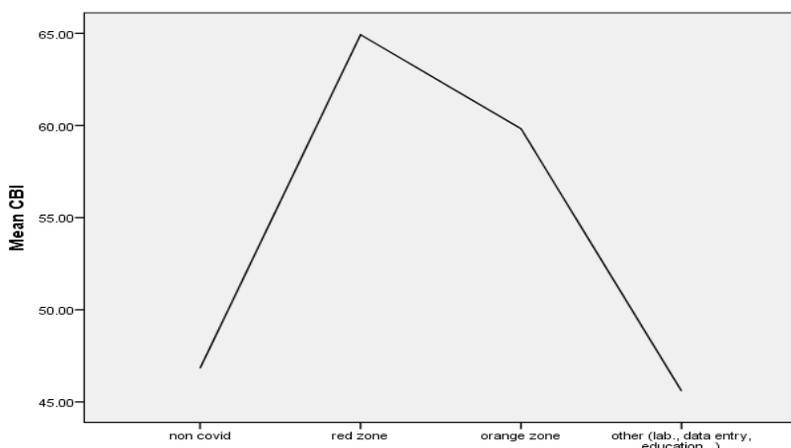


Graph 1. Differences between groups of respondents by place of employment and occupation

Post-hoc analysis (by LSD method) showed that doctors in CCV differ from all other groups and have the highest degree of burnout ($M = 66.47$). The lowest burnout exists in IPHV doctors, but it does not differ statistically significantly from the burnout in other IPHV employees, only in relation to CCV employees (both doctors and others).

Burnout and working conditions

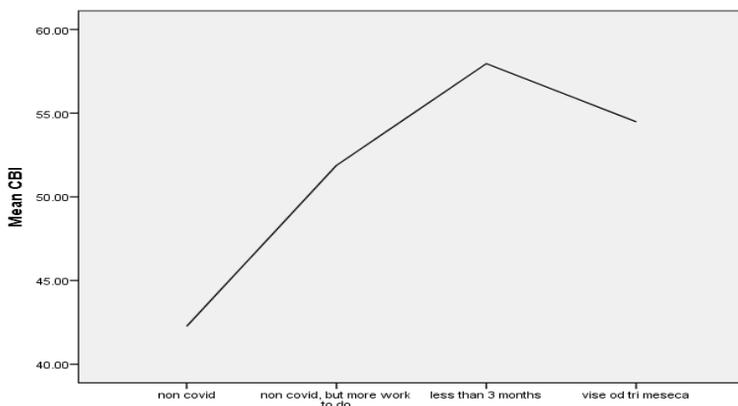
The level of burnout related to engagement in various jobs was examined. Four groups were compared: employees who were not engaged in the COVID-zones ($N = 36$), employees who worked in red zones most of the time ($N = 28$), those who were engaged in orange zones most of the time ($N = 20$) and those who were not in the zones, but were engaged in other pandemic-related jobs ($N = 47$). Statistically significant differences were obtained ($F(3) = 7.058$; $p < .01$). The results are presented graphically.



Graph 2. Differences between respondents engaged in different jobs - zones

Post-hoc tests show that those who were employed in COVID-zones differ statistically significantly from those who were not. There are no differences between employees in the red ($M = 64.92$) and orange zones ($M = 59.82$), nor between those who performed various jobs outside COVID-zones.

Differences were examined among groups of those who did not work in COVID-zones ($N = 30$); did not work, but had an increased workload due to COVID ($N = 19$); those who worked less than three months ($N = 35$); and more than three months ($N = 47$) in COVID-zones. Statistically significant difference was obtained ($F(3) = 3.239$; $p < .05$). The results are presented graphically.



Graph 3. Differences between groups of respondents formed on the basis of the duration of the pandemic-related engagement

Post-hoc analysis shows that those who did not have contact with COVID have fewer burnout symptoms than those who have worked on COVID related matters for less than three months. Other differences were not statistically significant.

Burnout and perception of working conditions

To explore this question, correlations of the score on the burnout scale with the following variables was examined: experience of stress at work, atmosphere in the work environment, workload related to the pandemic, atmosphere within the COVID-team, support by the COVID-team leader and overall job satisfaction. The obtained coefficients are shown in Table 10.

Table 10 Correlations between the examined variables (Spearman ρ)

	Stress at work	Atmosphere	Workload ¹	Atmosphere in a COVID-team ¹	Support ¹	Total satisfaction
Burnout (CBI)	.631**	-.512**	-.034	-.276**	-.381**	-.672**
Stress at work		-.530**	-.265*	-.287**	-.391**	-.552**
Atmosphere			.041	.533**	.581**	.684**
Workload ¹				.157	-.073	.079
Atmosphere in a COVID-team ¹					.622**	.433**
Support ¹						.561**

¹ – to calculate the correlations of these variables with others, a sample of N = 92 subjects was used, i.e. respondents who were not engaged in work related to COVID were excluded

* - p<.05

** - p<.01

The table shows that all the examined variables are related to burnout at work, excluding the experience of workload related to the pandemic. The better the working conditions are assessed (better atmosphere in general and in COVID-teams, greater support by the leader of the COVID-team and greater overall satisfaction), the fewer burnout symptoms appear. The other variables are in medium to high correlations with each other, as well as with the variable total satisfaction.

Predictors of work burnout

In order to examine what the most important factors that predict the occurrence of burnout at work are, and due to high intercorrelations among variables, linear regression, stepwise method, was conducted. It included all variables that were previously shown to be related to work burnout (gender, institution of employment, work in COVID zones, length of pandemic-related engagement, degree of stress at work, atmosphere in the work environment, workload related to the pandemic, atmosphere in COVID-teams, overall job satisfaction).

Within the final model, which explained 57% of the variance of the criteria and which was statistically significant ($F = 86.828$; $p < .001$), only two variables appeared to be significant predictors. This was the *overall job satisfaction* ($\beta = -.503$, $p < .001$) and the *degree of work stress* ($\beta = .353$, $p < .001$). The higher job satisfaction was and the less stress respondents had, the lower was the number of symptoms of work related burnout.

DISCUSSION

The results of our research show that almost half of the respondents (48%) are under moderate stress, and that more than 1/3, according to their estimates, experience high stress while doing their work. Similar number, around 30% of respondents, rate the atmosphere in the regular work environment as the worst possible or as bad. Employees in the clinical-hospital center (CCV) rated stress with higher marks and atmosphere with lower marks than the employees in the institute (IPHV).

It is a rough subjective assessment of stress levels, so it is difficult to compare the results of our research with the results of studies in which different methodologies were used. Some authors report lower stress levels (Wilson et al., 2020), while there are those who registered extremely high stress levels (Hall et al., 2020; Maraqa, Nazzal, Zink, 2020).

The results show that almost half of the respondents who were engaged in work related to COVID-19 estimate that their work related to the epidemic additionally exhausts them, although the majority of them assess the atmosphere within COVID-teams as good and leaders as supportive.

Job satisfaction ratings are at mean levels. Since the question was taken from the instrument used in the national employee satisfaction survey (Jovanović, 2019, Jovanović & Horozović, 2020), a comparison with previous results was possible. It shows that satisfaction ratings are relatively similar to those obtained in 2018 and 2019, indicating that job satisfaction has not changed during the pandemic. In the national surveys, similar percentages were obtained as in this study. In 2018, the percentage of satisfied and very satisfied was 43.3%, while now this percentage is 40.6%. The percentage of indifferent in previous surveys from year to year is about 35%, which is similar to the percentage obtained in this survey, 31.6%. Finally, 30% of respondents were (very) dissatisfied in this research, as well as in the national survey. In both studies, the employees in institutes rated satisfaction with higher marks than the employees in clinical-hospital centers.

The most important result concerns the level of burnout syndrome in the subjects. Descriptive data suggests that on average subjects had a moderate to high degree of burnout symptoms ($M = 52.2$, on the scale from 0 to 100), on the Copenhagen burnout inventory, work burnout scale (CBI). Within the study of the authors of CBI scale (PUMA study, Borritz et al., 2006), average values for 15 different professions were presented. Midwives had the highest score and it was 43.5, which is significantly less than in this study. The average score for the 15 occupations in the original study was 33.0 (doctors and technicians in this study had scores of 29.8 and 37.8). All values presented in the aforementioned study are lower than the average obtained in our research.

More than half (52.6%) of the respondents in our study have high levels of burnout, and only 13% had a low level if we chose scores of 25 or lower, 25 to 50, and higher than 50, to categorize low, intermediate and high burnout, like some authors do (Caesar, Barakat, Bernard & Butler, 2020).

An average, the score similar to one in our research was obtained in a survey conducted during April and May 2020 in the Republic of Serbia. It included 420 HCWs, and the same instrument was used. The average burnout score in this sample was 59.8 (Živanović, Blanuša, Knežević, Stojkov & Javorac, 2020).

The average CBI score in our survey (52.2) was slightly higher than in one of the first studies conducted by the same method, in May 2020, in Singapore (49.2) (Chor, Ng & Cheng, 2020).

All the examined variables concerning the subjective experience of working conditions are related to work burnout, except the experience of workload related to pandemic. The better the working conditions are assessed (better atmosphere in general and in the COVID-team, greater support by leaders of COVID-teams and greater overall satisfaction), the fewer burnout symptoms exist. Variables concerning the subjective experience of working conditions are in medium to high correlations with each

other, as well as with the variable total satisfaction, which indicates that differently formulated questions most likely referred to general subjective experience of job satisfaction in respondents.

Within the final model, only two variables appeared to be significant predictors of burnout. This was the *overall job satisfaction* and the *degree of work stress*. The higher job satisfaction was and the less stress respondents had, the lower was the number of symptoms of work related burnout.

A recent British study found that independent predictors of burnout included being younger, redeployment, exposure to patients with COVID-19, being female and a history of depression (Ferry, Wereski & Strachan, 2021).

A significant contribution of this research is that it demonstrated pattern of differences among HCWs in different institutions.

Differences were observed in almost all examined variables. IPHV employees had lower levels of stress, a better atmosphere in regular working conditions and in COVID-teams, and greater support by team leaders. When it comes to job satisfaction, in this study, as in the national survey conducted in 2018 (Jovanović, 2019) where data show that employees in institutes tend to rate satisfaction with the highest, and employees in clinical-hospital centers with the lowest marks. In 2019, employees in institutes were not in the first place in terms of average job satisfaction, but they rated it higher than employees in clinical-hospital centers (Jovanović, Horozović, 2020). The registered differences are certainly further emphasized due to differences in the organization of work in pandemic conditions.

Differences were registered also regarding burnout in terms of the employees in CCV having a higher degree of burnout, and convincingly the highest – the doctors in CCV.

There are studies that indicate that, although some professionals have a greater responsibility in the management of therapeutic interventions, higher education levels can be a protective factor against stress and hopelessness. In the study conducted during the first two months of lockdown due to the COVID-19 pandemic (Franza, Roberto & Pellegrino, 2020), the group of physicians and psychologists have, in fact, presented higher levels of job satisfaction (compassion, satisfaction) and lower burnout levels compared to other HCWs.

Interestingly, some studies on burnout even before the COVID-19 pandemic indicated that a non-patient-related problem (such as large administrative tasks), as well as human relation issues, were trigger factors for burnout (Verougstraete & Hachimi Idrissi, 2020).

We could conclude, based on the results, that six months after the beginning of the pandemic, moderate to high work burnout of HCWs was recorded. It was more pronounced among the employees of the clinical center and among those who were more engaged in COVID-related jobs. In addition to objective conditions, subjective factors were also signifi-

cant contributors to the severity of burnout. Especially general job satisfaction and assessment of stress at work.

In an attempt to provide answers as soon as possible, one study last year pointed out mobile health (mHealth) tools as promising to facilitate mental health self-management among HCWs. Simple methods such as breathing exercises, biofeedback and mindfulness can be utilized to mitigate acute episodes of stress and anxiety, while telehealth services can be used to enable peer-support and occupational counseling (Sasangohar, Jones & Masud, 2020).

The study of Shah, Chaudhari & Kamrai (2020) focuses on a proposal of firm preventive measures of burnout for HCWs, as follows: empower physicians by providing essential resources, consistent and updated guidelines regularly to staff for managing patients; recruit additional allied healthcare and administrative staff; extend the medical license that is set for renewal; facilitate the setup of telemedicine and telepsychiatry services to address the medical and psychiatric needs; provide support with clear communication from the leadership regarding directives, guidelines and management protocols; restrict excessive workload by scheduling breaks, limit work hours in emergency and intensive care units, and provide regular psychosocial support, essential basic needs, mindfulness sessions, and resilience training; ensure the safety and health of all staff members by the daily screening of vital signs, possible symptoms of infection, and signs of burnout, etc.

Having in mind the level of burnout, we believe that HCWs in their institutions should have permanently available psychological support. However, during the pandemic, that lasted at the time of writing this paper for almost a year and a half, few of them asked for help, according to the information obtained from psychologists working at CCV and IPHV. Therefore, significant data obtained by this research is that the level of burnout can be lowered by improving working conditions and atmosphere in teams, and by raising overall job satisfaction.

The limitations of this research are numerous. It was carried out at one point in time, six months after the start of the pandemic. We have no data on the levels of burnout before the pandemic, nor at the present moment. Furthermore, the participation in the research was voluntary. The link to the questionnaires was sent to a large number of employees, and we received answers from a small number of them. The question that remains open is whether those with lesser or those with higher degree of burnout answered our questionnaire. We hope that the study of this important topic will continue and that the results will be used to create measures aimed at the prevention of burnout in professionals who fight against the COVID-19 virus pandemic every day.

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ИЗГАРАЊЕ КОД ЗДРАВСТВЕНИХ РАДНИКА ТОКОМ ПАНДЕМИЈЕ КОВИД-19: КОРЕЛАТИ И ПРЕДИКТОРИ

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Резиме

Истраживање представљено у овом раду један је од првих покушаја испитивања изгарања на раду међу здравственим радницима у Србији током пандемије КОВИД-19. Дизајниран је да испита ниво, корелате и предикторе изгарања међу здравственим радницима три здравствене установе у Новом Саду, у Србији, током септембра 2020. Циљеви истраживања били су: (1) Испитивање субјективне процене услова на раду (степен стреса приликом обављања посла, атмосфера у редовном радном окружењу, оптерећење послом за време пандемије, атмосфера у ковид тиму, задовољство руководиоцем ковид тима); (2) Испитивање генералног задовољства послом код испитаника и (3) Испитивање нивоа, као и корелата и предиктора изгарања код здравствених радника. Узорак је чинило укупно 133 испитаника, 28 мушког (21.1%) и 105 женског пола (78.9%). Опсег узраста испитаника кретао се од 21 до 65 година, а просечна старост износила је 41 годину (СД=10.43). Већина испитаника су запослени у Клиничком центру Војводине, њих 85 (63.9%). Међу осталим испитаницима 43 (32.3%) су запослени у Институту за јавно здравље Војводине и 5 (3.8%) у Дому здравља Нови Сад. Мањи део узорка чине лекари, њих 35 (26.3%), док су остатак медицински техничари, здравствени сарадници и техничко особље (N = 98, 73.7%). За прикупљање основних демографских података, информација о радном окружењу и о субјективној процени услова на раду, као и задовољства послом коришћен је упитник конструисан за потребе истраживања. За процену изгарања на раду коришћен је Копенхаген инвентар изгарања, скала изгарања на раду (Copenhagen Burnout Inventory, work burnout CBI-WB, Kristensen et al., 2005; адаптација на српски, Попов, 2009). CBI-WB представља скалу за мерење интензитета синдрома сагоревања. Она процењује степен физичког и психичког умора и исцрпљености који особа доживљава у вези са својим послом. На скали од 1 до 5, просечна оцена стреса била је 3,33, просечна оцена атмосфере у радном окружењу 2,94 и просечна оцена задовољства послом 3,08, са значајно већим вредностима међу запосленима у Клиничком центру Војводине него међу онима у Институту за јавно здравље. Добијена вредност на скали CBI показује да су у просеку испитаници имали умерен до висок степен изгарања, а да се 52,6% може сврстати у категорију са високим изгарањем, при чему су значајно веће вредности регистроване међу запосленима у Клиничком центру Војводине него међу онима у Институту за јавно здравље Војводине. У оквиру коначног модела, који је објаснио 57% варијансе критеријума и који је био статистички значајан, предиктори мањег броја симптома сагоревања на послу били су веће задовољство послом ($\beta = -.503, n < .001$) и мањи стрес на раду ($\beta = .353, n < .001$), што нас је довело до закључка да се ниво сагоревања може смањити побољшањем услова рада и атмосфере у тимовима, те повећањем укупног задовољства послом.

SOCIAL RESOURCES AND SOCIAL STRATEGIES AS PREDICTORS OF DEPRESSION, ANXIETY AND STRESS DURING THE CORONAVIRUS PANDEMIC

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Abstract

The aim of the research was to determine the predictive power of social resources and social strategies in predicting depression, anxiety and stress. The sample consisted of 255 respondents (105 males and 150 females) aged 18 to 46, average age $AS = 28.91$, $SD = 6.54$. The instruments used in the research are: Social Resources Scale, Social Strategies Scale and Depression, Anxiety and Stress Scale. The results of the descriptive analysis show that the most pronounced social resources are leadership and reliable support, and the most pronounced social strategies are the expectation of success, management and seeking social support. Respondents show low levels of depression, anxiety and stress. The results of the regression analysis show that social resources such as attachment, social interaction and affirmation of self-worth reduce the possibility of depressive and anxiety symptoms and stress, and reduced management and care for others the occurrence of stress. The application of avoidant and passive social strategies, as well as the absence of social support, will lead to depression, anxiety and stress. It can be concluded that social resources and social strategies play a significant role in protecting mental health during the coronavirus pandemic.

Key words: Social resources, strategies, depression, anxiety, stress.

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СОЦИЈАЛНЕ ЗАЛИХЕ И СОЦИЈАЛНЕ СТРАТЕГИЈЕ КАО ПРЕДИКТОРИ ДЕПРЕСИВНОСТИ, АНКСИОЗНОСТИ И СТРЕСА ТОКОМ ПАНДЕМИЈЕ КОРОНАВИРУСА

Апстракт

Циљ истраживања је био да се утврди предиктивна моћ социјалних залиха и социјалних стратегија у предвиђању депресивности, анксиозности и стреса. Узорак је чинило 255 испитаника (105 мушких и 150 женских) од 18 до 46 година, просечне старости $AC=28.91$, $SD=6.54$. Инструменти коришћени у истраживању су: Скала социјалних залиха, Скала социјалних стратегија и Скала депресивности, анксиозности и стреса. Резултати дескриптивне анализе показују да су најизраженије социјалне залихе - вођење и поуздани ослонац, а најизраженије социјалне стратегије - очекивање успеха, господарење и тражење социјалне подршке. Испитаници показују низак ниво депресивности, анксиозности и стреса. Резултати регресионе анализе показују да социјалне залихе као што су приврженост, социјална интеракција и потврда сопствене вредности смањују могућност појаве депресивних и анксиозних симптома и стреса, а смањено вођење и брига за друге појаву стреса. Примена избегавајућих и пасивних социјалних стратегија као и одсуства социјалне подршке, довешће до појаве депресивности, анксиозности и стреса. Може се закључити да социјалне залихе и социјалне стратегије имају значајну улогу у заштити менталног здравља током пандемије коронавируса.

Кључне речи: Социјалне залихе, стратегије, депресивност, анксиозност, стрес.

INTRODUCTION

In early 2020, the world faced the new corona virus (SARS-CoV-19) which spread uncontrollably. A period of serious changes and consequences was coming, which would leave a deep mark on people's lives. Awareness of the danger of this virus in some people has caused general confusion, anxiety and fear, both for their own lives and for the lives of other people. A review of previous findings on the pandemic spread of COVID-19 over the past year has shown a global threat by the virus, both to the global economy and to physical and mental health (Živkovic, Stanojevic, & Radovic, 2021). The effectiveness of an individual's response to the current situation of a pandemic, successfully facing various challenges and problems, coping with depression, anxiety and stress caused by the pandemic, depends on the characteristics of the person, but also on the social resources at their disposal and the social strategies used. That is why it is important to examine the role of social resources and social strategies in dealing with stressful situations.

Social resources

Weiss (Weiss, 1974) was the first to point out the role of social resources in explaining loneliness. According to this author, loneliness can be defined as a response to the absence of a certain type of relationship or

as a response to the absence of certain social resources that a relationship allows us. Weiss believes that social integration and attachment are basic social resources, and in addition to them, he lists four other important resources: leadership, caring for others, confirmation of one's own value and reliable support. These resources a person gains in relationships with others and are necessary for them to feel adequately supported, regardless of the fact that they are more or less important in different stages of life or in different situations. Commitment, or emotional attachment, allows a person a sense of security, and social integration a feeling of belonging to a group in which similar interests are shared with other members. According to Weiss, attachment can be obtained from a love partner, but also from friends and family members, while in most cases, social integration is a stock of friendly relations. Social integration provides security, satisfaction, and a sense of identity (Weiss, 1974). Guidance and reliable support are resources that are important when a person needs to solve a problem, because it includes the ability to obtain information or advice, or the certainty that they can rely on others when help is needed. Guidance can be obtained from teachers, mentors, parents, and reliable support can be provided by family members. Confirmation of one's own value refers to the recognition of one's own competencies, skills that are also valued by others. Caring for others refers to the feeling that a person is needed by others and contributes to the well-being of other people. Commitment and care for others is higher among those who were more satisfied with their love partner, those who are more satisfied with friendly relations were more socially integrated, and a reliable support is the strategy to which satisfaction with family and friends contributed the most. In a study by Cutrona and Russell (Cutrona & Russell, 1987) on several samples, the results indicate good discriminant validity of the social resources scale when the overall score was used as a general perception of social support in relation to some relevant constructs such as depression, neuroticism and introversion/extraversion.

Social strategies

In adolescence, when one of the important developmental tasks is the realization of successful social relations, cognitive and behavioral strategies play a significant role in social situations. The way we think and react in relationships with other people represents social strategies (Nekic, 2008a). Strategies are most commonly defined as latent mental structures in memory that are formed over time and that are activated in responsive situations (Zukauskienė & Sondate, 2004). When it comes to strategies, Nurmi et al. (Nurmi, Toivonen, Salmela-Aro, & Eronen, 1996) believe that there are two stages that are responsible for implementing individual intentions, goals and beliefs in effective action. These two stages determine, first the development of behavioral, and then cognitive strate-

gies. The first article is characterized by cognitive schemes that were previously formed and built in social interactions with other people. Schemes are based on different assumptions about possible successful or unsuccessful outcomes of certain social situations. Cognitive patterns are reflected not only through expectations of what will happen in a social situation, but also through individual optimism or pessimism regarding the way of facing new challenges (Nekic, 2008a). The second stage refers to the already constructed meanings about the ways of dealing with new situations, i.e. social strategies in this stage include planning, self-observation of one's own behavior, investing efforts in new social challenges. Nurmi and co-workers (Nurmi, Salmela-Aro, & Haavisto, 1995) suggested six strategies: expectation of success, behavior irrelevant to the task, avoidance, management, pessimism and seeking social support. *Expectation of success* is a cognitive strategy that refers to the degree to which one expects success, that is to what extent he is anxious about a possible failure in the domain of social relations. *Behavior irrelevant to the task* is a behavioral strategy that determines the extent to which a person strives to be (or not) involved in social relationships with other people. This strategy involves behavior whose goal is an excuse for possible failure, that is self-handicapping in social situations, finding excuses to avoid a certain social situation. *Avoidance* as a strategy refers to the tendency to withdraw and avoid social situations due to anxiety and inconvenience. *Management* refers to the belief in personal control, and not in external factors when it comes to the degree of success of social interactions. *Pessimism* is a cognitive strategy that involves a constant preoccupation with possible failure in social interactions. *Seeking social support* is a behavioral strategy that requires the degree to which a person seeks support from other people when he or she needs it. Some of these strategies enable the initiation, inclusion and maintenance of social interactions, while others increase the possibility of failure.

Some research has shown that children who have poorly developed social strategies have fewer friends, a worse self-image and a lower level of self-esteem. These are children who lived in dysfunctional or incomplete families and who did not receive enough attention and support from their parents, and all these circumstances are associated with depression and anxiety (Franz, 2003; Dumont & Provost, 1999). Also, previous research has shown that the lack of social skills plays an extremely important role in the development and maintenance of depression, while the practice of these skills significantly contributes to the reduction of depressive symptoms (Vulic-Prtoric, 2004).

Depression, anxiety and stress

Depression is defined as an emotional state characterized by sadness, feelings of worthlessness and guilt, insomnia, loss of appetite and

sexual desire, withdrawal from others, loss of interest in some daily activities, and lack of satisfaction associated with performing those same activities (Hammen, 2005). One of the main features of depression is rumination, which refers to the thoughts and behaviors by which a person directs his attention to depressive symptoms, as well as to the potential causes of those symptoms (Putnam et al., 2015).

Anxiety is a negative emotional state that, like depression, can be physiological, transient and common, or pathological. Anxiety is a condition in which the object is unknown and the danger and threat come from the person himself (Taylor, Koch, & Crockett, 1991). Normal (physiological) anxiety occurs when making decisions, on trips, at work, in exam situations, in anticipation of different situations, etc. Such anxiety has an adaptive function, because it makes a person more careful, enables avoidance or opposition to danger. On the other hand, pathological anxiety occurs independently of the danger, lasts long after stress, disrupts a person's functioning and requires psychological treatment (Rosen & Schulkin, 1998).

The relationship between affective states such as depression and anxiety has aroused significant interest, both in theoretical and clinical terms. Conceptually, these two concepts can be viewed as very different, however in clinical practice there has been an overlap and a reduction in the distinction between them (Zelkowitz & Milet, 1996). According to some explanations of comorbidity, anxiety and depression are located on a continuum where the state of anxiety precedes the state of depression (Vulic-Prtoric, 2004: 211). In addition to depression and anxiety, stress is also a significant concept that has emerged in the study of these two affective states (Albright, 1993).

A mental state characterized by "stress" or "psychological stress" is interpreted as the belief that an individual cannot cope with a stressor that is personally important for him personally important, a stressor that, under certain circumstances, can lead to disease (Ehlers & Clark, 2000). Stress viewed in the context of stress adaptation can have a positive effect, and in this case is called eustress, when it has a beneficial and constructive impact on health, motivation, performance and emotional well-being and leads to good adaptation (Le Fevre, Matheny &, Kolt, 2003). On the other hand, the negative, destructive effect of stress or distress is a pathological form of stress which, not only does not lead to adaptation, but is a serious, non-specific condition caused most often by a traumatic event, followed by negative feelings and somatic difficulties (Le Fevre, et al., 2003). The stress reaction is very complex and represents the interaction of many factors, biological, psychological and social, between the individual and the environment and necessarily includes subjective perception and assessment of stressors (Lucanin, 2014). In other words, whether a stressor will cause distress or eustress depends, not only on the stressor itself, but also on the subjective perception and interpretation of the situation by the individual. Lovibond and Lovibond report that depression, anxiety, and stress in the clinical and general populations differ

only in the degree of presence (Lovibond & Lovibond, 1995). It is quite certain that the new circumstances caused by the coronavirus pandemic will have effects on the psychological functioning of people. This pandemic impairs the mental health of people, causes tension and anxiety, so the presence of social stocks and developed social strategies would make it easier for an individual to cope with stressful events.

METHODS

Aim of research

The aim of the research was to examine the predictive power of social resources (leadership, attachment, social integration, caring for others, affirmation of self-worth and reliable support) and social strategies (expectation of success, behavior irrelevant to task, avoidance, management, pessimism and seeking social support) in predicting depression, anxiety and pandemic stress. More precisely, we are interested in whether the possession of certain social resources and the application of certain social strategies prevents the occurrence of depression, anxiety and stress.

Instruments

Questionnaire of sociodemographic data on gender (1 - male; 2 - female) and age of respondents (number of completed years at the time of the survey).

The social resources scale (Cutrona & Russell, 1987) has a total of 24 items that are evenly distributed in six subscales: Leadership, Self-Affirmation, Social Integration, Commitment, Caring for Others, and Reliable Support. The original version of the scale is adapted and prepared in Croatian by Nekić (2008b), and this research required the translation of certain terms into Serbian. The scale is of the Likert type with four degrees where 1 means - I completely disagree, and 4 - I completely agree. The total score is shaped as a linear combination of estimates on each subscale individually, with a higher score indicating the perception of larger social supplies. The theoretical range of results for each subscale ranges from 4 to 16. The reliability coefficients by subscales in the sample of this study range from $\alpha = .72$ to $\alpha = .82$.

The scale of social strategies (Nekić, 2008b) contains 36 items arranged in frequent subscales that examine different types of cognitive and behavioral strategies in the domain of social interactions: Expectation of success, Behavior irrelevant to the task, Avoidance, Management, Pessimism and Searching for social resources. Since the original version of the scale is in Croatian, it was necessary to translate certain terms into Serbian. The answers are given by circling the appropriate number on a Likert-type scale of four degrees, where 1 means - I completely disagree, and 4 - I completely agree. The total score is formed as the sum of the scores

on each subscale individually, with a higher score indicating a higher use of a particular strategy. The reliability coefficients by subscales on the sample of this research range from $\alpha = .71$ to $\alpha = .77$.

The depression, anxiety, and stress scale (DASS) (Lovibond & Lovibond, 1995) consists of 42 items equally distributed in three subscales: Depression, Anxiety and Stress. The adapted version of the scale in Croatian was prepared by Reić Ercegovac (2012), and this research required the translation of certain terms into Serbian. Respondents answered by circling the appropriate number on the Likert-type scale with four degrees, from 0 - does not apply to me at all to 3 - refers to me completely. The total score is formed as a linear combination of estimates by individual subscales. The reliability coefficients by subscales on the sample of this research range from $\alpha = .88$ to $\alpha = .95$.

Sample and procedure of research

The sample consisted of adult respondents, a total of 255 (105 males and 150 females) aged 18 to 46, average age $AS = 28.91$, $SD = 6.54$. Respondents filled out an online questionnaire that contained a questionnaire of basic sociodemographic data, a scale of social resources, a scale of social strategies, and a composition of depression, anxiety, and stress that required 25 minutes. Participation in the research was voluntary and anonymous, and respondents were informed at the beginning of the questionnaire that the collected data would be used exclusively for scientific purposes.

RESULTS

Results of descriptive analysis

Table 1 shows the descriptive indicators for the social resources variable. Based on the obtained arithmetic means, it is noticed that the values of arithmetic means are shifted towards higher values, which is in accordance with the results of the authors of the scale (Cutrona & Russell, 1987). Respondents have more social resources at their disposal, and leadership and reliable support are somewhat more pronounced.

Table 1. Descriptive indicators for the social supplies variable

	N	Empirical range	AS	SD	Empirical range*	AS*	SD*
Guidance	255	6-16	14.58	2.03	5-16	13.65	2.16
Commitment	255	6-16	13.32	2.47	5-16	12.82	2.48
Social integration	255	16-6	13.62	2.05	8-16	13.33	2.03
Care for others	255	7-16	13.23	1.70	6-16	12.82	1.95
Confirmation of own value	255	6-16	13.22	2.24	5-16	12.82	2.05
Reliable support	255	8-16	14.45	1.85	7-16	14.43	2.19

**Descriptive parameters of the social resources scale according to the authors of the scale (Cutrona & Russell, 1987)*

Table 2 shows the results of the descriptive analysis for the social strategy variable. Based on the obtained arithmetic means, we see that the results on the subscales that measure adaptive strategies (Expectation of Success, Management and Seeking Social Support) are shifted towards higher values, while the distribution of results on subscales related to inadequate social strategies (Behavior irrelevant to the task, Avoidance and Pessimism) shifted towards lower values, which is in line with the findings of the author of the scale (Nekic, 2008b). Respondents expect success in the field of social relations, believe in self-control and seek social support when they need it.

Table 2. Descriptive indicators for the social strategies variable

	N	Empirical range	AS	SD	Empirical range*	AS*	SD*
Expectation of success	255	6-16	13.20	1.98	5-16	12.87	2.06
Behavior irrelevant to the task	255	7-28	15.21	3.40	7-25	14.15	3.30
Avoidance	255	6-24	12.39	3.77	6-21	12.03	3.37
Management	255	21-36	28.63	3.06	6-36	27.46	3.17
Pessimism	255	4-15	6.49	2.17	4-13	7.23	2.16
Seeking social support	255	9-24	19.35	2.87	11-24	19.14	2.77

**Descriptive parameters of the scale of social strategies according to the author of the scale (Nekić, 2008b)*

Table 3 shows descriptive indicators for the variables depression, anxiety and stress. The obtained results are slightly higher than the average results stated by the authors of the scale for subscale anxiety and stress, while they are slightly lower for the subscale depression (Lovibond & Lovibond, 1995). Distributions of results have shifted to lower values.

Table 3. Descriptive indicators for depression, anxiety and stress variables

	N	Min.	Max.	AS	SD	Empirical range*	AS*	SD*
Depression	255	0	40	5.09	7.57	0-36	6.34	5.50
Anxiety	255	0	34	6.05	6.37	0-27	4.70	4.93
Stress	255	0	41	11.73	8.86	0-37	10.11	7.11

**Descriptive parameters of the scale of social resources according to the authors of the scale (Lovibond & Lovibond, 1995)*

Results of regression analysis

Social resources as predictors of depression, anxiety and stress

The results of the regression analysis show that social strategies explain 29.4% of the variance of depression, and from the group of predictor variables, attachment ($\beta=-.301$, $p<0.01$), social integration ($\beta=-.184$, $p<0.05$) and confirmation of eigenvalue ($\beta=-.274$, $p<0.01$), all with a negative sign of the β coefficient.

Table 4. Social resources as predictors of depression

	R	R ²	F	B	P
Social resources	.311	.294	18.642		
Guidance				-.033	.713
Commitment				-.301	.000**
Social integration				-.184	.020*
Care for others				.097	.130
Confirmation of own value				-.274	.000**
Reliable support				.116	.208

* $p < 0.05$ ** $p < 0.01$

Social resources explain 21.7% of the variance of anxiety, while attachment ($\beta = -.236$, $p < 0.01$), social integration ($\beta = -.236$, $p < 0.05$) and confirmation of self-worth were also singled out as significant predictors. ($\beta = .228$, $p < 0.01$), all with a negative sign of the β coefficient.

Table 5. Social resources as predictors of anxiety

	R	R ²	F	β	p
Social resources	.235	.217	12.711		
Guidance				.137	.150
Commitment				-.236	.003*
Social integration				-.236	.005*
Care for others				.103	.128
Confirmation of own value				-.228	.004*
Reliable support				-.022	.817

* $p < 0.05$ * $p < 0.01$

Social resources also explain 21.3% of the variance of stress, and as significant predictors were leadership ($\beta = .211$, $p < 0.05$), attachment with a negative sign of the β coefficient ($\beta = -.167$, $p < 0.05$), social integration with a negative sign of the β coefficient ($\beta = -.215$, $p < 0.05$), care for others ($\beta = .179$, $p < 0.01$) and confirmation of one's own value with a negative sign of the β coefficient ($\beta = -.261$, $p < 0.01$).

Table 6. Social resources as predictors of stress

	R	R ²	F	β	p
Social resources	.231	.213	12.411		
Guidance				.211	.028*
Commitment				-.167	.034*
Social integration				-.215	.010*
Care for others				.179	.008*
Confirmation of own value				-.261	.001*
Reliable support				-.168	.084

* $p < 0.05$ * $p < 0.01$

Social strategies as predictors of depression, anxiety and stress

The results of the regression analysis show that social strategies explain 31.3% of the variance of depression, and significant predictors are avoidance ($\beta = .250$, $p < 0.01$), pessimism ($\beta = .237$, $p < 0.01$) and seeking social support with a negative prefix β coefficient ($\beta = -.306$, $p < 0.01$).

Table 7. Social strategies as predictors of depression

	R	R ²	F	β	P
Social strategies	.329	.313	20.274		
Expectation of success				.036	.618
Behavior irrelevant to the task				-.002	.982
Avoidance				.250	.001*
Management				.107	.091
Pessimism				.237	.001*
Seeking social support				-.306	.000**
	* $p < 0.05$	* $p < 0.01$			

Social strategies explain 27.8% of the variance of anxiety, while avoidance ($\beta = .281$, $p < 0.01$) and pessimism ($\beta = .288$, $p < 0.01$) also stood out as significant predictors.

Table 8. Social strategies as predictors of anxiety

	R	R ²	F	β	P
Social strategies	.295	.278	17.309		
Expectation of success				-.030	.691
Behavior irrelevant to the task				-.025	.746
Avoidance				.281	.000**
Management				.082	.204
Pessimism				.288	.000**
Seeking social support				-.116	.107
	* $p < 0.05$	* $p < 0.01$			

Social strategies explain 25.3% of stress variance and avoidance was singled out as a significant predictor ($\beta = .218$, $p < 0.01$).

Table 9. Social strategies as predictors of stress

	R	R ²	F	β	p
Social strategies	.270	.253	15.310		
Expectation of success				-.106	.164
Behavior irrelevant to the task				.151	.053
Avoidance				.218	.007*
Management				.121	.067
Pessimism				.118	.108
Seeking social support				-.115	.116
	* $p < 0.05$	* $p < 0.01$			

DISCUSSION

The aim of the study was to determine the predictive power of social resources and social strategies in predicting depression, anxiety, and stress.

The results of the descriptive analysis show that the respondents have all the social resources at their disposal, and the most pronounced is the guidance and reliable support. According to Cutrona and Russell (1987), the same person can be the source of a large number of resources. When respondents encounter a problem, there is a possibility that through social resources guidance and reliable support they get the information or advice they need to solve the problem. These social resources provide a person with the security that they can count on other people when they need help (Nekic, 2008a). According to previous research (Cutrona & Russell, 1987), guidance is most often obtained from parents, teachers, and reliable support from family members. Regarding the developed social strategies, the respondents in this research are more pronounced adaptive strategies such as expectations of success, management and seeking social support, that is strategies whose application enables a person to protect self-esteem, develop self-control and optimal psychosocial functioning (Nekic, 2008b). People believe in a positive outcome of social interactions, believe in their own social skills and are ready to seek help from others if they need it. Also, the respondents in this study show a low level of depression, anxiety and stress. Such individuals are characterized by high self-esteem, positive emotions, belief in a positive outcome of activities, focus on achieving life goals important to them (Lovibond & Lovibond, 1995), high threshold of tolerance to frustration (Costello & Comrey, 1967), and developed coping strategies (Coyne & Downey, 1991).

The results of the regression analysis show that people who possess social resources such as attachment, social integration and affirmation of self-worth will not develop depressive and anxiety symptoms. People establish attached close relationships based on a sense of belonging, socializing due to similar activities or interests, believing in their own competencies, which provides a sense of security, belonging and value. The importance of social resources has been proven in research in which the results showed that a high level of support during pregnancy in women who are expecting a child for the first time reduces the risk of depression two months after the birth of a child (Russell, & Cutrona, 1991). Also, data were obtained that persons who have social resources of attachment, social integration and confirmation of their own value, and who lack resources of leading and caring for others, will be more resistant to stress. Established close emotional connections, the feeling of belonging to a certain group and the belief in one's own efficiency is predictive for more successful coping with stress (Nekic, 2008b). Weiss (1974) found

that the absence of certain social resources leads to feelings of loneliness. The loneliness that occurs due to the lack of a close attached relationship, and can only be resolved by integration into an emotionally attached relationship, is emotional loneliness. Social loneliness occurs due to non-inclusion in a social network. Numerous studies have shown that loneliness is associated with a range of mental and physical health problems and illnesses, such as depression (Adams, Sanders, & Auth, 2004; Cacioppo, Hughes, Waite et al. 2006; Heikkinen & Kauppinen, 2004; Ó Luanigh & Lawlor, 2008), high blood pressure (Hawkey, Masi, Berry, & Cacioppo, 2006) and cardiovascular disease (Sorkin, Rook, & Lu, 2002). Catron and Russell (1987) consider that the confirmation of one's own value and care for other social resources are important both in times of stress and when it is not so pronounced. Slightly different results were obtained in this study. The increased need to get information and advice from other people, leaving decision-making to other people can lead to a higher degree of stress in respondents. Also, increased care for others can lead to more stress. A person who feels needed by others, that he should contribute to the well-being of other people, will show a higher degree of stress. The findings can be interpreted in the context of a pandemic, when people were preoccupied with taking care of their own health and did not have the opportunity to devote themselves to the care of close people due to numerous epidemiological measures. Looking at the components that make up social resources such as attachment, social integration and self-affirmation, it can be said that they play a protective role against experiencing stress.

The results of the regression analysis show that avoidance, pessimism and lack of social support lead to symptoms of depression. People who tend to withdraw and avoid social situations, who are preoccupied with possible failure in the social domain and avoid seeking support from others when they need it, will show symptoms of dysphoria, hopelessness, apathy, lack of interest, anxiety, impatience (Reic Ercegovac, 2012). By applying social strategies of avoidance and pessimism, respondents will show symptoms of anxiety and stress. These respondents are characterized by a negative assessment of the situation and a focus on irrelevant behaviors and avoidance (Nekic, 2008b). People who use self-handicapping expect failure, so they concentrate on inappropriate behavior in order to create a behavioral excuse or justification for failure. In case of failure, the behavior that was irrelevant for a certain situation has the function of attributional pronunciation, that is a resistor whose purpose is to maintain self-esteem after experiencing negative outcomes (Nekic, 2006). A longitudinal study (Nurmi & Salmela-Aro, 1997) found that the more pessimistic and avoidant social strategies are used, the lonelier each person will feel, and the lonelier people are, the less they will use strategies that allow them to control and management of the situation.

Given that social resources and social strategies explain 21% to 31% of the variance in depression, anxiety, and stress, other variables that may be significant for the occurrence of negative affectivity should be considered. Some earlier research (Eysenck & Eysenck, 1964; Watson & Clark, 1984) shows that common factors are the occurrence of depression, anxiety and stress, neuroticism as a personality trait, negative affectivity and environmental factors.

Finally, research limitations should be noted. As a first limitation, we can state that the instruments used to assess social resources and social strategies in this research were applied for the first time in Serbia, and the obtained data cannot be compared with previous research results. Another limitation concerns the representativeness of the sample. Namely, the online questionnaire was filled out by respondents who were users of social networks, members of different groups on social networks, users of different platforms, so the obtained results cannot be generalized.

Also, the practical implications of the obtained results should be emphasized in the form of stimulating the development of adaptive behavioral and cognitive strategies through counseling work, workshop work with the aim of strengthening the self-confidence and self-control of the respondents.

The main findings point to the importance of social resources and social strategies in mental health protection during the coronavirus, as well as the necessity of their development and strengthening in the conditions of optimal functioning of the person.

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СОЦИЈАЛНЕ ЗАЛИХЕ И СОЦИЈАЛНЕ СТРАТЕГИЈЕ КАО ПРЕДИКТОРИ ДЕПРЕСИВНОСТИ, АНКСИОЗНОСТИ И СТРЕСА ТОКОМ ПАНДЕМИЈЕ КОРОНАВИРУСА

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Резиме

Циљ истраживања је био да се утврди предиктивна моћ социјалних залиха (вођење, приврженост, социјална интеграција, брига за друге, потврда сопствене вредности и поуздани ослонац) и социјалних стратегија (очекивање успеха, понашање ирелевантно за задатак, избегавање, господарење, песимизам и тражење социјалне подршке) у предвиђању депресивности, анксиозности и стреса. Узорак је чинило 255 испитаника (105 мушких и 150 женских) од 18 до 46 година, просечне старости $AC=28.91$, $SD=6.54$. Инструменти коришћени у истраживању су: Скала социјалних залиха, Скала социјалних стратегија и Скала депресивности, анксиозности и стреса. Резултати дескриптивне анализе показу-

ju da su najizraženije socijalne залихе - вођење и поуздани ослонац, а најизраженије социјалне стратегије - очекивање успеха, господарење и тражење социјалне подршке. Испитаници показују низак ниво депресивности, анксиозности и стреса. Резултати регресионе анализе показују да социјалне залихе као што су приврженост, социјална интеракција и потврда сопствене вредности смањују могућност појаве депресивних и анксиозних симптома и стреса, а смањено вођење и брига за друге појаву стреса. Примена избегавајућих и пасивних социјалних стратегија као и одсуства социјалне подршке, довешће до појаве депресивности, анксиозности и стреса. Гледано укупно, социјалне залихе и социјалне стратегије објашњавају од 21% до 31% варијансе депресивности, анксиозности и стреса. Може се закључити да социјалне залихе и социјалне стратегије имају значајну улогу у заштити менталног здравља током пандемије коронавируса.

БЕЗБЕДНОСТ НА РАДУ
SAFETY AT WORK

Оригинални научни рад <https://doi.org/10.22190/ТЕМЕ210828077P>
Примљено: 28. 08. 2021. UDK 656.121(497.11 Beograd):[616.98:578.834
Ревидирана верзија: 18. 11. 2021.
Одобрено за штампу: 05. 12. 2021.

ATTITUDES OF DEFENCE AND SECURITY SECTOR MEMBERS' TOWARDS URBAN PUBLIC TRANSPORT SERVICE QUALITY DURING COVID – 19 STATE OF EMERGENCY ^a

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Abstract

Announcement of the COVID-19 pandemic, made by the World Health Organization (WHO), has caused changes in functioning of all segments of society. Employers have been endeavoring to expand online work and enforce employees to work from home. All social activities and physical contacts have been dramatically reduced. However, due to the nature of certain occupations, online work has not been feasible. In pandemic circumstances, the healthcare system has met the biggest challenge. Members of the defense and security sectors also have faced increased efforts. Because of commuting, many of them have been dependant on urban public transport system. Consequently, the rapid and adequate reorganization of public transport route network was necessary, as well as the introduction of some preventive measures regarding health care. One of the biggest challenges the management of GSP Belgrade (a public transport company in the city of Belgrade) faced was to maintain anti-epidemic measures, the safety of passengers and a high level of service quality.

The research conducted on the group of 504 participants, members of the defense and security sectors, suggests certain differences among attitudes regarding different aspects of satisfaction and safety connected with the public transport service, depending on the participants' occupation. The health-care workers employed in defense and security sectors felt the least safe in public transport vehicles and, at the same time, they used public transport the most frequently.

Key words: COVID-19, defense, healthcare, security, urban public transport.

^a The work reported in this paper is a part of the investigation within the research project VA-TT/2/20-22 supported by the Ministry of Defence, Republic of Serbia. This support is gratefully acknowledged.

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СТАВОВИ ПРИПАДНИКА СЕКТОРА ОДБРАНЕ И БЕЗБЕДНОСТИ О КВАЛИТЕТУ УСЛУГА ЈАВНОГ ГРАДСКОГ ПРЕВОЗА ЗА ВРЕМЕ ВАНРЕДНОГ СТАЊА ПРОГЛАШЕНОГ ЗБОГ ПАНДЕМИЈЕ КОВИД-19

Апстракт

Проглашење пандемије вирусом КОВИД-19, од стране Светске здравствене организације (СЗО), за последицу је имало промене у функционисању готово свих сегмената друштва. Послодавци су настојали да пређу на онлине облик рада „од куће“, а све друштвене активности и директни контакти су сведени на минимум. У таквим околностима, највећи напор је поднео систем здравства, а под појачаним напором били су и припадници сектора одбране и безбедности, који због природе посла нису могли прећи на рад „од куће“. Будући да сви запослени нису били у могућности да користе сопствени превоз за долазак и одлазак са посла, била је неопходна брза и адекватна реорганизација мреже и траса линија јавног градског превоза, као и увођење одређених организационих мера превентивне заштите здравља. Велики изазов за менаџмент Градског саобраћајног предузећа Београд (ГСП), био је задовољити истовремено противепидемијске мере, осигурати безбедност путника и одржати квалитет услуге. Истраживање спроведено на 504 припадника сектора одбране и безбедности показало је да постоје одређене разлике у ставовима по питању различитих аспеката задовољства и безбедности приликом кориштења услуга јавног градског превоза у односу на професију којом се испитаници баве. У возилима ГСП су се најмање безбедно осећали медицински радници запослени у секторима одбране и безбедности, који су истовремено и највише користили услуге градског превоза.

Кључне речи: безбедност, КОВИД-19, градски превоз, одбрана, здравство.

INTRODUCTION

The WHO announced the COVID-19 pandemic on March 11, 2020. Freedom of movement has been limited worldwide. Many countries declared state of emergency, for certain periods, which caused the local or global lockdowns: India (Agarwal & Biswas, 2020), Spain (Awad-Núñez et al., 2021), the Republic of South Africa (Zhen et al., 2020), etc. Intending to limit the spread of the virus and to end the pandemic, certain preventive public health measures have been undertaken (such as the obligation to wear medical masks and maintain physical distancing, schools were switched to virtual learning, restaurants, cafes, shops, etc. reduced working hours, and other).

State of emergency in Serbia was declared on March 23, 2020, and lasted for 45 days. In the beginning of that period, urban public transport in Belgrade was almost shut down and needed a quick reorganization. The number of vehicles was significantly decreased, as well as number of lines. Only certain bus lines were active. Departure time intervals were longer, night departures were cancelled and some new rules were introduced: responsibility to maintain physical distance, reduced vehicle capacity, marking the seats prohibited for use, marking standing spaces in the vehicle, more frequent disinfection of buses, physical barriers between the driver and

the passengers, etc. Similar measures in public transport were implemented in other cities and countries: in Poland (Przybylowski et al., 2021), Italy (Buja et al., 2020), the Republic of South Africa (Zhen et al., 2020), Singapore, Canada, Hungary (Gkiotsalitis & Cats, 2021), etc. The rules and measures were introduced because urban public transport was recognized as the potential source of spreading of the epidemic (Awad-Núñez et al., 2021).

Numerous surveys investigate this problem, mainly from two aspects. The first aspect is traffic safety during the pandemic and the connection with infection spreading (Linka et al., 2020; Troko et al., 2011; Zheng et al., 2020), and the second aspect is related to the investigation of the pandemic influence on public transport organization, service quality, consequences for passengers' habits and behavior, as well as economy in transport (Pawar et al., 2020; Wu et al., 2020).

During the state of emergency in Serbia, public transport was mainly intended for four groups of users: healthcare workers, military and police staff, city governance staff and employees in the public companies, as well as employees in the entrepreneur companies whose jobs could not be postponed or done from home.

Members of defense and security sectors and healthcare staff, due to the nature of their jobs, were not able to work from home. Therefore, they were the main users of the public transport service and they had contacts with other people more frequently than other citizens, with an increased infection risk.

Adapting to the novel circumstances, the "GSP Belgrade" modified a number of lines and departures, modified the number and location of bus stops, limited the number of seats in buses, etc. Initially, in the area of 12 central municipalities, 32 bus "corridor" lines were introduced, and two additional were added later (Figure 1).

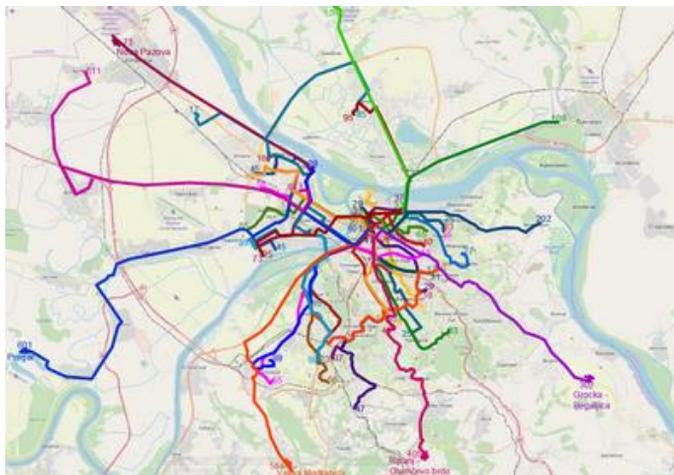


Figure 1. Corridor lines of urban public transport in Belgrade during the state of emergency

The imposed physical distance between passengers reduced the bus capacity and, as a consequence, had the biggest influence on the public transport organization. According to Gkiotsalitis & Cats (2020), the adherence to physical distance reduces the capacity of buses from 6.5% to 50%, depending on the type and dimensions of the vehicle and depending on the length of its route.

Urban and suburban public transport were active only in two time periods during a day, from 5.30 to 8.00 and from 17.30 to 20.00. In these periods, departures in urban public transport were organized each 15 minutes, while suburban departures were minimized. Common ticketing system was suspended and a new system was introduced. Certain documents, such as written employer's confirmation, employee's identification cards and personalized smart cards/tickets, which were controlled on bus stops, were necessary in urban public transport.

Military staff, beside their usual remit of work, were responsible for helping citizens and police staff during the state of emergency. They guarded selected facilities and institutions, such as hospitals, nursing homes (because elderly population was estimated as highly endangered population), warehouses (where medical equipment was stored) and migrant centers. Furthermore, CBRN (chemical, biological, radiological and nuclear) units were engaged in disinfection of large areas and special purpose facilities. Similar activities were noticed in other countries, such as China, the UK, France, South Korea, the Netherlands, Spain, the United States, Germany etc. (Pascal & Kalkman, 2021).

Police staff were engaged to control the curfew and self-isolation (14 days of self-isolation were obligatory for everyone who came from abroad), to disperse illegal gatherings, even to control compliance with epidemiological measures in urban public transport. Some research suggests increased stress levels among police staff caused by new type of tasks (Agarwal & Biswas, 2020; Frenkel et al., 2021), despite the fact that some criminal activities (thefts, murders, fights and car accidents) decreased in that period, mainly because of limited ability of movement. Similar trends are noticed in Brazil, Germany, Austria, Spain and Denmark (Alcadipani et al., 2020; Frenkel et al., 2021).

Healthcare workers, employed in defense and security sectors, have been available for the civilian sector during the pandemic all the time. Different variants of engagement of medical staff were applied in North Macedonia, the UK and the United States (Ristevska-Dimitrovska & Batić, 2020), while Russia and China sent military medical staff to help other counties (Pascal & Kalkman, 2020). In Serbia, it means that military hospitals and other military medical facilities were available to civilians, not for military personnel and members of their families only.

The above mentioned three professions are recognized in psychology as stressful and extremely risky regarding physical and mental health. Occu-

pational stress refers to the harmful psychophysical reactions present in members of certain professions, expressed when conditions at the work place and work demands overwhelm the employee's and affect their abilities, capabilities and needs. Therefore, taking into consideration the fact that the pandemic increased the workload and risk at their work places, it is obvious that the state of emergency contributed to additional stress among employees in the military, the police and especially in the healthcare system. They experienced prolonged intensive exposure to specific stressors, such as increased hazard to be infected at the work place, long duty shifts and frequent overtime, responsibility to make critical decisions, the potential transition of the virus to their homes and families, especially when they were the only potential source of infection (Eriksen et al., 2006).

Factors which exerted particular influence as occupational stressors among lower ranked staff in all three professions (nurses, soldiers and police officers) are the extended scope of tasks, the lack of autonomy and of participation in the decision making processes, organizational problems, demanding administration, inadequate work equipment and the risk of infection (Agarwal & Biswas, 2020; Al-Makhaita et al., 2014; Simić et al., 2021). On the other hand, certain surveys argue that, due to the increased responsibility and demanding tasks, higher ranked staff feels high level of stress (Jenkis & Elliott, 2004). Additionally, in some surveys, gender appeared as a factor which significantly influences occupational stress in these professions, suggesting that women are more exposed to stress (Healy & Tyrell, 2011).

Considering that results from previous researches indicated that urban public transport is the potential source of various viruses in different epidemics, the subject of this research was to determine the level of satisfaction and the sense of security among urban public transport users, in Belgrade, during the state of emergency declared because of the COVID-19 pandemic. The task of the research was to reveal, based on different parameters, if there had been any differences in the estimation of health risk and service quality of urban public transport, during the state of emergency, among three professions.

METHODS

Sample

The research sample was random. It consisted of 504 respondents (N = 504), ages 20 to 55. The mean age was $M = 35.24$, and standard deviation $SD = 8.81$.

Table 1. Passenger profile

Variable	Categories	%
Gender	men	48.8
	women	51.2
Age	< 30	29.2
	30 - 40	36.3
	40 >	34.5
Education	college	47.6
	university	52.4
Profession	healthcare	38.1
	military	27.6
	police	34.3

Certain differences appeared within the sample characteristics (Figures 2 and 3). The biggest number of the surveyed who have a university degree were among the healthcare workers ($\chi^2 = 7.617$, $df = 2$, $p < .022$). Also, respondents employed in the police were slightly younger: average age of the employed in the police was 33 years, in the military 35 and in the healthcare system 36 years.

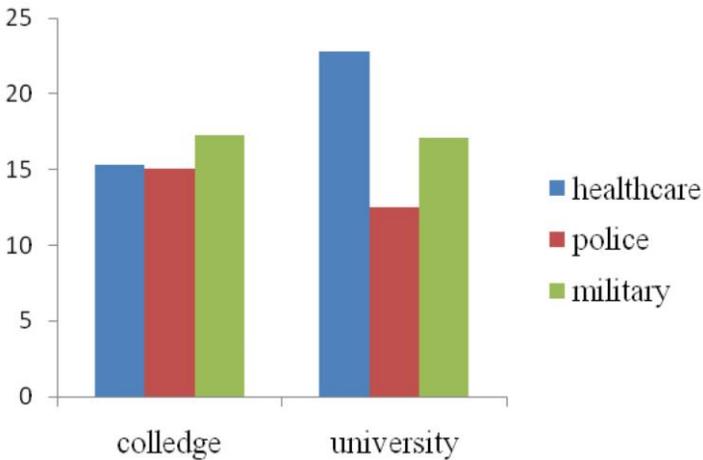


Figure 2. Relationship between profession and level of education in the sample (data are shown in percentage of total sample)

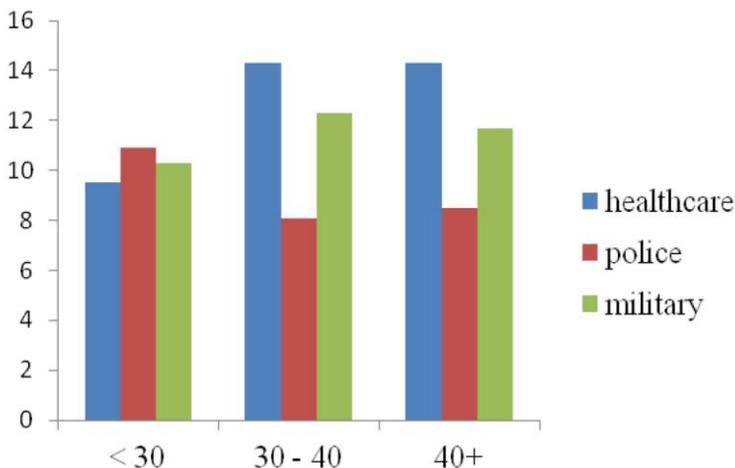


Figure 3. Relationship between profession and age (data are shown in percentage of total sample)

Instruments

The questionnaire designed for the purpose of this survey consisted of 17 questions: four questions connected to socio-demographic variables (age, gender, profession, level of education), and moderator variable - line number. Three questions were about the specifics of the need to use urban public transport and nine questions about the impression of urban public transport functioning during the state of emergency. The respondents answered using a five-point Likert scale (from 1 – totally disagree to 5 – totally agree).

Independent variables were sex (men and women), age (three arbitrary selected categories, each covered approximately 1/3 of the total sample), the level of education (two categories, since in the sample there were no respondents with a high school diploma or lower level of education) and profession (the police, the military and the medical staff employed in the defense and security sectors). The moderator variables were the lines where the survey took place (there was a possibility that some respondents used more lines while commuting), the frequency of using urban public transport during the state of emergency and zone. The dependent variables were related to the respondents' assessment of different aspects of urban public transport functioning (the quality of service, courtesy of staff, departure timetable obeying, passenger awareness, bus cleanliness and compliance with epidemiological measures).

Procedure

The survey covered 34 corridor lines of the urban public transport in the zones 1 and 2. Among respondents, 72.8% of passengers used the urban public transport in both zones. The survey was conducted during five working days, from Monday (13 April 2020) to Friday (17 April 2020). On each corridor line, at the starting bus terminal, each passenger, employed in the defense and security sectors, was questioned. Their participation in the survey was voluntary.

Data processing techniques

Data processing was carried out by IBM SPSS 22 software, calculating frequencies, percentages and χ^2 test.

RESULTS

Results showed that the greatest number of the respondents used corridor lines number 1 and number 24 (Figure 4) for commuting.

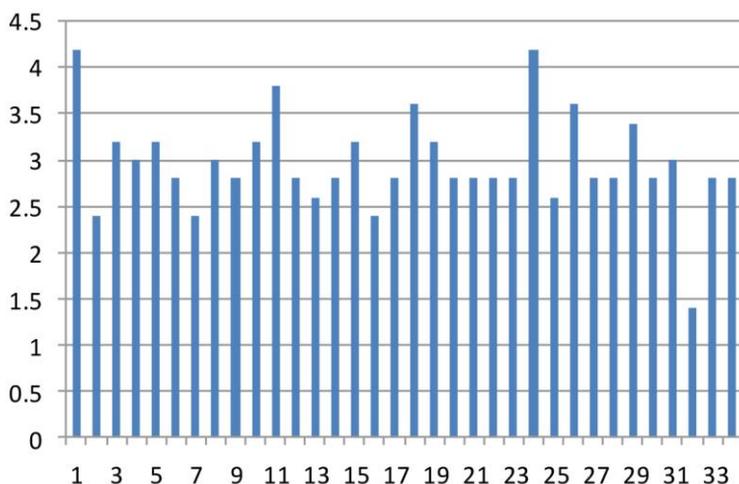


Figure 4. Percentage of respondents on different lines relative to the total sample

Among all questioned passengers, 53% used urban public transport on a daily basis (Figure 5) and 67% of them commuted through both transport zones (Figure 6).

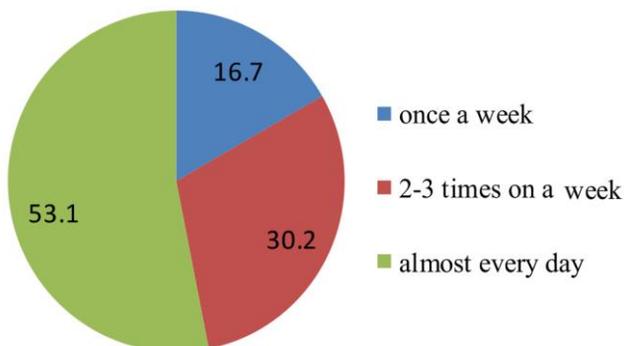


Figure 5. Frequency of use of the urban public transport on a weekly basis (expressed in percentages)

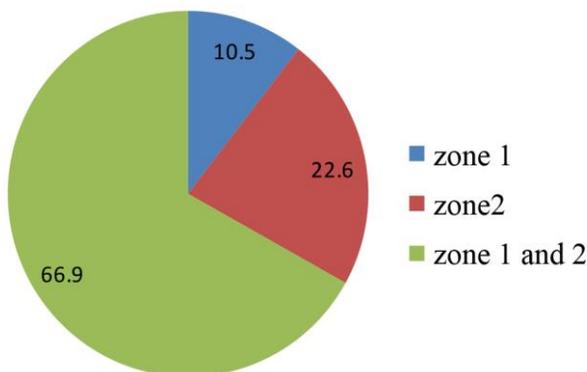


Figure 6. Frequency of use of the urban public transport per transport zones (expressed in percentages)

Table 2 contains results which show passenger satisfaction with regard to certain safety and protection aspects in vehicles. Passengers, regardless of the profession, were dissatisfied with the information about the corridor lines. On the other hand, as service customers, the respondents were exceptionally satisfied with the courtesy of staff and organization of transport. From the aspect of safety, passengers also were satisfied with the pre-emptive safety actions. However, they felt high level of fear of the possibility of becoming infected in buses.

Table 2. Results regarding attitudes to different aspects of urban public transport functioning during the state of emergency (expressed in percentages)

Item	I totally disagree	I disagree	I am not sure	I agree	I totally agree
I am satisfied with the urban public transport time table during the state of emergency.	6	20.6	30.6	30	12.8
I am satisfied with the awareness level about the functioning of urban public transport during the state of emergency.	23.4	48.4	22.6	4.2	1.4
I am satisfied with the courtesy of staff engaged in urban public transport during the state of emergency.	0	2.8	33.4	36.4	27.4
I am satisfied with the level of hygiene and tidiness of buses during the state of emergency.	4.8	8.9	33.3	48	5
I am satisfied with the seats marking system in buses during the state of emergency.	1	22	49.2	24.2	3.6
I am satisfied with the physical distancing in buses during the state of emergency.	1.4	18.3	50.3	25.8	4.2
I am satisfied with the passengers compliance with the epidemiological measures of prevention from the infection by COVID-19 virus, in buses, during the state of emergency.	0.2	2.8	37.9	44.4	14.7
I think that there is a possibility to be infected by COVID 19 virus while I am using urban public transport.	7.8	13.8	31.4	20.4	26.6
I am satisfied with the overall functioning of the urban public transport during the state of emergency.	8.9	9.1	33.7	41.6	6.7

In addition, survey results showed existence of statistically significant differences in frequency of use of urban public transport regarding to the profession ($\chi^2 = 10.089$, $df = 4$, $p < .039$). Services of the urban public transport system, the most frequently, were used by medical staff employed in the defense and security sectorc (Figure 7).

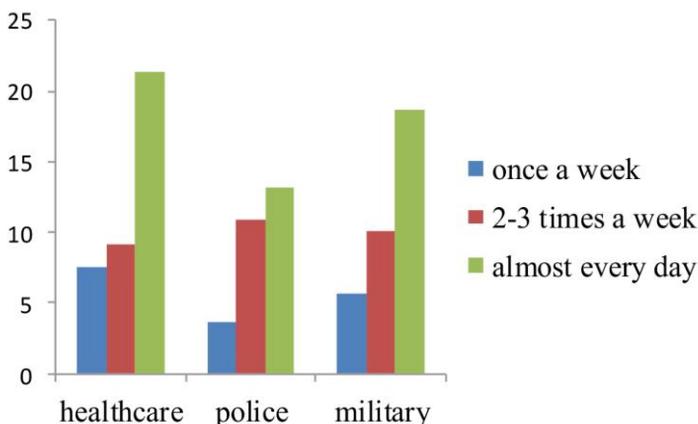


Figure 7. Frequency of use of the urban public transport relative to the profession (expressed in percentages of the total sample)

Statistically significant differences in the passengers' satisfaction with the level of hygiene in buses with respect to the profession were also present ($\chi^2 = 13.987$, $df = 8$, $p < .042$). The lowest level of satisfaction was among medical staff employed in the defense and security sector (Figure 8).

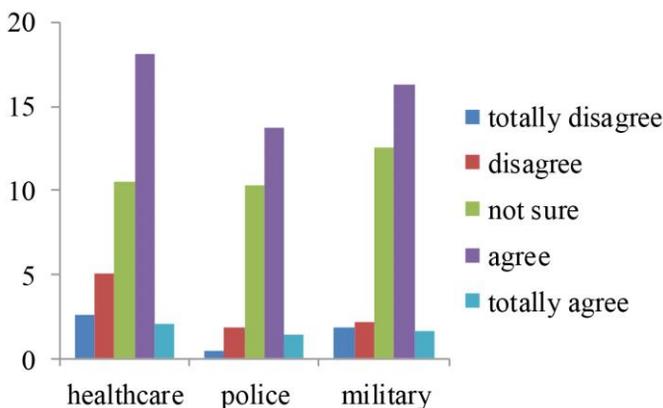


Figure 8. Frequency of passengers' satisfaction with the level of hygiene in buses with respect to the profession (expressed in percentages of the total sample)

Statistically significant differences in the passengers' opinion about the possibility of becoming infected in buses with respect to the profession were noticed, too ($\chi^2 = 15.708$, $df = 8$, $p < .047$). Accordingly, staying in the busses of urban public transport, the medical staff employed in

the defense and security sectors considered, in the highest percentage, as a threat of potential infection.

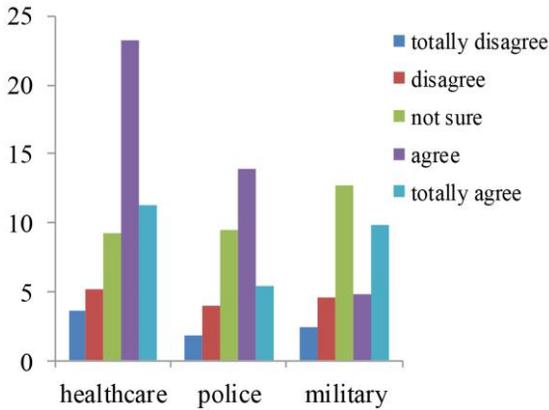


Figure 9. Perception of the possibility of infection by COVID-19 in buses

DISCUSSION

The number of passengers in a vehicle, together with well informed users, is an important item in assessing the quality of public city transport services (Filipović et al., 2009). Under conditions of the pandemic, it was a challenge to organize public city transport that will ensure respecting the imposed anti-epidemic measures and the appropriate quality of service. The research showed that 53% of the respondents used public city transport services every day during the state of emergency, and that 67% used both zones, so it might be concluded that the number of passengers was high and unevenly distributed with regard to the lines. The overload of certain lines, especially in the "peak" period in Belgrade, was the subject of many controversies and research in the previous period (Filipović et al., 2009; Gladović & Deretić, 2014). Given the further reduced timetable, as well as the limited capacity of vehicles, it was expected that passengers would be dissatisfied both in terms of the quality of service and in terms of personal-safety perception in public city transport. Also, results of the research indicated that the weakest link in terms of the quality of the public city transport services during the state of emergency was the level of information provided regarding the changes in the traffic timetable and the introduction of "corridor lines." Foreign experience has shown that in case of a pandemic, it is necessary to organize detailed information campaigns which would enable passengers to be accurately and timely informed about all the changes in the public city transport (Bubalo et al., 2021; Shen et al., 2020). On the other hand, re-

sults of the research show that the passengers were very satisfied with the behavior and kindness of the drivers.

From the aspect of the perception of personal safety in the public city transport, it is expected that the public city transport will be recognized as a place of high risk of infection, as shown by global trends (Eubank et al., 2004; Troko et al., 2011). According to the results of this research, the categories of passengers who participated in the research were satisfied with the measures taken, but the subjective feeling of fear of the possibility of infection during the use of public city transport was present to a large extent. The possibility of transmitting the virus and the constant fear of getting sick, both at work and on the way to and back home, certainly made medical staff more anxious than soldiers and police officers. Increased efforts and stress at work, awareness of possible risks to oneself and family, along with the increased awareness of the seriousness of the disease, as well as responsibility towards others, have certainly made medical staff in defense and security sectors pay more attention to anti-epidemic measures in the public city transport. This is supported by their more pronounced dissatisfaction with the issue of cleanliness and tidiness of public city transport vehicles in comparison to soldiers and police officers. Results obtained by other authors are in line with the data obtained in this research (Beck & Hensher, 2020).

Medical staffs employed in defense and security sectors consider the stay in the public city transport vehicles to be the greatest threat to health. The obtained data are in accordance with the results obtained by Marković et al. (2020), that the greatest fear among medical staff is that they can become infected by COVID-19, despite respecting all anti-epidemic measures (81%), and that the level of anxiety and depression of medical staff in Serbia is increased in comparison to soldiers. These data were also confirmed in Northern Macedonia (Ristevska-Dimitrovska & Batić, 2020) and PTSD (post-traumatic stress disorder) was registered in the population of medical staff, unlike the military staff, police staff and the general population. Similar results were obtained in the United Kingdom (Walton et al., 2020) and therefore, as a form of support for medical staff during the pandemic, it was proposed to organize transportation from home to work and back, by the employer. However, obtained data are inconsistent with data from India (Agarwal & Biswas, 2020) on the increased fear of police officers of possible infection in transportation. Potential explanations may be cultural differences - understanding masculinity as an important factor in the professional vocation in terms of gender roles as an important part of business culture (Alcadipani et al., 2020; Loftus, 2010). Of course, the fact that the job of a police officer is relatively low paid with regard to the risk, the stress at work being chronically present, the occurrence of a pandemic does not significantly change the perception of stress level (Violanti et al., 2016), especially not for

women, whose perception of stress level is already very high (Ristevska-Dimitrovska & Batić, 2020).

CONCLUSION

The main function of urban public transport system in emergency situations is to ensure the mobility of employees in strategic professions (healthcare, food industry, police, military, etc.). In the state of emergency caused by the current COVID-19 pandemic, urban public transport system had dual responsibility: to ensure mobility and avoid disease transmission. In this situation, the management of transport enterprises, among many factors, had to consider consumers' behavior patterns and attitudes towards the pandemic.

Experiences from the state of emergency caused by the COVID-19 pandemic have indicated changes in the travel habits associated with going to and from work. There has been an increase in the use of private vehicles, bicycles, walking, but also changes in the perception of the quality of service in public transport. It should be taken into account that in many situations it is not possible to change travel habits, due to the great distance between home and work, as well as that there are professions whose work cannot be organized otherwise, such as health, defense and security, which are key to the functioning of the state itself, especially in emergencies. Therefore, contingency plans need to be based on the experience gained during the state of emergency caused by the pandemic.

Bearing in mind the specifics of each emergency situation, urban public transport system needs to develop contingency plans for different scenarios. Some common requirements faced by the urban public transport system in the emergency situations similar to the COVID-19 pandemic could be recognized in this study and can be summarized as follows:

- The need to develop emergency network routes and mechanisms of monitoring the number of passengers and the level of vehicle occupancy,
- The need to create guidance regarding hygiene and safety measures, and ensure ways of their implementation,
- The need to use of information technology to support the implementation of the developed plans and to inform passengers about public transport organization and
- The need to develop financial mechanisms to conduct the contingency plans.

The reliability and sustainability of urban public transport system requires constant investment of large sums of money on a daily level in regular circumstances. This need is especially important in emergency conditions when there are numerous unforeseen problems and costs caused by the requirement to comply with anti-epidemic measures. As an

attempt to satisfy their consumers and to make possible the working process of vital institutions of the capital, the urban public transport service had to overcome these challenges with accessible financial resources, with no additional help. Since the results of this research showed that sustainability of the transport system in emergency situations also depends on the flexibility of customers and their readiness to support route changes and changes of travel habits made by the management, the role of the human factor in the sustainability of urban public transport system is also significant.

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СТАВОВИ ПРИПАДНИКА СЕКТОРА ОДБРАНЕ И БЕЗБЕДНОСТИ О КВАЛИТЕТУ УСЛУГА ЈАВНОГ ГРАДСКОГ ПРЕВОЗА ЗА ВРЕМЕ ВАНРЕДНОГ СТАЊА ПРОГЛАШЕНОГ ЗБОГ ПАНДЕМИЈЕ КОВИД-19

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Резиме

Светска здравствена организација (СЗО) је прогласила КОВИД-19 пандемију 11. марта 2020. године. Широм света је ограничено кретање становништва, уведено је обавезно ношење заштитних маски, физичко дистанцирање од најмање два метра, обустављена је настава у школама и на факултетима, лимитиран је рад привредних субјеката, увођена су “закључавања” и полицијски часови, ограничена су окупљања а редукован је и јавни превоз. Ванредно стање услед епидемије КОВИД-19 у Србији је трајало 45 дана (23.03.2020. - 08.05.2020.). Због тога је била потребна темељна реорганизација структуре, начина, средстава и услова градског превоза, уз обавезно поштовање противепидемијских мера како би се омогућило онима који, због природе посла, нису могли радити од куће, а чије је обављање њихове дужности било од виталног значаја за функционисање земље у току ванредног стања (здравство, војска и полиција), и који нису имали на располагању други начин долажења до посла, да неометано користе градски превоз. На основу доступних података у претходним интерним истраживањима ГСП, формиране су 34 тзв. “коридорске линије” на територији градских општина чије је коришћење било допуштено само онима који су имали радну обавезу и одговарајућа документа. Све ове мере су уведене због препознавања јавног градског превоза као могућег епицентра даљег ширења инфекције. Тај потез је актуализирао два питања: безбедности коришћења јавног превоза у доба пандемије и утицај пандемије на организацију самог превоза и квалитет услуга. С обзиром на то да су претходна истраживања епидемија разних заразних болести показала да је јавни градски превоз једно од могућих жаришта у трансмисији различитих вируса у разним епидемијама, предмет овог истраживања је било утврђивање степена задовољства и осећаја сигурности корисника услуга јавног градског превоза за време ванредног стања проглашеног услед пандемије КОВИД-19. Истраживање је спроведено на 504 припадника сектора одбране и снага безбедности. Инструмент је конструисан у форми анкете специјално у сврхе овог истраживања. Независне варијабле су биле пол, старост, ниво образовања, а зависне варијабле су се односиле на процену испитаника о различитим аспектима функционисања градског превоза. Подаци су обрађени помоћу фреквенција, процената и χ^2 теста. Показало се да постоје одређене разлике у ставовима по питању различитих аспеката задовољства (нарочито хигијене возила и квалитета информисаности путника), као и сигурности приликом коришћења услуга ГСП у односу на професију којом се испитаници баве. У возилима ГСП су се најмање безбедно осећали медицински радници запослени у секторима безбедности и одбране, који су истовремено и највише користили услуге градског превоза. С обзиром на то да су добијени резултати указали на промене у навикама путовања повезаних са одласком на посао и повратком са посла, као и промене у перцепцији квалитета услуга јавног превоза од стране путника и економску одрживост јавног градског превоза, потребно је искуства из ванредног стања изазваног пандемијом КОВИД-19 инкорпорирати у будуће акционе планове о организацији и функционисању јавног градског превоза у потенцијалним ванредним околностима.

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INSTRUCTIONS FOR AUTHORS ON PAPER PREPARATION

Formatting. Papers should be sent as *Microsoft Office Word* files (version 2000, 2003, 2007), font *Times New Roman*, font size 12. Page setup margins should be 2.5 cm (top, bottom) and 2.5 cm (left, right), paper size A4 (210 mm x 297 mm). Paragraphs should be formatted with line spacing 1.5, and justified (Format, Paragraph, Indents and Spacing, Alignment, Justified). Do not break words at the end of the line.

Paper length. Research papers should not exceed 37.000 characters (spaces included), and reviews should not be longer than 8.000 characters (spaces included).

Language, alphabet. The languages of publication in the TEME is English (font *Times New Roman*). Contributions be rejected if the language is not at the appropriate level of correctness and style. If the authors wish to increase the visibility of their papers, they are supposed to submit Serbian version of the article as well (as Supplementary file - Word format, using the Cyrillic alphabet).

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The author should remove from the text of the paper all the details that could identify him/her as the author. Authors must enter all the necessary data during the electronic submission of the paper.

PAPER STRUCTURE

- **Paper title in English**
- **Abstract in English** 100 to 250 words, followed by 5 key words.
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- **Paper title in Serbian**
- **Abstract in Serbian**, followed by 5 key words.
- The paper should follow the **IMRAD** structure (Introduction, Methods, Results and Discussion), when it presents an empirical study
- **Paper body** should not contain more than three levels of subdivision into *sections* and *sub-sections*. Level one sections should be introduced by headings printed in *Italic* and in **CAPITAL LETTERS**, formatted as centred. Level two sections should be introduced by headings in *Italic*, with the initial capital letter, formatted as centred. Level-one and level-two headings should be separated from the previous text by one line. Level three sections should be introduced by a heading printed in *Italic*, but placed as a regular paragraph, separated by a full-stop from the text that follows.

Each paragraph should have the first line indented (1 cm).

In-text citations: Whenever referring to a source (monograph, article, statistical source), the author should cite the source in the text, using the

author-date system (Surname, year of publication, pages referred to, all in brackets) – Please, refer to the table at the end of these *Instructions*.

- When referring to several works by the same author, provide all the years of publication chronologically after the author's name. If there are several works by the same author published the same year, provide further specification using letters (a, b,...) after the year of publication: "...confirming this hypothesis (Wuthnow, 1987a, p. 32)...".

- When referring to several works by different authors, provide the authors' names in brackets following the alphabetical order, separating authors by semi-colon: "... several studies were central to this question (Jakšić, 1993; Iannaccone, 1994; Stark and Finke, 2000)."

Direct quotations can be included in the text if not longer than 20 words. Longer quotations should be given as separate paragraphs, spaced-out from the previous and following text, and with the following formatting: Format, Paragraph, Indents and Spacing, Left 1 cm, Right 1 cm, Line spacing – Single; for instance:

To explain how “culture through language affects the way we think and communicate with others of different background” (Gumperz, 2001, p. 35), Gumperz states:

“Conversational inference is partly a matter of a priori extra-textual knowledge, stereotypes and attitudes, but it is also to a large extent constructed through talk” (Gumperz, 2001, p.37).”

It is crucial that the in-text citations and references should match the literature listed at the end of the paper. All in-text citations and references must be listed in the References, and the References must not contain sources not referred to or cited in the text. The bibliography listed at the end of the paper should contain author names and source titles in original languages and alphabets, without translation.

Tables, graphs, and figures. Tables, graphs and figures should be numbered (sequentially), with captions explaining their content. Captions should precede tables, but follow graphs and figures. Graphs and figures must be clearly visible in the text, so they should be provided in 300dpi resolution. Graphs and figures must be single objects (no Drawing elements added). Where necessary, mathematical formulas should be added to the text using Microsoft Equation Editor.

Appendices. should be marked by *letters* (sequentially), e.g. Appendix A, Appendix B etc., and should contain a title describing the content of the appendix. When there is only one appendix, no letters are necessary in its title (only "Appendix").

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EXAMPLES OF SOURCE QUOTING AND REFERENCING:

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In-text citation:

(Manouselis, 2008), i.e. (Manouselis, 2008, p. 55)

In ‘References’:

Manouselis, N. (2008). Deploying and evaluating multiattribute product recommendation in e-markets. *International Journal of Management & Decision Making*, 9, 43-61. doi:10.1504/IJMDM.2008.016041

Journal papers and articles – 2 to 6 authors

In-text citation:

First reference: (Uxó, Paúl, & Febrero, 2011)

Subsequent references: (Uxó et al., 2011)

In ‘References’:

Uxó, J., Paúl, J., & Febrero, E. (2011). Current account imbalances in the monetary union and the great recession: Causes and policies. *Panoeconomicus*, 58(5), 571-592.

Journal papers and articles – more than 6 authors

In-text citation:

(Cummings et al., 2010, p. 833)

In ‘References’:

Cummings, E., Schermerhorn, A., Merrilees, C., Goeke-Morey, M., Shirlow, P., & Cairns, E. (2010). Political violence and child adjustment in Northern Ireland: Testing pathways in a social-ecological model including single-and two-parent families. *Developmental Psychology*, 46, 827-841. doi: 10.1037/a0019668

Book – 1 author

In-text citation:

(Heschl, 2001, p. 33)

In ‘References’:

Heschl, A. (2001). *The intelligent genome: On the origin of the human mind by mutation and selection*. New York, NY: Springer-Verlag.

Book – edited volume

In-text citation:

(Lenzenweger & Hooley, 2002)

In ‘References’:

Lenzenweger, M. F., & Hooley, J. M. (Eds.). (2002). *Principles of experimental psychopathology: Essays in honor of Brendan A. Maher*. Washington, DC: American Psychological Association.

Paper or chapter in an edited volume**In-text citation:**

(Cvitković, 2007)

In ‘References’:

Cvitkovic, I. (2007). Katolicizam [Catholicism]. U A. Mimica i M. Bogdanović (Prir.), *Sociološki rečnik [Dictionary of Sociology]* (str. 226-227). Beograd: Zavod za udžbenike.

Encyclopaedia entry**In-text citation:**

(Lindgren, 2001)

In ‘References’:

Lindgren, H. C. (2001). Stereotyping. In *The Corsini encyclopedia of psychology and behavioral science* (Vol. 4, pp. 1617-1618). New York, NY: Wiley.

Papers in Conference Proceedings**In-text citation:**

(Bubanj, 2010)

In ‘References’:

Bubanj, S., Milenković, S., Stanković, R., Bubanj, R., Atanasković, A., Živanović, P. et al. (2010). Correlation of explosive strength and frontal postural status. In: Stanković, R. (Ed.): *XIV International Scientific Congress FIS Communications 2010 in Sport, Physical Education and Recreation* (191-196). Niš: University of Niš, Faculty of Sport and Physical Education.

PhD Dissertations, MA Theses**In-text citation:**

(Gibson, 2007)

In ‘References’:

Gibson, L. S. (2007). *Considering critical thinking and History 12: One teacher’s story* (Master’s thesis). Retrieved from <https://circle.ubc.ca/>

Institutions as authors**In-text citation:**

(Републички завод за статистику, 2011)

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