

UDC: 351.91

343.352:3.07

COBISS.SR-ID 159553545

doi: <https://doi.org/10.61837/mbuir020224131d>

REVIEW SCIENTIFIC PAPER

RECEIVED: 19. 4. 2024.

ACCEPTED: 13. 11. 2024.

APPLICATION OF UNDERCOVER INVESTIGATORS IN COMBATING CORRUPTION AT BORDER CROSSINGS

Dragan M. MILOVANOVIC

Ministry of Internal Affairs of Serbia,
PhD Candidate at MB University, Belgrade

dragan.milovanovic.sz111@gmail.com

Abstract: *In the fight against corruption, especially within the context of organized crime, the application of special investigative measures such as undercover investigators plays an exceptionally important role in detecting and proving criminal acts. To successfully combat corruption as a form of organized crime, it is necessary, among other measures, to define corrupt criminal acts occurring at border crossings. This definition, according to normative law, encompasses various forms of corruption, including abuse of official position, bribery, influence peddling, etc. Suppression of these criminal acts is carried out by competent authorities, including the Internal Control Sector, which undertakes operational-tactical and technical measures and actions using undercover investigators. Perpetrators of criminal activities often belong to organized criminal groups composed of police and customs officers employed at border crossings, as well as other individuals. Police and customs officers engaging in corrupt criminal acts are at the forefront of control within the restricted space of border crossings, targeting individuals caught committing criminal acts, from whom they demand and accept bribes, enabling unhindered border crossing. This paper provides an analytical overview, with reference to statistical data from the Internal Control Sector, regarding the application of special investigative measures involving undercover investigators as a necessary mechanism for successfully detecting and proving corrupt criminal acts and prosecuting their perpetrators.*

Keywords: *corruption, organized crime, border crossings, undercover investigator, Internal Control Sector*

1. INTRODUCTION

In the fight against corruption within the suppression of organized crime at border crossings, application of special investigative measures such as undercover investigators plays an exceptionally important role in detecting and proving criminal acts. Corruption at border crossings poses a serious challenge

to the integrity of state borders, safety of citizens, and the respect for the rule of law. To effectively address corruption, it is essential to detect corrupt criminal activities at border crossings, including abuse of power, bribery, influence peddling, and related offenses. Competent authorities, including the Internal Control Sector, have a crucial role in suppressing these criminal acts through the application

of operational-tactical and technical measures, including the use of undercover investigators as a special investigative measure. Organized criminal groups composed of police and customs officers employed at border crossings, as well as other individuals, are often the perpetrators of corrupt activities while performing their official duties.

Corruption at border crossings is a critical issue that demands a comprehensive approach for its eradication. However, combating corruption at border crossings is not a simple task, considering the complexity of this problem and the challenges faced by investigative authorities.

The application of undercover investigators represents one of the key special investigative measures and actions undertaken in the evidentiary process by competent authorities to combat corruption at border crossings. An undercover investigator infiltrates a criminal group under a false identity to gather information and evidence of corrupt activities. This special investigative measure is used only when evidence of criminal acts and their perpetrators cannot be collected through other means at the border crossing itself. [1, pp.139-155; 2, pp. 81-98; 3, pp. 62-78; 4, pp. 108-121].

In practice, the application of undercover investigators at border crossings is necessary to clearly define the structure of organized criminal groups with a clear division of tasks among their members in committing corrupt criminal acts. To achieve this, the undercover investigator infiltrates the organized criminal group, assuming a role within it and carrying out specific tasks primarily related to corrupt criminal activities, as authorized by directive. The investigator must uphold the principle of legality to ensure that the evidence gathered is both valid and admissible in court. This paper will provide an analytical overview, with reference to statistical data from the Internal Control Sector, regarding the application of special investigative measures involving undercover investigators as a necessary mechanism for successfully detecting and proving corrupt criminal acts and prosecuting their

perpetrators. Through examining this information, the importance of the application of undercover investigators in the fight against corruption at border crossings will be highlighted.

2. CORRUPTION AS A FORM OF ORGANIZED CRIME AT THE BORDER CROSSING

The process of state development and the formation of its borders and institutions have often been accompanied by negative social phenomena such as corruption and bribery. In the early stages of state development, these negative phenomena often arose due to a lack of control, institutional weaknesses, and personal interests of state authorities. As the state progressed in its development, corruption and bribery also evolved and took on various forms.

When it comes to defining corruption, the definition provided by Vito Tanzi, can be highlighted [5, p. 55] which is particularly notable for its scope and detail. It is recommended as broad and superior due to its comprehensiveness because according to this definition, corruption not only involves the acquisition of private gain but also intentionally violates the principle of impartiality in decision-making. This means that corruption encompasses acts that are not only abuses of public authority for private gain but also violations of basic ethical and legal principles. On the other hand, the definition provided by many authors, which is "the acquisition of private gain through the abuse of public authority", is also very acceptable and widely used in literature and various aspects of the fight against corruption. This definition is precise and concrete, focusing on the act of acquiring gain and the way it is achieved, through the abuse of public authority.

Corruption at border crossings is often an organized form of crime and is considered one of the biggest negative phenomenon in society, undermining the integrity and effectiveness of institutions. At the border crossing, corruption poses a serious problem that undermines the legality and effectiveness of border control, as

well as public security as a whole. Corruption at the border crossing entails the solicitation, offering, giving, or accepting of bribes or other illegal benefits, both directly and indirectly.

Corruption is a complex and multifaceted phenomenon that can manifest in various forms, although not all forms of corruption constitute criminal offenses in a legal sense. In some cases, the mere violation of official or ethical duties may be present without leading to criminal liability. This indicates that corruption does not necessarily entail a criminal offense and transgress the boundaries of criminal-law regulation. [6, pp. 3-11]

Corruption by border officials represents a problem that jeopardizes the legality, security, and integrity of border control. This phenomenon is characterized by the solicitation, acceptance of gifts, promises, or benefits in exchange for undertaking or refraining from certain actions within the scope of the border official's duties. This form of corruption may involve various activities such as facilitating entry or exit from the country without the necessary documents or controls, allowing the passage of goods that should be inspected or previously authorized, etc. [7, p. 240] The abuse of one of the most important state services, such as customs, responsible for controlling the flow of goods and money, leads to damage to the reputation of this profession. Such practices at border crossings negatively affect citizens' trust in state institutions and respect for laws and regulations. Therefore, combating corruption at border crossings is crucial for building a fair and functional society. [8, pp. 9-20].

Transition countries are particularly vulnerable to corruption at border crossings, where customs controls are carried out for various reasons, such as institutional weaknesses, financial dependence, high trade volumes, and lack of professionalism. In some instances, the absence of ethical and moral standards among those involved in the movement of goods at border crossings can result in corruption being viewed as a normal or acceptable business practice. When corruption in the movement of people and goods at border crossings becomes

widespread, it can become ingrained in the business culture.

2.1. DEFINITION OF CORRUPT CRIMINAL OFFENSES AT BORDER CROSSINGS

The perpetrators of corrupt criminal activities at border crossings are officials who abuse their authority at these locations. This group includes police and customs officers, as well as other personnel working at the border crossing. Such corruption is particularly damaging, as it directly undermines the legality of border controls and the integrity of the officials responsible for enforcement. It disrupts the entire control process, jeopardizing both the reputation and security of the state. Police and customs officials at border crossings may be exposed to various forms of corruption, including soliciting bribes, accepting gifts, or promises. Police and customs officials are directly susceptible to corruption due to the possibility of receiving bribes from individuals who wish to bypass controls or obtain appropriate permits for the movement of goods or services at the border crossing.

Corruption at border crossings presents a significant challenge and is among the most dangerous forms of organized crime. In many instances, such activities are inseparable from the involvement of public officials at the border, who engage in criminal acts related to economic crime, including accepting or offering bribes.

At border crossings, officials such as police officers, customs officers, or other government officials play a crucial role in law enforcement and controlling the entry and exit of goods and people from the country. However, in some cases, these officials abuse their official position to solicit and accept bribes from individuals or organized criminal groups and enable their members to smuggle goods across the border. This can have serious consequences for national security, the economy, and society as a whole, as it undermines the integrity and effectiveness of border controls.

The best known and significant forms of corruption that can occur at border crossings are in the passive or active form of bribery.

Passive bribery refers to the criminal offense of accepting bribes, while active bribery refers to the criminal offense of giving bribes.

Accepting bribes is a form of passive bribery, where a public official or another individual requests or receives money, gifts, or other benefits in exchange for performing or refraining from certain actions within their official duties. This type of bribery is frequently encountered at border crossings, where officials may solicit bribes to facilitate illegal entry or exit of people or goods across the border. On the other hand, giving bribes constitutes active bribery, which refers to a situation where someone gives money, gifts, or other benefits in exchange for privileged treatment or service received from a public official or another person in the public sector. Bribery can be further divided into legal, for example, when bribery relates to decisions within the jurisdiction of public officials or authorities, and illegal bribery, when bribery relates to actions or behaviours that are not in accordance with the law or regulations. Additionally, bribery can be retrospective when the bribe is given after the service has already been provided, or anticipatory, when the bribe is given in advance to ensure future service or preferential treatment.

At border crossings, the most common corrupt criminal acts are those committed against official duty, as well as other criminal acts defined in the Criminal Code of the Republic of Serbia, such as abuse of official position, giving and receiving bribes, trading in influence, smuggling, etc. [10, pp. 1043-1080]

2.2. ORGANIZED CRIMINAL GROUPS AT THE BORDER CROSSING.

An organized criminal group represents a structured organization with a hierarchical structure engaged in various criminal activities, having a system of control and rules, control over territories, and networks of cooperation. An organized criminal group represents

an association of multiple individuals. It is a "secret association of multiple individuals who meet the necessary conditions established by written or unwritten rules governing the functioning of the organization and agree to strictly adhere to these conditions". [11, p. 80]

Organized criminal groups engaged in corruption as a form of organized crime at border crossings have the task of maintaining links with state and other officials, using various forms of corruption most commonly through bribery, but also through other forms of crime such as extortion, coercion, etc.

Criminal groups at border crossings operate with the aim of acquiring a position that will ensure them necessary benefits and concessions, as well as a higher social status compared to leaders of criminal organizations. This enables them to influence government bodies such as the police, judiciary, inspections, and customs, which fight against corruption and all other forms of organized crime, thereby ensuring protection of illegal activities. This means that organized crime includes corruption as its form of action aimed at unlawful enrichment and legalization of illegal activities.

Corruption plays a crucial role in the functioning of transnational organized crime, as it allows criminal groups to infiltrate state institutions and expose them to their interests. Through bribery and manipulation, criminal groups ensure that authorities neglect or even support their illegal activities at border crossings, allowing them to continue operating without hindrance.

Bribery is used as a means of protection and maintaining the operability of organized criminal groups, enabling them to avoid legal consequences and continue their illegal activities. This demonstrates how corruption can be an integral part of the functioning of criminal networks, which invest in bribery as a strategy to protect their interests [12, p. 949].

When it comes to the actions of organized criminal groups at border crossings, we can observe two main types of groups. Firstly, there are criminal groups engaged in transnational organized crime. These groups specialize

in illegal activities that occur across borders, such as drug trafficking, arms trafficking, human trafficking, or smuggling of goods, money laundering, and other forms of trade that violate the law. Their goal is to profit from illegal activities that occur across borders, using border crossings as points for the transit of goods or people. Criminal groups involved in smuggling across border crossings include police and customs officers among their members. Police and customs officers, as members of the group, are tasked with not taking action within their official duties at the border crossing for money towards members of the group engaged in smuggling across the border, thereby committing criminal acts of abuse of official position and bribery. In this case, members of the organized criminal group, police and customs officers, are tasked with letting goods pass through the border crossing bypassing legal procedures without taking measures and actions within their jurisdiction.

The second type of criminal groups consists of police and customs officers who perform their official duties at the border crossing itself, whose organizers are usually their superiors.

Organized criminal groups organized in this way are tasked with demanding and receiving bribes from individuals caught committing criminal offenses at the border crossing from the field of transnational crime, so that actions would not be taken against them that they were obliged to take within their official duties.

The organizers structured this criminal group on the principle of hierarchy and subordination, which otherwise applies within the Ministry of Internal Affairs and the Customs Administration. Therefore, the organizers, as leaders of police and customs officers, are tasked with overseeing the work of group members and making decisions regarding specific actions in the commission of individual criminal offenses. They also decide in each specific situation on the placement and role of each individual, police and customs officer, member of the group. Police and customs officers, members of the group, are tasked with demanding and receiving money and other gifts

from smugglers crossing the border. In this way, state officials at the border crossing enable smugglers to bring in goods whose trade across the state border is prohibited or restricted, or goods of a commercial nature without paying customs duties in full or in part.

Members of the organized criminal group, consisting of individuals employed at the border crossing in shops or freight forwarding companies, are tasked with mediating in the commission of criminal offenses involving bribery. Their task is to receive money or other gifts from individuals who give bribes at the border crossing, which are requested from them by customs and police officers, members of the group.

Additionally, group members employed at the border crossing are tasked with observing individuals and vehicles, i.e., performing counterintelligence activities for the criminal group, at the border crossing area. They do this by observing with the aim of identifying individuals and vehicles that they can assume are there to engage in the group's activities and immediately report to other members of the group depending on the specific situation.

The actions of this organized criminal group are directed towards so-called „regular bribe givers” and “occasional bribe givers”. Regular bribe givers are individuals who regularly cross the state border according to prior agreements with customs and police officers, members of the group. These individuals usually have continuous cooperation with group members, providing them with bribes to pass through the border crossing without detailed inspections of vehicles, luggage, or personal documents. The group is also organized for the occasional receipt of bribes from individuals found at the border crossing who want to avoid a detailed inspection of vehicles, luggage, or problems with documentation when entering the country.

In this way, the acquired property benefit is shared among group members by dividing it between customs and police officers, members of the group, already during the demand and receipt of money, and later by dividing the

money in accordance with the specific activities undertaken, with the group's action plan, and in the interest of all members of this organized criminal group.

3. ACTIONS OF THE INTERNAL CONTROL SECTOR IN COMBATING CORRUPTION AT THE BORDER CROSSING

The Sector for Internal Control performs tasks related to monitoring the legality of work of police officers, as well as other employees within the Ministry, particularly during the execution of police tasks and the application of police powers, or within its jurisdiction. It takes measures and actions in accordance with the law regulating criminal proceedings for the detection and suppression of criminal offenses involving elements of corruption and other forms of corrupt behaviour, as well as other criminal offenses committed by police officers and other employees within the Ministry, while at work or in connection with work. It acts on its own initiative, upon request of the competent public prosecutor, based on gathered information and other findings, written submissions of police officers and other employees within the Ministry, citizens, and legal entities.

The role of the Sector is not only reactive but also proactive. This means that the Sector identifies potential corruption problems and risks at border crossings in advance and takes measures to prevent them.

The Sector takes operational-tactical and technical measures in the fight against corruption within the Ministry. This is done by planning, organizing, and implementing measures and actions to detect, suppress, and document criminal offenses involving elements of corruption and other forms of corrupt behaviour, as well as other criminal offenses committed by police officers and other employees within the Ministry. Upon gathering information and taking measures and actions within its jurisdiction, the Sector opens a subject of criminal investigation, and within the framework of operational processing, police officers of the Sector prepare reports informing the

competent prosecutor's office and further act upon their instructions.

3.1. OPERATIONAL-TACTICAL MEASURES AND ACTIONS IN THE APPLICATION OF UNDERCOVER INVESTIGATOR AT THE BORDER CROSSING

The Internal Control Sector applies operational-tactical measures and actions in its work to gather information and intelligence on illegal and unprofessional conduct by police officers performing their official duties at the border crossing. The collected intelligence and operational findings are analysed to establish the specific characteristics of each border crossing regarding the modus operandi of criminal activities.

The Internal Control Sector applies operational-tactical measures and actions in its work to gather information and intelligence on criminal offenses and their perpetrators at the border crossing, relating to:

- Collusion between police and customs officers, who often jointly abuse their official powers while performing their duties and the method of dividing money and other gifts obtained through corrupt actions,
- "Blue wall of silence," indicating the existence of corruption within their ranks and the tolerance of supervisors towards corruption, and often they themselves generate corruption,
- The existence of homogeneity within the criminal group and its mode of operation,
- The connection of police, customs, and other officers with individuals from the criminal environment engaged in organized smuggling of goods and people across the border,
- Securing evidence for criminal offenses at the border crossing committed by individuals engaged in smuggling, who are highly motivated to keep their collaboration with police and customs officers undisclosed,
- Unveiling members of the organized criminal group and their connections with police officers who territorially cover the border crossing area, as well as their connection with neighbouring countries.

These actions represent key activities undertaken to effectively implement special investigative measures as an undercover strategy in combating corruption at border crossings. These measures and actions encompass a series of operational and tactical activities conducted to achieve desired goals related to the preparation and training of undercover investigators. Before engagement, the undercover investigator undergoes thorough preparation for working covertly at the border crossing itself. This preparation includes various aspects, including familiarization with the legendary work position where the undercover investigator will perform duties at the border crossing. Adequate preparation of a cover "legend" is essential for such a role. The undercover investigator is equipped with false identities and informed about the collected information regarding the composition and operations of the organized criminal group at the border crossing, enabling them to infiltrate the criminal environment. This legend creation is carefully devised by operational staff who have worked on collecting operational information and intelligence to successfully install the undercover investigator into the criminal environment without jeopardizing their personal safety and the confidentiality of the operational processing.

The undercover investigator is equipped with various technical means for audio and video documentation to document their actions within the organized criminal group to secure valid evidence for proceedings. Additionally, care is taken to equip the undercover investigator with other essential means for life and work, such as transportation, computer equipment, communication devices, accommodation, and similar. Within the criminal environment, the undercover investigator works on establishing and maintaining contacts within the criminal group or organizations to gather information about the composition, plans, and actions of the members of the organized criminal group.

These operational-tactical measures and actions are of crucial importance for the successful implementation of undercover investigative

strategies in combating corruption at border crossings, providing the basis for the detection and documentation of criminal offenses and the prosecution of their perpetrators.

3.2. ANALYSIS OF STATISTICAL DATA ON THE USE OF UNDERCOVER INVESTIGATOR AT THE BORDER CROSSING

An analysis of statistical data from the Sector for Internal Control [13, pp. 5-9], related to combating corrupt criminal acts at the border crossing through the application of special investigative measures, revealed that the Sector for Internal Control, in addition to undercover investigation, also applied all other special investigative measures to adequately collect evidence used to prove the commission of corrupt criminal acts at the border crossing.

Further analysis of the gathered evidence through undercover investigation and other investigative measures, as well as intelligence data, revealed corrupt behaviour in the following areas:

- Allowing the crossing of the state border by individuals who do not meet the legally prescribed conditions for crossing the state border, without taking the legally prescribed measures by police and customs officials.
- Providing information to individuals from criminal environments by police officers accessed through databases of the Ministry of Interior (search activity, addresses of individuals, access to records of filed criminal charges, etc.).
- Direct involvement of police and customs officials in transnational criminal activities (human trafficking, smuggling, illegal trade, smuggling of goods, etc.).
- Disclosing confidential information to members of organized criminal groups regarding changes in border police shifts, police patrol movements, and the implementation of police actions.

Further insight into analytical data revealed that the Sector conducted multiple operational processes at border crossings through the

application of special investigative measures. These operational processes aimed to combat corrupt criminal acts committed by police and customs officials. It was also determined that the Sector applied the special investigative measure of undercover investigation in two cases.

The first operational process conducted by the Sector was at the border crossing of Bački Breg, initiated in March 2014, after the Sector became aware that the Hungarian Customs Service found and seized three packages of packaged narcotic drugs 'marijuana' in the personal luggage of a Serbian national, who was a passenger in a van crossing the state border through the Bački Breg border crossing, with a total weight of approximately 3 kg. As a result of the operational process, additional individuals were identified who crossed the state border at least twice a week through the mentioned border crossing, despite this route being a deviation from the most logical path for entering EU countries.

Further investigations revealed individuals involved in criminal activities such as smuggling and committing customs offenses. These included the importation of large quantities of excise goods, such as cigarettes, and other items whose trade is prohibited or restricted, as well as the exportation of significant amounts of used goods, technology, furniture, tires, and other items from EU countries. It was determined that they carried out these activities by consistently crossing the state border with smuggled goods, in coordination with police and customs officials, through the Bački Breg border crossing.

After obtaining this information, the police officers of the Sector applied almost all special investigative measures and installed an undercover investigator within the organized criminal group at the border crossing itself, and based on the gathered evidence, carried out the operational process.

In June 2015, the Internal Control Sector submitted a criminal complaint to the Prosecutor's Office for Organized Crime, involving 62 offenses committed by 39 individuals. This group included 29 police officers, 9

customs officers, and 1 civilian. The offenses included participation in a criminal organization under Article 346 of the Criminal Code, bribery under Article 367, abuse of office under Article 359, and offering bribes under Article 368 of the Criminal Code.

The criminal acts committed by police and customs officers were carried out as members of an organized criminal group during the performance of their official duties at the Bački Breg border crossing. They failed to take measures within their jurisdiction to prevent the commission of criminal offenses such as smuggling according to Article 230 of the Criminal Code and other criminal acts, aiming to gain unlawful benefits in money and gifts for the group members.

Another operational process was conducted by the Sector at the Gradina border crossing, towards the Republic of Bulgaria, which was opened in May 2016. The objective of this operation was to verify operational intelligence indicating whether police and customs officers, performing their official duties at the Gradina border crossing, were facilitating the smuggling of textile goods from Turkey through the border crossing, committing criminal acts of abuse of office and bribery.

After confirming operational intelligence, police officers from the Internal Control Sector, in collaboration with the Prosecutor's Office for Organized Crime, implemented almost all special investigative measures towards multiple individuals, as well as employing the special investigative measure of an undercover investigator. By employing these measures, material evidence related to multiple police and customs officers and civilian perpetrators of corrupt criminal acts was collected and secured.

In 2018, the Internal Control Sector initiated an operational process and, under the direction of the Prosecutor's Office for Organized Crime and other relevant prosecutor's offices, filed criminal charges against eight suspected police officers, customs officers, and civilian individuals. Material evidence was collected, indicating that they had committed criminal acts subject to prosecution *ex officio*. These

criminal charges encompassed 61 individuals, including 30 police officers from the Gradina border crossing, 14 customs officers from the Customs Office in Dimitrovgrad, and 17 civilians. A total of 34 criminal charges were filed, including 24 against police and customs officers and 10 against civilians, for a total of 597 criminal offenses, including Association for Criminal Activities according to Article 346 of the Criminal Code - 1 offense, Bribery according to Article 367 of the Criminal Code - 568 offenses, Abuse of Office according to Article 359 of the Criminal Code - 14 offenses, and Giving Bribe according to Article 368 of the Criminal Code - 14 offenses.

4. CONCLUSION

The use of undercover investigators in the fight against organized corrupt criminal activities at border crossings has uncovered various forms of corruption committed by police, customs, and other officials. The organized perpetration of corrupt criminal acts at border crossings stems from the fact that police and customs officials, due to the nature of their work, are interdependent and, together, abuse their official powers for personal gain. This is clearly a widespread issue, as demonstrated by the criminal complaints filed against police and customs officials for abuses committed during the course of their duties. Furthermore, in recent years, there has been a rise in the trafficking of goods and people at border crossings, particularly irregular migrants and goods with restricted or prohibited trade. This has created additional opportunities for the emergence and growth of new forms of corruption.

Such development of corruption undermines the moral integrity of officials and the reputation of the entire border service,

endangering the economic and security system of society as a whole. Considering the fact that the material resources of the Border Police Administration and the Customs Administration are modest and that the opportunities for the development of corruption at the border are numerous, all this requires a serious approach in the fight against corruption at the border itself.

In order to effectively combat corruption at the border, it is necessary for the Internal Control Sector to take preventive action by conducting regular risk analyses for corrupt behaviour of employees at the border crossing. It is also necessary for the Sector to cooperate with the relevant Customs Administration service and cooperate with similar services of other countries in order to conduct comprehensive risk analysis of corruption at the border crossing. In addition to the preventive activities aimed at combating the detected corrupt criminal acts, it is necessary for the Internal Control Sector to take repressive measures and actions within its jurisdiction to detect and combat corrupt criminal acts.

It can also be concluded that the Internal Control Sector has developed its methodology for handling the subjects mentioned, overcoming challenges, devising new methods of evidence gathering, identifying weaknesses, and creating action plans for complex operations involving numerous perpetrators of corrupt criminal acts. A clear methodology for cooperation with the prosecution, other state bodies, and similar agencies in the region has been established in the investigation of the mentioned criminal acts. This methodology also includes the application of all special evidence-gathering measures to prove organized criminal activities with elements of corruption.

REFERENCES

- [1] Feješ, I. (2005). *The Undercover Agent in the Criminal Procedure Law of Serbia and Montenegro*. Novi Sad: Зборник радова Правног факултета у Новом Саду, No. 1, 139-155.
- [2] Делибашић, В. (2016). *Прикривени иследник*. Београд: Наука, безбедност, полиција, 81-98.
- [3] Dragojlović, J., Filipović N. (2002). *Undercover Investigator in Legislation of the United States and the United Kingdom*. Kultura polisa, No. 1, 62-78.
- [4] Filipović, N., Koprivica, A. (2022). *Undercover Investigator in Specific Countries of the European Continental Legal System*. LAW- Theory and practice, No. 2, 108-121.
- [5] Божиловић-Петровић, Г. (2004). *Организовани криминал – корупција и мито*. Београд: Правни информатор бр.10, 55.
- [6] Бошковић, М. (2000). Актуелни проблеми сузбијања корупције. Београд: 3-11.
- [7] Modli, D., Korajlić, N. (2002). *Kriminalistički ri-ječnik*. Тешањ: 240.
- [8] Беговић, Б. (2002). *Корупција на царини*. Београд: Центар за либерално-демократске студије.
- [9] Николић, Р. (2001). *Отворено о корупцији – царина*. Београд: Институт друштвених наука, 7.
- [10] Лазовић, Љ. (2011). *Коментар Законика о кривичном поступку*. Београд: Правни факултет Универзитета Унион у Београду, 1043–1080.
- [11] Манојловић, Д. (2006). *Организоване криминалне групе*. Београд: Беосинг, 80.
- [12] Корж, В. П. (2002). *Корупцијске везе организованих криминалних група и организација – криминалистичка анализа*. Београд: Безбедност 6/02., 949.
- [13] Министарство унутрашњих послова Републике Србије. (2024). *Извештај о раду Сектора унутрашње контроле 05 број: 07-2-545/24-1*. Beograd: СУК 5-9.

PRIMENA PRIKRIVENOG ISLEDNIKA U SUZBIJANJU KORUPCIJE NA GRANIČNOM PRELAZU

Rezime: U okviru borbe protiv korupcije, posebno u kontekstu organizovanog kriminala, primena posebne dokazne radnje prikrivenog islednika ima izuzetno važnu ulogu u otkrivanju i dokazivanju krivičnih dela. Da bismo se uspešno suprotstavili korupciji kao vidu organizovanog kriminala potrebno je, između ostalog, definisati koruptivna krivična dela koja se vrše na granici. Ova definicija po normativnom pravu obuhvata različite oblike korupcije, uključujući zloupotrebu službenog položaja, primanje mita, davanje mita, trgovinu uticajem i dr. Suzbijanje ovih krivičnih dela vrši se od strane nadležnih organa uključujući i Sektor unutrašnje kontrole koji preduzimaju operativno-taktičke i tehničke mere i radnje upotrebom prikrivenog islednika. Nosioci kriminalnih aktivnosti su organizovane kriminalnih grupa sačinjene od policijskih i carinskih službenika zaposlenih na graničnom prelazu kao i drugih lica. Koruptivna krivična dela policijski i carinski službenici čine na prvoj liniji kontrole u restriktivnom prostoru graničnog prelaza prema licima koja zateknu u izvršenju krivičnih dela, od kojih zahtevaju i primaju mito omogućavajući im nesmetan prelazak preko granice. Rad daje analitički osvrt sa osloncem na statističke podatke Sektora unutrašnje kontrole koji se odnose na primene posebne dokazne radnje prikrivenog islednika kao neophodan mehanizam za uspešno otkrivanje i dokazivanje koruptivnih krivičnih dela i procesuiranje njihovih izvršioca.

Ključne reči: korupcija, organizovani kriminal, granični prelazi, prikriveni islednik, Sektor unutrašnje kontrole.