

doi: 10.52370/TISC22648ZM

ILLEGAL OCCUPATION OF LAND AND BUILDING WITHOUT A PERMIT AS AN OBSTACLE TO THE FUTURE DEVELOPMENT OF TOURISM

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Abstract

The authors recognized the rapid urbanization of tourist places as a burning problem and a stumbling block in the future of all types of tourism in the territory of the Republic of Serbia. The main goal of the paper is scientific-professional analysis and explanation of the problem of illegal occupation of land that is considered part of a protective forest, national park or other land with a special purpose, as well as construction without a building permit and its impact on tourism quality. The paper presents an analysis of the frequency of criminal offenses related to the observed phenomenon in the period from 2016 to 2020 in the territory of the Republic of Serbia. The purpose of this paper is a causal analysis of criminal offenses in the subject area with the aim of revealing the relationship between the number of reported, accused and convicted persons, i.e. established rules of case law and the impact of court decisions on the behavior of individuals and society as a whole, with the aim of protecting and developing tourism in the future.

Key Words: *crimes against property, tourism, illegal occupation of land, construction without a building permit*

JEL classification: *K14*

Introduction

The hurried, unplanned, unregulated and uncontrolled expansion of urbanized areas without adequate infrastructure has become a phenomenon

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that is observed in all parts of the territory of the Republic of Serbia. This trend is noticeable in different places, regardless of whether it is cities, spas, mountains or other places suitable for tourism development. Careless approach leads to discord due to over-ambitious tourist expectations, and at the same time creates a chaotic situation in this branch of the economy. Behaving in this way is very harmful for tourism and its development in the future. With it comes many other problems: the level of service quality in tourism is falling, although the diversity of the offer is growing, the number of well-educated staff is not at a satisfactory level, pollution is increasing, tourist places that were considered "healthy" are no longer or will not be in the future.

Due to very frequent changes in legislation and the lack of application of adequate methodology in the development of urban plans, as well as the lack of a multidisciplinary approach to this problem, the future of tourism (mountain, spa, city...) is questionable. In addition to all the above, on the one hand, the lack of inspection supervision over construction exacerbates the problems related to illegal construction. On the other hand, when we add to that the various types of corrupt behavior that are often present when obtaining building permits, we see that the situation is alarming and that action in this field is immediately needed.

In the social, economic, ecological, cultural sense, space is marked as the most important resource (ESPON) through most strategic documents of the European Union, so it is necessary to preserve its value. The way of space management is very important from the aspect of sustainable development of tourism in the future. Planned space management, of any kind, leads to the creation of new values that are of real importance for all lovers of tourism. The public interest in the management of space and its urbanization must come first. Private interests cannot and must not be a priority in this case. Therefore, the aim of this paper is to draw attention to the great importance of spatial planning in creating strategies for tourism development in the future and to warn of all the dangers that can "attack" this category, but also this branch of the economy.

Although the Tourism Development Strategy of the Republic of Serbia for the period 2016-2025 clearly states that the goal of the Republic of Serbia is to increase accommodation capacities and that work should be done on that, it does not mean exclusively building huge hotel complexes or providing other ways of conventional accommodation. On the contrary. It

is necessary to look at world trends in tourism development and expand other offers such as, for example, "glamping - glamorous camping", etc.

The United Nations World Tourism Organization (UNWTO) defines sustainable tourism as tourism that meets the needs of tourists in the present while preserving and improving opportunities for the future of tourism, where any activities related to tourism development must be based on three fundamental principles: understanding the needs and ways and lifestyles of the local population, nature protection and culture protection.

If the government recognizes any of the above principles as more important, the balance will be disturbed and the concept of sustainable tourism development will be questioned. In practice, it often happens that environmental and social sustainability are suppressed by economic benefits, and the exploitation of spatial capacities becomes hectic, which does not in accordance with spatial planning. Such actions are usually accompanied by the destruction of natural and cultural resources that cannot be renewed or are renewed for a very long period.

Observed in the short term, excessive urbanization of areas that are not provided for that, could have a beneficial effect on the budget (fees are paid for obtaining permits, employees of different qualifications are hired for construction, etc.), but if we look at the long term, we quickly conclude that economic benefits is not great, because activities of this type can get a "boomerang" effect and show its worse side later.

Accelerated construction (residential buildings and buildings for other purposes) led to the hasty, but also poor quality preparation of spatial planning documentation, in which experts in that field were usually not hired. For making decisions of this type, which are in line with the public interest, it is necessary to apply a multidisciplinary approach and consider all aspects of urbanization of space, whether they are social, cultural, environmental, economic, communal, infrastructural, etc.

To understand this problem, it is very important to understand the possible ways of urbanization of protected areas. In the world, but more recently in domestic literature, the terms greenfield (Harald & Buchholz, 2019) and brownfield (Leger et al., 2016) appear with the term investment as closer determinants of the concept of investment, including the concept of investment in tourism. The first term refers to investments that run the development of completely undeveloped and underdeveloped areas, and

the second term refers to investments that take place in already urbanized areas, but for example on unused land, abandoned, or areas that need some kind of intervention to be trained for reuse. On the territory of the Republic of Serbia, the most common examples of such investments are investments in abandoned military complexes that have a good position and are spread over large land. The question is whether greenfield investments are better than brownfield investments (Gilderbloom et. Al., 2020) for tourism and its development. Therefore, applied to tourism, the dilemma is whether to compensate the accommodation capacities - lack of accommodation units by building new facilities and expanding new tourist or urban zones, or to revitalize the existing capacities and convert them.

There are several supporters of greenfield investments in the literature, while in practice in the entire territory of the Republic of Serbia, and especially in tourist attractive places, we can notice the favoring of brownfield investments. In the territory of the Republic of Serbia, it is not uncommon for a business-residential complex to "sprout" instead of a smaller dilapidated house, like a mushroom after the rain, which completely goes beyond the planned square footage and the allowed number of storeys.

A significant challenge for the Republic of Serbia is to increase accommodation capacities and improve the quality of those capacities, but not to the detriment of greenery and nature. It is especially important to permanently work on the promotion of national parks and their beauties, so that most of our citizens plan and spend their vacation in the Republic of Serbia, but also foreigners who would see the beauties of our country. The primary challenge for further development of summer and winter, mountain, spa, river and rural tourism in the Republic of Serbia should be a diverse offer of quality organic food and natural beauty that abounds in our country and which urbanization must not endanger (Danilović & Lazić, 2020).

Applied methodology in research

The scientific goal of the paper was the description, classification and scientific explanation of the socio-criminological aspect of tourism development and its future in the territory of the Republic of Serbia in the period from 2016 to 2020.

The general hypothesis of the paper was that illegal construction, which is on the rise, hinders the development of tourism in our country and that "excessive" urbanization, urbanization without a plan and detailed analysis

that would include sustainable tourism development does not help tourism development, but has the opposite effect. Almost all basic methods of cognition were applied in the research, statistical and comparative methods were used as general scientific methods, while only the method for data collection was used a method of document content analysis.

The documents that were subjected to content analysis are documents that testify to the degree of development of tourism in the Republic of Serbia, legislative texts that are directly related to the development of tourism in the future, as well as documents that show the attitude of the Serbian judiciary towards behaviors directed against the development of tourism in the future in the Republic of Serbia. Units of analysis were topics on sentences imposed on adults in the Republic of Serbia for the previous five-year period from the archives of the Republic Statistical Office.

The importance of tourism and threats to its development in the future

Tourism must not be approached only as a way of creating added value or a good way to increase employment, but also through other socially beneficial effects it has on local and regional development, but also on the development of overall culture, education, environment, trade, agriculture and finally construction.

Many studies indicate that due to the increase in living standards, the demand in the field of tourism will also increase. This refers to various types of services in the field of tourism and catering, but also to accommodation facilities, staff, catering facilities and many other types of facilities intended for the implementation of tourist arrangements.

According to the collected statistics, there is noticeable progress in the development of several existing tourist products such as city vacations in Belgrade, Novi Sad, summer or winter visits to Kopaonik, Zlatibor, Stara Planina, various events such as EXIT, Guca, but also the lack of new tourist products. For example, most tourists opted for summer or wintering in the mountains because of the peaceful environment, fresh air, lack of noise, spacious views of the forest, and today it is impossible to feel in most tourist places. Excessive construction, construction without the necessary permits, mountains full of cranes and other construction machinery, have led to the traditional spirit of tourist places being completely changed. This might not be a big problem if it were not for the very core of tourist places, but for

attractive tourist places to spread further to rural areas. If this trend continues, such behavior could pose a major threat to tourism development in the future. The Tourism Development Strategy of the Republic of Serbia states that the latest research has shown that global trends will lead to major changes in the field of tourism, and that the number of tourists by 2030 will grow at a rate of 3.3% or 43 million tourists per year. Along with the annual growth in the number of tourists, there are also significant changes in their behavior and motives, which will certainly be affected by climate change, reduction and shortage of resources, reduction of time in relation to money, desire and motive to visit some "old" destinations. Anyone who has the ability to recognize and take advantage of these changes, will have a great chance to be a winner in the market tourist competition. Marketing "war for future tourists" and destinations on the market will no longer be decisively determined through prices, accommodation, infrastructure, traffic and facilities, but through the feelings and positive experiences of tourists." The main weakness of the tourist system of our country is reflected in the insufficient marketing and advertising of the natural beauties of the country via the Internet and platforms available to tourists around the world. Also, the security of the information system for the needs of booking accommodation, tourist tours or paying for them, is not at an enviable level and examples of deceived tourists are not uncommon (Miladinović Bogavac, 2021). In this field, police, prosecutors and courts must act together, otherwise such behavior may pose a threat to the development of tourism in the future.

The Republic of Serbia must be ready for a "tourist leap" and we must not repeat the statistics from the previously observed and evaluated period. The previous Strategy for the Development of Tourism in the Republic of Serbia foresaw plans that were not fulfilled or were fulfilled, but with drastic deviations. "According to the previous Strategy, it was envisaged that in 2015 the total number of companies registered in the field of tourism would be 862, however, in 2013 that number was almost five times higher. Contrary to this increase, the number of directly employed in tourism in 2013 was lower by almost a third than projected." The reason for this inconsistency between regulations and practices can be twofold: either the regulations were written by insufficient experts or our state does not keep records of all important indicators of tourism carefully and systematically, and trends and tendencies in this area are very difficult to establish. Therefore, the increase in the number of economic entities whose predominant activity is tourism and the lack of staff in this area are a great threat to the development of tourism in the future.

Most organizations in the field of tourism in the Republic of Serbia send employees for training, but there are also a few organizations that do not allocate funds for these types of human resources management and it is necessary to work on raising awareness of the benefits of investing in knowledge and training their employees that considered the largest capital of the 21st century. At a time when all tourism organizations are affected by the disasters caused by the Covid 19 pandemic, it cannot be expected that large sums of money will be allocated for employee training. Due to the high costs caused by Covid-19, many tourism organizations are struggling to stay liquid, to operate at minimal cost and this phase of human resource management in the field of tourism has suffered the most (Lazić & Danilović, 2021).

According to the Ministry of Trade, Tourism and Telecommunications, the development of tourism in the future is on the rise, so it is expected that in 2025 about 30,000 new employees will be directly in the tourism sector, while 157,000 are expected to be in tourism and related activities. What can harm the future development of tourism in this field is the lack of interest of people to work in this field or their lack of expertise. Therefore, it is necessary to raise the level of quality of education in this area, but also to update the curriculum, as well as provide additional funds from the budget of the Republic of Serbia for educational institutions in this field.

The allegations are supported by the fact that the current Tourism Development Strategy estimates that "during the previous Strategy, no significant market research was done for the needs of tourism promotion, especially not in the field of congresses, fairs, sports and cultural events, although it was a legal obligation. There are no data on the cooperation of educational and scientific institutions in the field of tourism in harmonizing the curriculum with the number and structure of professional profiles needed in tourism, the number of scientific research projects, the number and content of scientific and professional study trips and training, the number and contents of the program of permanent acquisition of knowledge and skills of importance for the development of tourism."

According to the forecasts of the Ministry, in the 2025, the total number of tourist nights is expected to reach 14.84 million, which means that an average annual growth rate is predicted to 9.1%. Assuming that the market structure changes in favor of foreign visitors, (respecting the goal of increasing the share of foreign overnight stays to 55% by 2025), it can be expected that in 2025 foreign tourists will realize 8.1 million overnight

stays, and that domestic tourists have 6.6 million overnight stays. Having in mind the presented assumptions, in the observed five-year period, the average annual growth rate of the number of overnight stays of foreign tourists would be 13.5% and domestic tourists would be 4.8%." It should be noted that during the data projection, there was no information about the upcoming global Covid-19 pandemic and that data may change and the number of tourists may decrease, especially the number of foreign tourists due to the new situation (Vasilkov et al. 2021).

However, this should not be understood as a message and a direct order that it is necessary only to build new accommodation capacities or increase the existing ones, and not to adapt the existing infrastructure, existing urban plans, as well as existing regulations governing this area. Therefore, construction without permits, plans and approvals, in accordance with the approved documentation, as well as illegal occupation of land that is considered part of the forest, national park, etc., is not the solution to this problem. This behavior can pose a threat to the development of tourism in the future. The authors have recognized this as a very big problem, so in the continuation of the paper, this danger is observed.

Illegal occupation of land and construction without a building permit in the legislation of the Republic of Serbia

In the currently valid Criminal Code of the Republic of Serbia (Official Gazette, 2019), there are two criminal acts that the authors have identified as a potential danger to the development of tourism in the future in the territory of the Republic of Serbia. Both crimes are included in the group of crimes against property.

Article 218 of the Criminal Code of the Republic of Serbia explains when there will be a criminal offense of illegal occupation of land. The legislator has prescribed that a person or persons who illegally occupy someone else's land should be punished by a fine or imprisonment for up to three years. If the occupied land is considered a part of a forest, national park or other land with a special purpose, the Code prescribes that the perpetrator of such an act is punished by imprisonment from six months to five years.

In Article 219a. The Criminal Code of the Republic of Serbia defines the criminal offense of construction without a construction permit. This article stipulates that the criminal offense of construction without a construction permit is committed by "a person who is a contractor or a responsible

person in a company who is a contractor, i.e. who performs works on reconstruction of an existing facility without a construction permit." For this type of illegal behavior, the legislator in the Republic of Serbia determined a prison sentence of three months to three years and a fine. This crime has other forms.

Another form of this criminal offense is committed by a person who is an investor or a responsible person in a company that is an investor who is being built without a building permit, where a prison sentence of six months to five years and a fine are prescribed. If a decision on suspension of works has been issued and the person who is the contractor or the responsible person in the company who is the contractor or who performs works on the reconstruction of the existing facility continues with the works, commits a more serious crime and shall be punished by imprisonment between one and eight years and by a fine.

The last form this criminal act is committed by "a person who, as the responsible designer or acting technical control, contrary to regulations signed a final report on the control which states that no objections to the main project or contrary to regulations stamped the main project to accept the project, or vice versa issued a statement confirming that the main project was done in accordance with the location permit." These persons will be punished by imprisonment from three months to three years, cumulatively with a fine.

Presentation of research results

The paper analyzes the data of the Statistical Office for the calendar years 2016, 2017, 2018, 2019, 2020. The presented data have the status of official data, which means that they have a high degree of accuracy and are the only ones valid for processing and analysis. The authors decided to analyze the number of reported, accused and convicted adults for the crimes of illegal occupation of land and the crime of building without a building permit, and thus determine the trends that prevail in this phenomenon.

The aim of this paper is to determine the degree of "loss of crime", which represents the ratio of the number of reported persons and convicted persons for this crime. Thus, we want to notice the tendency of the observed phenomenon and establish the manner of action of judicial bodies in the Republic of Serbia regarding the researched phenomenon.

Reported, accused and convicted adults for the crime of illegal occupation of land

According to the regulations in the Republic of Serbia, the term reported person means "known perpetrator against whom criminal proceedings and previous proceedings were terminated by a decision which: rejected the report, terminated the investigation, suspended the investigation or filed an indictment" or "unknown perpetrator or unknown person the perpetrator of the criminal offense against whom a criminal report was filed with the prosecutor's office for the committed criminal offense, and the perpetrator has not been identified even after the expiration of one year."

The term accused means „an adult against whom a court has been filed: indictment or private lawsuit, against whom the criminal proceedings have been finalized by a court decision which: rejected the indictment or private lawsuit, suspended the proceedings or rejected the accusation (when examining the indictment); the accusation was dismissed, the proceedings were suspended, a rejecting or acquittal verdict was pronounced, a security measure was imposed on the insane perpetrator without sentencing, or the accused was found guilty - a conviction“.

The term convicted person is considered to be an adult to whom a criminal sanction has been imposed.

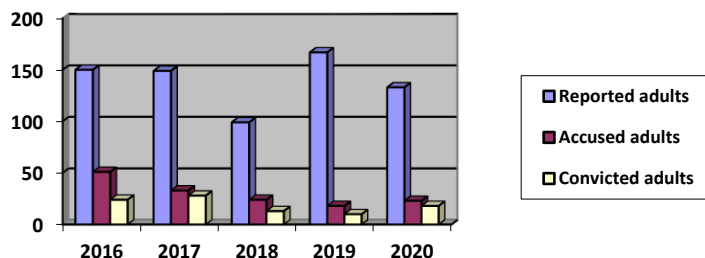
Due to the clarity and easier perception of the trend of the observed phenomenon, the authors decided to present it both graphically and tabularly.

Table 1: *Total number of reported, accused, convicted adults for the criminal offense of illegal occupation of land in the period from 2016 to 2020 in the territory of the Republic of Serbia*

Year	2016.	2017.	2018.	2019.	2020.	Σ
Reported adults	150	149	99	167	133	698
Accused adults	51	33	24	18	23	149
Convicted adults	24	28	13	10	18	93

Source: *Bulletin of the Statistical Office, Adult perpetrators of crimes in the Republic of Serbia: reports, charges, convictions*

Figure 1: Total number of reported, accused, convicted adults for the criminal offense of illegal occupation of land in the period from 2016 to 2020 in the territory of the Republic of Serbia



Source: *Bulletin of the Statistical Office, Adult perpetrators of crimes in the Republic of Serbia: reports, charges, convictions*

Based on the presented data, we clearly see that the "loss of crime" is huge. In the observed five-year period, on average, yearly, about 140 persons, were reported for the criminal offense of illegal occupation of land. In the same period, about 30 people were indicted for the same crime a year, while an average of 19 were convicted per year. Thus, out of the total number of reported persons, only 13% receive the status of a convicted person.

Reported, accused and convicted adults for the crime of construction without a building permit

In the above text, we have explained all the terms important for understanding the further course of research. The text that follows deals with the investigation of the criminal offense of construction without a building permit and the determination of the percentage of "loss of crime".

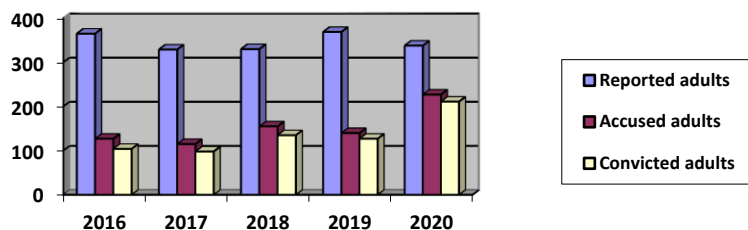
Table 2: Total number of reported, accused, convicted adults for the criminal offense of construction without a building permit in the period from 2016 to 2020 in the territory of the Republic of Serbia

Year	2016.	2017.	2018.	2019.	2020.	Σ
Reported adults	365	329	330	369	338	1.731
Accused adults	127	115	155	140	227	764
Convicted adults	104	98	135	127	211	675

Source: *Bulletin of the Statistical Office, Adult perpetrators of crimes in the Republic of Serbia: reports, charges, convictions*

Due to the clarity and easier observation of the trend of the observed phenomenon, the authors decided to present this phenomenon both graphically and tabularly.

Figure 2: Total number of reported, accused, convicted adults for the crime of construction without a building permit in the period from 2016 to 2020 in the territory of the Republic of Serbia



Source: *Bulletin of the Statistical Office, Adult perpetrators of crimes in the Republic of Serbia: reports, charges, convictions*

There were average of 346 adults reported annually, for the crime of construction without a building permit in the observed period. The number 153 indicates the number of average accused persons per year. Only 135 people, (average), on the territory of the Republic of Serbia in the period from 2016 to 2020 were convicted of the crime of building without a building permit. The presented data indicate that the total number of convicted persons is 39% of the registered persons.

Discussion

The imposition of criminal sanctions did not complete the entire criminal law process. Their execution and the degree of success of the re-socialization of convicts is very important. They have a dual effect. On the one hand, the individual offender should be educated that should never again commit the same or a similar offense or any other crime. On the other hand, they should educate the whole society about the harmfulness of illegal actions. Repercussions of illicit behavior affect every social structure, every social stratum, every social category in different ways and no one is spared in that process.

The authors have attitude that it is very important to consider the number of imposed criminal sanctions, but also the type. Depending on the type of

criminal sanctions imposed and the correct choice of the same, the real purpose of punishment is achieved or not.

In connection with the criminal offense of illegal occupation of the land in question, in the first observed year, 2016, three prison sentences were imposed, one lasting 10 to 15 years and two lasting 5 to 10 years. The fine was imposed a total of seven times. One in the amount of 100,000 to 200,000 RSD, five in the amount of 10,000 to 100,000 RSD and one in the amount up to 10,000 RSD. This year, fourteen suspended sentences were handed down.

During 2017, only one prison sentence was imposed, lasting 2 to 3 months, and a total of eight fines were imposed (two in the range of 200,000 to 300,000 RSD, two in the amount of 100,000 to 200,000 RSD, two in the amount from 10,000 to 100,000 RSD and two in the amount up to 10,000 RSD, and this year the most frequently imposed sanction was a suspended sentence, a total of nineteen.

The following year, in 2018, one prison sentence of 2 to 3 months was imposed, four fines and all four were in the amount of 10,000 to 100,000 RSD. There were a total of eight suspended sentences in 2018 for the crime of illegal occupation of land.

In 2019, out of a total of ten convicted persons for a criminal offense, the court decided to impose a fine in the amount of 10,000 to 100,000 RSD in one case, and in the same year, eight suspended sentences were imposed. During 2019, no prison sentences were imposed for this crime.

The last year of the observed five-year period is 2020, in which the practice from the previous year was approximately repeated. No prison sentences have been handed down this year. The court most often decided on a suspended sentence and out of a total of eighteen convicted persons, twelve of them received that sentence. A fine was imposed in six cases, one in the amount of 100,000 to 200,000 RSD and five in the amount of 10,000 to 100,000 RSD.

In the case of construction without a building permit, the situation in the field of criminal sanctions during 2016 was as follows: twenty-five prison sentences (one from 3 to 5 years, five from 6 to 12 months, fifteen from 3 to 6 months, three from 2 to 3 months and up to 2 months - one prison sentence), three fines and all of three were in the amount of 10,000 to

100,000 RSD, seventy-two suspended sentences, three sentences house arrest and one sentence work in the public interest.

The following year, in 2017, nine imprisonment sentences were imposed for the analyzed criminal offense. Four lasted from 6 to 12 months, three lasted from 3 to 6 months and two prison sentences of up to two months. There were three fines and all of them was from 10,000 to 100,000 RSD, identical to previous years. Eighty-two suspended sentences were handed down. Four sentenced to house arrest.

During 2018, the situation changed a little bit. 20 prison sentences were imposed: one from 2 to 3 years, three from 1 to 2 years, six from 6 to 12 months, seven from 3 to 6 months and three from 2 to 3 months. During 2018, a total of seven fines were imposed and all seven can be classified in the range of 10,000 to 100,000 RSD. There were 103 suspended sentences. In four cases, the court ruled that the appropriate punishment was house arrest, and in one case the punishment was work in the public interest.

During 2019, twenty-five times prison was sentenced for the crime of construction without a building permit, one for 1 to 2 years, seven for 6 to 12 months, sixteen for 3 to 6 months and one for 2 to 3 months. In the same year, a fine was imposed on four adults, two in the amount of 10,000 to 100,000 RSD and two in the amount of 100,000 to 200,000 RSD. The criminal sanction that was most often imposed was a suspended sentence intended for 95 persons who committed the criminal offense of building without a building permit. In 2019, three house arrest sentences were imposed.

In the last year of the observed period, in 2020, out of a total of 211 convicts, imprisonment was imposed in sixteen cases, one lasting 2 to 3 years, one lasting 1 to 2 years, seven lasting 6 to 12 months, six of 3 to 6 months and one lasting 2 to 3 months. The fine was imposed a total of eight times, two in the amount of 100,000 to 200,000 RSD and six in the amount of 10,000 to 100,000 RSD. As in every previous year, this year also, the suspended sentence was in the lead in terms of frequency and dynamics of pronouncing, and it was pronounced a total of 185 times. This year, two house arrest sentences were imposed.

Based on the presented data, the trends that occur in both observed phenomena can be established with ease, but also with a high degree of certainty, thanks to which we can detect the corresponding tendencies. As

the most frequently imposed criminal sanction, in each year, a suspended sentence appears for both crimes. „Probation“ or suspended sentence as a warning measure is a criminal sanction that is often used in other developed countries, but in a different way. In judicial practice in the Republic of Serbia, probation has become synonymous with punishment and a "safe haven" for judges. Most judges use this sanction in situations when they are not sure which sanction would be adequate, so they decide on a suspended sentence, knowing that the perpetrators of criminal acts, as well as prosecutors, will be satisfied with this type of sanction. Only the purpose of punishment will not be satisfied. The perpetrators of criminal acts are completely satisfied with the suspended sentence, because in essence, they only receive the threat of imprisonment. However, we must emphasize that a suspended sentence is not such a perfect criminal sanction and that its modality - a suspended sentence with protective supervision - is much more suitable for achieving the purpose of punishment. The Republic of Serbia is one of the countries that are still being reformed and developed, and the funds in the budget intended for institutions and persons dealing with the execution of criminal sanctions are at an unsatisfactory level. For this reason, a large number of commissioners are missing who would be educated and directed and take care of the implementation of a suspended sentence or a suspended sentence with protective supervision.

The objection to the imprisonment sentence imposed in the observed five-year period concerns its length. It is well known that short-term imprisonment does not have any effect on the re-socialization of persons, and that all developed countries and countries that are members of the European Union in their case law have established the custom of replacing all short-term imprisonment with adequate, often very high fines.

The fines imposed for the two observed criminal offenses are not at a satisfactory level either, because it can be noticed that the most common fines are from 10,000 to 100,000 RSD, which the authors consider to be a mild punishment. We believe that the amounts of money for this type of crime are small and that the fine should be imposed more times.

Conclusion

A major problem in the preparation of scientific and professional papers is non-standardized activities and the content of statistical monitoring that are still not in line with the EUROSTAT methodology, as well as the UNWTO methodology. For that reason, it is difficult to monitor the performance of

the tourism sector in the Republic of Serbia. For example, the direct and total share of the tourism sector in the GDP of the Republic of Serbia or the direct and total share of employees in the tourism sector in the structure of the total number of employees in the Republic of Serbia are not available and are not monitored, therefore, the data at our disposal are not comparable and do not reflect the real contribution of the tourism sector to the Serbian economy.

The number of issued building permits can be found only for the territory of the Republic of Serbia, while the details (for which the building permit was issued, in which place and how many of them) can be found on the website of the Business Registers Agency, but the entire database is empty. So, although they are of great importance to the public, they are not easily accessible. Such data cannot be found on municipal websites. Therefore, the data that exist and are available are that in the Republic of Serbia in 2016, 12,671 building permits were issued; in 2017 - 18,477 of them, next year (2018) 19,484, in 2019 a total of 21,844 and in 2020 a total of 22,625 building permits. An increasing trend is noticed, but it still does not provide the necessary data on which parts of the Republic of Serbia are being built the most, i.e. in which parts it is being built in accordance with the regulations.

The dissatisfaction of tourists most often refers to the excessive urbanization of mountainous and urban areas. Construction of buildings that block the view, with external walls one meter away, which reduce the amount of light in the premises, noise generated during construction, waste and remnants of construction materials, inadequately secured construction sites, construction in terms not provided by house rules and main principles decency, added floors that are not foreseen by the project, and which are not even safe to stay in, are just some of the objections addressed to "illegal construction". It is very often heard that a park or a part (usually most of the park) is turned into a parking lot, that the yard of kindergartens is turned into a business-residential space, etc. Such things are inadmissible, especially in moments when the existence of nature and its survival is questionable. Based on the analysis of the observed crimes that deal with this problem, the authors take the position that court practice is a problem in combating such behavior, and that as long as this (bad) choice of criminal sanctions, the crimes will not be suppressed or eradicated.

In addition to illegal and unregulated construction, abuses in information systems and payment systems are potentially major problems for tourism

development, and emphasis should be placed on that, because we are a "de facto" information society living in the information age.

The authors believe that education is still the key to everything, and that the quality educational process (kindergarten - faculty) can continuously influence the formation of society and thus contribute to their greater awareness of the importance of nature and tourism close to it.

Our chance for the development of tourism in the future does not end there, but various opportunities are provided to us in the form of promoting health tourism, nautical tourism, wine and culinary routes, gastronomic routes, but also domestic, healthy, organic food. The authors express the hope that this will be the case. We are obliged to preserve nature, because "we did not inherit nature from our ancestors, but we borrowed it from our descendants."

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