THE INFLUENCE OF LEGISLATION ON THE OCCURRENCE OF CORRUPTION IN THE ADMINISTRATIVE INSTITUTIONS OF BOSNIA AND HERZEGOVINA

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1. INTRODUCTION

Namely, the term corruption comes from the Latin word "corrumpere", which means to corrupt, corrupt, morally corrupt, bribe, bribe someone with money or other material goods (Klaić, 1962). A detailed definition can be found in international documents, primarily in the Council of Europe's Civil Law Convention on Corruption. Bosnia and Herzegovina is a signatory to the Convention, according to which corruption means demanding, offering, giving, or accepting, directly or indirectly, bribes or any other illegal benefit or the possibility of obtaining such benefit, which interferes with the proper performance of any duty or conduct required of the recipient. bribes, illegal benefits, or opportunities to acquire such benefits (Civil Law Convention on Corruption, 1999). The definition of corruption in domestic legislation we can find, through criminal legislation, where corrupt acts are defined as criminal acts, on the other hand, explicit definitions are established by the Law on the Agency for Prevention of Corruption and Coordination of Anti-Corruption (Official Gazette of BiH): 103/09 and 58/13) and the Law on Protection of Persons Reporting Corruption in the Institutions of Bosnia and Herzegovina ("Official Gazette of BiH" No. 100/13). According to the Law in, the Agency for Prevention of Corruption and Coordination of the contest against Corruption in BiH, the term corruption refers to any abuse of power entrusted to a public official or a person in a political position at the level of government in BiH, which may lead to private gain. In addition to the above definitions of corruption, there are many others, both within legal theory and international documents, such as the United Nations Convention against Corruption (UNCAC), Criminal Law, and Civil Convention on Corruption. As well, the above definitions sufficiently reflect the complexity of the concept of corruption, both in linguistic and substantive terms.

2. METHODOLOGY AND HYPOTHETICAL FRAMEWORK

The general hypothesis in this research paper is: „The lack of assessment of the susceptibility to corruption of draft laws and bylaws is a corruption risk, which inevitably leads to the occurrence of corruption in administrative bodies." The following auxiliary hypotheses arise from the main one: 1. The adoption of laws that regulate the subject matter in detail, there is no space for different interpretations of those who apply them, prevents the occurrence of corruption in administrative bodies. 2. Detection of procedures for passing laws and bylaws, as corruption risks, will contribute to preventing the occurrence of corruption in the administrative bodies in which they are applied. 3. The establishment of a body with the primary task of assessing the susceptibility of corruption to draft laws and bylaws will contribute to preventing the occurrence of corruption in the bodies in which the law in question is applied. 4. The analysis of corruption risks within the legislative regulatory framework

should primarily move within the two categories of "ambiguity" and "shortcomings of the prevention mechanism" will prevent the occurrence of corruption in the bodies in which the laws and bylaws apply. 5. With the financial support of the body that working on risk assessment of corruption, draft laws and bylaws strengthen the role of the body in preventing and combating corruption. 6. Inconsistency of lower and higher legal acts is a corruption risk that inevitably leads to the appearance of corruption in administrative bodies.

3. ASSESSMENT OF ATTITUDES ON THE INFLUENCE OF LEGISLATION ON THE OCCURRENCE OF CORRUPTION IN ADMINISTRATIVE INSTITUTIONS IN BOSNIA AND HERZEGOVINA

A graphical presentation of the results of the survey by respondents who circled one of the offered numbers on a scale from 1 to 5 for each of the above statements is listed below. Respondents are thus expressing an assessment of their agreement or disagreement with the above statements, and the meaning of the numbers is as follows: (1) I completely disagree, (2) I strongly disagree, (3) I have no opinion, (4) I strongly agree, (5) I agree. Research has shown that the data do not have a normal distribution of data when tested. This was confirmed by the negative asymmetry Sig is .000 according to the Kolmogorov-Smirnov test, non-parametric techniques will be used (Hi2, Spearman's coefficient, regression, etc.). Testing the standard independence of the two categorical variables by the chi-square test in the SPSS program compared H1, H2, H3, H4, H5, and H6 with the control variable occupation of the respondents. The question is how the lack of assessment of the susceptibility of the draft law to corruption is one of the corruption risks, 60.98% of respondents answered with complete agreement, while only 4.88% answered that they completely disagree. When asked about the assessment of susceptibility to corruption should be conducted for all draft laws, as well as bylaws fully agree 68.29% of respondents said they fully agree. Only 2.44% of respondents completely disagree with this statement. When asked, as many as 63.41% of respondents said that they fully agree with the question that detecting corruption risks is one of the best ways to prevent corruption, only 2.44% of them said that they completely disagree.

On the issue of forming a body that would assess the susceptibility of the draft law to corruption, it represents an effective mechanism for fighting corruption, 60.96% of respondents fully agree, while 4.88% of them completely disagree. As many as 78.05% of respondents completely agree with the question of the ambiguity of legal regulations poses a corruption risk, since it provides an opportunity to interpret the law to abuse them in favor of corruption, only 2.44% of them completely disagree with this statement. 56.10% of respondents believe that it is necessary to promote in public the assessment of the susceptibility to corruption of the draft law, to achieve the highest possible degree of transparency in the work, and only 2.44% of them share the opposite opinion. As many as 70.73% of respondents completely agree that the legal inconsistency of legal regulations represents a corruption risk, while 2.44% of them completely disagree. The outcome of the chi-square test shows the independence of these two categorical variables Hg and H1. Thus, in Pearson Chi-Square, the value of statistics is seen which is 50.483 a, df is 9 while Asymp. Sig. (2-sided), i.e., the approximate two-sided probability is .000, which shows how these two variables are in association.

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Table 1: Hg and H1 Hypothesis Testing

Chi-Square Tests			
	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	50.483[a]	9	.000
Likelihood Ratio	24.588	9	.003
Linear-by-Linear Association	20.593	1	.000
N of Valid Cases	41		

a. 13 cells (81.2%) have an expected count of less than 5. The minimum expected count is .10.

In the following Cramer's V results we see that they are> 0.6 which means that the results are strong, and the fields are very related. Using the Chi-square independence test, the thesis of statistical concordance fi = 1.110 was confirmed. Testing the standard independence of two categorical variables by the chi-square test in the SPSS program compared: Hg and H2. The outcome of the chi-square test shows the independence of these two categorical variables Hg and H2. Thus, in Pearson Chi-Square, the value of statistics is seen which is 54.285 a, df is 9 while Asymp. Sig. (2-sided), ie the approximate two-sided probability is .000, which shows how these two variables are in association.

Table 2: Hg and H2 Hypothesis Testing

Chi-Square Tests			
	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	54.285[a]	9	.000
Likelihood Ratio	39.232	9	.000
Linear-by-Linear Association	17.883	1	.000
N of Valid Cases	41		

a. 13 cells (81.2%) have an expected count of less than 5. The minimum expected count is .05.

In the results of Cramer's V below, we see> 0.6 which means that the results are strong, and the fields are very connected. Using the Chi-square independence test, the thesis of statistical concordance fi = 1.151 was confirmed. Testing the standard independence of two categorical variables by the chi-square test in the SPSS program compared: Hg and H3. The outcome of the chi-square test shows the independence of these two categorical variables Hg and H2. Thus, in Pearson Chi-Square, the value of statistics is seen which is 52.828 a, df is 9 while Asymp. Sig. (2-sided), i.e., the approximate two-sided probability is .000, which shows how these two variables are in association.

Table 3: Hg and H3 Hypothesis Testing

Chi-Square Tests			
	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	52.828[a]	9	.000
Likelihood Ratio	28.539	9	.001
Linear-by-Linear Association	23.050	1	.000
N of Valid Cases	41		

a. 13 cells (81.2%) have an expected count of less than 5. The minimum expected count is .10.

In the following Cramer's V results we see> 0.6 which means that the results are strong, and the fields are very interconnected. Using the Chi-square independence test, the thesis of statistical agreement fi = 1.135 was confirmed. Testing the standard independence of two categorical variables by the chi-square test in the SPSS program compared: Hg and H4. The outcome of the chi-square test shows the independence of these two categorical variables Hg and H4. Thus, in Pearson Chi-Square, the value of statistics is seen which is 54,828 a, df is 12 while Asymp. Sig. (2-sided), i.e., the approximate two-sided probability is .000, which shows how these two variables are in association.

Table 4: Hg and H4 Hypothesis Testing
Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	54.820^a	12	.000
Likelihood Ratio	31.029	12	.002
Linear-by-Linear Association	16.511	1	.000
N of Valid Cases	41		

a. 18 cells (90.0%) have an expected count of less than 5. The minimum expected count is .05.

In the following Cramer's V results we see> 0.6 which means that the results are strong, and the fields are very interconnected. Using the Chi-square independence test, the thesis of statistical agreement fi = 1.156 was confirmed. Testing the standard independence of two categorical variables by the chi-square test in the SPSS program compared: Hg and H5. The outcome of the chi-square test shows the independence of these two categorical variables Hg and H4. Thus, in Pearson Chi-Square the value of statistics is seen which is 40,577 a, df is 12 while Asymp. Sig. (2-sided), i.e., the approximate two-sided probability is .000, which shows how these two variables are in association.

Table 5: Hg and H4 Hypothesis Testing
Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	40.577^a	12	.000
Likelihood Ratio	22.700	12	.030
Linear-by-Linear Association	16.023	1	.000
N of Valid Cases	41		

a. 17 cells (85.0%) have an expected count of less than 5. The minimum expected count is .05.

In the following Cramer's V results we see that they are $0.2 < ES \leq 0.6$ which means that the results are moderate, and the fields are moderately related. Using the Chi-square independence test, the thesis of statistical agreement fi = 0.995 was confirmed. Testing the standard independence of two categorical variables by the chi-square test in the SPSS program compared: Hg and H6. The outcome of the chi-square test shows the independence of these two categorical variables Hg and H6. Thus, in Pearson Chi-Square, the value of statistics is seen which is 50,633 a, df is 12 while Asymp. Sig. (2-sided), i.e., the approximate two-sided probability is .000, which shows how these two variables are in association.

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Table 6: Hg and H6 Hypothesis Testing
Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	50.633[a]	12	.000
Likelihood Ratio	25.314	12	.013
Linear-by-Linear Association	14.917	1	.000
N of Valid Cases	41		

a. 17 cells (85.0%) have an expected count of less than 5. The minimum expected count is .05.

In the results of Cramer's V below, we see> 0.6 which means that the results are strong, and the fields are very connected. Using the Chi-square independence test, the thesis of statistical agreement fi = 1,111 were confirmed.

4. INCOMPATIBILITY OF LOWER AND HIGHER LEGAL ACTS AS A CORRUPT RISK

Detection of the lack of assessment of susceptibility to corruption of draft laws and bylaws is not enough to prevent corruption in the administration of Bosnia and Herzegovina, can it adequately replace the proper and lawful drafting of laws and bylaws and the obligation to harmonize lower and higher legal acts. According to Article 98, paragraph 2 of the Law on Administration („Official Gazette of Bosnia and Herzegovina", No. 32/02, 102/9, and 72/17), administrative bodies are authorized to adopt general acts within the established competence, for law enforcement. Non-compliance as a corruption risk may occur between higher and lower legal acts, however, as a corruption risk may be non-compliance with provisions within the same law or bylaw, which when applied in administrative bodies, can lead to corruption among civil servants and among citizens. If the contradiction of lower legal acts with higher legal acts is normatively and legally considered to have the advantage of a higher legal act, however, this leads to ambiguities and possibilities of different interpretations, therefore it is necessary to prevent this when adopting lower legal acts, by clearly checking compliance with legal and bylaws. Non-compliance as a corruption risk can be seen in the following example (Hope, 2014): Example: Article 10 of the Regulation on Procedures for Asylum Seekers: When all legal requirements for the political status of a refugee are met, the agency may grant asylum. Article 15 of the Constitution of Bosnia and Herzegovina: "Political refugees have the right to asylum." Problem: It follows from Article 10 of the Regulation that the Agency has a discretionary right, which is contrary to the clear right from the Constitution. Solution: Article 10 of the Regulation on Procedures for Asylum Seekers: When all legal requirements for the political status of a refugee are met, the Agency must grant asylum. If the assessment of susceptibility to corruption of laws and bylaws would be performed, the same would be a mechanism for preventing the corruption risk of incompatibility of lower and higher legal acts, since the assessment of susceptibility to corruption would also analyze the compliance of legal acts.

5. DISCUSSION AND CONCLUSION

There are different kinds factors that contribute to the emergence of corruption in a particular country, such as. social, political, historical, economic. Regardless of the factors that contributed to the occurrence of corruption, the consequences are severe and very harmful for the bodies and institutions of one state, as well as for all citizens of the same, which implies

that corruption leads to harmful consequences for the entire state. Bosnia and Herzegovina is a country with a very complex system, so it is more difficult to establish a mechanism of control over the work of administrative bodies, ie it is more difficult to prevent the occurrence of corruption, and thus the fight against it is more difficult. Corruption as a harmful phenomenon can and does occur in all parts of society, but its consequences are much more devastating if it occurs in the public sector, ie in the administrative bodies in Bosnia and Herzegovina. There are many mechanisms and ways through which an effective fight against corruption could be achieved, however, it is primarily necessary to regulate the legislation, which is also shown and proven through this paper. To prevent the occurrence of corruption in administrative bodies, it is not enough to detect corruption risks within the legislation, but it is definitely, as the research has shown, a good starting point to start working on preventing the occurrence of corruption.

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