

THE DECENTRALIZATION AND PERCEPTION OF CORRUPTION. THE CASE OF MONTENEGRO

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ABSTRACT: *Corruption and perception of corruption can be seen as a cultural phenomenon because it depends on how society understands the rules and what constitutes a deviation. The level of awareness of corruption can be more devastating than the corruption itself. It creates a "culture of distrust" for some institutions and can create a cultural tradition of promoting corruption. In particular, the abuse of public office and resources for private interests and corruption within political parties and the election process is considered one of the country's largest anti-corruption challenges.*

The purpose of this article is to organize the current knowledge of decentralization and corruption and to analyze the perception of Montenegro's population on corruption.

This article also describes decentralization by recognizing the population through empirical research.

KEY WORDS: *Corruption; decentralization; Montenegro; population.*

JEL Code: *K00, K23*

1. INTRODUCTION

Corruption is a socially unacceptable phenomenon that directly threatens human rights, destroys morals, threatens national stability and economic progress, thereby threatening civil justice, honesty, equality and security. It violates positive legal regulations, represents a deviation from basic social principles, and the fight against corruption is a prerequisite for the development of a sustainable democratic society. Corruption is considered an abuse of power for private gain. Corruption can be categorized as large, small, or political, depending on the amount of money lost and the industry in which it occurred.¹ Corruption tends to concentrate wealth, not only by widening the gap between rich and poor, but also by providing the rich with nefarious means to protect their positions and interests.² High-

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¹ Transparency International, What is the corruption?
<https://www.transparency.org/en/what-is-corruption>

² UNODC, What is the corruption and why should we care? Module series of anti-corruption
https://grace.unodc.org/grace/uploads/documents/academics/Anti-Corruption_Module_1_What_Is_Corruption_and_Why_Should_We_Care.pdf

level corruption consists of actions taken by high-level governments that take advantage of political or state central activities and allow leaders to profit at the expense of public goods. Minor corruption is a hospital, school, police station, or other government agency. Political corruption is the manipulation of decisions, institutions, and procedures in resource allocation and financing by politicians who abuse their position to maintain power, status, and wealth.

Corruption is a phenomenon that is not only related to transition and other underdeveloped countries, but is dependent on human behavior in all countries, regardless of economic and political development. It is always an expression of some personal interests of a small group of people that causes citizens' distrust of government and unpredictability in political and economic decision-making and that hinders institutions and economic development and directly harms the state budget. Therefore, it is the obligation of every state to protect its citizens by fighting corruption, to seek their active participation in detection, and to fulfill this role through its legislative, administrative and judicial activities.³

One of the most well-known criteria for the division of corruption is the social level of its actors, corrupt persons or recipients of bribes. According to this criterion, we distinguish between high-level corruption, middle or administrative corruption, and low-level corruption.

Political corruption is present among high-ranking state officials and politicians who have the right to make political decisions, i.e. entrusted with high powers, from which arises a great responsibility to represent public interests in the performance of their duties. Forms of political corruption are embezzlement of money in a country's political system by political candidates and politicians in power, preventing the private sector from buying political influence, electoral corruption, influencing the state's legal system to inefficiently prosecute and thus protect corruption offenses, and influence the legislature to legalize more favorable treatment for certain stakeholders. Administrative corruption arises from the powers of state and local administration, and refers to public administration employees who are in charge of implementing decisions, employees become prone to corruption.

Administrative corruption is usually to facilitate a procedure or to evade a fine or pay taxes. Street corruption is a form of spontaneous bribery of public officials or responsible persons, without prior plan or notice to the recipient of bribes in order to avoid regular obligations or acts in accordance with the law, or the implementation of legal obligations, sanctions, benefits that do not belong to them or excessive rights.

³ Buzlevski B., Georgieva N. (2021) *Corruption and Anti-Corruption* JOURNAL OF EUROPEAN AND BALKAN PERSPECTIVES Scientific Journal of Contemporary European and Balkan Politics: Law, Economics, Security Issues, Cultural and Ethnic Studies and Environmental Policies Volume: IV Number: 1 Center for International and Development Studies - Skopje, p.93

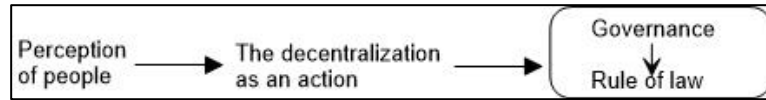


Figure 1: The perception of people on governance; Source: Made by author

We look at social factors as external circumstances conducive to corruption and divide them into the following groups:

a) cultural causes arise from the tradition, culture and customs of a people, corruption is seen as a socially acceptable phenomenon, and the degree of tolerance towards corruption is very high;

b) we find legal causes in the absence of adequate or full functioning of the public sector of justice and objective measurement and supervision of their work, as well as inconsistency of legal regulations;⁴

c) institutional causes refer to the incompetence of institutions formed by inadequate and non-functional public services in which there is unprofessionalism in employment, ie nepotism, political eligibility, etc .;

d) sociological causes are related to the social transformations of a society, such as the transition to a market economy. In transitional societies, corruption is a kind of catalyst in establish market relations and serve as an instrument of social regulation in conditions of weak and disorganized public authority;

e) technological causes refer to the level of technological development of the society, primarily the implementation of information and communication technology in the work of the state administration, which enables the availability of information on the activities of state and local authorities;

f) economic causes such as non-transparent transformation of ownership (privatization), in excessive, inadequate and ill-intentioned state intervention in the economy, non-compliance with market laws in which work, knowledge and skills give way to corrupt competitive advantages⁵.

2. THE PROBLEM

Administrative or bureaucratic corruption occurs when officials do business with citizens. The adjective "small" is used as an antonym of the adjective "big" to indicate the degree of corruption, ie. ratio between these two types of corruption. However, it is important to keep in mind that petty corruption can be very important to those involved. The unofficial rate for a service charged by a user may represent a substantial portion of the person's household budget's disposable income. Petty corruption is common in many countries: doctors refuse to examine patients; these patients can't even "pass" the nurse who controls the entrance to the doctor. Students may find that they don't get the grades

⁴ Sindikat Radnika trgovine *Breaking the chain of corruption, ANTI-CORRUPTION STRATEGY Rulebook for Union representatives*, December 2021

they deserve if parents don't give the teacher a gift or if they don't "voluntarily" allow their child to attend paid private lessons with the teacher. By offering bribes, motorists "stay away" from actual or suspected traffic violations, by paying a certain amount to the traffic police to avoid an official fine. In the modern state, corruption is a danger, because it harms the performance of social affairs, lowers the required level of morale, blocks public administration, and makes the judiciary inefficient.

The long-standing economic and political crisis, poverty, as the predominant condition of the population, which has particularly affected countries in transition, including Montenegro, are significant risk factors that affect corruption. Effectively combating corruption, one of the most dangerous national and global phenomena, requires coordinated efforts and activities of the Government and citizens, as well as each individual sector of public life. The role of the public in opposing this phenomenon is especially important establishing democratic values.

Corruption as bribery of persons who abuse their powers in the public or private sector is increasingly developing around the world. It appears as a special problem in countries in transition due to abuse of civil servants, nepotism, misappropriation of funds, and machinations with permits and the like. In the private sector, it appears most as a preference for deals and settlements. Corruption related to organized crime, which is dependent on corruption, appears as a special form, and one cannot develop without the other. The biggest problem in the fight against corruption is the lack of experts in detecting corruption. In corruption, the one who gains it seems to give some financial resources, but also the one who receives them, so no one will even report it. No damage was inflicted on a specific person who would report corruption, but on harms the state, but also the entire society, which does not know directly about this corruption. Therefore, a lot of effort is needed in terms of both prevention and repressive action.

When it involves Montenegrin socio-political reality, the truth is that petty corruption stays an apparent hassle that significantly impacts the introduction of dangerous matrices of members of the family among citizens, businessmen and civil servants - enforcing them as ordinary and vital and nearly socially acceptable, that's certainly considered one among key malignancies of the general social tissue that want to be handled in a couple of ways. In addition to the bad effect of such matrices at the common citizen and his household, sure styles of corruption additionally go away severe results at the enterprise region and monetary outcomes and might end up a severe impediment to non-public and overseas funding and ordinary alternate and monetary development.

3. THE PERCEPTION OF CORRUPTION

The concept of corruption varies widely depending on societies and people. Behind it lie several contrasting strands of thought and language. In effect, social rules may vary dramatically from one culture to another and among people; while an action could be normal practice in a society; in a different one, it could be considered corrupt and the disposition to pay a bribe is influenced by moral views and values. Therefore, corruption perception is not the reflection of an absolute situation; it is a social phenomenon.

According to Nelken and Levi (1996), comparative research should not only be confined to seeking out what there is in common but also in understanding the many relevant differences in political and legal cultures. The first problem of any comparative research on corruption is arriving at a definition that lends itself to cross-cultural and cross-national research. In economic terms, there are several ways to define corruption. For example, Werlin (Werlin, 1973) characterizes corruption as the use of public office for private needs (Blackburn, K., Bose, N. and Haque, M.E., 2004) and Blackburn, Bose and Haque consider public sector corruption as the “illegal, or unauthorized, profiteering by officials who exploit their positions for personal gain”. To emphasize governmental corruption, Shleifer and Vishny define it as “the sale by government officials of government property for personal gain” (Shleifer, A. and Vishny, R.W., 1993). Pope asserts that corruption can take place where there is a combination of opportunity and inclination. (Pope, 2000) Corruption can be initiated from either side of the transaction. Those offering bribes may do so either because they want something they are not entitled to, and bribe the official to bend the rules, or because they believe that the official will not give them their entitlements without some inducements being offered. On the other hand, officials may refuse to serve clients unless a bribe is paid. (Melgar, N. Rossi, M. Smith, T., 2010)

The perception of corruption has facilitated an increase in institutional instability and a deterioration of relationships between individuals, institutions and countries. High levels of perceived corruption can have more devastating effects than the corruption itself; this creates a “culture of distrust” for some institutions and can create a cultural tradition of gift giving and, as a result, exacerbation of corruption. This therefore means not only finding commonalities but also pointing out many relevant differences in politics and culture.

Even if perceptions of corruption may differ greatly from current levels of corruption, the latter affects the former. Therefore, a high perceived level of corruption is sufficient to cause negative effects in the economy (growth of institutional instability and deterioration of interpersonal relationships, institutions and the state). Furthermore, since the definition of corruption depends on social and cultural factors, so does the perception of corruption.

According to the Global Economy ⁶ the perception ratio of corruption in Montenegro has an unchanged ratio for the last years. In 2016, 2018, 2019 and 2020 the perception ratio was 45 out of 100. In 2017 the perception ratio of corruption was 46 of 100.

The corruption indicators have obvious limitations. The Corruption Perception Index is a survey that represents the views of businessmen and professionals, but does not represent the views of ordinary citizens at all. For example, perception can be influenced by media coverage. Greater media coverage of corruption may indicate higher levels of corruption, but it may also simply be an indication of greater media freedom.

The perception of corruption in Montenegro is high and it is widespread in the activities related to public administration. As the most common causes of corruption in public

⁶ The perception ratio of corruption in Montenegro
https://www.theglobaleconomy.com/Montenegro/transparency_corruption/

administration, the people of Montenegro acknowledge the lack of awareness and responsibility for the harmful effects of corruption in public institutions and autocracy.

In order to be involved in an administrative function, the persons should pay and to be a party member. Other activity is the bureaucracy. The bureaucracy according to the graph also needs sometime a bribe.

The Montenegro would be with a transparent governance if it would be a part of EU. The population believe that as a member state will be much less corruption.

4. THEORETICAL ASPECTS OF DECENTRALIZATION CASES

The decentralization has reemerged as a valued political and economic goal in most developing countries. The decentralization is defined as the presence of taxing, spending or regulatory authority on the part of subnational authorities such as state, provincial, district or municipal governments. decentralization has the potential to achieve greater efficiency and equity in public decision making by internalizing externalities, deploying all available information, and better matching service provision to needs⁷. The following cases are:

Case 1: (Catering to local needs) Lower level governments would be better able to design their programs to suit the preferences of local residents, since programs provided by the national government tend to be uniform across the country.

Case 2: (Information acquisition) Local governments being 'closer to people' are better informed of the preferences and needs of their residents. This will be especially important for redistributive programs, which require information about needs of individuals.

Case 3: (Effective control of agents) Local governments may be more efficient at administering the programs. Most redistributive programs are delivered by institutions like welfare agencies and hospitals, the management of which may be more effective at the local rather than the national level.

Case 4: (Innovation acquisition) To the extent that there are different local programs, there will be more opportunities for local governments to device effective programs. Experimentation at the local level will allow for trial and error that would lead to both successes and disappointments. And it is more efficient to have disappointments on a small scale than at the national level.

Case 5: (Intergovernmental competition) In a decentralized system of government, governments compete with one another to enhance efficiency. Moreover, citizens are better able to hold their governments to account if they can observe what is going on in neighboring jurisdictions, a phenomenon that is described as "yardstick competition."

⁷ Agrawal A. Ribot J. *Analyzing Decentralization: A Frame Work with South Asian and East African Environmental Cases* World Resources Institute http://pdf.wri.org/eea_wp1.pdf

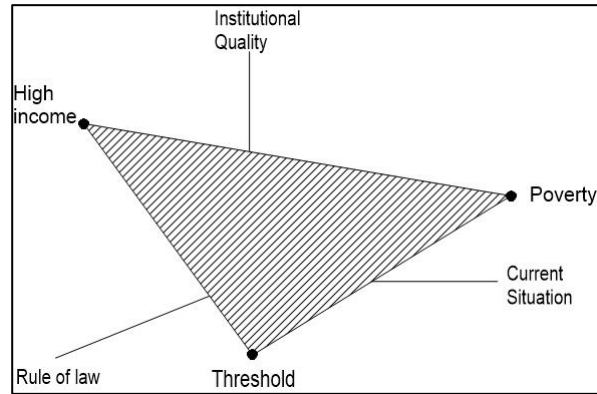


Figure 3: The rationality and the big push; *Source:* Made by author

According to the graph, the push for decentralization is mainly driven by the desire to overhaul and democratize the political system, in order to remove the power base of an autocracy on the verge of extinction. In this important constellation, an institutional and procedural agreement must be sought that allows the government, in the short term, to capture and maintain the initiative in favor of decentralization.

It stressed deregulation, debureaucratization, results-orientation and devolution of functions to lower action levels.

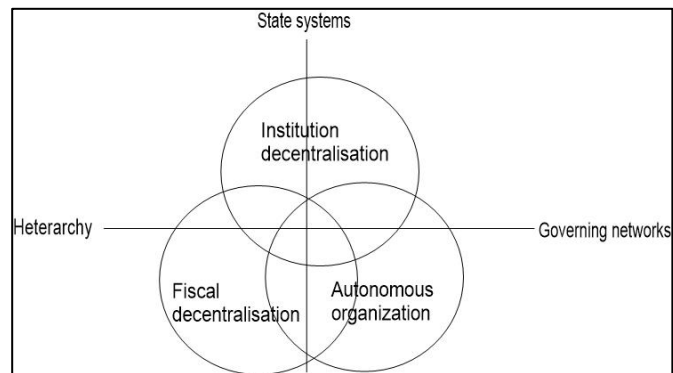


Figure 4: Priorities of decentralization, *Source:* Made by author

According to the graph, the stakeholders in the process of decentralization building may aspire to concentrate power through agencies. Controlling the state usually provides access to economic power since the state—especially in developing and transitional countries—represents the predominant concentration of capital.

5. THE GOOD GOVERNANCE AND THE DECENTRALIZATION

The rule of law in the classical liberal tradition is based on four elements: legality, division and balance of powers, independent judicial control, and protection of fundamental rights. (Addink, 2019)

It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.⁸

Rule of law captures perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence.⁹

This means that aspects of good governance are still recognizable in the rule of law and democracy, but that good governance also has new elements which cannot be found there, such as the principles of effectiveness and accountability. The processes of development of all three cornerstones are strongly intertwined.

The good governance promotes the rule of law over corruption, allowing the many benefits of other sustainable development initiatives and economic inputs to reach those in society who most need to benefit from them.

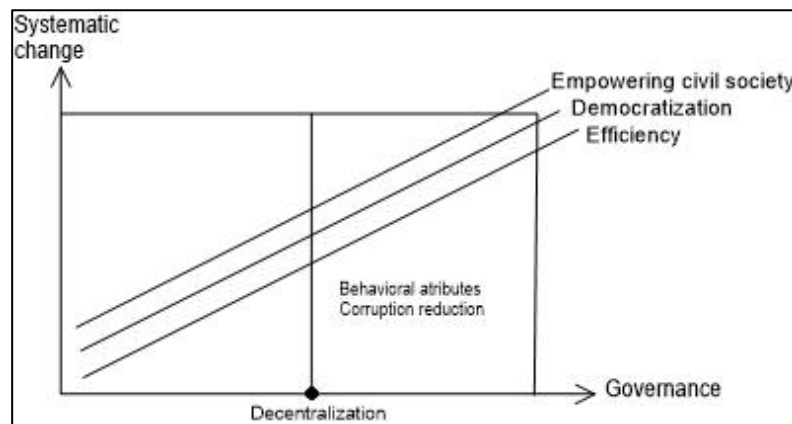


Figure 5: The influence of decentralization on governance and systematic change,

Source: Made by author

According to the graph, the systematic change incorporates properties that are related to governance. Systematic change could influence the decentralization.

⁸ UN *The rule of law and transitional justice in conflict and post-conflict societies*. Report of the Secretary-General, 23 August 2004, <http://www.un.org>

⁹ Rule of Law, World Bank <http://info.worldbank.org/governance/wgi/pdf/rl.pdf>

The systemic change incorporates a specific set of actions and functions that determine shift to democracy, efficiency and empowering civil society through decentralization . Any attempt to measure these is likely to be partial and illustrative; it is more important that these are taken seriously for intervention strategy.

6. DECENTRALIZATION IN MONTENEGRO

Montenegrin administrative system is still perceived as a centralized one. Globally, one can say that a traditional, vertical-hierarchical or homogenous-systemic perception of the social structure gives way to the notion of network-wise perception of structures of the society (Radević 2013, 19).¹⁰

There is no systematic law in Montenegro that would regulate the non-state administration, while the number of non-state administration entities is rather varied and as such makes the functioning of the system more difficult.

Efforts to implement public administration reform have continued in the country. The main goal of ensuring efficiency, transparency, accountability, depoliticization and professionalism has yet to be achieved. In order to achieve these goals set by the EU, the Government planned to take actions in public financial management, decentralization, quality of public services, fight against corruption, etc., which are included in the Intersectoral Strategy for Public Administration Reform (PAR 2015-2020)¹¹. This Strategy is composed of four main parts: 1) adoption policies and quality of regulations;

- 2) organization and functioning of the Public Institution;
- 3) civil service: human resources management;
- 4) Administrative procedure and monitoring.

However, there are certain challenges, as evidenced by this Strategy: the lack of public administration capacity in numerical terms, but even the lack of their skills and abilities; lack of financial resources; there is a question of overlapping responsibilities between institutions and agencies.

Sometimes there are issues when a specific and responsible agency institution is missing; big bureaucracy, long and complicated procedures that increase the incentive for citizens to use corruption to carry out several actions.

A sound integrity management is based on three main pillars: instruments, processes and structures. The integrity instruments fulfill the following four main functions. These functions are :

- Determining and defining integrity
 - Risk analysis
 - Codes

¹⁰ *Basic Challenge*. (n.d.). Basic Challenge

<https://www.proquest.com/docview/2306214957?fromopenview=true&pq-origsite=gscholar>

¹¹ Djurovic G, Memeti M., Stojanovic B, "Analytical Paper on Managing Process of Implementation of Public Administration reform strategies , RESPA 2016

<https://www.respaweb.eu/download/doc/Analytical+Paper+on+Managing+Process+of+Implementatiof+Public+Administration+Reform+Strategies+in+ReSPA+Members.pdf/e54f114fa32c435c6766a59aa1b52d7b.pdf>

- Conflict of interest
- Guiding
- Training
- Advice and connecting
- Declaration
- Monitoring
- Lobbyist registration
- Whistle blowing
- Complaints policies
- Enforcing
- Investigations
- Sanctions

The anti-corruption reform in the areas where institutions can be strengthened and some reforms can be implemented to improve the fight against corruption. These reforms have a direct impact on reducing corruption, due to a number of methodological challenges related to measuring the progress and impact of the fight against corruption.

Reform programs are challenged by the inability of such communities to provide administrative and financial capacity and the scale economies and catchment areas necessary for such essential services as primary education or waste disposal and for the employment of staff qualified in law, engineering, physical planning etc.

Preventive measures to combat corruption are those measures taken to reduce and control the discretionary powers of civil servants; as a rule, these measures include the establishment of fair, transparent recruitment procedures solely on the basis of merit and such disputed procedures; introduction of measures to strengthen accountability and efficiency; introduction of codes of ethics or codes of conduct in order to set the values of impartiality and honesty as basic values in the civil service. In that context, the increase in the salaries of civil servants has been discussed for years, but it has been shown that this measure itself is ineffective in terms of reform if it is taken in isolation.

In the context of adopting measures, it is difficult to attribute a change in corruption to a reform because the “causal chain” between reform and ultimately reducing corruption is very long. Furthermore, anti-corruption reforms generally do not produce significant short-term results, while assessments are often conducted within a relatively short period of time after an intervention. Due to this disconnection between policy implementation and policy impact, valid and reliable indicator may not show progress in the fight against corruption in short-term period.

7. CONCLUSION

The administrative reform of Montenegro is in the process of developing institutional and systemic conditions for systematic quality decentralization. The assumption about the organizational quality of the public administration system is a legal aspect. Therefore, a key problem of the public administration system of Montenegro is the huge difference between the actors who exercise public power.

Montenegrin case suggests that this perspective underestimates the temptation decentralization presents to central governments to "outsource" their fiscal responsibilities.¹² Indeed, such strategies may not even require much formal decentralization; Montenegro, with its highly centralized institutional body, is a good example of this. This challenge requires:

- actual cooperation across institutions to enable better control of economic crime,
- incentives for government to actually investigate and prosecute "its own" structure for bribery of public.

We need to evaluate the government not only by their domestic performance but also by their cross-border achievements. The perception of corruption should ideally include also estimates of the conduct of representatives of government in the process of decentralization. The separate information about decentralization should still be developed and applied.

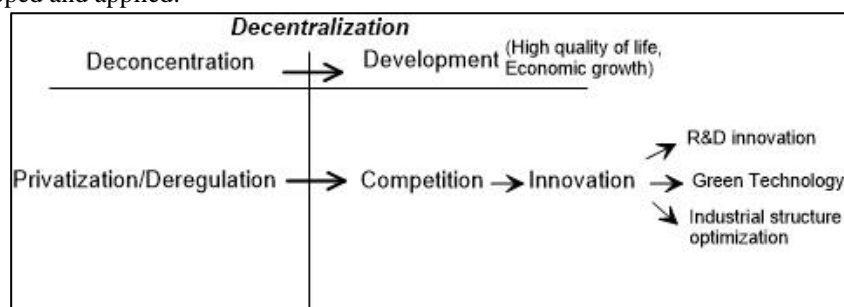


Figure 7: The decentralization and development, Source: Made by author

The decentralization in the country according to the graph would give the possibility to have more privatization according to the economic principles. In the case of decentralization, the competition among firms and the innovation will be increased. In the case of the innovation the Research and development will be improved, there will be an industrial structure optimization and green technology as well.

¹² Scepanovic V. "EU Regional Development Policy in the Accession Countries: Opportunistic Decentralization, Fiscal Risks and the premature death of Multi-Level Governance" European University Institute, Max Weber Program, EUI Working Paper MWP 2016/08 (75) EU regional development policy in the accession countries : opportunistic decentralization, fiscal risks, and the premature death of multi-level governance | Vera Scepanovic - Academia.edu

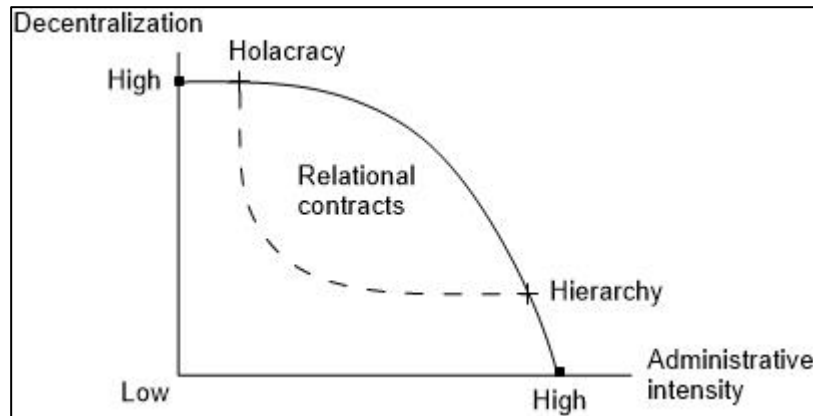


Figure 8: The administrative intensity and the decentralization, Source: Made by author

According to the graph the administrative intensity is defined as the number of managers, professionals, and clerical workers divided by the number of craftsmen, operatives, and laborers employed. The relational contracts as agreements should be arranged for the future in order to serve as mechanism. Establishing a relational contract in intra-administration could reduce the corruption. In this context should be spoken also for holacracy that it is corporate governance whereby agencies could be distinct in order to accomplish several tasks without a central governmental body.

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