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“Towards a Better Future: State and Society”

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PREFACE

As Dean of the Faculty of Law at “St. Kliment Ohridski” University - Bitola, I must emphasize that it is a special honor and pleasure that finally realized the fourth international scientific conference organized by our faculty, as an opportunity for our affirmation in the international arena, for establishing contacts with our colleagues from home and abroad, contacts with various higher education and research institutions, as well as making a serious contribution to the scientific thought both in the Republic of North Macedonia and in a wider context, especially in the time of coronavirus pandemic. This is also reflected by the high interest shown by both home and foreign authors and participants, who applied for participation in our conference, as evidenced by the submitted articles.

The inspiration of the main topic for our conference arose from the need to define the essence of the concepts of the state and society in a multidisciplinary perspective, considering their internal and external processes, their actions, and relationship with the legal, political, economical, and security systems in the contemporary world.

According to Prof. Bob Jessop, “states are not the sort of abstract, formal objects which readily lend themselves to clear-cut, unambiguous definition”. Rather, the state is a “messy concept”, characterized by a paradoxical set of attributes: it is real and self-evident, but also illusory and “ambiguously defined”, it is a historically contingent entity, but also, in the public imagination, a timeless, universal entity. The state is an abstraction, and care must be taken not to make something overly concrete of it. The same can be said for society. The state has emerged many times and in many forms throughout human history. Sometimes it has been lauded as the ideal expression of society, as in Plato’s Republic. Historically, when intellectuals have attempted to discover the essential nature of the state and whether it has legitimacy, they have looked to the origins of that institution for answers. John Locke believed that a civilized and satisfying society could not exist without the government to adjudicate conflicts and to provide a legal context for the property. Only when the government ceased to fulfill its part of the social contract was the citizenry justified in rebelling against it. Otherwise, the state (or the government) and society were engaged in a cooperative endeavor.

The answer to the above debates, and related ones, may well lie in using words such as state and society in a clearly defined and precise manner. Therefore, one of the objectives of this conference was to penetrate deeply into the meaning of these words and link them with the development trends of states and societies in various aspects.

Finally, I must express my deep gratitude to the Organizational Committee members who worked tirelessly in the direction of the successful realization of our fourth international scientific conference, and all those well-wishers who understood the significance of this project both as an advantage for our faculty and as an investment in the global scientific thought.

*Let this conference be the continuing of the path that we started to trace together with a single purpose – **Towards a better future!***

*Prof. Dr.sc. Goran Ilik
Dean,
Faculty of Law – Kicevo
Bitola, 2021*

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CONCEPTUAL APPROACH TO ORGANIZING LOCAL SELF-GOVERNMENT IN EMERGENCY SITUATIONS*

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Abstract

Emergency situations arise as a result of various events. The work of local self-governments in emergency situations implies efficient action on mitigating the consequences of emergency situations. The way of effective action of local self-government in such a situation is a challenge for effective counteraction to the emergency situation.

The paper describes one of the possible ways of local self - government to act in emergency situations, to successfully mitigate the consequences and protect and rescue the population in such a situation. The paper uses the method of content analysis, as well as the legal-logical methods of induction and deduction.

Keywords: state of emergency, local self - government, law, organization, mitigation

INTRODUCTION

Emergencies situations represent a constant combination of different events and testing the ability of society and the state to successfully manage

***Note:** The paper was created as a result of a scientific research project entitled "Model of functioning of local governments in an emergency situation caused by an epidemic of infectious diseases", funded by the Provincial Secretariat for Higher Education and Scientific Research AP Vojvodina, number 142-451-3077 / 2020 -2.

emergencies in such a situation and provide assistance to the population in a given situation. It can be stated that emergency situations have become more frequent lately, more diverse and caused by various events. Sources of emergency situations have become more frequent and cause increasing consequences for people, material goods and the environment on a daily basis. It should be especially noted that the different definitions of emergency situations are oriented to the sources of threats and the ways in which society operates. The paper accepts the legal framework of emergency situations in the Republic of Serbia, so that such an approach enabled the definition of the model of functioning of local self-government in emergency situations conditioned by the Protection and Rescue Plan in emergency situations.

Successful emergency management will be efficient and effective if the entire system works in depth. The local self-government has a significant role in that, with its capacities and implementation of its competencies within the Law on Disaster Risk Reduction and Emergency Management. The limited capacities of local self-government should be borne in mind, both in terms of financial resources and in terms of material and human resources. However, if the local self-government is functionally organized and if the Protection and Rescue Plans are done realistically and anticipated events that could lead to a state of emergency, then the conclusion is clear that the local self-government will not be surprised and will be able to react very rationally and organized. Otherwise, it will encounter enormous problems and difficulties and will not be able to approach effective emergency management responsibly. This will create dissatisfaction and distrust among the population towards the bodies that are in it and distrust towards the state.

EMERGENCY SITUATIONS

There is enough evidence and data in the history of mankind that people, material goods and the environment have been constantly exposed to dangers and extraordinary events that have changed the world and human society, created history and changed the environment. People were finding ways to deal with these adversities and how to react to them. The modern age has made the causes for declaring emergency situations more and more complex, the consequences more destructive and, thanks to information and communication technologies, all present in the public, and thus in everyday life. Many mechanisms have been defined or created in scientific and professional bodies and institutions dealing with emergencies to anticipate,

prevent, counteract and reduce the consequences of emergency situations (Đorđević, D., Karović, S. 2017).

Emergency situations are caused by a certain development scenario, the impact on man and the environment, and the scale and effect of the phenomenon. Having in mind the above, emergency situations are most often classified according to the following criteria: the cause of the emergency situation; the speed of development of the emergency situation and the scale of the effects of the emergency situation (Savić, S., Stanković, M. 2012).

Frequent natural disasters in recent years, with the consequences they cause, significantly endanger the social community, human lives, material goods and the environment. The topicality of emergency situations induces the constant need of the social community to find an adequate response to the manifested security threats. By declaring a state of emergency, the social community creates a specific legal framework that enables the engagement and use of all available resources of society in protection and rescue (Kršljanin, D., Karović, S. 2015).

Based on everything that has been said about emergency situations, it can be stated that they bring with them a certain amount of damage, that they require additional efforts that must be made in order to repair the consequences. Additional efforts include the use of funds from the local and wider part, because regular activities of people cannot satisfy the needs for solving such a situation.

THEORETICAL CONCEPT OF EMERGENCY SITUATIONS

The term emergency situation originated at the beginning of the 20th century in the Russian professional literature (*чрезвычайная ситуация*). Situation (lat. *situatio*) means position, place, circumstances, condition, circumstances. However, the situation in the modern sense does not represent a place, which is why it can be defined as a characteristic condition that is a consequence of an action or event (Mlađan 2015).

Manifestation of negative consequences caused by natural disasters or human actions directly affects the frequent need of the authorities to declare a state of emergency situatuon in part or in the entire territory of the Republic of Serbia. Timeliness in preparation and organization in response to the causes that lead to the declaration of emergencies reduce the number of potential victims, reduce the negative consequences and create the necessary conditions for the functioning of society (Kršljanin, D., Karović, S. 2015).

Consideration of the conceptual definition of emergency situations by modern theorists creates a large number of doubts. They are reflected in a different approach to conceptualization. Essentially different definitions are present in the literature. There are also doubts in the legal regulations, where the concepts of state of emergency, emergency situation, emergency events and crisis are used in various laws, without a clear demarcation or mutual correlation. Due to the large number of hazards, with different consequences, it is difficult to form a single and precise definition that would cover all the characteristics and features of an emergency situation (Karović 2014).

Taking into account the meanings of the terms that make up the phrase "emergency situations", in the most general sense, it can be said that it implies a state (circumstances, environment, environment) different from the usual (normal or regular) specific social community in which intense influences of various factors which pose an ultimate and general security threat.

Russian researcher *Gerzen* defines an emergency situation as "disruption of normal living and working conditions in facilities or a given territory, caused by an accident, natural disaster, catastrophe, environmental accident, epidemic, etc., but also by the use of available means that can use a potential adversary and which may lead to human and material losses and damage to the health of the population, flora and fauna, or the environment in general" (Gerzen 1992).

Emergency situation are a security situation (a set of threatening elements that reflect the state of security in a certain time and space) in which the state of functioning of the social system of the country or its parts, caused by events (natural, technogenic and social) on a large scale, and as a consequence they endanger the lives of the population, material goods and the environment (Mlađan 2015).

In the Law on Risk and Disaster Reduction and Emergency Management, an emergency situation is defined as "a situation when the risks and threats or consequences of disasters, emergencies and other dangers to the population, environment and material goods are of such scope and intensity that their occurrence or consequences it is not possible to prevent or eliminate them through regular action of the competent bodies and services, which is why it is necessary to use special measures, forces and means for their mitigation and elimination with an intensified regime of work ". The same law states that "the protection and rescue system is part of the national security system and an integrated form of management and organization of protection and rescue system entities in the implementation of preventive and operational measures and execution of tasks of protection and rescue of people and goods

from natural disasters and other accidents, including measures to recover from those consequences". Also, the law states that an emergency event is "an accident caused by a natural disaster and other accidents, which can endanger the health and lives of people and the environment; and whose consequences can be prevented or eliminated by regular action of competent bodies and services" (Law on Disaster Risk Reduction and Emergency Management, Official Gazette of RS,).

Emergency management is the direction of protection and rescue entities in performing their obligations and tasks. An emergency situation is declared immediately upon learning of the imminent danger of its occurrence. An emergency situation may also be declared after it has occurred, if the immediate danger of occurrence could not have been foreseen or if due to other circumstances it could not have been declared immediately after learning of the immediate danger of its occurrence. The emergency situation is lifted by the cessation of danger, ie the cessation of the need for the implementation of protection and rescue measures against natural disasters and other accidents. A state of emergency may be declared for the municipality, city or town of Belgrade, and for part or all of the territory of the Republic of Serbia (Đukuć 2018).

PANDEMIC AS A FORM OF EMERGENCY SITUATION

The current issue at the moment is the COVID-19¹¹³ pandemic crisis, to which the Republic of Serbia was not immune.¹¹⁴ The key element for the mentioned crisis was the media and the public address of the highest leaders in the Republic of Serbia.

As the authors Karović, Domazet and Ješić pointed out, quoting Tom Christensen & Per Leagreid, coronavirus 2 (SARS-CoV-2CV), which causes the disease COVID-19, has a devastating effect all over the world. By May 20,

¹¹³ COVID-19 is a "mild to severe coronavirus disease", which is especially characterized by fever, cough and difficulty breathing and can lead to pneumonia and respiratory failure. The name is an unusual type of abbreviation, created from parts of two different words (COroNaBIrus & Disease) and the last part of the date (19 from 2019). COVID-19 was first identified in Wuhan, China in December 2019 (<https://www.merriam-webster.com/words-at-play/coronavirus-words-guide>) (16.06.2021 at 22.09).

¹¹⁴ Since the beginning of the 20th century, there have been a number of pandemics: the 2009 H1N1 pandemic, the Spanish flu 1918/19 (not of Spanish origin), as well as the 1957 and 1968 flu pandemics, and now the 2019/20 COVID-19 pandemic. Among the most famous pandemics is the Black Death, a plague that spread through Asia and Europe in the middle of the 14th century (<https://www.merriam-webster.com/words-at-play/coronavirus-words-guide>) (June 16, 2021 at September 22).

2020, 4,927,229 people had contracted the virus and about 324,035 had died from it. The UN Secretary General even described it as a "threat to humanity". The dominant definition of the crisis among executive politicians around the world is that the coronavirus is extremely dangerous and should be fought in any way. This led to draconian measures, literally closing entire states, regions and municipalities (Karović, S., Domazet, S., Ješić, 2021).

In almost all countries, including the Republic of Serbia, crisis headquarters have been formed with the aim of defining and taking measures to alleviate such grazing. The biggest part of the burden in counteracting the pandemic crisis was borne by the holders of power and the political elite of the society. As Tom Christensen and Per Læg Reid point out, „[...] experts who advise political leaders in the fight against the virus often point out that politicians must make decisions in conditions of great uncertainty, without really knowing much about the effect of various measures such as closing schools or businesses, but most countries have done so. There were few counter-arguments, but they are gradually increasing with slow opening and deregulation in some countries, and some people say that "the cure is worse than the disease". In relation to these arguments, some researchers and epidemiologists argue that the coronavirus is not much more dangerous than the common seasonal flu and that putting such weight on health problems in a crisis is too much of a cost to society, both socially and economically (Karović, S., Domazet, S., Ješić, 2021).

An emergency situation is at the same time a crisis situation. Managing an emergency situation also means managing the crisis, which means, as the authors Karović, Domazet and Ješić point out, quoting Tom Kristinsen and Per Læg Reid, „[...] has two main dimensions - governance capacity and governance legitimacy that separately and dynamically affect how political and administrative actors mitigate, define, handle and learn from crises. Management capacity means what structures and resources are available to address the crisis, but also used in practice. The division of management capabilities encompasses four types: analytical, coordination, regulatory, and delivery capability. The legitimacy of governance speaks to the environment of the government system - ie. citizens and media - experience and evaluate government efforts during the crisis. This can take the form of what is called "diffuse support", which means trust in institutions and political-administrative actors over time, but also "specific support", alluding to trust in certain actors or measures in certain situations. If the crisis is resolved well, there will often be high levels of trust and legitimacy, while a poor assessment of legitimacy can undermine governance. In a crisis situation, legitimacy is

often associated with accountability, not primarily internal political, administrative or professional accountability, but what is called horizontal or social accountability, where political leaders try to justify or argue measures taken, which is an important democratic characteristic" (Karočić, S., Domazet, S., Ješić, 2021).

All measures taken in a pandemic crisis are related to communication with the public. The key part refers to "making sense", which means how actors use certain arguments and symbols in support of their crisis management measures, which is a central part of the legitimacy of management. It is the question of legitimacy that needs to gain public support. The creation of meaning depends on the ability to manage, ie. what the state is able to do given the capacity it has, but also from the cultural norms and symbols that can affect that capacity (Karočić, S., Domazet, S., Ješić, 2021).

To effectively manage a pandemic crisis or a crisis in general, both management capacity and legitimacy are required. There is often a difficult trade-off between capacity and legitimacy, but this is also a dynamic relationship. Capacity is important, but it is also crucial that measures to resolve the crisis are accepted by citizens and that they follow the advice and instructions of the government. Therefore, crisis management is also a matter of perception. It is often most successful when it is able to combine the quality of democratic representativeness and state capacity (Karočić, S., Domazet, S., Ješić, 2021).

These elements are known from before and have been discussed in a theoretical sense. However, in a specific situation, as the already mentioned author pointed out by quoting Tom Kristinsen and Per Læg Reid, „[...] for a crisis response to be effective and legitimate, the government must be prepared to perform a range of tasks. It must act, it must make sense of the situation, it must make decisions and cooperate across horizontal and vertical borders, it must formulate and communicate a convincing and enabling understanding of what has happened and what needs to be done to address the crisis... This includes explaining what happened, communicating what needs to be done, and providing guidance to those affected, those involved in the response, and society as a whole. It is about framing the crisis in order to understand and resolve it. The media often play a major role in spreading the meaning of government and communicating with citizens (Karočić, S., Domazet, S., Ješić, 2021).

These findings are a key basis for action at the level of local governments. As important as it is at the state and government level, it is also important at the local government level to maintain a reputation that includes:

performative reputation (capable of doing business in a way that citizens interpret as competent and efficient); moral reputation (local self-government is compassionate, honest and flexible. Does it protect the interests of its voters and citizens?); procedural reputation (does the local government follow commonly accepted rules, processes and procedures?) and technical reputation (does the local government have the skills and capacities needed to deal with complex situations such as a pandemic crisis?) (Karović, S., Domazet, S., Ješić, 2021).

It should be emphasized that at the local level, that is at the level of local governments, maintaining a reputation is based primarily on a combination of management capacity and legitimacy and is reflected in the complex and dynamic logic of action in crisis communication and meaning creation.

LOCAL SELF-GOVERNMENT

Local self-government is an autonomous system of governing local communities, constituted in narrower parts of the state territory. The development of local self-government is one of the conditions for democracy and the rule of law.

Many authors have dealt with the definition of local self-government. Ratko Marković defines local self-government as “a form of decision-making and management of local communities, in a narrower territory, directly by its inhabitants or through their representation, which they directly elect, and other local bodies (Marković 2008).

Balša Špadijer (Špadijer 1993) states as the basic characteristics of local self-government:

- free choice of a representative body or direct decision-making on important issues of interest to the local community;
- existence of a certain narrower territory;
- organizational independence of local institutions;
- the existence of a certain financial independence
- revenue collection and budget;
- normative independence within the constitution and laws.

According to the law on local self-government, local self-government is the right of citizens to directly and through freely elected representatives manage public affairs of direct, common and general interest for the local population, as well as the right and obligation of local self-government bodies

to plan and regulate and manage public affairs that are within their competence and of interest to the local population (Law on Local Self-Government, Official Gazette of RS ", No. 129/2007, 83/2014 - other law, 101/2016 - other law and 47/2018).

Local self-government is exercised in the municipality, city and the city of Belgrade. Foreign citizens may have individual rights in exercising local self-government under the conditions and in the manner determined by law. Citizens who have the right to vote and reside on the territory of a local self-government unit, manage the affairs of local self-government, in accordance with the Constitution, law and the statute of the local self-government unit (Law on Local Self-Government, Official Gazette of RS ", No. 129/2007, 83/2014 - other law, 101/2016 - other law and 47/2018).

LEGAL FRAMEWORK OF LOCAL SELF-GOVERNMENT IN THE REPUBLIC OF SERBIA

Local self-government bodies, their structure, competencies and framework of action are regulated by the Law on Local Self-Government. In addition to this law, the work of local self-government is regulated in more detail by the statute issued by the municipal / city assembly, which is the highest legal act of the local self-government unit. The statute regulates: the rights and duties of the local self-government unit and the manner of their realization, the number of councilors of the local self-government unit assembly, the organization and work of bodies and services, the manner of managing citizens of affairs within the competence of the local self-government unit, conditions for initiating a civic initiative and other issues of importance for the local self-government unit (<http://www.voditeracuna.rs/stranice/institucionalni-okvir-i-nadleznosti-lokalne-samouprave/> 09.05.2021.).

The Constitution of the Republic of Serbia from 2006 contains a much more advanced arrangement of local self-government than the one that existed in the previous constitution from 1990. The Constitution guarantees local self-government the right to its own property and sources of financing, and dedicates a special part (seventh part of the Constitution "Territorial Organization", Articles 176 - 193) to its organization (and organization of territorial autonomy), which is much more extensive and better than provisions on local self-government from the 1990 Constitution. Among other solutions, in that part of the Constitution, local self-government is guaranteed legal protection from encroachment by state bodies and bodies of territorial

autonomy. Provisions on local self-government are also contained in the part of the Constitution on economic regulation and public finances (third part of the Constitution), as well as in some other parts of the Constitution (Milosavljević 2009).

The Law on Local Self-Government as the main legal regulation on local self-government, the valid Law on Local Self-Government (hereinafter: LLSG) was adopted by the National Assembly of the Republic of Serbia at the end of 2007 (published in the Official Gazette of RS No. 129 of December 29, 2007). In addition to the introductory (basic) and transitional and final provisions, the content of the LLSG consists of provisions governing (Milosavljević 2009): establishment, territory, legal status and bodies of local self-government units (Articles 16 to 66); direct participation of citizens in the exercise of local self-government (Articles 67 to 71); local self-government (Articles 72 to 77); relations between the bodies of the Republic, territorial autonomy and the bodies of local self-government units (Articles 78 to 87); cooperation and association of local self-government units (Articles 88 and 89); symbols and names of parts of populated places in the unit of local self-government (Articles 90 to 94); and protection of local self-government (Articles 95 to 98).

It seems that the law on local self-government is up to the requirements of time, because it provides a legal framework for the development of local self-government and the continuation of the reform, which should gradually lead to full harmonization of the factual situation in this area with the highest European standards. Like its predecessor - the 2002 Law on Local Self-Government - this law seeks to further increase the share of local self-government units in the exercise of power through decentralization, and thus the development of democratic processes in Serbia (Kršljanin, D., Karović, S. 2015).

JURISDICTION OF LOCAL SELF-GOVERNMENT IN EMERGENCY SITUATIONS

The jurisdiction of the local self-government unit in the protection and rescue system are defined in Article 29 of the Law on Disaster Risk Reduction and Emergency Management.

The unit of local self-government within its competencies, in the field of disaster risk reduction and emergency management: adopts an act on the organization and functioning of civil protection; develops and adopts risk assessment, local disaster risk reduction plan, protection and rescue plan;

forms an emergency headquarters; forms protection and rescue entities; forms civil protection units; cooperates with neighboring local self-government units; takes urgent and preventive measures in order to reduce the risk of disasters (Law on Disaster Risk Reduction and Emergency Management, Official Gazette of RS, 87/2018.).

The jurisdiction of local self-government in the Republic of Serbia are very numerous, diverse and realistically significant. These jurisdictions are significantly limited by legislative interventions, which in a number of issues did not find the best measure between the need for local self-government to enjoy freedom of decision-making and initiative in solving its own problems and the need to preserve preconditions for legitimate functioning of local self-government.

LOCAL SELF-GOVERNMENT AND THE PANDEMIC

The purpose of the issue related to the relationship between local self-government and the emergency situation is based on the fact that one of the elements of the way to curb the pandemic crisis is to declare a state of emergency. The topicality of emergency situations induces the constant need of the social community to find an adequate response to the manifested security threats. By declaring a state of emergency, the social community creates a specific legal framework that enables the engagement and use of all available resources of society in protection and rescue (Kršljanin, D., Karović, S. 2015).

Article 2, paragraph 7, of the Law on Risk and Disaster Reduction and Emergency Management defines an emergency situation as a situation that arises from a declaration by the competent authority when risks and threats or consequences for the population, environment and material and cultural goods of such scope and the intensity that their occurrence or consequences cannot be prevented or eliminated by regular action of competent bodies and services, due to which it is necessary to use special measures, forces and means for their mitigation and elimination with an intensified regime of work (Law on Disaster Risk Reduction and Emergency Management, Official Gazette of RS, 87/2018.).

There is a whole range of theoretical considerations for emergencies. As the authors Karovic, Domazet and Jesic pointed out, quoting Bajrami S., Karovic S. and Radic G., who point out that: „[...] The problem of clear theoretical definition and understanding of the term "emergencysituation" today, when every country faces numerous risks and dangers, is another

problem that hinders the successful and efficient functioning of all entities in the protection and rescue of people, material goods and the environment. Increasingly frequent and devastating accidents, accidents, natural disasters and other forms of endangering the population and society as a whole impose the need to clearly define and clarify the legal instrument, which the state uses in situations when basic living and working conditions are endangered" (Karović, S., Domazet, S., Ješić, 2021).

Article 38 of the Law on Disaster Risk Reduction and Emergency Management defines "that a state of emergency is declared when the risks and threats or consequences of a catastrophe on the population, material and cultural goods or the environment are of such scope and intensity that their occurrence or the consequences cannot be prevented or eliminated by regular action of the competent bodies and services, which is why it is necessary to use special measures, additional forces and means for their mitigation and elimination with an intensified regime of work. An emergency situation is declared immediately upon learning of the imminent danger of its occurrence.

An emergency situation may be declared even after its occurrence, if the immediate danger of an emergency situation could not have been foreseen or if due to other circumstances it could not be declared immediately after learning of the immediate danger of its occurrence. The emergency situation is lifted by the cessation of danger, ie the cessation of the need to implement disaster protection and rescue measures (Law on Disaster Risk Reduction and Emergency Management, Official Gazette of RS, 87/2018.).

As the authors Karovic, Domazet and Jesic stated that if we keep in mind that the elements of crisis management and emergency situations are also oriented towards forms of prevention, in which the authors Djordjevic D. and Karovic S. agree and point out that: „[...] many analyzes of previous years indicate that the field of prevention is the weakest link in the emergency management system. Also, a special problem is the creation of an integrated emergency management system and, within that, the creation of effective prevention mechanisms that would be an integral part of that system" (Karović, S., Domazet, S., Ješić, 2021). Also, the authors Bajrami S., Karovic S. and Radic G., point out: "Prevention would include measures and activities of monitoring and updating [...] risk mapping, planning of forces and means, as well as the period of activation of forces, constant training and training of personnel in accordance with the applicable standard operating procedures inherent in the various forms of threat in the event of a declaration of an emergency" (Karović, S., Domazet, S., Ješić, 2021).

Taking into account the pandemic of infectious diseases and aspects of action at the level of local self-government through the emergency situation, as a means of managing the pandemic crisis, then the mechanisms and actions of such activities must necessarily be established. This means that decision-makers at the level of local self-government are required to act efficiently, that is to assess the effectiveness of the adopted measures and the manner in which they are implemented. Therefore, at the level of local self-government, there must be a consensus on the adopted measures, including epidemiologists and virologists, ie respecting their advice (Karović, S., Domazet, S., Ješić, 2021).

It should be noted that emergency situation caused by natural disasters, including pandemics or human activities, claim many lives on a daily basis and destroy and degrade the environment in various ways, causing great material damage and loss (Karović. S., Domazet, S. 2019).

A special problem in the Republic of Serbia is that there is no strong public sector, nor is there a well-developed welfare state and open and transparent work at all levels of executive power, including government. Also, the Republic of Serbia is not a society of high trust. Citizens' trust in local self-government is different, and relations of mutual trust between state bodies are much smaller than in many other countries. Also, the Republic of Serbia does not have a strong economy that can support all the necessary measures to counter the pandemic crisis and the effective implementation of the planned measures in an emergency situation (Karović, S., Domazet, S., Ješić, 2021).

ORGANIZATION OF LOCAL SELF-GOVERNMENT

Article 27 of the Law on Local Self-Government states that the municipal bodies are: the municipal assembly, the mayor, the municipal council and the municipal administration.

The Municipal Assembly consists of councilors who are elected for four years and whose number cannot be less than 19 or more than 75. In the case of cities, the number of councilors must not exceed 90, and the Law on the Capital stipulates that the Belgrade City Assembly may to be 110 councilors. The councilors elect the president of the municipal assembly from among themselves, who organizes the work of the assembly, convenes sessions and chairs them. The Municipal Assembly also elects the Deputy President of the Municipal Assembly (Vasiljević 2008).

In order to organize its own work and perform professional tasks for its own needs, the Assembly elects its President and Deputy President and appoints the Secretary of the Assembly. The President of the Assembly is

elected from among the councilors, for a term of four years, by secret ballot, and is elected if a majority of the total number of councilors of the Assembly votes for him (Milosavljević 2009).

The president of the municipality is elected by the municipal assembly, from among the councilors, for a period of four years. He is elected on the proposal of the president of the municipal assembly, and a majority of the total number of councilors is required for the election. The candidate for the president of the municipality proposes the candidate for the deputy president of the municipality, and the mandate of both councilors ends on the day of the election (Vasiljević 2008).

The municipal council consists of the mayor, deputy mayor, as well as members of the municipal council whose number is determined by the municipal statute and elected by the municipal assembly, for a period of four years, by secret ballot, by a majority of the total number of councilors. Candidates for members of the municipal council are nominated by the candidate for mayor. When deciding on the election of the mayor, the municipal assembly simultaneously and jointly decides on the election of the deputy mayor and members of the municipal council. The president of the municipality is the president of the municipal council. Deputy Mayor is a member of the municipal council by function (Law on Local Self-Government, Official Gazette of RS ", No. 129/2007, 83/2014 - other law, 101/2016 - other law and 47/2018).

The most important instruments of the mayor's influence on the municipal council, in addition to the fact that both the president and the council are elected by the same parliamentary majority, are that he convenes and chairs council sessions and has the authority to suspend the municipal council's decision. In addition, it is the mayor who is authorized to represent the municipal council. Finally, with the dismissal of the mayor, the mandate of not only the deputy mayor, but also the municipal council ends (Vasiljević 2008).

The municipal administration, as a single service, is managed by the superintendent, and a person who has graduated from the Faculty of Law, passed the exam for work in state administration bodies and at least five years of work experience in the profession can be appointed to that position. If the municipal administration is organized into several administrations, each of these administrations is managed by the superintendent.

THE CONCEPT OF ORGANIZATION OF LOCAL SELF-GOVERNMENT

The local self-government unit is responsible for, through its bodies, and in accordance with the Constitution of the Republic of Serbia, the Law on Local Self-Government and the Law on Emergency Situations on Environmental Protection, adopting programs for the use and protection of natural values and environmental protection programs from natural and other major disasters, as well as fire protection, and to create conditions for their elimination, ie mitigation of their consequences. In order to accomplish these tasks and define in more detail the tasks of protection and rescue, local self-government units have prescribed documents, among which the most important are (Šećerov, P., Lončar., M. 2017):

- Decision on the organization and functioning of civil protection on the territory of the local self-government unit. This decision regulates the organization and functioning of civil protection in the system of protection and rescue of the population, material and cultural goods from dangers caused by natural disasters and other accidents on the territory of local self-government, determines the subjects of the protection and rescue system, protection and rescue forces and other issues of importance for the organization and functioning of civil protection (<https://skupstina.novisad.rs/wp-content/uploads/2016/12/SI-10-2.pdf>, 08.07.2021.),

- Decision - decision on the formation of the headquarters for emergency situations;

- Rules of Procedure of the Emergency Situations Headquarters - these Rules of Procedure of the Emergency Situations Headquarters regulate: the manner of preparation of the staff session, determination of the agenda, scheduling and conducting the staff session, manner of discussion and decision-making on issuing orders, conclusions, recommendations, other issues related to staff work);

- Plan and program for the development of the protection and rescue system in accordance with the long-term plan for the development of protection and rescue of the Republic of Serbia;

- Decision on determining qualified legal entities for protection and rescue - this decision determines companies and other legal entities, authorized and qualified for the implementation of protection and rescue measures in the Republic of Serbia;

– Decision on the formation of general purpose civil protection units - this decision, in accordance with the regulations, regulates the formation, organization, equipment, training and functioning of the general purpose civil protection unit. General purpose civil protection units are formed, equipped and trained to perform extensive and less complex tasks in the field of protection and rescue, such as localization and extinguishing of initial and minor fires, participation in rescuing those affected by earthquakes, participation in flood protection, indicating the first assistance, maintaining order, participation in rescuing shallowly buried from rubble and clearing by hand, clearing roads and small areas of snow with hand tools, participation in evacuation of the population from the endangered area and care of the endangered population, as assistance to specialized civil protection units and other activities based on assessment of needs, decisions and orders of the Municipal Emergency Headquarters and other competent authorities (<https://kursumlija.org/fajlovi/stab%20za%20vanredne%20situacije>, 08.07.2021).

– Conclusion on the appointment of the Commissioner and Deputy Commissioner for Civil Protection;

– Annual work plan of the emergency staff;

– Annual report on the work of the emergency staff;

– Decision on initiating the process of making a risk assessment from natural disasters and other accidents and a plan for protection and rescue in emergency situations;

– Conclusion on the formation of professional and operational teams for protection and rescue;

– Conclusion on the implementation of training of citizens for personal and collective protection.

Disaster risk assessment of a local self-government unit and the protection and rescue plan of a local self-government unit shall be prepared by the competent body of the local self-government unit, which includes a person with a license to prepare an assessment and plan, ie another legal entity may be hired. . The assessment of the local self-government unit is adopted by the competent body of the local self-government unit at the proposal of the emergency staff of the local self-government unit, and after obtaining the consent of the Ministry (Decree on the content, manner of preparation and obligations of entities in connection with the preparation of disaster risk assessment and protection and rescue plans, R Official Gazette of RS, no. 102/2020.).

THE STRUCTURE OF LOCAL SELF-GOVERNMENT

Local self-government units, in accordance with the Constitution and the law, independently prescribe the organization and competence of their bodies and public services. The structure of local self-government is shown in Figure 1.

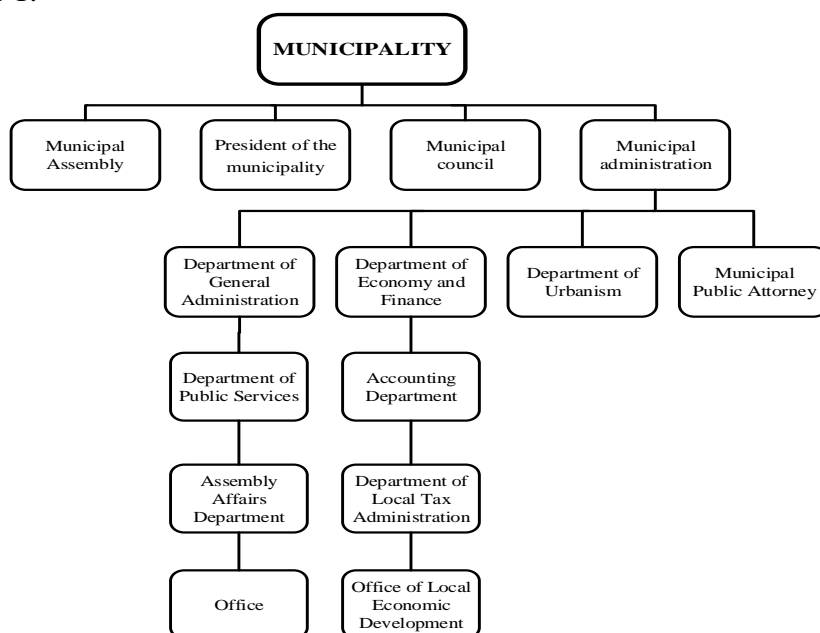


Figure 1. Structure of local self-government (Source: Author s own work)

It is characteristic that the structure consists of elements of management and executive bodies. The governing body is the assembly, and the executive includes the mayor and the municipal council.

Municipal Assembly, in accordance with the law (Law on Local Self-Government, Official Gazette of RS ", No. 129/2007, 83/2014 - other law, 101/2016 - other law and 47/2018 2016): adopts the statute of the municipality and the rules of procedure of the assembly; adopts the budget and the final account of the municipality; enacts regulations and other general acts; adopts the spatial and urban plan of the municipality; calls a municipal referendum and a referendum on a part of the municipal territory; establishes services, public companies, institutions and organizations; appoints and dismisses the management and supervisory board, appoints and dismisses directors of public companies, institutions, organizations and services; elects and dismisses the

President of the Assembly and the Deputy President of the Assembly; appoints and dismisses the secretary of the assembly; elects and dismisses the mayor...

Mayor of the Municipality (Law on Local Self-Government, Official Gazette of RS ", No. 129/2007, 83/2014 - other law, 101/2016 - other law and 47/2018): represents the municipality; proposes the manner of resolving issues decided by the Assembly; is in charge of budget execution; directs and harmonizes the work of the municipal administration; adopts individual acts for which he is authorized by law, statute or decision of the Assembly; performs other tasks determined by the statute and other acts of the municipality.

Municipal council (Law on Local Self-Government, Official Gazette of RS ", No. 129/2007, 83/2014 - other law, 101/2016 - other law and 47/2018): proposes the statute, budget and other decisions and acts adopted by the Assembly; directly executes and takes care of the execution of decisions and other acts of the municipal assembly; makes a decision on temporary financing; supervises the work of the municipal administration; monitors the implementation of business programs and coordinates the work of public companies whose municipality is the founder; submits a quarterly report on the work of public companies to the municipal assembly...

Municipal administration (Law on Local Self-Government, Official Gazette of RS ", No. 129/2007, 83/2014 - other law, 101/2016 - other law and 47/2018): prepares draft regulations and other acts adopted by the municipal assembly, the mayor and the municipal council; executes decisions and other acts of the municipal assembly; performs administrative supervision over the execution of regulations; executes laws and other regulations whose execution is entrusted to the municipality; performs professional and administrative-technical tasks for the needs of the work of the municipal assembly, the president of the municipality and the municipal council.

The Law on Local Self-Government determines the organization of municipal administration so that in municipalities with less than 50,000 inhabitants the municipal administration is formed as a single body, while in those with more than 50,000 inhabitants municipal administrations can be formed for certain areas.

The Law on Disaster Risk Reduction and Emergency Management defines that for monitoring activities on disaster risk reduction and coordination and management in emergency situations, emergency headquarters are formed at the level of local self-government, ie. for the territory of the municipality - the municipal headquarters for emergency situations which is formed by the competent body of the municipality. The

Emergency Situations Headquarters forms expert-operational teams as its auxiliary expert bodies. The Emergency Situations Headquarters issues orders, conclusions and recommendations. The Emergency Situations Headquarters has its own seal and record book, in accordance with a special law (Law on Disaster Risk Reduction and Emergency Management, Official Gazette of RS, 87/2018.).

PROPOSAL OF CONCEPTUAL ORGANIZATION OF LOCAL SELF-GOVERNMENT IN EMERGENCY SITUATIONS

By applying the inductive-deductive method, the method of content analysis and the legal-logical method of induction and deduction, a solution was reached that combines elements of the organization of local self-government in emergency situations and the Protection and Rescue Plan in emergency situations. The concept originated as a requirement for the efficiency and effectiveness of the functioning of local self-government in emergency situations.

The new concept of organizing local self-government is structurally shown in Figure 2, which includes the department for emergency situations, and will include 2-3 persons in charge of emergency management and protection in emergencies and other situations.

In the presented structure, it can be noticed that the department is directly subordinated to the Mayor of the Municipality. This shows how much importance should be attached to it when it comes to security and protection in the area of local self-government. Of course, for this it is necessary to change the legal framework when it comes to the competencies of local self-government, but only in the field of security, ie emergency management.

The results of the research showed that in the process of drafting the Protection and Rescue Plan, regardless of the existence of the so-called methodologies for risk assessment, it is necessary to enable a project approach to the development of the Protection and Rescue Plan in emergency situations. In order for this plan to be functional, in addition to risk assessment, it necessarily imposes the definition of a structure and persons with clearly precise competencies and work procedures.

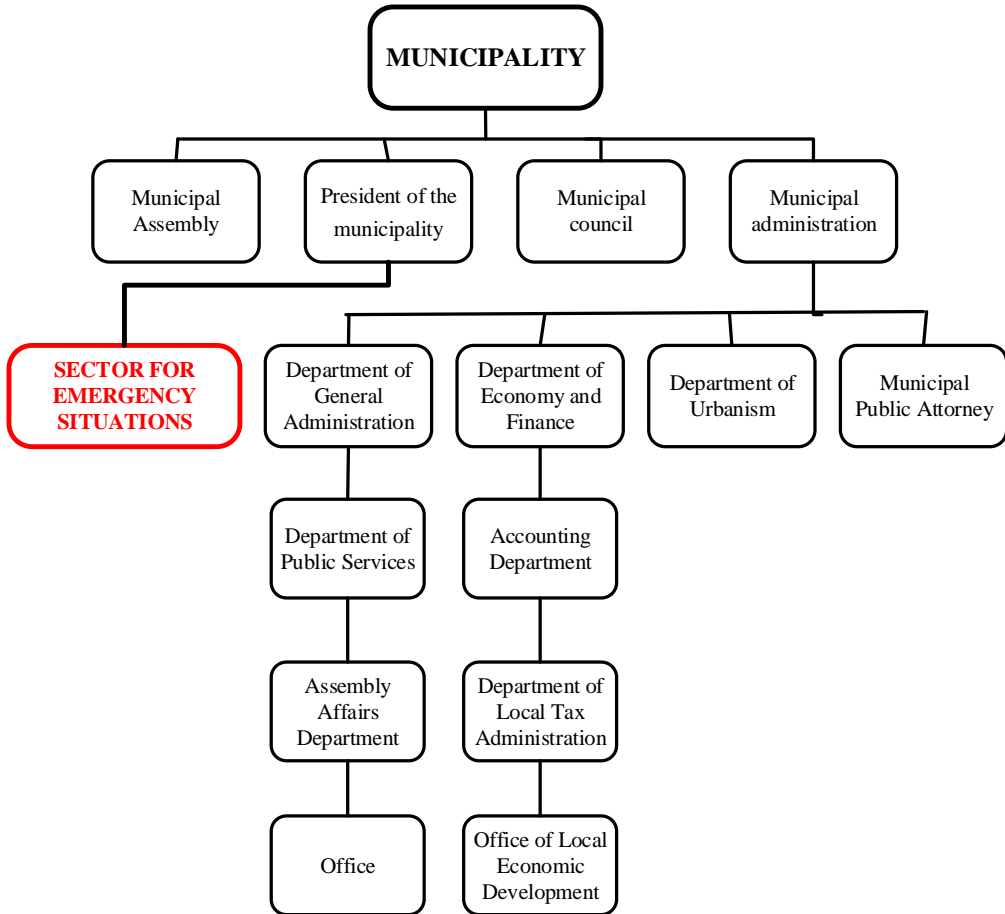


Figure 2. Proposed model of organizing local self-government in emergency situations
(Source: Author's own work)

Work procedures are a key element for every situation and ensure operability in emergency management and comprehensive implementation of all parts of local self-government in order to solve the problem of emergency management.

Especially what should be emphasized from the point of view of the department for emergency situations, refers to the context of the expertise of the staff that makes up that department. It is necessary for them to be persons from the domain of profession and persons who have been educated for emergency situations and to have managerial knowledge in terms of organizational skills, including knowledge from the security system.

That department is working on protection and rescue plans according to the project approach, because that will include all elements of a quality and realistic protection and rescue plan in emergency situations. At the department

level, it is necessary to define the competencies of civil protection and civil protection units with all accompanying parts, from organization, formation, training and proficiency testing. The department should have a special responsibility in the field of equipping civil protection units in accordance with the estimated sources of endangerment of local self-government.

CONCLUSION

Emergency situation, which are defined in the legal framework of the Republic of Serbia, cause various damages to the community. The legal framework of emergency situations in the Republic of Serbia defines the key elements and competencies of local self-government in such a situation. A declaration of a state of emergency can be caused by various events, such as pandemics, floods, fires, earthquakes, explosions or other accidents caused by the action of nature or human factors. All this conditions that the society, ie the state should be prepared to be able to react in such a situation and to be organized so that it can manage an emergency situation. This means that it is capable of enabling the protection and rescue of the population and material goods in such conditions.

It is stated in the paper that the most important role in the protection of people is played by preventive protection measures. In most cases, as can be seen in practice, it is impossible to completely eliminate the risk of an emergency situation, regardless of the implementation of preventive measures. Such measures are never enough, and they are caused by a lack of financial resources.

It was stated that the legal framework defines all competencies in terms of emergency situations and that there are no legal frameworks for obstacles in the work of local self-government in terms of emergency management.

The concept of organizing local self-government in emergency situations caused by a pandemic assumes that local self-government can function in such situations and points to the need to expand the structure in the part dealing with emergencies to increase the number to 2-3 with the necessary expertise in security and protection population in emergencies.

Bearing in mind that it is possible to conceive the organization of local self-government adapted to the state of emergency due to pandemics, it is justifiably possible to talk about its universality to all emergencies, as it provides flexibility regarding the project approach to drafting emergency protection and rescue plans and the flexibility of manpower and technique engagement.

Analysis of the proposed concept of organising local self-government in emergencies and the project approach of drafting an emergency protection and rescue plan gave assumptions to successful emergency management. The concept of organising local self-government in emergencies will ensure the affirmation of protection and rescue and give the importance necessary in the current state. The future will show the importance of such an approach and the continuous development of the security system will be ensured, especially in the sphere of protection and rescue of the population in emergency and crisis situations.

When it comes to further development and research in the field of security management and emergency situations, the orientation should be on realistic assessments of vulnerability and various epidemic diseases in the entire spectrum of society. It stresses the need for research in the sphere of response and training of special professional teams that can be used for different events and the needs of long-term financial planning for the development of civil protection units at the local self-government level.

Also, future research should focus on the early warning system and the development of information and communication technologies and their networking at all levels. This will provide a unique system of data and information that is the basis for effective action in all emergency situations.

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