

WHEN POPULISTS GOVERN: THE CASE OF ECONOMIC AND CRIMINAL JUSTICE POLICY IN BOSNIA AND HERZEGOVINA¹

Original scientific article

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Abstract: The main subject of this paper is the analysis of certain communication methods and concrete measures of leading politicians in Bosnia and Herzegovina that seems to be populist and/or demagogic. In the introductory part of the paper, the authors provide a short overview of the current political situation in Bosnia and Herzegovina. In the main part, the authors strive to present examples of populist or demagogic behavior of political leaders in Bosnia and Herzegovina in the fields of economic policy and criminal justice policy, which have been chosen as relevant areas of research. Finally, the authors in their concluding remarks provide a list of recommendations that could improve the entire process of creating and establishing policies in Bosnia and Herzegovina.

Keywords: economic policy, criminal justice policy, populism, political parties...

Introduction

Even though there is still no single and universally accepted definition of the concept of “populism”, this concept is, in contemporary literature, usually related to politicians who tend to divide society into two antagonistic camps, whereas one camp entails the “ordinary” or “pure” people, while the other one comprises “the corrupt elite”. The populist politicians typically aim to identify with “ordinary people” and act as “one of them” in their fight against elites that are blamed for many social problems. In addition, in modern discourse, populists are also often understood as politicians who oppose globalism and different forms of international economic integration.

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The leading politicians in Bosnia and Herzegovina in the political debates and the media are usually described as populists. Their populism seems to originate more from the specific country's internal organization and the consequences of the Bosnian war which still remain to be present and visible in the political life of the country. As a result, when speaking about the populism of Bosnian politicians, it seems to be more appropriate to speak about the existence of dividing lines between different nationalities and entities, which are usually created or instigated by the relevant politicians.

The subject of this paper is the analysis of certain communication methods and concrete measures of leading politicians in Bosnia and Herzegovina that seems to be populist and/or demagogic. The areas chosen in this analysis are the economic policy and criminal justice policy. The content of the actions, measures, and statements related to the areas of the economic policy identified above will be evaluated through the analysis of the ideas and goals found in the political manifestos and pamphlets of the governing political parties in Bosnia and Herzegovina, including the statements and pre-election promises made in the media, as well as through the evaluation of the official government's policy documents in which the ideas and goals from the political manifestos and pamphlets are supposed to be embedded. When referring to these documents, in the first place we have in mind the legislation and certain guidelines and strategies that govern how laws should be put into operation.

Before we proceed to the main subject of the paper, the main characteristics of the state organization of Bosnia and Herzegovina and its principal political actors will be presented.

A short overview of the current political situation in Bosnia and Herzegovina

The political situation in Bosnia and Herzegovina has to be always contemplated in the context of the complex constitutional organization of this state. Bosnia and Herzegovina is lead at the federal level by the three-member presidency, which has one representative from each constitutive nationality (Bosniaks, Croats, and Serbs). The country is divided into two entities, that is the Republic of Srpska and the Federation of Bosnia and Herzegovina. Part of a state organization is also the District of Brčko, which has a special status due to specific circumstances that occurred after the Bosnian war and the signing of the Dayton Agreement. Each of the two entities has its own peculiar political life and political actors, whose interests are usually contradicted when they have to make certain decisions that have to be made at the federal level. The crux of the paper is the analysis of the main political actors in the Republic of Srpska and the Federation of Bosnia and Herzegovina. We believe that the analysis of these two

entities enables us to draw a full picture of the populist governments in Bosnia and Herzegovina since the main part of the political life of the country happens in these two entities.

In the Republic of Srpska, the current government has been elected in December 2018. The leading role in the government has the Alliance of Independent Social Democrats (hereinafter: SNSD) and its populist leader Milorad Dodik. Although Dodik does not have a formal position in the government, it could be considered that as a president of SNSD and currently a Serbian member of the Presidency of Bosnia and Herzegovina, he still substantially influences decision-making within the government. SNSD has been important political power in the Republic of Srpska since 1996 when it formed the first government under Dodik's presidency. From 2006, SNSD is undoubtedly the main and the most influential political power in the entity, since every government from then has been formed under its leading role.

In the Federation of Bosnia and Herzegovina, the main power at the moment is the Party of Democratic Action (hereinafter: SDA) and its leader Bakir Izetbegović. SDA has been active in the political life of the Federation of Bosnia and Herzegovina since 1996 and until 2014 it was from time to time a part of the government or the opposition. Since 2014, SDA has taken over dominance and it is a leading governing party. Both SNSD and SDA have certain coalition partners. The activities of those smaller political parties have been also partially analyzed in the paper when certain activities were relevant for the results we were supposed to achieve. However, the largest part of the paper deals with the activities of SNSD and SDA that could be assessed as populist or at least potentially populist. These activities were analyzed in the period from 2014 until today, while particular attention has been paid to the pre-election activities concerning the general elections held in Bosnia and Herzegovina in 2014 and 2018.

Economic policy

Economic policy in general concerns different actions and measures focused on the control or influence of the behavior of the economics (Baker, Bloom and Davis, 2016). These actions and measures are conducted by the government, and they are related to many different areas of the economy. It is widely recognized that these actions and measures are related to monetary policy, exchange rate policy, fiscal policy (taxes, expenditure, government debt, budget balance, etc), financial-sector policy, policy to improve the business environment, and so on (Crane et al., 2010). These actions and measures are implemented and enforced in accordance with the broader goals of economic policy. Even though there are certain disagreements regarding the content of the goals of economic policy, it seems that three main and generally accepted goals are as following: 1) the largest

possible output of goods and services, 2) the growth of the economy, 3) reduction in income inequality (Stigler, 1975). This way of determination of the economic policy goals originates from the famous American economist George J. Stigler. Although Stigler determined these goals almost five decades ago, it may be safely stated that those general goals have not substantially changed from then.

Economic policy actions and measures present a fertile ground for populist governments to use them aiming to exert influence and/or control over the citizens. The importance of the economic policy actions and measures for the every-day life of each citizen makes the citizens vulnerable and susceptible to the statements related to these actions and measures as well as to the actions and measures themselves. The main goal of this part of the report is to determine whether the governments of the entities which form Bosnia and Herzegovina abuse this vulnerability and susceptibility of its citizens for acquiring their trust and votes at the elections. Considering the comprehensiveness of the potential populist economic actions and measures and the limited scope of this paper, it would not be possible to analyze every part of a very broad economic policy. For that reason, the approach accepted here aims to determine certain areas of economic policy which are of the most significance for Bosnia and Herzegovina. We have identified three areas where populist actions, measures, and statements about those actions and measures are particularly visible. Each of the identified areas is related to one of the main goals of the economic policy, as stated by Stigler. These areas concern gross-domestic-product (hereinafter: GDP), the policy of attracting foreign investments and the employment policy.

Claims about GDP growth

As regards the output of the goods and services, the manipulative statements regarding the alleged unprecedented growth of GDP have become very common in the political life of Bosnia and Herzegovina in the last years. This sort of statement the politicians use in their pre-election campaigns when they present the results they have already achieved in their previous governing mandate. For instance, in March 2015 the former President of the Republic of Srpska and the president of SNSD Milorad Dodik claimed, during the presentation of the results of his party as a part of the new pre-election campaign, that GDP had been increased from 1,8 billion BAM to 8,8 billion BAM (Portal Nezavisne novine, 2014). Additionally, he stated that this is “undoubtedly the biggest growth of GDP in the region” (Portal Nezavisne novine, 2014). In March 2016, President Dodik claimed that the Republic of Srpska had doubled its GDP in the last ten years (Portal RTBN, 2017). Similar wording may be found in the statements of President of SDA Bakir Izetbegović. For instance, Izetbegović claimed in

August 2018 that the preceding period of the governance of his party in terms of the strengthening the economy was “the most successful after Dayton” (Portal Istinomjer, 2017). Each of these statements is either entirely false, either factually correct but the facts are used in an ambiguous manner or those facts have nothing to do with the activities conducted by the governing party. The veracity of the cited statements could be easily checked at the website of the Statistical Office of the Republic of Srpska (<https://www.rzs.rs.ba/>) and the Federal Statistical Office of the Federation of Bosnia and Herzegovina (<http://fzs.ba/>). This is just some of the examples of false or ambiguous public statements used by the governing parties in Bosnia and Herzegovina, aimed to make a perception of the effect of the economic policy actions and measures performed by the government.

Claims about the level of foreign investment

When it comes to the economic growth which we relate mostly to the foreign investment (while we do not tend to say that this is the only relevant factor of the growth of this country), Bosnia and Herzegovina, in general, is also not “immune” on the usual politicians’ public statements on the “highest level ever attained of the foreign investment in the country”. Here we should mention as well some of the pre-election promises made by SNSD regarding foreign investment. SNSD claimed that it should identify the most successful techniques for attracting foreign investment in the world and implement it in the Republic of Srpska, that procedures for registration of a company would become shorter and simplified, that the information on the most valuable resources and the potential projects in the Republic of Srpska would be gathered and presented to the investors, that the Law on the Strategic Investors would be enacted, etc. Besides those claims and pre-election promises, there are also certain policy documents which should be analyzed and which show how the claims and promises work in a real-life. The most important documents are the following: Law on the Foreign Investment of the Republic of Srpska,² Strategy and Policy of the development of the industry of the Republic of Srpska 2016-2020,³ Study on incitement foreign investment in the Republic of Srpska 2014-2017,⁴ Draft of a Strategy of Development of the Federation of Bosnia and Herzegovina 2021-2027.⁵ Among these documents, e.g. the Strategy and Policy of the development of the industry of the Republic of Srpska 2016-2020 (2016) defines five

² *Official Gazette of the Republic of Srpska*, No. 21/2018.

³ Government of the Republic of Srpska, *Strategy and Policy of the development of the industry of the Republic of Srpska 2016-2020*, Banja Luka, 2016.

⁴ Government of the Republic of Srpska, Ministry of Economic Relations and Regional Cooperation, *Study on incitement foreign investment in the Republic of Srpska 2014-2017*, Banja Luka, 2014.

⁵ The Government of the Federation of Bosnia and Herzegovina, *Draft of a Strategy of Development of the Federation of Bosnia and Herzegovina 2021-2027*, Sarajevo, 2020.

strategic goals: 1) the implementation of the process of the revitalization of the industry, 2) monitoring, following the development of the industry, and implementation of adequate measures for enhancing competitiveness, 3) increase of employment in the industry and enhancement of the workforce offer, 4) improvement of the business environment and attracting investment in the industry, 5) the implementation of the environmental standards in the industry and more efficient use of resources. The Strategy (2016) also states that the Republic of Srpska should find its own way of industrial development, and that the method of development cannot be simply copied from any other state abroad. Study on incitement foreign investment in the Republic of Srpska 2014-2017 (2014) identifies a type of investment that should be attracted in the Republic of Srpska. The Study (2014) determines greenfield investments and brownfield investment as the most desirable investment in the Republic of Srpska. It also explains more in a detail which investments should be particularly attracted: investments in the fixed capital, export-oriented investments, labor-intensive investments, investments that brought to the incitement of the productivity, that strengthen the chains of value, and that maximize technological entrepreneurship and innovation.

Among the legislation in the field of foreign investments, it goes without saying that the most prominent place is reserved for the national investments codex, ie. the Law on the Foreign Investments of the Republic of Srpska (Article 4-12), which was enacted in February 2018. This law proclaims the basic principles of the protection of the foreign investors, such as the national treatment, the right to own real estate assets in the Republic of Srpska, the right to freely transfer monetary assets abroad, etc. The government also paid particular attention to the simplification of procedures necessary to register a company in the Republic of Srpska, which has been attained primarily through the development of the one-stop-shop system of registration, that has been introduced by the supplements to the relevant legislation,⁶ and the efforts are being made in order to enable the online registration of companies.

Employment policy

In terms of employment policy, there is also a lot of room for abuse of citizens' vulnerability and dependence on the possibility and terms of employment (if any) by the governing political parties. This particularly applies to the countries with a lower average wage and general living standards, such as Bosnia and Herzegovina. Bosnian politicians do tend to abuse the vulnerability of their citizens in relation to issues of employment. There were many unfounded promises and

⁶ Law on the Registration of the Business Subjects in the Republic of Srpska, *Official Gazette of the Republic of Srpska*, No. 67/2013, 15/2016 and 84/2019.

statements regarding the increase in average salaries or a decrease in the unemployment rate. This kind of promise has been constantly made by all relevant politicians in Bosnia and Herzegovina. In terms of concrete policy documents, the most important one is the Strategy of Employment of the Republic of Srpska 2016-2020 (2016), which determines two main goals in the government's employment policy: 1) increase of the employment and economic activity of the citizens, 2) maintaining existing jobs and creation of the new jobs in the Republic of Srpska. In the Federation of the Bosnia and Herzegovina, we may notice the existence of (now outdated) Strategy of Employment of the Federation of the Bosnia and Herzegovina 2009-2013, as well as certain problems in the adopting of the new strategy for the period 2018-2021. Namely, in October 2019, the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina did not have the requested majority to adopt the Strategy of Employment 2018-2021 (Portal Nezavisne novine, 2019). There are not updated available information on other attempts to adopt this strategy. Finally, it is worth mentioning that both analyzed entities adopted new laws on employment in 2016, which contain very similar provisions.⁷ From a broader perspective, we could assert that these laws have certain provisions that unreasonably favor the employers at the expense of the employees (primarily the provisions on the termination of the employment contract that basically confer to the employer the unconstrained right to unilaterally terminate the employment contract).

The assessment of communication of political leaders as regards economic policy

Populist leaders in Bosnia and Herzegovina usually manipulate with different statistical data which serve as a "proof" of the economic development of the country. In the policy content analysis, we showed several examples of this kind of use of data on GDP by Bosnian politicians. GDP is only one example of manipulation with statistical data in the field of the economy since there are also many other examples, such as data on public debt, annual budget, percentage of public debt in GDP, etc. The common feature for all statements of this kind is that governments tend to convey to their citizens certain numerical data that are not easily understandable for an average citizen. Even though the veracity of the presented data often could be easily verified, an average citizen does not have sufficient economic knowledge to conduct such verification. For that reason, these claims present a very common tool of the leading Bosnian political parties in

⁷ Law on the Employment of the Republic of Srpska, *Official Gazette of the Republic of Srpska*, No. 1/2016 and 66/2018.; Law on the Employment of the Federation of Bosnia and Herzegovina, *Official Gazette of the Federation of Bosnia and Herzegovina*, No. 26/2016.

their communication with the voters. The facts asserted in the claims may be even correct in certain situations, but they are presented ambiguously, in a different context or the results achieved do not arise from the activities of the political party that present those facts. These claims are often followed by the statements that the enhancement of the state's wealth and economic well-being, which has already been achieved, still could not be felt in the citizens' every-day life, while the changes in this regard could be expected very shortly. Therefore, the statements of the Bosnian' politicians about the attained results in the field of economic policy, and in particular concerning the state's GDP, have become a very typical pattern of communication with voters in the analyzed period.

In terms of foreign investments, that are determined as one of the most important factors of the economic growth of Bosnia and Herzegovina, we can also notice very similar claims as the one analyzed in the previous paragraph. But in this field of economic policy, our analysis went beyond mere statements, since we evaluated concrete actions and measures that have been conducted. Some of the pre-election promises and principles found in the analyzed policy documents have been implemented entirely or at least to a certain extent. Among positive movements, we should emphasize the enactment of the Law on Foreign Investment of the Republic of Srpska. This law prescribes most of the widely and internationally recognized standards of foreign investors' protection. On the other hand, although the Federal Law on the Policy of Direct Foreign Investments in Bosnia and Herzegovina has been amended and supplemented in 2015, it is a bit outdated (this law originates from 1998) and the entire new law should be expected. The Republic of Srpska conducted some important steps with the objective of simplification of the registration procedures for the establishment of companies, which should have a positive influence on the entire business environment in the entity. The Federation of Bosnia and Herzegovina have not, however, made necessary changes in this direction, and it still applies traditional time-consuming registration procedures. The list of pre-election promises that remained unfulfilled is long, and this fact proves the fact that many statements made regarding foreign investments also have populist or demagogic character. Here, we should emphasize as well that the governments are often not transparent enough about the special rights, treatment, and benefits that are conferred to certain foreign investors.

Finally, in the field of employment policy, there have been certain important changes in the analyzed period. New labor laws have been enacted both in the Republic of Srpska and in the Federation of Bosnia and Herzegovina. Both laws grant to the employers almost unlimited rights regarding the termination of the employment contract that have

been widely criticized in the general public.⁸ This kind of provision perhaps in the best way reveals the populist nature of the governments in Bosnia and Herzegovina. If we understand populist politicians as those who strive to get as close as possible to the citizens, claiming that they are different from the social elite (Tushnet, 2019; Palaiologos and Pelagidis, 2017), the kind of measures noticed in the employment laws of the Republic of Srpska and the Federation of Bosnia and Herzegovina show that these measures broaden the gap between the elite and the citizens in reality, even though they originate from the goals that supposedly go in favor of the citizens.

Criminal justice policy

Policy content

Nowadays, penal populism has become increasingly widespread in the area of criminal law. We can say that penal populism represents an apparatus through which the political parties try to gain advantage of the emotionally active or affected public by being tough on crimes and raising voices for harsher punishments for crime (Jain, 2019). At the beginning of this century, the penal populism became visible as a part of everyday political rhetorics, enhancing the expectations from the criminal law system to react on the behavior which is only potentially criminal. The consequence of these expectations is strengthening repression in comparison to the prevention (Soković, 2011). In an era of penal populism, a political and social minefield is created when political crisis management results in the clashing of stakeholder interests (Freiberg and Gelb, 2013). After the analysis of the time period at the subject, we may notice that the political parties essentially use the same patterns of behavior notwithstanding which concrete state is analyzed. It is possible that loss of public confidence in the political system has been seen as one of the major causes behind the rise of punitive populism and the subsequent ascendancy of penal severity (Lappi-Seppala, 2007; Hamilton, 2013).

During the period from 2014 to 2018, the Government of the Republic of Srpska was supposed to fulfill more than 400 pre-election promises. One of the most important promises is certainly the one related to the fight against corruption. According to the views expressed by SNSD, the price of corruption is a lower efficiency of usage of the available resources. There is a necessity to implement harsher criminal policy regarding manipulations of related parties and abuse of transfer prices, as well to prescribe penalties for the audit firms that manipulate with the data about related party transactions and transfer prices.

⁸ Law on the Employment of the Republic of Srpska, Article 179 (1); Law on the Employment of the Federation of Bosnia and Herzegovina, Article 96 (1) (a).

Democratic Peoples' Alliance (hereinafter: DNS) has delivered the biggest number of promises. In the field of criminal legislation, there have been promises regarding support to the Fund for Suspected, Accused and Convicted of War Crimes, harsh penalties for production and drug trafficking (they advocated for the most severe penalty of imprisonment), strict penalties for the abuses related to the public procurement, and bringing the law on criminal liability of directors that avoid making payments to suppliers and cause their bankruptcy.

The Socialist Party of the Republic of Srpska (hereinafter: SPRS) in this period delivered three important promises for the area of criminal legislation. In the first place, similar to the other parties, SPRS promised more active engagement of all stakeholders in the fight against corruption, and especially the engagement of the National Tax Administration. Second, there is a necessity for further organizational and personal development of the capacities of police and other control organs, aiming to ensure the safety of citizens and protection of institutional capacities. Third, the judiciary authority should be organized on the principle of liability of elected holders of judiciary functions towards the institutions of legislative authorities in accordance with the constitutional powers.

Meanwhile, there was a series of promises related to the following elections. The particular problem at the beginning of 2020 in the criminal law field is the introduction of the penalty of life-time imprisonment instead of a currently applicable penalty of long-term imprisonment, which could last from 25 to 45 years. The state bases its policies on the public's emotional responses to crime (Sklansky, 2019; Turanjanin, 2021). From the comparative perspective, there are solutions that entail the life-time imprisonment without a possibility of conditional release for certain crimes. However, these solutions are contrary to the standards of the European Court of Human Rights. The problem of conditional release in connection with the life-time imprisonment has been considered in many states (Allen and Hough, 2013). SNSD insisted that the Criminal Code of Republic of Srpska should introduce the life-time imprisonment without the possibility of amnesty for brutal killers, child rapists, and killers of pregnant women and infirm persons (SRNA, 2019). However, the theory of penal populism is not that people have the wrong basic values, but that they have settled on ineffective means to implement those values (Rubin, 2003). This approach is close to being realized, since in the beginning of March 2020, the Minister of Justice of the Republic of Srpska announced the expectations that the amendments and supplements of the Criminal Code would enter the legislative procedure before summer.

One of the issues which regain its actuality is (de)criminalization of the insult. Namely, in 2019, the Prime Minister of the Republic of Srpska claimed that Bosnia & Herzegovina is the only state in the region

where the insult is not included in the Criminal Code and that this should be changed (Portal Srpskainfo, 2019). First, we have to stress that the notions of insult and defamation are wrongly used interchangeably. Second, the claim is only partially correct.

Another pre-election promise made by SNSD concerns the obligatory nature of acts adopted by the Parliament of the Republic of Srpska for the politicians elected to certain positions at the federal level. The idea is to introduce criminal liability of the politicians who are elected to represent the Republic of Srpska at the federal level (organs of B&H) and do not respect acts adopted in the Republic of Srpska. The sentence for this crime should be at least three years of imprisonment (ATV, 2019). Besides this, SNSD requires foreign judges to leave the Court of Bosnia & Herzegovina. In March 2020, the state of emergency was declared in the Republic of Srpska due to coronavirus crisis, and one of the proposed actions was sanctioning the verbal delict.

At the beginning of 2019, the Serbian Democratic Party (hereinafter: SDS) proposed adoption of the Law on Examination of the Origin of the Assets, as well as the adoption of the amendments and supplements of the Criminal Procedure Code (SRNA, 2019). Considering that the Constitution of the Republic of Srpska recognizes a possibility of retroactive effect of law, that would be the case with the Law on Examination of the Origin of the Assets. A special promise concerns the prevention of exercise of the political control and influence over the police and the public prosecutors, particularly during the procedures of their appointment and removal (Vukomanović, 2019).

DNS has been continuously promising in the last two years to enact more precise and stringent laws as the only efficient mean in the fight against corruption.

When it comes to the Federation of the Bosnia & Herzegovina, we will be focused on the promises made by SDA. There were many promises in the field of criminal legislation in the analyzed period, primarily aimed towards the independent judiciary, citizens' trust in the rule of law, and fight against corruption and criminal. SDA required the creation of legal and financial conditions for the independence of institutions in charge of implementation of laws, as well as more efficient procedures of the corruption cases, organized crime, and shady privatizations, by the courts and public prosecutors.

Croatian Democratic Community of the Bosnia & Herzegovina (hereinafter: HDZ) also promised certain ways of fight against organized crime and corruption, the use of modern technologies in suppression of criminality and protection of the constitutional order. There were promises regarding higher salaries to police officers in order to avoid their corruption, the establishment of new agencies for the fight against criminality, and special concern for the processing of war crimes against Croats, as well as against the other nationalities.

At the B&H level, the initiative of the Social Democratic Party (hereinafter: SDP) regarding the protection of religious and historic monuments has been accepted. The proposed amendment entails the sentence of imprisonment in the range between six months and five years for everyone who damages, makes it unusable, or subverts the national monument of the B&H (SRNA, *Prihvaćena hitna procedura za Magazinovićev krivični zakon*, 2018).

Policy process

There are no specifics regarding the policy process in the field of criminal justice policy, and the general observations made in the part of the report dealing with the economic policy applies here as well.

Policy discourse

The process of proposing populist solutions in the criminal law area is more difficult than in the other areas of life since it is not simple to implement populist measures in criminal laws. Most of the changes in criminal law are a consequence of necessary harmonization with the European Union laws. However, this does not apply in each situation because there are also many populist measures.

In the first place, it has to be noted that the Law on Examination of the Origin of the Assets has not been enacted, notwithstanding the undivided support of the general public for this move.

As regards the fight against corruption, certain measures in this respect are visible. The Government of the Republic of Srpska, in the mandate from 2014 to 2018, conducted intensive activities and achieved development in the fulfillment of this promise. The Government enacted the Information on Draft Strategy and Action Plan for the fight against corruption in B&H for the period between 2015 and 2019. The Strategy and the Action Plan themselves were enacted on the 7th of May 2015. In 2015, the Government of the Republic of Srpska determined the Draft of a Law on suppression of corruption, organized crime, and the most difficult forms of business crimes. This law was adopted with the goal of efficient suppression of corrupt crimes, organized crime, the most difficult forms of business crimes and other crimes regulated by this law. The National Assembly of the Republic of Srpska enacted the law on the 11th February 2016.

The Government of the Republic of Srpska determined the Draft Law on the protecting persons which declare corruption. There are two systems of protecting persons that declare corruption: the system of internal protection provided by a responsible person – the manager of the organization where corrupted activity occurred, and the system of external protection provided by the court. The National Assembly of the Republic of Srpska enacted the law at the beginning of July 2017.

In mid-June 2017, the National Assembly of the Republic of Srpska enacted the new Criminal Code which forms a part of anti-corruptive laws. The draft of amendments and supplements to this text was adopted in 2020, but the written version is still not available. However, according to the available information, this draft does not contain the prohibition of conditional release for the most severe crimes, as requested at the political level. The Report on realized measures prescribed in the Action Plan for implementation of Strategy of the fight against corruption 2013-2017 was also adopted furthermore. The Ministry of Justice represented to the Commission drafts of the new Criminal Code and Law on the protection of persons that declare corruption.

In mid-November 2017, the Commission for the implementation of the Strategy of the fight against corruption adopted a report on realization of training in the public sector regarding the creation of integrity plans, which was conducted continuously in the Republic of Srpska. The new Strategy for the period 2018-2022 along with the Action Plan identified risky areas in which the action is needed in the following strategic period. The Proposal for a Strategy of the fight against corruption in the Republic of Srpska has been determined for the above-mentioned period, and the Strategy was adopted in the National Assembly at the beginning of July 2018.

In terms of tightening the penal policy concerning the manipulations of the related parties and abuse of transfer prices, nothing has been done, notwithstanding the adoption of the Law on accounting and auditing and the Law on suppression of corruption, organized crime and the most severe forms of business crime. Nothing has been done as well with respect to the promise that the foreign judges should abandon the Court of B&H.

The prohibition to publish or spread fake news or statements that cause panic or severely harm the public order, or disable or significantly makes difficult the implementation of decisions or measures of state organs, other institutions or organizations that perform public authorities, has been introduced. The acts conducted through the means of public information, social networks or other similar means are also incriminated. The serious question of who would assess which news are true and which are fake has been reasonably posed (Portal Žurnal, 2020).

The same situation exists regarding the realization of a reorganization of judiciary authority according to the principle of liability of elected holders of judiciary functions. Certain efforts concerning the realization of promises about the enhancement of personnel capacity of the police have been noticed, through the enactment of the Law on Police and Internal Affairs, and through the organization of training. The Tax Administration has enhanced its efforts to suppress the grey economy. Pre-election promises of DNS

remained unfulfilled. The only promise which realization has commenced is bringing efficient measures to combat criminal and corruption.

As regards SDA's promises in the Federation of B&H, there have not been any efforts to prevent putting police and public prosecutors under political control and influence, especially in the procedures of their appointment and removal. When it comes to the judiciary's independence we have not also noticed efforts of the governing party to fulfill pre-election promises. The same situation could be seen in the area of combating corruption, although the trend of a decreasing number of unsolved cases is visible. It does have nothing to do with the pre-election promises though. The Government of the Federation of B&H adopted at the end of July 2015 the reform agenda 2015-2018 for B&H. The reform agenda contains a set of mid-term priorities related to six areas, among which one area refers to the rule law and good governance. In order to ensure timely implementation of the reform agenda, the Action Plan has been prepared that contains the determination of responsible institutions and implementation deadlines. However, the Action Plan was not related to the fields where the promises were made. On 139th session of the Government of the Federation of B&H, held on 26th of April 2018, it has been determined the text of Draft of Law on suppression of organized forms of crimes, organized crime, terrorism and inter-cantonal criminal, which prescribed the establishment, organization, competences, and operation of special departments of the Supreme Court of the Federation of B&H and the Federal Public Prosecutor's Office. This legal text has not been adopted so far.

The promises made by HDZ have remained unfulfilled.

Conclusion

The most influential political parties and their the most prominent representatives show many different traits of populist or demagogic behavior in each of the policy areas analyzed in this report. No matter whether we speak about the economic well-being of the citizens or the entire country, the availability of jobs and the general economic growth, or about the sentencing of the most dangerous criminals, business or organized criminality and corruption, the populist politicians find a way to abuse susceptibility of the citizens and their sentiments to any of the mentioned issues. The abuse has occurred most often in the form of the unfulfillment of many (usually unrealistic) pre-election promises, manipulation with different statistical data regarding the economic development of the country, utilization of the sensitivity of the society to the cruelest crimes and "feeding" the need of certain parts of society to introduce the most severe sentences in the penal law system of the

country, fight against corruption only when it affects political opponents or brings “points” in the political arena, etc.

In the field of economic policy, we notice non-transparent governments' directions regarding the most important economic goals. Citizens are overwhelmed with much data about the economy that they usually are not able to understand, but they are not provided information about the employment policy, the policy of attracting foreign investments, benefits that foreign investors gain in the country, etc. The best example is a change made in the employment law which is strongly pro-employers oriented, and for which neither the public debate was conducted nor the reasonable explanation of the rationale of the policy has been provided.

When it comes to the field of the criminal justice policy, it is widely known that the introduction of populist measures in criminal laws essentially causes numerous difficulties in terms of law writing (quality of legislation), its application, as well as justification. For that reason, most of the politicians' promises made in the field of criminal law remain unfulfilled. As Walgrave (2019) correctly stated, "...populist politicians stir up anger and fear, and avoid serious legal considerations, so they act without facts and rational analyses..." The most debated issue in the last years is the most probably the life-time imprisonment, prescribing this new sentence in the Republic of Srpska, that is expected to happen very shortly, essentially is owed to the populism. Isolated cases should not be the basis for the creation of the criminal law norms, regardless of its “life weight” but unfortunately in most cases, they do present this undesirable basis.

Finally, we have several recommendations that could improve the entire process of creating and establishing policies in Bosnia and Herzegovina:

- the citizens should be accurately and thoroughly informed through different means of communication on each of the relevant aspects and courses of development of the economic policy and criminal justice policy;
- providing information should be followed by adequate means of education (enabling citizens to properly use the information); otherwise, there will arise the “information-overload” effect;
- governments should follow the law of the European Union as well as its value system, the jurisprudence of the European Court of Justice and the European Court of Human Rights; the implementation of EU law should not be only technical but it must follow the intrinsic nature and the rationale of the law;
- the process of policymaking must not be deprived of detailed analysis and it should not be based solely on the legal solutions that are popular among the citizens and politicians of other countries.

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KADA POPULISTI VLADAJU: MAKROEKONOMSKA I KRIMINALNA POLITIKA U BOSNI I HERCEGOVINI

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Rezime: Osnovni predmet ovog rada je analiza načina komunikacije sa biračima i konkretnih postupaka i mjera koje preduzimaju vodeći političari u Bosni i Hercegovini, a koje imaju obilježja populističkih ili demagoških postupaka. U uvodnom dijelu rada autori daju kratak prikaz složene ustavne organizacije BIH i trenutne političke situacije u zemlji. Osnovni predmet rada autori su obradili analizom načina komunikacije i konkretnih postupaka i mjera u izabranim oblastima: oblast makroekonomske politike i oblast kriminalne politike. Navedene oblasti izabrane su zbog njihovog nesumnjivog društvenog značaja i pretpostavke da se primjeri populističkih ili demagoških postupaka mogu očekivati upravo u ovim oblastima.

Istraživanje sprovedeno u vezi sa makroekonomskom politikom imalo je za cilj da utvrdi da li vodeći političari BIH koriste ovu oblast za pridobijanje povjerenja glasača, kao i na koji način to čine. S obzirom na široku lepezu pitanja koje obuhvata makroekonomska politika, autori su se u radu usredsredili samo na pojedina pitanja iz ove oblasti koja imaju poseban značaj za BIH. Autori su utvrdili da postoje tri oblasti u okviru šire sfere makroekonomske politike u kojima su posebno vidljivi populistički i/ili demagoški postupci, mjere i izjave. Svaka od ovih oblasti u vezi je sa jednim od osnovnih ciljeva makroekonomske politike, onako kako ih je definisao čuveni ekonomista Stigler. Analizirane oblasti odnose se na bruto domaći proizvod (BDP), politiku privlačenja stranih direktnih investicija i politiku zapošljavanja. Nakon analize načina komunikacije pojedinih vodećih političara u vezi sa navedenim oblastima, kao i pojedinih zakona, strategija razvoja i dokumenata pravno-političke prirode, autori zaključuju da su u analiziranim oblastima makroekonomske politike prisutni elementi populizma i/ili

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demagogije. Oblast kriminalne politike analizirana je tako što su autori dio rada posvećen njoj podijelili u tri cjeline: sadržaj kriminalne politike, postupak donošenja odluka u oblasti kriminalne politike i analiza i evaluacija kriminalne politike. I u ovom dijelu rada autori ukazuju na primjere populizma koji su veoma česti i u oblasti kriminalne politike.

U završnom dijelu rada autori daju najznačajnije zaključke u vezi sa prisustvom i značajem populizma u Bosni i Hercegovini. Rad sadrži i listu konkretnih preporuka i mjera koje imaju za cilj poboljšanje i unapređenje donošenja odluka u ključnim sferama društva, kao što su oblasti makroekonomske i kriminalne politike.

Ključne riječi: ekonomska politika, krivična politika, populizam, političke stranke...