



## PROBLEMI SA KOJIMA SE SUOČAVA IT SEKTOR U BORBI PROTIV PRANJA NOVCA U SRBIJI

### PROBLEMS FACED BY IT SECTOR IN SERBIA IN COMBATING MONEY LAUNDERING

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#### REZIME

Prikrivanje prihoda, utaja poreza i korupcija nisu nove pojave. Države se, kao organizovana društva, suočavaju sa potrebom da se zaštite od skrivanja prihoda, zarada i novčanih tokova, kako bi se prikupila sredstva za opšte potrebe, kao i suzbili nekontrolisani lični interesi najbogatijih. Razvoj informacionih tehnologija (IT) i uspostavljanje globalnog informatičkog društva, s jedne strane, unapredili su modele poreske evazije, a korupcije i ilegalnih novčanih tokova, sa druge, nametnuli potrebu za njihovom primenom na suzbijanju i borbi protiv legalizacije nezakonitih prihoda i njihove upotrebe za društveno neprihvatljive svrhe.

Danas su utaja poreza, korupcija i pranje novca ne samo nacionalni, već i globalni problem. Utvrđivanje koliko se novca tačno opere u određenoj državi ili globalno posao je koji bi iziskivao pribavljanje i procenu ogromnog broja parametara za informatičku obradu. Prema procenama Međunarodnog monetarnog fonda, iz 2005. godine, globalno se prepere oko 1,6 odsto od ukupne vrednosti kojom operišu institucije banke i uslužni finansijski sektor. Kolika bi suma to mogla biti danas, ukazuju podaci da je ukupni opticaj vrednosti 2009. godine iznosio oko 111.5, a 2013. oko 225 triliona američkih dolara. Otuda je i nastojanje da se politike borbe protiv pranja novca definišu na međunarodnom nivou, u čemu vodeću ulogu imaju Organizacija za kontrolu i sprečavanje pranja novca (FATF) i Kancelarija UN za pitanja droge i kriminala (UNODC).

Globalna finansijska vrednost u opticaju više od tri puta premašuje vrednost ukupnog globalnog bruto društvenog proizvoda (BDP). Analize ukazuju da je tok privatnog kapitala veći iz razvijenih u izrastajuća tržišta, dok je sa zvaničnim kapitalom obrnut slučaj. Geografski, raspored finansijskih vrednosti je 2010. godine bio koncentrisan u tri regiona: Evropa - 33%, SAD i Kanada - 31%, Azija/Pacifik - 29%, Bliski istok i Afrika - 3.5% i Latinska Amerika - 3.0%. U tom svetlu se postavlja pitanje objektivne mogućnosti praćenja tokova novca, koji ionako ne odražavaju vrednost roba i usluga, a posebno rasvetljavanja trgovine finansijskim derivativima i elektronskom monetom.

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Pod uticajem konformizma, stručnjaci zanemaruju poremećaj u središtu monetarnog sistema. Danas se novac, finansijske operacije i finansijski derivativi tretiraju kao robe, što remeti principe tržišne razmene. Naime, likvidnost se ne upumpava u realni sektor, već se izvlači iz njega i kroz različite programe za održavanje likvidnosti redistribuira u tržište hartija od vrednosti. Ispumpavanje novca iz realne ekonomije dovodi do pada tražnje za robama, zbog čega njihove cene na berzi ostaju relativno stabilne. Logična sudbina viška kreditnih iznosa je da budu upumpani u spekulativnu trgovinu hartijama od vrednosti. To stvara situaciju da su dostupni veliki kreditni aranžmani, bez pokrića u robi i uslugama, čiji se proizvođači i pružaoci uvlače u sve dublja zaduženja.

Statistička služba EU (Eurostat) 2013. godine je usvojila smernice (ESA 2010), između ostalog o iskazivanju prihoda od nezakonitih aktivnosti, koje su stupile na snagu u januaru 2014. Tako, na primer, prihodi od prostitucije su uvršteni pod usluge i vrši se njihova aproksimacija na strani ponude, a trgovina drogom na strani tražnje. Na taj način, evropske države će povećati svoj BDP za par procenata, uključivanjem prihoda od kriminala, a ujedno povećati svoj potencijal za povlačenje zajmova.

Izdavanjem dokumenta „Virtual currency schemes“, oktobra 2012. godine ECB je dala detaljno obrazloženje fenomena nazvanog Virtuelne šeme. Ova pojava je nastala ubrzanim razvojem interneta i inicirala razvoj i primenu virtuelnih valuta. U početnom stadijumu razvoja virtuelnih valuta primena je bila ograničena na zatvorene grupe i mahom se odnosila na igrice, kladionice i sl. Eksperti evropske centralne banke brzo su uočili moguće opasnosti i potencijale masovnog korišćenja ovog resursa. Detaljnom analizom uočenih aktivnosti od strane kreatora virtuelnih valuta uočene su tri kategorije šema:

- I potpuno zatvorene šeme, korišćene u onlajn igrama;
- II virtuelne šeme koje imaju jednosmerni tok (obično prema unutra), za pravi novac kupuje se „virtuelna valuta“ koja se koristi za virtuelna dobra i usluge na internetu, izuzetno za realna dobra i usluge;
- III virtuelne šeme koje imaju dvosmerno kretanje novca, mogu se menjati u/iz realne valute, i koriste se kako za kupovinu virtuelnih, tako i realnih dobara i usluga.

Bitno obeležje pobrojanih šema je nepostojanje posrednika na relaciji kupac - prodavac. Nedostatak regulatornog i zakonskog okvira omogućava privatnom, nefinansijskom subjektu da u njenom kreiranju, razmeni i korišćenju izmiče monitoringu i reviziji. Analitičkim pristupom sagledavanju razlika između virtuelnih šema i e-novca, uočava se sledeće: rizik e-novca vezan je samo za zloupotrebe informacionih sistema, dok kod virtuelne šeme, pored rizika od zloupotrebe informacionih tehnologija, postoji kreditni i rizik likvidnosti, kao apsolutno nepredvidive kategorije, kao i zapažanje ozbiljne zabrinutosti eksperata na buduću uticaj ovih šema na ekonomiju i reputaciju centralne banke.

Srbija funkcioniše u takvom globalnom finansijskom okruženju, te je suočena sa istim problemom. Prema procenjenom kumulativnom ilegalnom finansijskom toku, u periodu od 2002. do 2011. godine, Srbija je sa 49.367 milijardi američkih dolara, posle Rusije,



Belorusije i Poljske, četvrti najveći izvoznik ilegalnog kapitala u Evropi, a petnaesta u svetu.

Sprečavanje i borba protiv pranja novca i sa njom povezanim pojave poreske utaje i korupcije, predstavljaju u današnjem trenutku jedan od prioritarnih društveno-ekonomskih zadataka organizovanih društava. Naime, kao posledice nezakonitih finansijskih tokova, smatraju se sledeći poremećaji: alokacije resursa iz investicija sa visokim prinosom u investicije u kojima je manji rizik od otkrivanja; cena, a posebno nepokretnosti; potrošnje, a posebno uticaj na uvoz robe široke potrošnje; izvoza i vezano za investicije i ekonomski razvoj; neloyalna konkurencija; naduvavanje nekih sektora i negativan uticaj na direktne strane investicije; korupcija; rizik podrivanja realnog sektora i jačanje sumnjivih prihoda i distribucije bogatstva.

Danas najčešće pominjan cilj borbe protiv pranja novca jeste zaštita integriteta finansijskog sistema. Središte tog sistema su banke, čije su usluge centralne za uredno funkcionisanje tržišne privrede. Na opštem planu, borba protiv pranja novca takođe obuhvata i druge tipove finansijskih i nefinansijskih institucija, u delatnostima poput pružanja novčanih usluga, prometa nekretnina, savetodavnih usluga i sl, koje su značajne za finansijski sistem, ali ne i za svakodnevno funkcionisanje ekonomije.

Procesne potrebe borbe protiv pranja novca, koja je proistekla iz rasta prihoda iz klasičnog kriminala, a posebno trgovine narkoticima, dovele su do razvoja forenzičkog aspekta računovodstva u posebnu disciplinu koja se bavi „finansijskim istragama koje mogu dovesti do sudskog postupka“, kao i „odnosima i primenom finansijskih činjenica u rešavanju sudskih postupaka i sporova“. Ova disciplina se sve šire primenjuje, te se u skladu sa tim i njeno poimanje razvija u pravcu šireg određivanja, kao prakse korišćenja računovodstvenih, revizorskih i istražnih veština u pomoći u pravnim stvarima i primeni posebnih znanja kod dokazivanja ekonomskih transakcija.

Problemi koji se na planu borbe protiv korupcije nameću pred korisnike i nosioce razvoja informacionih tehnologija ne proističu iz dostignutih tehničkih kapaciteta, već iz teškoća da se preciziraju parametri čije će praćenje i analiza omogućiti relevantnu informaciju o postojanju nezakonitog novčanog toka. S jedne strane, oni proističu iz stanja međunarodnih odnosa i međunarodnog prava, a s druge, u ograničenjima forenzičkog računovodstva.

**Ključne reči:** IT sektor, pranje novca, utaja poreza, korupcija, prikrivanje, konverzija, transfer, integracija, bitcoin



## **SUMMARY**

The problem of concealment of incomes and evasion of public taxes is not a new one. Nations, as organized societies, have always been faced with the need for self-protection from these practices, in order to collect the funds for common purposes, and to prevent the domination of uncontrolled interests of the few. The development of information technologies (IT) and the establishment of the global information society have, on one side, advanced the methods of evasion, corruption and illicit money flows, and on the other imposed the necessity for their application in suppression and combat against legalization of illegal incomes and their use for socially unacceptable purposes.

Today, tax evasion, corruption and money laundering are not only national, but also a global problem. Determination of the exact sum of money which has been laundered in a state or globally, would require an enormous amount of data for evaluating and information processing. The estimates of International Monetary Fund (IMF), based on the figures collected for their annual economic outlook, suggest that around 1.6 % of the total amount globally operated by the banks and financial services sector. How large could that sum be today, is indicated the data that the global financial assets flow amounted in 2009 around US\$ 111.5, and in 2013 to around US\$ 225 US dollars. Hence, the endeavors to define the anti-money laundering (AML) policies on international level, in which the leading role have the Financial Action Task Force (FATF) i United Nations Office on Drugs and Crime (UNODC).

This global financial flow exceeds the value of the global gross product (GDP) by more than three times. The official analysis show that the flow of private capital is larger from developed to emerging markets, while it is opposite with the official capital. Geographically, the layout of the financial assets has, in 2010, been concentrated in three regions: Europe - 33%, USA & Canada - 31%, Asia/Pacific - 29%, with Middle East & Africa accounting for - 3.5% and Latin America for - 3.0%. This raises the question of effectiveness of tracking the flows of money, which do not reflect the value of goods and services, as well as enlightening the financial derivatives trade and electronic currencies.

Under the influence of conformity, experts neglect the misbalance in the core of the monetary system. Today, money, financial operations and financial derivatives are being treated as goods. That deranged the principles of market exchange. Namely, the liquidity is not pumped into real sector, but rather extracted from it, and through various programs for the maintenance of liquidity redistributed into securities (bonds) market. Pumping money out of real economy into securities creates a fall of demand for physical goods in economy, which is the principle reason why the prices of goods on the stock exchanges remain stable. The logical destiny of the excess liquidity is to be pumped into speculative securities trading. That creates a situation with large available credit arrangements, with no cover in goods and services, whose providers are forced into further indebteding, and thus

In 2013 EU Statistical service (Eurostat) adopted guidelines (ESA 2010) on how to balance the incomes from illegal activities, which are in power from January 2014. For example, the incomes from prostitution are included under services, and are



approximated with the offer side as well as drug trade on the demand side. That way, by inclusion of illicit incomes, European countries will increase their GDPs by a couple of points.

In the document „Virtual currency schemes”, in October 2012 European Central Bank (ECB) has given a detail explanation of a phenomenon called Virtual schemes. This operation came as a consequence of intensive growth of the internet, and initiated the development and use of virtual currencies. In the initial stage of virtual currencies their use was limited on mostly closed groups, mainly games, bookies etc. ECB experts have quickly realized the possible dangers and the potentials of mass application of use of this resource. Detailed analysis of observed activities by creators of virtual currencies led to defining of three categories of schemes:

- I Completely closed schemes, used in online games;
- II Virtual schemes with one way flow (usually inwards), for real currency the virtual currency is bought and used for payment of virtual good and services on the internet, and seldom for real goods and services;
- III Virtual schemes with two way money flow, can be exchanged from/into real currency, and are used for buying virtual, as well as real goods and services.

An important characteristic of the mentioned schemes is the nonexistence of the middleman between the buyer and the seller. The lack of regulatory and legal framework enables private, nonfinancial subject to, in its creation, exchange and use, stay out of monitoring and auditing. Analytical approach to differences between virtual schemes and e-money, uncover the following: the risk of e-money is related only to the misuse of information technologies, whereas with virtual schemes, besides the risk of misuse of information technologies, there are credit risk and a liquidity risk, as absolutely unpredictable categories, as well as serious concern of experts about the future influence of these schemes on the economy and the reputation of the central bank.

Serbia functions in such global environment, and is thus facing the same problem. According to the cumulative illicit flow, in the period from 2002-2011, Serbia is, with US\$ 49,367 billion dollars, after Russia, Belarus and Poland, the fourth largest exporter of illicit capital in Europe, and fifteenth in the World.

The prevention and combat against money laundering, and related phenomena, tax evasion and corruption, present at the moment one of the priority socio-economic objectives of the organized societies. Namely, as direct consequences of illegal financial flows are considered to be the following disorders: in allocation of resources from investments with high market yield to those with lesser risk of being exposed; of prices, and especially of Real Estate; of consumption, and especially on increase of imports of consumers foods; on exports an in connection to investments and economic development; unfair competition; inflation of certain sectors and negative effect on direct foreign investments; corruption; risk of undermining the public sector, and strengthening of skewed illicit gains and distribution of wealth.



Today, the most emphasized goal of AML is the protection of integrity of financial system. In the core of that system are the banks, whose services are central for the smooth functioning of the market economy. Generally, AML also encompasses other types of financial and non-financial institutions, in activities such as providing money services, real estate agencies, consulting services etc., which are important for the financial system, but not for the daily functioning of the economy.

The procedural requirements of AML, which stems from the struggle against organized crime, and especially narcotics trade, have led to development of forensic use of accounting into a specific discipline, which deals with financial investigations that can lead to judicial proceedings, as well as with relations and application of financial facts in resolving court cases and disputes. This discipline is being applied even wider, and in accordance to that a perception of its broader definition, as practice of using accounting, revision and investigative techniques to aid legal matters, as well as application of specific skills in proving economic transactions.

Problems in AML facing users and developers of IT do not stem from the actual capacities, but from the difficulties to establish and impose parameters whose tracking and analysis can enable relevant and due relevant warning about possible illegal money flow or transaction. On one side it stems from the state of international economic relations and international law, and on the other, from the bureaucratic limitations of the forensic accounting.

**Keywords:** IT sector, money laundering, tax evasion, corruption, concealment, conversion, transfer, integration, bitcoin