

Publication of information enables potential investors to make a reliable decision on investment, ie purchase of securities.

Transparency should not lead to the discovery of business secrets and deterioration of the competitive ability of the company.

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THE INTRODUCTION OF ELECTRONIC SIGNATURES IN BUSINESS PROCESSES - CONTRIBUTES TO IMPROVING THE BUSINESS ENVIRONMENT IN BIH

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Abstract: *The eBusiness has become an important tool in doing business that gives a competitive advantage in the European and global markets. Prerequisites for the successful implementation of eBusiness are resolved legal regulations and interoperability, clearly defined business processes, regulated master data and flexible information system capable of rapid adaptation to changes in environment. The adoption of the Law on Electronic Signature, Law on Electronic Legal and Business Transactions and the Law on Electronic Document and their by-laws, created the legal framework for the functioning and development of information society in Bosnia and Herzegovina. The implementation of the law of e-services, there will be a significant change in the ease of doing business in Bosnia and Herzegovina, and will create conditions for further investment and development of small and medium enterprises in BiH.*

Keywords: *Bosnia and Herzegovina, laws, e-Business, business environment*

1. Introduction

E-business as a segment of the information society, has become an important tool in the business of companies that gives them a competitive advantage on the European and global market. Bearing in mind that the application of information and communication technologies (ICT) and the construction of an information society is fundamental to the overall development and the future of Bosnia and Herzegovina, the authorities of Bosnia and Herzegovina have recognized the importance of developing electronic business, which has a direct impact on the improvement of the investment environment. The countries of the region have already moved along this path, and the first positive results are already visible in them.

The document of the Information Society Development Policy states that the Council of Ministers of Bosnia and Herzegovina, or the entity government, will influence the creation of favorable conditions that will lead to the creation of an environment suitable for the development of electronic business, and to adopt the necessary regulations for this purpose. Legal infrastructure will be set up as an integral and open system, which does not endure the territorial and political division. The goal is to create an electronic business environment for the circulation of electronic documents in the state administration, the judiciary, the economy and other areas, thus creating conditions for the development of a competitive economy, more efficient and rational state administration, and through the establishment of eServices, to achieve better mutual communication between

business entities, state administration, because it reduces business costs, contributes to savings, creates greater added value, reduces the gray economy and minimizes corruption. Also, the goal is to enable business entities to perform their obligations or requirements towards the administration in the most efficient manner, with minimal costs and number of physical contacts with the administrative bodies, through several different electronically based channels for service delivery. By adopting the Law on Electronic Signature, the Law on Electronic Legal and Business and the Electronic Document Act as well as their bylaws, a legal framework for the functioning and development of the information society in Bosnia and Herzegovina has been created.

2. Legal framework

The Information Society marks a set of rules and procedures that distinguish a knowledge-based society and the widespread use of new information and communication technologies, and the regulation of the information society is an important part of harmonizing the legal framework of Bosnia and Herzegovina with the European Council of Ministers in 2004 adopted the Policy, Strategy and Action an information society development plan for BiH for the period 2004-2010. In 2006, the Law on Electronic Signature of BiH and the Law on Electronic Legal and Business Traffic of BiH were adopted. Decisions regulating the use of electronic signatures and the provision of certification services that provide the necessary legal aspects for the implementation of digital signatures were also adopted. In order to introduce an electronic signature into the business

processes of the information society, it was necessary to fulfill the following requirements and implement the following steps:

1. Establish the legal framework for e-business by drafting laws and by-laws in accordance with the *acquis communautaire*;
2. Establish the institutional framework necessary for the safe and successful use of e-signatures in business processes in BiH;
3. To harmonize all laws and by-laws in the field of electronic commerce at all levels of government in accordance with the relevant EU legislation, and ensure the harmonization of other legal regulations relevant to the field of ePrint application in BiH.

The authorities of Bosnia and Herzegovina have adopted important regulations in this area, and the following legal acts are currently in force:

- Law on Electronic Signature
- Law on Electronic Legal and Business Traffic
- Law on Electronic Document
- Decision on the basics of using electronic signatures and the provision of verification services
- Decision on electronic commerce and e-government;
- Decision on the office operations of ministries, departments, institutions and other bodies of the Council of Ministers of BiH
- Instructions on creation and maintenance of official websites of BiH institutions
- Law on Electronic Signature of BiH

The law greatly overrides the achievements and the regime of electronic signatures in a manner similar to that of the European Community document. Although the Law

on Electronic Signatures of BiH has been in force since 2006, many unresolved institutional issues have arisen that have prevented or slowed down the process of implementation of the Law, and consequently the development of the scope of e-Signatures in BiH. However, by adopting the Proposal for the Establishment of the Office for supervision and accreditation of certifiers (hereinafter: the Office) by the Council of Ministers of Bosnia and Herzegovina, and whose formation according to the Law on Electronic Signature has created preconditions for the implementation of all laws related to electronic commerce and electronic services in the field of business and e-government. The establishment of the Office will enable faster and easier establishment of the electronic administration, which implies the introduction of various electronic services (eServices) intended for citizens, business entities and public administration. - Law on Electronic Legal and Business Traffic of BiH This Law regulates the legal framework for certain aspects of electronic legal and business transactions, which includes the provision and provision of information society services, the obligations of information service providers, the conclusion of contracts and the responsibility of the service provider. - Law on Electronic Document of BiH The Electronic Document Act is fully harmonized with the legislation of the European Union, as well as with the current best practice in the world, and its adoption is in line with the EU Directives according to which Bosnia and Herzegovina must create all the prerequisites for electronic access to information and e-commerce. The importance of the Law is primarily related to the creation of conditions for

equalization of the electronic form of a document in a written form, and in the conduct of legal transactions between natural and legal persons, between those persons and public authorities, as well as between themselves. Of course, the importance is also that it creates preconditions for involving domestic entities in international organizations and flows.

The Law on Electronic Document has completed the legal framework in the field of information society and enabled the establishment of electronic legal and business traffic in Bosnia and Herzegovina. The law establishes the legal basis for using the electronic form of a motion / document, with the same legal effect as a written document, in administrative proceedings, which is conducted before the competent authorities of Bosnia and Herzegovina. The use of an electronic document, as officially valid, will shorten the time required for the conduct of proceedings, and a positive impact is expected on the cost reduction that is currently produced when sending documents in written form. Republika Srpska In accordance with the 2009-2011 e-Government Strategy, the Government of the Republic of Srpska has adopted the following laws: - The Law on Electronic Signature of the RS This law regulates the use of electronic signatures in legal affairs and other legal actions, as well as rights, obligations and responsibilities related to with electronic certificates (certificates). In addition to the law, a number of by-laws were adopted that regulate areas such as records of electronic signature certification service providers, a unique register of providers of electronic signatures certification issuing qualified certificates, measures and procedures for the use and protection of electronic signature,

electronic signature creation tools, compulsory insurance of the issuer of services for issuing qualification certificates - RS Electronic Document Act This law regulates the right of natural and legal persons to use electronic documents in all business activities and activities, as well as in procedures conducted before the organs of the republic administration in which electronic equipment and programs can be apply in the creation, transmission, storage and storage of information in electronic form. The law also regulates the legal importance and the use and circulation of electronic documents. - Law on electronic commerce of the RS This law defines the provision of services and rules regarding the contracting in electronic form. Federation of Bosnia and Herzegovina - FBiH Electronic Document Act. This law regulates the right of federal and cantonal administrative bodies and federal and cantonal administrative organizations, local self-government bodies, companies, institutions and other legal and natural persons to use electronic documents in business operations and activities, as well as in procedures conducted before competent authorities in an administrative procedure where electronic equipment and programs can be used in the creation, transmission, receipt and storage of information in electronic form, the legal validity of the electronic document, and the use and circulation of an electronic document. By implementing these laws and other regulations with the sign "electronic", a new form of official communication is introduced, and it enables the official exchange of electronic documents between business entities and institutions themselves. In this way, BiH becomes a step closer to the EU in terms of creating the possibility for Bosnia and

Herzegovina to implement the same e-services that have been uniquely implemented for all EU Member States, as well as to enable the recognition of e-signatures and e-commerce between Bosnia and Herzegovina, the European Union and third countries.

3. The benefits of e-business for companies

The benefits of introducing e-commerce tools are not so much in the application of technology as in facilitating and speeding up the conduct of business processes and facilitating access to new markets. Some of the benefits:

- Regarding the registration of business entities, it is quite certain that the time required for registration will be shortened.
- Electronic signature means faster, simpler and cheaper business
- E-service will enable the domestic economy to perform various administrative procedures over the Internet. This will result in saving money to businesses, increasing the efficiency of institutions transparency, and facilitating control and data analysis
- The introduction of e-Government will contribute to reducing the bulky and costly administration, which is a major burden.
- The degree of efficiency of institutions will increase
- E-business contributes to saving time, speed, globalization, improving productivity, acquiring new customers and sharing knowledge, all for the sake of gaining advantage over competition.

4. E-registers of business entities and tax returns

In Bosnia and Herzegovina, the search for business entities from both Entities and the Brčko District has already been enabled at the web address <http://bizreg.pravosudje.ba>. The establishment of an e-register of business entities in the Republic of Srpska has already begun (<http://bizreg.esrpska.com/>) so it is clear that technical possibilities exist. For the online registration of economic entities, it is necessary, as already mentioned, to first establish the appropriate PKI infrastructure, which will be enabled by the establishment of the Office for Supervision and Accreditation of Certifiers at the state level. The Tax Administration of FBiH has already established certain electronic services, so it is possible submit applications for profit tax, and applications for payment of contributions through their websites (<http://www.pufbih.ba/v1/page 7>). The Tax Administration of the RS also offers electronic services (<https://eusluge.poreskaupravs.org/>)

5. Experiences of the region

For many years the EU has been using e-government and e-commerce. Regarding the environment, Serbia has already introduced many e-services by state institutions for the economy and population - such as the issuance of electronic building permits, company registration, issuance of certificates and certificates, submission of final accounts, etc. In Montenegro, since 2011, electronic registration of companies is possible, as well as electronic submission of tax returns. In Macedonia, among other services, e-health has been introduced

through e-government, which involves electronic schedules for reviewing and issuing recipes, which has increased the number of services three times and ten times the waiting time. In Croatia, the registration of business entities via the Internet is partially enabled. Through the service www.hitro.hr (a site that is the platform of the Government of the Republic of Croatia), under the option of an e-company, electronic creation of a "limited liability company" and "simple limited liability company with core capital in cash from any notebook or office www.hitro.hr within 24 hours.

CONCLUSION

The introduction of e-registry and e-government is an upgrade of the ICT infrastructure that positively affects the business or improvement of the business environment. Aware of these facts Bosnia and Herzegovina has adopted modern legislation in order to create an efficient framework for modern electronic services and finally by adopting implementing regulations created conditions for full implementation of e-business. Laws on electronic documents are fully harmonized with EU legislation, as well as current best practice in the world, and their adoption is in line with the EU Directives according to which Bosnia and Herzegovina must create all prerequisites for electronic access to information and e-commerce. Since the legislation in the field of electronic commerce of Bosnia and Herzegovina is harmonized with EU directives, this can additionally build confidence in the economic, both domestic and foreign. In this way, BiH becomes a step closer to the EU in terms of creating the possibility for

Bosnia and Herzegovina to implement the same e-services that have been uniquely implemented for all EU Member States, as well as to enable the recognition of e-signatures and e-commerce between Bosnia and Herzegovina, the European Union and third countries. Implementation of the Law and other regulations with the sign "electronic" adopted at the state level will introduce a new form of official communication, and enable the official exchange of electronic documents between the institutions themselves. Establishment of the Office for Supervision and Accreditation of Certifiers, as well as the drafting of the Rulebook on the Application of the Electronic Signature, is expected to be fully implemented by the Law on Electronic Signature, the Law on Electronic Legal and Business and the Electronic Document Act. The use of an electronic document, as officially valid, will shorten the time required for the implementation of procedures, and a positive impact is expected on the cost reduction currently being produced when sending documents in written form. E-service will enable the domestic economy to perform various administrative procedures via the Internet. This will result in saving money to business entities, increasing the efficiency of transparency of institutions, and facilitating control and data analysis. By simplifying the business community's interaction with the state, ie by measuring and accelerating the process through e-services, the difficulties identified by the investors as the most important ones will be removed. Implementation of the e-services law will bring about a significant change in the ease of doing business in Bosnia and Herzegovina, and preconditions for further investment and development of companies in BiH will be created.

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CONCEPT OF LIABILITY OF LEGAL PERSONS IN CRIMINAL LEGISLATION OF BOSNIA AND HERZEGOVINA

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Abstract: *With the introduction of corporate liability in criminal law, the same rank in a significant number of countries in which the law provides for liability of legal persons in accordance with a number of documents of the Council of Europe, European Union, United Nations. Since the state is possible to introduce liability for legal persons, the requirements are based on the increase of crimes committed with activities of legal persons, as well as the difficulties that are based on the complexity of the organizational structure of the legal entity of the identification responsible for the criminal. To consider and that only punishment individuals to such a perpetrator can be easily compensated by a legal person, in whose name and whose behalf the offense. The criminal legislation of Bosnia and Herzegovina accepted the accessory liability legal persons for criminal offenses, according to which the liability of legal persons is based on the responsibility of physical person, acting in the name and for the account or benefit of a legal person. In the following work will be presented base and limits of liability of legal persons.*

Keywords: *Legal person, criminal law, the liability of legal persons*