# STATE SECRET - EVOLUTION OF LEGAL REGULATION OF THE PROTECTION OF CLASSIFIED INFORMATION

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From the earliest times rulers kept certain military, diplomatic and intelligence information secret, both from other states and their own citizens to protect vital state interests. The development of democratic society brought about transparency standards in all matters of the functioning of a state, which has increased the concerns (and interest as well) of the public about the justifiability of classified information, and the possibility of misuse thereof. Hence, a requirement emerged to treat state secrets in accordance with the times we live in, and to regulate them by the current legal system so that, in relation to other secrets, they are an asset for the protection of national interests, concurrently paying attention not to jeopardise achieved rights and freedoms of the modern society.

This research has encompassed regulations that govern the protection of state secrets in Serbia, with focus on the protection of classified information relating to the armed forces of the country in the period from 1929 until today. The goal of the research is to analyse the development of legal regulation of this area, particularly its basis in modern standards modelled on other countries. Legal-dogmatic method, comparative method, method of secondary analysis, and method of content analysis were used for the purpose of this research. According to research results it can be concluded that the protection of state secrets in Serbia has been regulated following the example of other modern states.

Key words: *state secret, protection of secrecy, regulations, criminal protection, security protection.*

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## Introduction

Every day, organisations, people, and billions of devices linked to information systems generate, process and use data for various purposes. In 2021, the volume of the generation of such data amounted to 2.5 quintillion of bytes per day. A smaller portion of the said data, still constituting a considerable quantity, deserves particular attention because they relate, among other, to information of state interest, such as information that refer to territorial integrity and sovereignty, protection of constitutional order, human and minority rights and freedoms, national and public security, defence internal and external affairs, and similar.

Generally accepted term for such type of information is state secret, given that that information is of state interest. The complexity of this area has contributed to the fact that consensus has not been reached yet on the universal definition of this notion. The specific nature of such information in comparison to other information is reflected in their significance in the context of national security.

Apart from the said, to understand the problem, it is necessary to have in mind the accepted international standards pertaining to the rule of law and respect for human rights defined by the Universal Declaration on Human Rights of 1948, and the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1959, as well as the development of judiciary, which is harmonised with the requirements of a state and society to ensure the rule of law and enhanced legal security. In modern democratic societies, people, aware of their rights and freedoms, insist more and more on the transparency of work of their government demanding to be informed about all segments of its work and even those that imply the access to said information. Having that in mind, one can deduce how significant and complex the legal regulation of this area is, given that it would serve as a basis for the establishment of balance between fundamental rights and freedoms and national security.

For that purpose, a comparative analysis was carried out of the main and auxiliary legislation that regulate the criminal and security aspect of the protection of classified information in Serbia in order to examine the development of these regulations and their harmonisation with other modern countries.

## State Secret

Georg Simmel claims that the capability to maintain secrecy is one of the greatest accomplishments of humanity, since that capability is an important and unavoidable segment of human individualisation, and he concludes that the capability to maintain secrecy is a socio-historical product (Simmel, 1950: 330).

With the emergence of human society, the first secrets appeared as well as the need to hide the most significant information from external and internal enemies.

The first discourse on information secrecy appeared in the ancient times (Foucault, 2012: 11) and it changed throughout the history. At that, the awareness of the necessity to create and protect secrets, in their diverse and changing manifestations

remained unchanged from the ancient times till the period of modern society (Dewerpe, 1994: 11).

Analysing the history of information secrecy, it can be concluded that the subject of a secret can be past, present of future facts, and that there were several types of secrets generated as the result of socio-historical processes.

In the earliest period of human society, the nature of a secret was that of a cult or religion, and with the development of the society and the emergence of the need for mutual interaction other types of secrets appeared such as military and diplomatic secrets.

The secrets that were of vital interest for the state were classified as state secrets, and their conceptual determination changed from period to period. In that context, Aleksandar Bodrožić claims that the right to a secret is of great importance for the security of an individual, collective, and state in particular, given that classified information mostly referred to the information that was of crucial significance for the functioning of a modern state (Bodrožić, 2019: 228).

The term "state secret" was recorded for the first time in the Annals by Tacitus, around 116 AD with the intention to express a desire to deny knowledge and refuse communication to achieve stability and preserve power (Horn, 2011: 7-8).

From the appearance of state secret to the emergence of modern states this type of secret has taken ever more complex form. Several authors have tried to classify topical information designated as state secret, but the conclusion of most of them was that the job had not been completed yet, and that this problem required much more work in terms of theory, history, philosophy, sociology and politics, in order to clarify all individual categories. Thus, Steven Aftergood believes that these secrets can be classified into several categories: a true secret in the context of national security, political secret and bureaucratic secret (Aftergood, 1999: 20-21).

## Historical Background of the Legislation Regulating the Protection of Classified Information

Alain Dewerpe is one of the first authors who analysed the role of regulations pertaining to the protection of information secrecy. He believes that it has not been regulated in legal relations until the second half of XIX century concluding that it was primarily regulated within international legal framework, and then in national legislations (Dewerpe, 1994: 36-37).

The need to regulate the protection of secrecy of state secrets in legal system was chiefly intended to protect national security, and more recently, to protect human rights and freedom in the context of generally accepted democratic standards.

The protection of information secrecy in legal system should be regarded from the aspect of criminal law and security.

# Criminal Law Aspect of the Protection of the Secrecy of Information

In European legislation, the criminal law regulation of the protection of the secrecy of information started in late 19th century. Some of the first regulations governing this field were the French Law against Espionage of 1886, and the British Official Secrets Act of 1889. Soon after similar regulations were passed by Italy in 1889 (Codice Zanardelli del 1889), Russia in 1892 (Закон од 20 апреля 1892 г.), and Germany in 1893 and 1914 (Gesetz gegen den Verrat militärischer Geheimnisse vom 3. Juni 1893 and Gesetz gegen den Verrat militärischer Geheimnisse vom 3 Juni 1914).

Analysing Serbian legislation and its harmonisation with legislations of other European countries in this field, it can be deduced that the regulation of the criminal law protection of the secrecy of information fell behind the said countries, since it appeared in national legal relations in early 20th century modelled on legislation of other countries.

Generally, the development of incrimination related to the protection of the secrecy of information in Serbian history, in terms of prescribing criminal offence, can be observed through the following regulations: Criminal code of the Kingdom of the Serbs, Croats and Slovenians of 1929, Criminal code of the FPRY of 1951, Criminal code of the SFRY of 1976, Criminal code of 2005, and the Law on Information Security 2010.

Before analysing these regulations, it is necessary to point to the cases of certain states whose regulations provided conceptual determination and regulated penalty provisions for military criminal offence, which was the subject of theoretical research (Lukić, 1962). In that context, one should have in mind that "criminal offences against armed forces represent one of the oldest fields of application and development of criminal law" (Tišma, 2011: 165).

Furthermore, the military represents a specific state institution that performs a highly significant social role, such as the defence of society against external threats and the defence of the stability of the current social system, which is accomplished, among other, by the application of criminal law provisions (Lazarević, 1995: 117).

Following the models of certain European countries, until 1951, the criminal law protection of the armed forces in Serbia was regulated by separate military regulations where the responsibility of military personnel for criminal offences was based on different principles in relation to other citizens (Petrevski, 2019). By passing the Criminal Code, hereinafter referred to as the "CC", in 1951, this protection was regulated in the same manner and under the same conditions that applied for other social values, and criminal offences against the armed forces were stipulated in the general criminal code.

The CC of the Kingdom of SCS passed in 1929 defined the types of secrets for the first time, and stipulated punishments for criminal offence related to the protection of information secrecy.

In the period preceding the passing of this law, within legal relations of the Kingdom of SCS and Kingdom of Yugoslavia criminal law protection of information encompassed secrets that were of vital importance for the state. Mostly, they referred to the

field of trade given that the trade represented a very important item in the budget of Serbia at that time. Gaining influence of the state in this field was enabled by passing several regulations that defined more important criminal offences, such as those against the state and legal order, military criminal offences, criminal offences of civil servants, property offences, and criminal offences in the field of trade and customs (Pihler, 1974: 163).

In the CC of 1929, there was no conceptual determination of a secret. However, analysing the provisions of the Code regulating this field, a secret unequivocally referred to a fact known to only one individual or a certain number of individuals, the disclosure of which would be against the will of the one concerned in that fact (Lazić, 1934: 205). In accordance with this code, criminal offences were stipulated, which related to four types of secrets - state secret (§102), private secret (§251), official secret (§401), and factory/trade secret (§368) (Law on the Amendment to the CC of the Kingdom of Yugoslavia 1931).

Apart from the said secrets, Military Criminal Code of 1930 (Gojković, 2000), modelled after the German code, which was at that time considered to be one of better laws (Petrović, 2020: 31), in its paragraph 42 (§42) regulated criminal offences related to military secrets (Vojni KZ, 1930). This code provided a new codification of the military criminal law in armed forces in a way that the term "penal law" was substituted by the term "criminal law" (Tišma, 2011: 167).

After the Kingdom of Yugoslavia had ceased to exist in the April War in 1941, its military criminal legislation was no longer applied. During the People's Liberation War this field was governed by regulations such as the Regulation on Punishments, passed by the command of NOP Posavski detachment in 1941. According to this Regulation, criminal offences represented the widest register of offences (Trgo, 1949: 161-162), and one of the offences related to intentional or unintentional disclosure of partisan secrets (Article 2, point 12).

After the end of the war, the Federative People's Republic of Yugoslavia passed the Law on the ineffectiveness of regulations passed before 6th April 1941 on the basis of which the said regulations were repealed. In that period, legal criminalisation of military offences was regulated by the Law on military criminal offences which regulated the criminal offences of the violation of military secret "Disclosure of military secret" (Article 36), "Illegal correspondence in war (Article 37) ad "Military espionage" (Law on military criminal offences, 1948).

In the Criminal code of 1951, the criminal law protection of the information secrecy did not essentially differ from the CC of 1929. For the purpose of protecting the secrecy of information, this CC stipulated criminal offences related to espionage (Article 105), violation of the secrecy of letters or other parcels (Article 156), unauthorised disclosure of secrets (Article 157), disclosure of trade secrets (Article 218), disclosure of official secrets (Article 320) and disclosure of military secrets (Article 348).

With the adoption of the Constitution of the SFRY in 1974, the legal order of Yugoslavia changed. Starting from 1976, criminal law protection of the secrecy of information was harmonised with other regulations that governed this field. The CC of SFRY, passed in 1976, proscribed, among other, criminal offences pertaining to the disclosure of secrets to an unauthorised individual: "Espionage" (Article 128). "Disclosure of

a state secret" (Article 129), "Disclosure of an official secret" (Article 183). "Disclosure of a military secret" (Article 224), and "Unauthorised access to military facilities and making sketches or drawings of military facilities and materiel (Article 225) (CC of SFRY, 1976). The Criminal code of 1976 was amended several times, and it was in force until the adoption of the CC of 2005.

By repealing the Constitution of the Federal Republic of Yugoslavia, in 2003, the Republic of Serbia changed the title of the CC of FRY to the Basic Criminal Code (BCC). Despite plans to conduct the reform of the criminal legislation immediately after the foundation of the FRY, the new criminal code was adopted in 2005 when the Republic of Serbia took over the responsibility for the entire criminal legislation. This CC did not change the provisions from the previous code that related to the protection of the secrecy of information, which regulated the punishable offences. In the period from the adoption of the Code until the present this Code has been amended on several occasions. The most significant changes in the segment relating to the punishable offences connected to the disclosure of secrets were introduced in 2009, when the Law on the amendments to the CC intensified minimal punishments for criminal offences "Disclosure of a state secret" (Article 168), and "Disclosure of a military secret" (Article 183) from three to six-month imprisonment (КЗ РС, 2009). Other amendments to the law, in the segment that relates to the protection of the secrecy of information, did not essentially change in relation to the Criminal code of 1976.

In the legislation of the Republic of Serbia, said criminal offences are not fully harmonised with legislation of modern countries, however "the current legal system of the Republic of Serbia provides realistic grounds for detection and proving of the said criminal offences, and it creates possibility for further setting up of efficient criminal investigation and legal institutions and methods in the legislation (Tepavac & Bjegović, 2019: 88).

## Security Aspect of the Protection of the Secrecy of Information

The first national regulations regulating the protection of the secrecy of information from the security aspect were based on the concept of total national defence and social self-protection applied in then SFRY (Matić, 2014: 16). On the basis of the Law on national defence of 1969 and regulations passed under this Law the protection of the secrecy of information was regulated from the security aspect for the first time in Serbia. In the period before the adoption of this law, the protection of the secrecy of information was based on the so-called departmental model (Matić, 2014: 16).

The Law on the national defence, hereinafter referred to as the "LND" regulated for the first time the secrecy of information in the sense that "the citizens, work and other organisations and state bodies are obliged to protect as secret information and data of the interest for the national defence, and which are designated as secret under this Law, other laws and regulations adopted in accordance with the Law (Article 149), (LND, 1969).

Pursuant to the said Law “classified information of the national defence” related to “documents, physical assets, facilities, measures, and other facts proclaimed as secret by responsible authorities (Article 150), (LND, 169).

This Law stipulated that the state secretary for national defence should define criteria for the determination of information significant for armed forces that must be kept as military secret, as well as the manner of their protection, while the Federal Executive Council would be responsible for defining criteria for the determination of information significant for national defence within the purview of the bodies and work and other organisations that must be kept as state or official secrets, as well as for the determination of mandatory measures for their protection. Accordingly, work and other organisations and state bodies were obliged to define secret information in their general acts, define types of information of the interest for the national defence within their purview, and determine appropriate measures and procedures for their protection (Article 151), (LND, 1969).

For the first time, this Law has regulated the protection of the secrecy of information by applying measures of cryptographic protection while transferring information by means of technical communication assets (Article 152), (LND, 1969).

The Regulation on criteria for the determination of classified information pertaining to national defence and measures for the protection of such information of 1969, adopted on the basis of the LND of 1969, regulated the secrecy of information in greater detail. Among other, the Regulation defined the types of classified information, which, in keeping with the criteria for determining classified information were designated as state, military or official secret.

The secrecy of information defined as military secret was regulated in greater detail by the Rulebook on criteria for the determination of information that represent a military secret, and the manner of their protection of 1970 passed on the basis of the said LND. The said Rulebook it was stipulated that information significant for the armed forces, which had to be protected as a military secret, were „information relating to the work of the units and institutions of the Yugoslav People‘s Army, and the units and services of the territorial defence whose disclosure to unauthorised individuals was assessed as detrimental to the armed forces“ (Article 2).

The said Rulebook also defined the levels of classification of secret military information: secret, confidential, and restricted.

When new LND was adopted, which was in force since 1974, there were no significant changes in the way in which secrecy of information was regulated when compared to the previous one. This Code changed the conceptual determination of classified information in relation to the previous law (Article 196).

Pursuant to the LND of 1974, in 1975 the Regulation on the criteria for the determination of classified information and measures for the protection of such classified information was adopted that regulated trade secrets for the first time.

New Rulebook on the criteria for the determination of information significant for the armed forces that must be kept as state or military secret, and the manner of their protection of 1975, adopted under the LND of 1974, stipulated criteria for the determination of information significant for the armed forces, that must be kept as state or military secrets, as well as for their protection. This Rulebook provided different conceptu-

al determination of state and military secrets in relation to previous regulations (Article 15). State secret was a designation for information on armed forces and information on plans and preparations of the armed forces for defence whose disclosure would be assessed as detrimental to the defence and security of the country (Article 17). Military secret was information on the armed forces, plans and preparations of the armed forces, on weapons and military equipment, on military facilities and installations, and all other information relating to the activities of the armed forces whose disclosure would be assessed as detrimental for the armed forces and their preparations for the defence of the country (Article 18).

In the Law on total national defence of 1982, there were no significant changes in the way in which the secrecy of information was regulated when compared to the previous laws. This Law as well changed the conceptual determination of classified information (Article 175).

The Law on Defence of 1993 regulated the secrecy of information in the same way as in previous regulations with slight changes. Some of the changes relate to the conceptual determination of classified information (Article 67) and responsibilities for the stipulation of criteria for the determination of classified information according to new polity.

Pursuant to this Law, in 1994 a new Regulation was passed on the criteria for the determination of information significant for defence of the country that must be safeguarded as state or official secret and on the determination of tasks and activities of specific significance for defence of the country that should be protected by applying specific security measures. In this Regulation provisions from previous regulation were not significantly changed in the segment that relates to the regulation of the protection of the secrecy of information regarding national defence.

New Rulebook of 2001 on the criteria for the determination of information on the Yugoslav Armed Forces, which represent military secret, the level of classification of military secrets and measures for their protection was passed on the basis of the Law on defence from 1991. It stipulated the criteria for the determination of information significant for the YAF that represent military secrets, as well as the manner of their protection in commands, establishments and units of the military.

In this Rulebook the conceptual determination of a military secret differs in relation to the previous regulation in the sense that a military secret is “information on the military, plans and preparations of the military, assets and weapons and military equipment, on military facilities and plants and all other information regarding the activity of the military whose disclosure is assessed as detrimental for the military and its preparations for the defence of the country” (Article 12).

With the adoption of the Law on defence, which was in force from 2007, the conceptual determination of classified information was changed once again (Article 103).

In line with the said it can be concluded that in the period between 1969 and 2010, this field was regulated by several regulations in the segment relating to the determination of the secrecy of information, the manner of handling secret classified information, as well as the general and specific measures for the protection of classified information. Apart from the Law on defence, this field was regulated by the law governing the work of security services, the law that regulated the activities of the

Ministry of Foreign Affairs, Law on Police, and the basic law in the field of internal affairs (Lazić, 2017, pg. 208). This field, apart from the mentioned laws, was regulated in detail by numerous bylaws - regulations, rulebooks, guidance and other, which, for the most part, were not mutually harmonised making it difficult to conclude which legal principles made the grounds for the secrecy of information in that period (Popović, 2009: 4-5).

Increasing concerns of the state regarding national security, in the part that relates to the protection of the secrecy of information, has contributed to legal protection of the secrecy of information gaining ever greater importance for the purpose of achieving its influence on the access to information in general. The strategic concept that served as the basis for the protection of the secrecy of information in the Republic of Serbia is based on the Strategy of National Security of the Republic of Serbia, Defence Strategy of the Republic of Serbia, and the Strategy for the development of information society and information security in the Republic of Serbia.

From 2004 until 2010, the legal framework that regulated the secrecy of information in Serbia underwent certain reforms in keeping with current standards of international law which primarily referred to the basic principles of modern democratic society.

By passing the Law on free access to information of public importance in 2004, Law on personal data protection in 2008, and the Law on the secrecy of information, the most significant system regulations that govern the protection of the secrecy of information, the harmonisation of the national legal framework with the legal framework of the European Union was achieved in this field. Agreements that the Republic of Serbia concluded with sixteen international actors (the Office of the Council, 2024), on the exchange and mutual protection of classified information support the claim that the said legal frameworks have been harmonised. This legal framework was completed in 2016 by the adoption of the Law on information security.

The Law on the secrecy of information has been in force since 2010. It regulates the uniform system of determining and protecting the secrecy of information of interest for the national and public security, defence, internal and foreign affairs of the Republic of Serbia, the protection of foreign classified information, access to classified information and the expiry of their secrecy, the responsibilities of the bodies and the oversight of the implementation of this law, the responsibility in case of the failure to fulfil the obligations from this law, as well as other issues significant for the protection of the secrecy of information.

The Law on secrecy stipulates that “classified information can be considered a piece of information of the interest for the Republic of Serbia whose disclosure to an unauthorised person would cause damage, if the need to protect the interests of the Republic of Serbia overrides the interest to access information of public importance” (Article 8).

This law removed the types of classified information designated as “official secret” and “military secret”.

The importance and assessment of classified information, and adverse consequences that could occur with their disclosure still made the foundation for determining one of four levels of classification: “top secret”, “secret”, “confidential” and “restricted” (Article 2).

Pursuant to the Law on the secrecy of information several regulations were adopted that regulate this field in greater detail and relate to the following: The procedure of determining level of classification, specific measures for the protection of classified information, oversight and internal control, register, procedure of marking secrecy, and other issues significant for the protection of the secrecy of information. These are: the Regulation on security questionnaire forms, Regulation on the content, form and manner of sending clearances for the access to classified information, Regulation on the content, form and manner of keeping records of the access to classified information, Regulation on the manner and procedure of marking the secrecy of information, or documents, Regulation on specific measures of oversight of handling classified information, Regulation on more detailed criteria to determine classification levels "top secret" and "secret", Regulation on more detailed criteria to determine classification levels "confidential" and "restricted" in the Ministry of Defence, Regulation on more detailed criteria to determine security levels "confidential " and "restricted" in the public government bodies, Regulation on specific measures for the protection of classified information in information-telecommunication systems, Regulation on specific measures for the protection of classified information that relate to determining the level of fulfilment of organisational and technical conditions on the basis of a contractual relation.

The Law on the secrecy of information also stipulates criminal offences related to the unauthorised disclosure of classified information to an unauthorised person (Article 98), which are not harmonised with relative provisions of the Criminal Code (Articles 316, 369 and 415), which represents a problem in legal-dogmatic and practical terms (Kovačević & Milošević, 2022: 99).

## *Conclusion*

The first regulations in Serbia governing the protection of the secrecy of information date back to the '30s of XX century. In the beginning, this field was regulated from the criminal law aspect, and later from the aspect of security. In the period between 1929 and 1969, the regulations governing this field related primarily to criminal law protection of the security of information.

From the aspect of security, this field was regulated in 1969. In the period between 1969 and 2010, the protection of the secrecy of information was regulated three times within the framework of the Law on defence and bylaws passed pursuant to this law (in 1974, 1994, and 2007). In accordance with results of the conducted comparative analysis of the said regulations it can be concluded that the regulation of this field underwent almost insignificant changes in the said period. They mostly referred to conceptual determination of classified information, responsibilities related to the determination of the secrecy and measures for their protection.

Since 2010, with the entry into force of the Law on the secrecy of information, the protection of the secrecy of information in the Republic of Serbia has been regulated in an all-encompassing and unified manner. Namely, the system of the protection of the secrecy of information based on the so-called departmental level was abandoned,

meaning that all relevant bodies are obliged to apply identical provisions of the regulations that govern the secrecy of information.

This Law and regulations passed on the basis of it govern the protection of the secrecy of information even in areas that were not regulated until then by existing regulations, such as the protection of secrecy of information in cyberspace, and the introduction and implementation of international standards related to the protection of the secrecy of information, which has contributed to achieving the compatibility of the Republic of Serbia with international security system.

The harmonisation of national regulations in the field of the protection of state secrets with regulations of modern countries has contributed to intensified cooperation of the Republic of Serbia in international arena in the field of security. These regulations are also harmonised with the standards of modern democratic societies. In that respect, it can be concluded that the protection of state secrets in Serbia is regulated in the framework of modern legal system.

The need to amend current national regulations that govern the protection of the secrecy of information certainly exists, particularly the Law on the secrecy of information. This claim is supported by the fact that this law has certain shortcomings. Namely, the analysis of the Law on secrecy showed that certain segments of the protection of the secrecy of information are not sufficiently defined (the national body for the accreditation of information-telecommunication systems used for handling classified information is not defined), certain provisions of the law are not clearly defined which can lead to different interpretation during its implementation and other. In that regard, given the importance of the field governed by this regulation, it can be expected that the work on amendments to the Law on the secrecy of information will start in the upcoming period.

In addition to the amendments to the Law on the secrecy of information, it would be suitable to amend the Criminal Code, among other, to harmonise the criminal law protection of classified information.

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# *S u m m a r y*

From the earliest times rulers kept certain military, diplomatic and intelligence information secret, both from other states and their own citizens to protect vital state interests. The development of democratic society brought about transparency standards in all matters of the functioning of a state, which has increased the concerns (and interest as well) of the public about the justifiability of classified information, and the possibility of misuse thereof. Hence, a requirement appeared to treat state secrets in accordance with the times we live in, and to regulate them by the current legal system so that, in relation to other secrets, they are an asset for the protection of national interests, concurrently paying attention not to jeopardise achieved rights and freedoms of the modern society.

This research has encompassed regulations that govern the protection of state secrets in Serbia, with focus on the protection of classified information relating to the armed forces of the country in the period from 1929 until today. The said regulations were analysed from the criminal law and security aspect of this field.

The goal of the research is to analyse the development of legal regulation of this area, particularly its basis in modern standards modelled on other countries. Legal-dogmatic method, comparative method, method of secondary analysis, and method of content analysis were used for the purpose of this research.

According to research results it can be concluded that the protection of state secrets in Serbia was regulated in the frameworks of modern legal system based on the standards and principles of the protection of the secrecy of information modelled on other modern states with some delay.

As in the case of other countries, criminal law protection of the secrecy of information preceded their security protection. The first regulation that governed the protection of classified information was the Criminal code of the Kingdom of the Serbs, Croats and Slovenians of 1929, which for the first time recognised four types of secrets (state secret, private secret, and factory/trade secret) and stipulated criminal offences of disclosing those secrets. Military secret was regulated by Military Criminal Code of 1930.

The specificity of Serbian legislation, characteristic for the period from 1930 to 1951, is reflected in the application of military regulations for the purpose of providing criminal law protection of the armed forces, among other, in the segment relating to the protection of military secrets. That practice was changed in 1951 by the adoption of new Criminal Code that encompassed criminal offences against the armed forces in the same manner and under same conditions applied in case of other social values.

The protection of the secrecy of information from the aspect of security emerges in 1976 by introducing regulations that governed the people's defence. The so-called departmental model of the protection of the secrecy of information, which differentiated between types of secrets and their protection by means of specific regulations, was applied until 2010 when the Law on the secrecy of information was passed. For the first time, this law regulates the field of the protection of the secrecy of information in a uniform and all-encompassing manner, in keeping with modern international stand-

ards of the protection of the secrecy of information applied in the European Union, as well as with the standards of modern democratic society.

Although the harmonisation of regulations governing the protection of classified information with similar regulations of other countries has not been fully carried out, in each of the periods that made the object of this research the legislation was functional in terms of appropriate protection of the secrecy of information which can be confirmed on the basis of the permanent increase of the scope of participation of the Republic of Serbia at international plane in the field of security.

The current legal framework of the protection of the secrecy of information in the Republic of Serbia is harmonised with the legal framework of the European Union, but it can be stated that not all regulations are fully harmonised with the regulations of modern international actors.

The need to amend these regulations, primarily the Law on the secrecy of information is based on the fact that this law has certain shortcomings, such as the lack of regulation of certain segments of the protection of the secrecy of information, the lack of clarity of certain provisions and similar. Also, amending the Criminal Code would be purposeful in order to harmonise the criminal law protection of classified information.

Key words: *state secret, protection of secrecy, regulations, criminal protection, security protection.*