Универзитет Привредна академија у Новом Саду
University Business Academy in Novi Sad

Факултет за примењени менаџмент, економију и финансије Београд
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INNOVATION AS AN INITIATOR OF THE DEVELOPMENT

ИНОВАЦИЈЕ КАО ПОКРЕТАЧ РАЗВОЈА

BOOK OF ABSTRACTS

ЗБОРНИК АПСТРАКАТА

INNOVATIONS

December 5th
Belgrade, 2024

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САДРЖАЈ / CONTENT

АПСТРАКТИ СА КОНФЕРЕНЦИЈЕ

CONFERENCE ABSTRACTS

Darjan Karabašević Ivan Šušter Dragiša Stanujkić	**Using Docker Compose for Lightweight Container Management in Small to Medium-Sized Applications**	1
Olgica Milošević	**Conversion of an obsolete debt into a natural obligation**	3
Đorđe Pucar Darjan Karabašević Miodrag Brzaković	**Artificial intelligence in e-learning**	5
Muhammad Ali Imran Caniago Svetlana Vukotić Dragiša Stanujkić	**The impact of travel agency site innovations on attracting tourists**	7
Srđan Maričić Ana Veljić Kristina Jauković Jocić	**Administrative portal "Moja srednja škola"; Advantages in matters of final exams for students in primary schools and their enrollment in secondary schools**	9
Marija Mladenović Dragana Petrović	**Creative financial reporting and the role of forensic accounting in the detection of fraud in the organization**	11
Đorđe Pucar Gabrijela Popović Dragiša Stanujkić	**Automatic grading of student papers using artificial intelligence**	13
Olgica Milošević	**The importance of the cover notes in international cargo transport**	15
Ivan Šušter Darjan Karabašević Gabrijela Popović	**Real-Time Performance Monitoring in Microservice Architecture**	17
Srđan Maričić Ana Veljić Kristina Jauković Jocić	**Multimedia as the initiator of the process of education**	19
Dragana Petrović Marija Mladenović	**Detecting accounting fraud using warning signals in the company**	21

Ivana Josifović Darjan Karabašević Vuk Mirčetić	**Innovative approaches in human resource management: Balancing technology and the human factor**	23
Olgica Milošević	**Conclusion of a contract by silence**	25
Stanislav Radonjić	**The impact of artificial intelligence on service quality**	27
Adriana Radosavac Ružica Đervida	**Conditions for tourism development in rural areas of Bosnia and Herzegovina**	29
Adam Malešević Todor Stojčevski Pavle Brzaković	**Medical tourism of countries in the Balkans: Chances and opportunities for improvement**	31
Milica Lakić Marica Đervida Bojan Popović	**Economic globalization and the competitiveness of Bosnia and Herzegovina's economy**	33
Svetlana Vukotić Gabrijela Popović Vuk Mirčetić	**Changes in the design of workplaces in the contemporary business environment**	35
Zoran Đuričić Srđan Šuput Žana Janković	**Perspectives and challenges of foreign investments in the economy of Bosnia and Herzegovina**	37
Ružica Đervida Anđela Miljković Marija Rudinac	**Principles of effective performance management as a means to improve employee motivation**	39
Tijana Đukić Kristina Jauković Jocić Nina Nikolić	**Emotional intelligence as an essential component of effective communication and organizational culture**	41
Marko Marković Svetlana Marković	**When AI creates: Copyright without an actual author**	43
Predrag Todorov	**Development of hunting tourism through sustainability principles and responsible management**	45
Marko Marković Jovana Ljubisavljević	**Artificial intelligence or the human factor in quality management**	47
Dragan Doljanica Nina Nikolić Tijana Đukić	**Integrating quality management and effective communication to improve organizational performance**	49

Milana Borković Violeta Tošić Predrag Todorov	**Artificial intelligence and language in the tourism industry as a key factor in personalized services**	51
Svetlana Marković Marko Marković Jovana Ljubisavljević	**Innovations in the function of management in business entities**	53
Miloš Mastilović Kristina Jauković Jocić Tijana Đukić	**The impact of modern communication on the development of marketing content**	55
Predrag Todorov Bojana Plemić Violeta Tošić	**Interpretation of dark tourism as a sustainable tourist product**	57
Nina Nikolić	**The impact of AI tools on online marketing**	59
Svetlana Marković Marko Stanković Marija Stanković	**Legal status of business entities, their integration, association, and market operations**	61

Conclusion of a contract by silence

Olgica Milošević[1]

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Abstract: *A contract is considered concluded at the moment of acceptance of the offer. The fundamental rule is that silence does not constitute acceptance of an offer, even if the offeror has stated in the offer that silence by the offeree will be interpreted as acceptance. Such clauses have no legal effect on the offeree and cannot impose any obligation on them. The conclusion of a contract by silence represents a special form of consent in contract law, where tacit behavior or failure to respond may be interpreted as acceptance of the offer. This is an exception to the general rule that acceptance, and thus the conclusion of a contract, cannot be expressed by silence. There are three exceptions when silence is interpreted as acceptance: when there is an ongoing business relationship between the offeror and the offeree concerning specific goods; when a person offers to carry out another's orders concerning the performance of specific transactions and is obliged to fulfill received orders unless they are immediately refused, and when the offeree is engaged in a business activity that involves fulfilling orders by its nature. In these cases, if the offeree receives the offer and remains silent, the silence will be deemed acceptance. If the offeree does not wish to accept, they must notify the offeror within the time normally required for acceptance.*
Keywords: *Conclusion of a contract, acceptance, silence, offer, exceptions.*

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