

Trust and Legitimacy in Policing and Criminal Justice

Dear readers, it is a great pleasure to introduce the latest special issue of the journal *Criminal Justice and Security* published in English and focused on *trust and legitimacy in policing and criminal justice*.

Due to constant changes in the democratic political system and the (legal) state, modern society is becoming increasingly attentive to problematic aspects of the modern paradigm of trust in formal social control institutions and in legitimacy of their operations. Trust in supervisory institutions, their actions and fairness in procedures, authority, integrity and coherence of values between citizens and social controllers, effectiveness and legitimacy of their operations, and the belief that these institutions are also required to act in the interest of the state and all citizens represent the normative aspects of empirical research in the field of modern criminology. This issue focuses mainly on the studies of trust and legitimacy in policing and judicial institutions. The number of empirical studies in the European area is slowly increasing, and the papers in this special issue represent an important contribution to the study of trust and legitimacy in the countries of Southeast Europe and beyond. Some papers in this special issue were prepared within the framework of the basic research project *Legitimacy and legality of policing, criminal justice and execution of penal sanctions (J5-5548)* that was launched in August 2013 at the Faculty of Criminal Justice and Security, University of Maribor. The three-year national research project is funded by the Slovenian Research Agency. One of the project's aims is to discuss legitimacy, legality, and integrity of responding to crime and of enforcement of criminal sanctions in Slovenia, other European countries, and globally.

The present issue of the *Journal of Criminal Justice and Security* focuses on the issues of compliance with laws and lawful functioning of formal social control institutions and on the beliefs of people that law enforcement authorities are able and willing to carry out supervisory activities in accordance with the principles of democratic policing, while placing special emphasis on legality and legitimacy. The papers represent studies and discussions in Bosnia and Herzegovina, the Czech Republic, Macedonia, Poland, Slovenia, and the United States of America, all addressing questions about legitimacy, legality, and integrity of policing in a democratic society. The findings indicate that legitimacy and trust in police are related to the level of democratization, for authority is most vividly reflected in contacts with uniformed police officers enforcing in practice the laws designed to control crime and disorder in society. Among other, the papers show that despite differences between individual countries, the variables including procedural justice, police efficiency, police authority, and legal cynicism have an impact on trust in police and, partly, on legitimacy, as well. Despite the different forms of development and implementation of police reforms in these countries, all police forces should strive to improve their efficiency, procedural justice, authoritativeness, and distributive justice.

We hope that you will find the papers interesting, instructive, and useful for the development of empirical research on trust and legitimacy in policing and criminal justice. However, it should be noted that different researchers use different concepts of trust and legitimacy. Tyler (1990), on the one hand, one of the first founders of the concept legitimacy, comprehends trust as the present and legitimacy as a variable consisting of trust and willingness to obey police and legal compliance, while Bottoms and Tankebe (2012), on the other, explain the willingness to obey police as a result of legitimacy (i.e., the conviction that the police act lawfully, fairly, and efficiently) and trust stemming from the positive experience. The latter is of outstanding importance for the understanding and interpretation of the results of studies on trust and legitimacy presented in the papers published in this special issue of the *Journal of Criminal Justice and Security*, as well as for the general social developments associated with public opinion on fairness, legitimacy, credibility, effectiveness, efficiency, and authority of formal social control agencies.

Gorazd Meško, Edmund F. McGarrell, Branko Ažman & Katja Eman
Guest Editors

Bottoms, A., & Tankebe, J. (2012). Beyond procedural justice: A dialogic approach to legitimacy in criminal justice. *Journal of Criminal Law and Criminology*, 102(1), 101–152.

Tyler, T. R. (1990). *Why people obey the law*. New Haven: Yale University Press.

Uvodnik

Zaupanje in legitimnost policijske dejavnosti in kazenskega pravosodja

Spoštovane bralke in bralci, v veliko veselje nam je, da lahko predstavimo novo tematsko številko revije *Varstvoslovje* v angleškem jeziku. Tema te številke revije je zaupanje in legitimnost policijske dejavnosti in kazenskega pravosodja.

Sodobna družba se v luči nenehnih sprememb demokratičnega političnega sistema in (pravne) države sooča z vedno pogostejšim opozarjanjem na problematične plati moderne paradigme zaupanja v institucije formalnega družbenega nadzorstva in utemeljevanja legitimnosti njihovega delovanja. Zaupanje v nadzorstvene institucije, njihovo ravnanje in pravičnost v postopkih, avtoriteta, integriteta, skladnost vrednot med državljani in družbenimi nadzorovalci, učinkovitost in legitimnost njihovega delovanja ter prepričanje, da morajo ravno te institucije delovati v interesu države in vseh prebivalcev, predstavljajo normativne vidike empiričnega raziskovanja na področju sodobne kriminologije. Med temi v tej številki revije prevladuje preučevanje zaupanja in legitimnosti policijske dejavnosti in pravosodnih institucij. Število empiričnih študij v evropskem prostoru počasi narašča, zato prispevki pričujoče tematske številke predstavljajo pomemben prispevek k raziskovanju zaupanja in legitimnosti v državah Jugovzhodne Evrope in širše. Nekateri prispevki v tematski številki so del raziskovalnega dela v okviru temeljnega raziskovalnega projekta *Legitimnost in zakonitost policijske dejavnosti, kazenskega pravosodja in izvrševanja kazenskih sankcij (J5-5548)*, ki od avgusta 2013 poteka na Fakulteti za varnostne vede Univerze v Mariboru. Triletni nacionalni raziskovalni projekt financira Agencija za raziskovalno dejavnost Republike Slovenije. Eden izmed ciljev projekta je razprava o legitimnosti, zakonitosti in integriteti odzivanja na kriminaliteto in izvrševanje kazenskih sankcij v Sloveniji, drugih evropskih državah in širše.

Pričujoča številka revije *Varstvoslovje* se osredotoča na vprašanja spoštovanja zakonov in zakonitega delovanja institucij formalnega družbenega nadzorstva in prepričanj ljudi, da so organi pregona sposobni in voljni izvajati nadzorstvene dejavnosti v skladu z načeli demokratične policijske dejavnosti, pri čemer sta v ospredju zakonitost in legitimnost. Prispevki predstavljajo raziskave in razprave iz Bosne in Hercegovine, Češke, Makedonije, Poljske, Slovenije in Združenih držav Amerike. Vprašanja glede legitimnosti, zakonitosti in integritete policijske dejavnosti v demokratični družbi kot rdeča nit potekajo skozi prispevke. Ugotovitve kažejo, da sta legitimnost in zaupanje v policijo povezana s stopnjo demokratizacije držav, saj se oblast najvidneje odraža pri stikih z uniformiranimi policisti, ki v praksi izvršujejo zakone, ki so namenjeni obvladovanju kriminalitete in nereda v družbi. Iz prispevkov izhaja, da imajo, kljub razlikam med posameznimi državami, spremenljivke postopkovna pravičnost, učinkovitost policije, avtoritativnost policije in pravni cinizem vpliv na zaupanje v policijo in ponekod tudi na legitimnost. Kljub različnim smerem razvoja in vpeljave policijskih reform v obravnavanih državah bi si morale vse policijske sile prizadevati za izboljšanje lastne učinkovitosti, postopkovne pravičnosti, avtoritativnosti in distributivne pravičnosti.

Upamo, da bodo prispevki zanimivi, poučni in uporabni za razvoj empiričnega raziskovanja zaupanja in legitimnosti policijske dejavnosti in kazenskega pravosodja. Pri tem velja opomniti, da sta zaupanje in legitimnost različno razumljena koncepta in da prihaja do razlik med svetovno znanimi raziskovalci. Tako Tyler (1990), kot eden prvih utemeljiteljev pojma legitimnosti, namreč zaupanje pojmuje kot sedanjost in legitimnost kot sestavljeno spremenljivko iz zaupanja in pripravljenosti ubogati policijo ter spoštovati zakone. Na drugi strani pa Bottoms in Tankebe (2012) razlagata, da je pripravljenost za podrejanje policiji rezultat legitimnosti, tj. prepričanja ljudi, da policisti delujejo zakonito, pravično in učinkovito, zaupanje pa naj bi bilo kot rezultat pozitivnih izkušenj. Slednje je izrednega pomena za razumevanje in interpretacijo rezultatov študij o zaupanju in legitimnosti, ki jih predstavljajo prispevki pričujoče tematske številke revije *Varstvoslovje*, kot tudi splošnega dogajanja v družbi, ki je povezano z javnim mnenjem o pravičnosti, zakonitosti, kredibilnosti, učinkovitosti, uspešnosti in avtoriteti organov formalnega družbenega nadzorstva.

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Gostujoči uredniki

Bottoms, A. in Tankebe, J. (2012). Beyond procedural justice: A dialogic approach to legitimacy in criminal justice. *Journal of Criminal Law and Criminology*, 102(1), 101–152.
Tyler, T. R. (1990). *Why people obey the law*. New Haven: Yale University Press.