
Editorial

The main focus of the articles in this issue is to explore contemporary criminal justice and security issues. This issue of our journal is a special follow-up to the previous one (2015, 17/1) and features ten articles focusing on reconciliation with regard to war crimes, environmental crimes, reproductive choices, economic crime, juvenile crime, domestic violence, cyber crime, private security, human rights and jurisdiction of criminal courts.

Goran Basic examines the complex issue of reconciliation with regard to war crimes, focusing on the question whether victims should be the only ones to forgive a perpetrator of war crimes or if other entities, institutions, for example, play any role in it. He analyses the narratives of 27 war survivors of the 1990s from the northwestern parts of Bosnia and Herzegovina and identifies *verbal markers of reconciliation and implacability* to assess the extent to which the notions of reconciliation are actualized in their stories. The author notes that while implacability is the dominant condition among the narratives, reconciliation is possible when certain conditions—such as justice for war victims, identification of crime perpetrators, and presence of shame and remorse by war crime perpetrators—are met.

Avi Brisman and Nigel South employ Tonry and Farrington's four major strategies of crime prevention to analyse their application to environmental crimes. Each of these four strategies—law enforcement, developmental prevention, community prevention, and situational prevention—are elaborated upon and applied to environmental crime prevention. In addition, the authors also identify the issue of environmental crime as an underdeveloped area and provide examples of specific challenges associated with governmental roles in these crime prevention strategies in sample countries.

Dragan Dakić addresses the issue of reproductive choices. He argues that the state's primary obligation is to protect the "abortion surviving child," based on the notions of right to life and prohibition of inhumane treatment. He claims that the state's positive obligations require providing medical care to the surviving child. However, he also argues that the state is obligated to provide timely information to women to help educate them on the temporal constraints related to reproductive choices.

Bojan Geršak, Borut Bratina, and Andrej Srakar examine economic criminal offenses in Slovenia. They note that while criminal law theory addresses the criteria to recognize criminal offenses among all unlawful actions, the law of minor offenses has primarily focused on less serious unlawful actions. However, the authors argue that in practice a certain action can sometimes correspond to the definition of both a criminal offense and a minor offense. Thus, it is necessary that the statutory elements of a particular unlawful action are precisely defined and clearly demarcated to ensure legal certainty guaranteed to all by the Slovenian Constitution. Data for the study was drawn from a survey of employees of institutions, police/criminal investigators from the Department for Economic Crime, public prosecutors and those from the Department of Economic Crime, inspectors from Security Market Agency/minor offenses inspectors, and citizens with expertise in the subject. The findings suggest a strong support from

practitioners and citizens for greater clarity of statutory elements of specific unlawful actions and for minimization of the legal vacuum between minor economic offenses and criminal offenses.

Irena Cajner Mraović, Valentina Asančaić, and Dubravko Derk address the question of whether juvenile crime in Croatia is really increasing or it is only a media sensation. They utilize the official crime data between 2000 and 2013 to examine if the average rate of change in overall, violent, and juvenile property crime has increased during that time period. What they observe is that though juvenile crime appeared stable or even on the decline during this time frame, specific forms of juvenile crime, such as juvenile homicide and rape, oscillated during the period studied, while robbery and theft left no clear trends.

The issue of domestic violence is the focus of the study by **Nataša Mrvić Petrović and Milan Počuča**. They analyse theoretical, legislative, and practical advantages and limitations of mediation in resolving domestic violence issues in Serbia, where mediation in civil proceedings exists and seemed popular between 2001 and 2006, but its usage declined sharply thereafter. The authors note that mediation in criminal proceedings does not exist and that the adoption of “zero tolerance” in the cases of domestic violence blocks the use of mediation as an effective tool in dealing with domestic violence.

Milana Pisarić covers the topic of cyber crime. She argues that special skills are needed to investigate and prosecute cybercrime. Further, special skills and electronic evidence are required to successfully prosecute offenders of cybercrime.

Iztok Rakar and Bojan Tičar examine the development of delegation of public authorities to the Chamber for the Development of Slovenian Private Security. The authors argue that a variety of administrative tasks are delegated to subjects of public and private law, yet such delegation poses several major practical problems, including the fact that *ex ante* justifications of delegation are very vague and not supported by analyses, while *ex post* evaluations of delegation are nonexistent, and that supervision of the implementation of public authorities is insufficient.

Tomislav Radović and Žarko Braković’s paper focuses on legal analyses of human rights issues and composition of criminal courts in Serbia. They argue that given that human rights are an inalienable human value, Serbia is obliged to comply with the Stabilization and Association Agreement as a part of the laws of the European Union. The authors foresee that the current laws will be replaced by a new legislation incorporating the provisions that are currently part of the European human rights standards.

Finally, **Tatjana Burgarski** focuses on the subject-matter jurisdiction of criminal courts in Serbia and their composition, particularly in the light of organized crime and juvenile delinquency. She argues, by providing examples drawn from these cases, that such specialization of courts is necessary because specific knowledge, skills, and experience of professional judges and jurors participating in such proceedings are required.

We hope you find the articles interesting and a source of new ideas for expanding the scope of research in the region.

Mahesh Nalla, Gorazd Meško, & Branko Ažman
Guest Editors

Uvodnik

Glavni namen prispevkov tokratne številke je proučiti sodobne izzive na področju varstvoslovja. Tokratna izdaja revije predstavlja posebno nadaljevanje prejšnje (2015, 17/1) in vsebuje deset prispevkov, ki se osredotočajo na spravo v zvezi z vojnimi zločini, okoljsko kriminaliteto, reproduktivno izbiro, gospodarsko kriminaliteto, mladoletniško kriminaliteto, nasilje v družini, kibernetško kriminaliteto, zasebno varovanje, človekove pravice in pristojnost kazenskih sodišč.

Goran Basic proučuje kompleksno področje sprave v zvezi z vojnimi zločini, pri čemer se osredotoča na vprašanje, ali naj bi bile žrtve edine, ki odpuščajo storilcem vojnih zločinov, ali pa imajo tudi drugi subjekti, na primer institucije, pri tem kakšno vlogo. Analizira pripovedi 27 preživelih iz severozahodnega dela Bosne in Hercegovine in identificira *verbalne označevalce sprave in nespravljivosti*, s katerimi ocenjuje, v kolikšni meri se pojmovanje sprave aktualizira v njihovih pripovedih. Avtor ugotavlja, da sicer prevladuje nespravljivost, kljub temu pa je sprava mogoča, če so izpolnjeni določeni pogoji – pravica za vojne žrtve, identifikacija storilcev in prisotnost sramu ter kesanja pri storilcih.

Avi Brisman in Nigel South analizirata aplikacijo štirih glavnih strategij kriminalne prevencije, ki sta jih razvila Tonry in Farrington, na okoljsko kriminaliteto. Vsako od štirih strategij – izvrševanje zakonov, razvojno prevencijo, skupnostno prevencijo in situacijsko prevencijo – avtorja proučita in aplicirata na preprečevanje okoljske kriminalitete. Poleg tega izpostavita slabo razvitost področja okoljske kriminalitete in predstavita primere posebnih izzivov, povezanih z vlogo vlade pri strategijah preprečevanja kriminalitete v izbranih državah.

Dragan Dakić obravnava področje reproduktivne izbire/pravice. Pojasnjuje, da je na podlagi zagotavljanja pravice do življenja in prepovedi nehumanega ravnanja primarna naloga države zaščititi otroka, ki preživi splav. Trdi, da zahteva po zagotavljanju zdravstvene oskrbe preživelega otroka s strani države izhaja iz pozitivnih dolžnosti države. Slednja je dolžna zagotoviti tudi ustrezne informacije ženskam o časovnih omejitvah, povezanih z reproduktivno izbiro.

Bojan Geršak, Borut Bratina in Andrej Srakar proučujejo gospodarsko kriminaliteto v Sloveniji. Ugotavljajo, da se kazenskopravna teorija ukvarja predvsem z merili, po katerih naj se med protipravnimi dejanji prepoznajo kazniva dejanja, pravo o prekrških pa se praviloma ukvarja z lažjimi oblikami kaznivih ravnanj. V praksi se lahko zgodi, da kako ravnanje ustreza opisu kaznivega dejanja in prekrška hkrati, zato je zelo pomembno, da so zakonski znaki določenega protipravnega dejanja točno določeni in jasno razmejeni. Tako se zagotovi pravna varnost, ki jo vsakomur jamči Ustava RS. Podatke za analizo so avtorji pridobili preko anketiranja zaposlenih na policiji (Oddelek za gospodarsko kriminaliteto), Državnem tožilstvu, Agenciji za trg vrednostnih papirjev, Banki Slovenije in Javni agenciji RS za varstvo konkurence. Ugotovitve kažejo na močno podporo strokovnjakov in laikov za večjo jasnost zakonskih elementov specifičnih protipravnih dejanj in za minimizacijo pravne praznine med gospodarskimi prekrški in gospodarskimi kaznivimi dejanji.

Irena Cajner Mraović, Valentina Asančaić in Dubravko Derk si zastavljajo vprašanje, ali je mladoletniška kriminaliteta na Hrvaškem zares v porastu, ali pa gre zgolj za medijsko zaznavo povečanja. Preko analize uradnih podatkov o kriminaliteti od leta 2000 do 2013 so ugotavljali, ali se je povprečna stopnja skupne, nasilniške in mladoletniške premoženjske kriminalitete v tem obdobju povečala. Ugotovili so, da je število mladoletniških kaznivih dejanj v opazovanem obdobju stabilno, včasih celo upada, pri tem pa lahko zaznamo določena nihanja pri specifičnih oblikah mladoletniške kriminalitete, kot so kazniva dejanja umora in posilstva, pri kaznivih dejanjih ropa in tatvine pa ni zaznati nobenih jasnih trendov.

Nasilje v družini je osrednja tema prispevka **Nataše Mrvić Petrović in Milana Počučić**. Analizirata teoretične, zakonodajne in praktične prednosti in omejitve mediacije pri reševanju zadev s področja nasilja v družini v Srbiji, kjer je mediacija v civilnih postopkih prisotna in je bila med letoma 2001 in 2006 še posebej priljubljena, kasneje pa je uporaba močno padla. Avtorja ugotavljata, da mediacija v kazenskih postopkih ne obstaja in da uveljavljanje "ničelne tolerance" v primerih nasilja v družini ovira uporabo mediacije kot učinkovitega orodja pri obravnavanju nasilja v družini.

Milana Pisarić obravnava kibernetško kriminaliteto. Ugotavlja, da so za preiskovanje kibernetške kriminalitete potrebne posebne spretnosti, za uspešen pregon storilcev pa posebna znanja in elektronski dokazi.

Iztok Rakar in Bojan Tičar analizirata razvoj podeljevanja javnih pooblastil. Zbornici za razvoj slovenskega zasebnega varovanja. Avtorja ugotavljata, da se zelo raznolike upravne naloge z javnim pooblastilom prenašajo na pravne subjekte javnega in zasebnega prava, pri čemer se pojavlja precej praktičnih težav, vključno z dejstvom, da so *ex ante* gledano obrazložitev razlogov za podelitev javnih pooblastil zelo splošne in ne temeljijo na analizah, *ex post* gledano pa se ne izvaja evalvacija podeljenih javnih pooblastil, nadzor nad njihovim izvajanjem pa je pomanjkljiv.

Prispevek **Tomislava Radovića in Žarka Brakovića** obravnava pravno analizo človekovih pravic in sestavo kazenskih sodišč v Srbiji. Avtorja ugotavljata, da je zaradi neodtujljivosti človekovih pravic Srbija v okviru Sporazuma o stabilizaciji in pridruževanju dolžna uskladiti svojo ureditev z zakonodajo Evropske unije. Predvidevata, da bo splošna uskladitev zakonodaje gotovo terjala tudi usklajevanje zakonov in predpisov s področja kazenskega pravosodja.

Tatjana Burgarski se v zadnjem prispevku tokratne številke osredotoča na pristojnosti kazenskih sodišč v Srbiji in njihovo sestavo, še posebej v luči organizirane kriminalitete in mladoletniškega prestopništva. Ugotavlja in na primerih pokaže, da je specializacija sodišč nujna zato, ker so v specifičnih primerih potrebna določena znanja, spretnosti in predvsem izkušnje poklicnih sodnikov in porotnikov, ki sodelujejo v teh postopkih.

Upamo, da se vam prispevki zdijo zanimivi in boste iz njih lahko črpali nove ideje za razširitev področja raziskav v regiji.

Mahesh Nalla, Gorazd Meško in Branko Ažman
Gostujoči uredniki