

CRIMINOLOGY - SECURITY THREATS AND CHALLENGES NOWDAYS^a

Miomira Kostić*, Marina Simović, Darko Obradović

University of Niš, Faculty of Law, Niš, Serbia

**kosticm@prafak.ni.ac.rs*

Abstract

The authors seek to highlight the modernity of studying various issues in criminology and their inter-relatedness to the fields of social sciences and humanities in general, such as sociology, criminology, security, and all deal-related, often opportunistic, "Interlaced" phenomena. Related issues have been studying the relevant safety facts and science that are incorporated in them, not mutually exclusive items related observation, rather than grouping them in one goal - preventing social negative social phenomena. The authors give special attention to the determining of the concept of a political crime, and terrorism. Crime, delinquency - occurs whenever a gain of three quintessential elements of their existence: the victim, the offender and the place of execution. Accordingly, the basis for the philosophy of prevention consists in disrupting or disabling synergies of these three elements. While the idea of crime prevention may be an unattainable ideal, a lot can still be done in an efficient process minimizing the occurrence of crime.

Key words: criminology, security, political crime, terrorism, prevention.

КРИМИНОЛОГИЈА И БЕЗБЕДНОСТИ ИЗАЗОВИ И ПРЕТЊЕ ДАНАС

Апстракт

Аутори желе да истакну модерност проучавања различитих питања криминологије и њихову међусобну повезаност са областима друштвених и хуманистичких наука уопште, попут социологије, криминологије, безбедности и свих повезаних, често опортунистичких, „испреплетених“ појава. Сродна питања су проучавање релевантних чињеница о сигурности и науке које су у њима уграђене, а не посматрање које се међусобно искључују, него њихово групирање у један циљ - спречавање друштвено негативних друштвених појава. Аутори посебну пажњу посвећују одре-

^a The work was realized within the project "Protection of human and minority rights in the European legal area" no. 179046 of the Ministry of Education, Science and Technological Development of the Republic of Serbia.

Ћивању концепта политичког злочина и тероризма. Злочин, делинквенција - догађају се кад год се стекну три битна елемента њиховог постојања: жртва, преступник и место извршења. Према томе, основа филозофије превенције састоји се у прекиду или онемогућавању синергије ова три елемента. Иако би идеја о спречавању криминалитета могла бити недостижан идеал, још увек се може много тога урадити у ефикасном процесу који минимизира појаву криминалитета.

Кључне речи: криминологија, безбедност, политички криминал, тероризам, превенција.

INTRODUCTION

Numerous questions related to the basic tenets of criminology as an independent science, such as subjects, methods, ideological starting points of criminologists in interpreting the empirical results of the research, are at first glance standard topics, and they are the starting points of criminological literature.

From the very beginnings of cogitation about crime and criminals, in a way that was not only criminal, there was, above all, heterogeneity and ambiguity in the concept of crime in general. Experts from various other sciences who first began dealing with criminological issues, such as psychologists, biologists, doctors, anthropologists, and sociologists used the knowledge of their sciences and scientific disciplines as a source for interpreting the various facts that stood out by observing the phenomenon of criminality, or the criminal himself.

Practicing criminology, as well as any other social science or scientific discipline, requires a clear, precise definition of the subject and purpose of the theoretical and empirical research, as well as the application of appropriate methodological procedures in order to successfully explore the subject under study. Various questions in the fields of sociology, criminology, penology, victimology, crime suppression policy, as well as answers to them, are covered by some of the leading ideas of the intellectual tradition in the west, primarily about the nature of scientific knowledge and the ways to reach them. Otherwise, there is a constant need in science for a clear account of the history of the development of human thought, and the associated constant "exuberance" of human research, which makes it extremely difficult to put one's knowledge "first and foremost, as a leader, in intellectual history" (Oldroyd, 1986: pp.1).

The related issues raised in security studies and the science incorporated in them do not exclude related objects of observation but group them together for the sole purpose of preventing socially negative behaviors. That is why it is natural to discuss issues such as political crime and terrorism, as specific types of crime, within the framework of criminal phenomenology. With the exclusive knowledge of these two terms, it is possible to construct adequate measures of prevention, in the context of the criminal-political understanding of crime prevention.

However, in social sciences, such as sociology, criminology, security, dealing with related, often conditioned, "intertwined" phenomena, regardless of the similarity of objects and the use of identical methods in their study, there are other criteria "that justify the formation of special and independent scientific disciplines" (Oldroyd, 1986: p.1). Certainly, this kind of demarcation, as well as the justification for the attributes of autonomy that science bears, can be observed if a clear distinction is made between the epistemological and methodological standpoints related to one science. The epistemological standpoint entails establishing the constitutive principles of the scientific activity, that is, what science seeks to achieve, while the methodological viewpoint relates to how and in what way "the scientist really adapts his behavior to the ideal requirements of the activity in which he participates" (Đurić, 1962: pp. 32). Therefore, the aim of this paper is not to take over, but to integrate the same topics across related disciplines.

POLITICAL CRIME AND TERRORISM

The concept of political criminality represents "the core of understanding criminology and the entire normative system of society" (Schafer, 1974). Nevertheless, it has been relatively neglected in the studies of criminologists, with very little work devoted to historical developments and contemporary examples of political crime. The importance of studying political crime is indubitable for a number of reasons: activities that are defined as criminal activities are only one type of harm covered by the criminal law; Governing policy is involved in deciding what is considered a crime within the framework of political crime, and what is defined as criminal behavior within the framework of political crime may not always be a negative phenomenon. In addition to that, as Paddy Hillyard states, "A political criminal today can be a government minister tomorrow" (McLaughlin and Muncie, 2006: pp. 301).

Political crime is defined in different ways, from a broad definition, according to which all crime in a country is political, to definitions that separate political crime from general (conventional) crime because of the different motivation or ideology of individuals or because of the different context in which this form of criminality manifests¹ (McLaughlin and Muncie, 2006: p. 301). A number of writers emphasize persuasion or motivation as the basic criterion for distinguishing political from conventional crime. Thus, Hagan (1977) defines political crime as criminal activity carried out for ideological purposes and not for private greed or

¹ Overall crime in political terms is a violation of the criminal law, which results from the political process of defending a certain value system. Godwin and De Sade (Jenkins, 1984) considered criminality to be essentially political. Most writers, however, distinguish between political crime and ordinary crime in form, context and motivation.

passion. He gives a list of different types of motivation and examples of individuals who have expressed these motivations: socio-political (Robin Hood), religious (Martin Luther), moral or ethical (anti-abortion activists), scientific (Copernicus or Galileo), political causes (Nathan Hale, Benedict Arnold) (McLaughlin and Muncie, 2006: pp. 300). Political relations in society, political processes and conflicts between individuals and the social system condition the occurrence of criminal activity for ideological reasons - *political criminality*, which includes crime against the internal and external security of the country (treason, espionage, armed insurgency, terrorism, etc.). These are delinquent actions that are socially most extreme because they are opposed to a particular social and political system. The perpetrators of these delicts do not accept the existing social and political system and for certain ideological reasons and political views want to overthrow it.

There are three understandings of political crime in the literature: (Milutinovic, pp. 211) the first understanding is based on objective criteria, and here, political crime implies all offenses that attack the state, its organs and institutions, independence, sovereignty and territorial integrity; the second understanding considers only the subjective factor as the criteria, and those are the motives and intentions of the perpetrator, namely the intention to overthrow the state and its institutions; and the third, based on the critique of the first two understandings, connects objective and subjective elements because such conflicts with the political system can be caused by both reasons. In the modern science of criminal law, both elements are taken into account because it is required that there be both a political object and a political motive. In order to avoid weaknesses in defining the objective and subjective theory, a division into absolute (real or pure) political offenses and relative (non-real) political offenses was made.

Absolute political crimes, in addition to all the objective features of political crimes, also contain a subjective criterion because they are triggered by ideological and political motives (espionage, hostile propaganda, etc.). These offenses attack the state and social order, the external and internal security of the state, that is, the political good, from the political initiatives aimed at changing the social and political system or the state order of the country. Relative political offenses are ordinary, classic offenses aimed at achieving political goals against the state, its organization and security (for example, the assassination of the president of the state, or the government of the state, or the highest representative of a state body) or occur as a means of committing political crimes (shooting hostages, burning and killing during a riot, stealing weapons, shoes, food, etc. to help the enemy) (Arnaudovski, 2007: pp. 298). The division of political crimes is significant from the point of view of extradition because, under international law and the criminal laws

of some countries,² extradition cannot be conducted for purely political crimes.

The political system is the basic and most general concept of politics³ and political science, because it tries to rationalize and unite the parts of a whole at the highest abstraction level (Matić and Podunavac, 1994: pp. 131). In addition to the state, the political system includes political actors: political parties, interest groups, the public opinion, the political elite, forms of democracy, etc. The relationship between the political system and crime has been discussed in the crime literature in different ways. The impact of the political system on crime is analyzed in two ways: one is to link liberal democracy with particular forms of crime, and the other is to look at the impact of state activity on people's behavior.

When examining the relationship between liberal democracy and particular forms of crime, two observations were made (Gassen, pp. 344): (1) studying the structure of delinquency in the liberal democratic political system reveals that there are certain transgressions whose nature is related to their political structure, such as election fraud; corruption of political leaders, union heads, head of the police, especially in the US and Canada; racketeering; subduction; revolutionary and subversive political criminality; (2) the quantitative level has a higher rate of delinquency in countries with liberal democracy than in other countries.

Within certain political systems, movements and ideas can be suppressed, if they are considered unacceptable from the standpoint of that political system, even if they are democratic, and if they use non-violent means for their realization. The repressive mechanism of persecution of the bearers of these movements and ideas leads to open opposition to the existing political system, even in the form of terrorist actions. Gasen refers to these acts as criminalizing protests and citing a range of activities, which are not political acts, but can become so when there is opposition to the organs of order (peasants and truckers who block roads, strikes that impede others from reaching their workplace and holding employers detained) or in cases of attacks on installations and facilities which endanger the eco-system.

² The extradition or extradition of culprits is considered the most important act of international legal assistance. It is carried out for the purpose of conducting criminal proceedings against an extradited person or for the purpose of executing a sentence against him. In the Serbian law, the conditions for extradition are provided for in Art.540 of the Criminal Procedure Code. The ban on extradition for political and military offenses is also envisaged - Art.548 CPC.

³ The term politics (from the Greek word polis-city, state, community, square with citizens engaged in public affairs) originally implied the skill of governing a city or state, the way of life and internal organization of a human community, or simply a general matter for all citizens of politics. (Tadic, 1996). Today, this term means state affairs, issues that are solved by the state, the methods and means by which it is done. (Pestic, p. 241).

The criminal legislation of Serbia has criminalized as criminal offenses against the constitutional order and security of Serbia (Chapter XXVIII) the following: endangering independence, recognizing capitulation or occupation, endangering the territorial unit, attacking the constitutional order, calling for a violent change of the constitutional order, killing the highest representatives of the state union and Member State, armed insurgency, terrorism, sabotage, espionage, revealing state secrets, provoking national, racial and religious hatred and intolerance, violation of territorial sovereignty, association for unconstitutional activities, preparation of the commission of these crimes and grave acts against constitutional and security regulation. Military criminal offenses are criminalized in Chapter XXXV as criminal offenses against the Serbian Army.

In criminology, terrorism (from the Latin word *terror*, horror, fear) is defined as a form of political crime. Terrorist acts are planned in advance, and in order to achieve the full effect of their actions, terrorists must manipulate the community to which the message is addressed by committing an act of terrorism. Intimidation is the highest goal, which is the true purpose of this overtly public criminal activity. Likewise, terrorism can be seen as a form of crime of violence directed against a certain person, except that the act of terror applied in a single act of robbery differs from a terrorist attack precisely in the absence of the objective of causing fear in the public and not only in individual victims. The robbery's actions are not directed at public opinion, but at the benefit it has, without wanting to be seen in the environment in any way. On the contrary, in the act of terrorism, the current victim is of no importance, the pursuit is directed at the general public. And it is precisely in this element that terrorism differs significantly from the perpetration of individual violent crimes.⁴

There are different definitions of terrorism (Gaćinović, 2005, pp. 43-48). No matter the differences, they all contain the same elements: violence, fear, purpose and motive. There are more or less differences in terms of encyclopaedic explanations. Thus, terrorism is defined as an action of violence that is undertaken for political reasons to intimidate and mercilessly break the resistance of the one targeted (Politička enciklopedija, 1985, pp. 105-167). Some authors, such as Lemkin, have identified terrorism as the deliberate use of any means that could create a common danger, or a threat that threatens the interests of more states or their citizens (Lemkin, 1933: pp. 900-901, acc. to: Gaćinović, 2005, pp. 44). This author emphasizes that terrorism in the broadest sense implies an act of intimidation of people by performing violent acts.

⁴ Distinguishing terrorists from other forms of crime reveals the necessary elements that make an act terrorist: inevitable political motivation; violence or threat of violence; focusing on the far-reaching psychological consequences beyond the immediate victim of violence; the leadership of a terrorist organization whose members do not wear uniforms or insignia. (Gaćinović, 2005, p. 51).

Even at the UN level, there is no unified position on the conceptual definition of terrorism, so members agree that terrorism is equivalent to a war crime committed during peacetime (Maguire, Morgan and Reiner, 2007: p. 780). As early as 1937, the League of Nations attempted to codify the definition of terrorism by adopting the Geneva Convention on the Prevention and Punishment of Terrorism. According to the Geneva Convention, terrorism encompasses "all crimes directed against the state and committed with the intent to create a state of terror in the minds of certain persons or groups of persons or with the general public" (Andreu-Guzmán, 2002: p. 185).

Contemporary criminological literature also contains a number of definitions of terrorism. This form of crime is defined as "violence motivated to achieve political goals" (Titus Reid, 2003: pp. 223). Also, terrorism is said to be "a tactic or technique in the sense that the act of violence or threat of violence is used to achieve the basic goal of creating overwhelming fear over the goals of coercion" (Titus Reid, 2003: pp. 223). The American Law Institute drafted the Criminal Code, which defines the threat of terrorism as follows: "a person is guilty of a criminal offense if he threatens to commit any crime of violence for the purpose of terrorizing another person or causing the evacuation of a building, gathering place or means of public transportation, or any other act that causes serious disturbance to the public, or by reckless negligence creates the risk of causing that terror or harassment" (American Law Institute, Model Penal Code, Section 211.3). Titus Reid cites a relevant definition of terrorism by a criminal law professor H. H. A. Cooper, who in 2001 said: "Terrorism is the deliberate creation of mass fears caused by people in order to secure or maintain control over other people. Terrorism is not a fight for the hearts or consciousness of the victims or for their immortal souls. It is a naked struggle for power, who will own it and what it leads to" (Cooper, 2001: p. 881-93, acc. to Titus Reid, pp. 224). Cooper states that such a definition is "necessary as well as illusory" and compares it to pornography, concluding "we know well what it is when we see it" (Cooper, 2001: pp. 881-93, acc. to Titus Reid, pp. 224).

Cooper classifies terrorism into six categories: **civil disorder**, as "a form of collective violence that disrupts others' peace, security, and the normal functioning of the community"; **political terrorism**, as "violent criminal behavior, primarily designed to provoke fear or a real segment of community fear, for political purposes"; **non-political terrorism**, as terrorism not undertaken for political purposes, but which shows "an intentional form of creating and maintaining a high degree of fear for achieving coercive goals, but the goal is individual or collective success before reaching political affairs"; **quasi-terrorism**, "those incidental activities while committing crime of violence that are similar in form and method to true terrorism, but which do not yet contain its essential ingredient." The true aim of a quasi-terrorist is not to "provoke terror at an

instant victim," as in the case of a real terrorist act. A typical example of a quasi-terrorist relates to a fugitive who holds hostages and whose methods are similar to those applied by real terrorists, but whose goals are quite different; **limited political terrorism**, as "acts of terrorism that are committed out of ideological or political motives but which are not part of a concerted campaign to seize control over the state." Limited political terrorism is different from actual terrorism in the previous lack of a revolutionary approach; and, finally, **official or state terrorism**, activities undertaken by "a people whose government is based on fear and oppression that reaches terrorist scales" (National Advisory Committee, Disorders and Terrorism, pp. 3-7).

Terrorism can be manifested as an act, a process, or a threat, or both acts together. The Task Force on Disorders and Terrorism in the United States has identified several characteristics that distinguish modern terrorism from classic terrorism in its original form. Namely, among the first features there is an increased possibility of harming someone today in comparison to past times, due to the over-development of technology, which inevitably brings with it technological vulnerability. This development, which includes advances in international traffic and the mass media, has increased the "contracting power" of modern terrorists (National Advisory Committee, Disorders and Terrorism, pp. 3-7). Television broadcasts terrorist activities around the world, giving the modern terrorist greater power than the classic terrorist. And lastly, the modern terrorist believes that through violence he can maintain or promote hope for his goals. By reporting terrorist activities, the media simultaneously propagate their ideas, although this is not the primary purpose of the news. On the other hand, unilaterally declaring some actions important because of their "liberation character" is affecting the growing vulnerability of the global community "which, by controlling global electronic intersections, gives green light" to such information (Jevtović, 2006: pp. 48).

Otherwise, some analysts consider terrorism a form of communication. Professor Pavao Novosel, in his commentary on the terrorist attack on the US, writes that this act was, above all, communication, shouting, crying of those who were disenfranchised and who thought they did not get what they deserved. "What is too close to a man, in which he is constantly, less or less visible. This is the so-called drive blindness, you are constantly in the drive and you do not know what is going on, what are the relationships, how others feel and similar. The same is the case with communication. The more they communicate, the less they see the effects of their communication. Only when an accident occurs, when they communicate poorly, when they move away instead of converging, can one

see that something is wrong with the communication. Then they make the process aware and try to find a way to correct it"⁵ (Novosel, 2001).

In addition to that, the Internet is available as a new global medium. Terrorist communication over the Internet can be open or using cryptography. Terrorists advertise their activities to gain sympathizers and members, as well as with the view of a number of other goals, such as: planning and coordination, fundraising, publicity, psychological warfare, money laundering, etc. (Kešetović, 2008: pp. 38-39). In 1998, less than half of organizations that were designated as terrorists in the US had their websites on the Internet, and by the end of 1999, almost all. Nowadays, all active terrorist organizations have at least one form of internet presence. By 2007, over 5,000 terrorist websites, online forums or chat rooms were exposed (Kešetović, 2008: pp. 38-39).

Titus Reid distinguishes the subject, strategy, and behavior of terrorists. The primary object of a terrorist act is to create violence or to instil fear of violence, all in favor of success. Or more precisely, they seek to destroy the trust that citizens have in the state.

Terrorist groups can be divided into: xenofighters fighting for aliens or homofighters fighting for their own people. Often, xenofighters seek to remove foreign power or change political boundaries relative to foreign power. Their goals are: attracting international attention; harming the target country's relations with other nations; causing uncertainty and damaging the economy and public order in the target country; developing a sense of distrust and aversion towards the government among the residents of the target country; causing real harm to civilians, security forces and state property (Merari, 1978, pp. 332-47, acc. to Titus Reid, pp. 226). In contrast, homofighters must win the support of their countrymen in their efforts to discredit their own government. Therefore, they must adopt the political views that do not alienate them from the population. An example is the behavior of Robin Hood, by which terrorists use an acceptable goal to justify their unacceptable actions. Homofighters use some of the following strategies: undermining internal security, public order and the economy in order to create distrust in the government's ability to maintain control; gaining general sympathy and support for positive action; creation of a repulsive attitude in the people in relation to extremely repressive counter-

⁵ Explaining further the significance of the terrorist act on America's future, the author concludes: "It is the strongest message that can ever be sent. The act of terrorism in the US is a cry for consumer civilization. After that, the US is no longer psychologically what it was. There was a sudden transition without people even knowing that it had happened. Suddenly, Americans are no longer safe in their own nest, in their own space. Their civilization, which arose from the extermination of the natives and the imposition of their culture, was shaken. That's one aspect. Another aspect is the pioneering importance of that civilization, from which American individualism grew. Until now, that individualism has been constantly winning, and now this civilization is threatened from within, from within" (Novosel, 2001).

terrorist measures; inflicting harm on the party's vested interests; damage to the internal position of the existing regime; causing physical harm and harassment of the persons and institutions representing the governing regime (Merari, 1978, pp. 332-47, acc. to Titus Reid, pp. 226).

Terrorism is often linked to organized crime. These two criminological phenomena have their similarities. The following can be cited as the common elements of both phenomena: the existence of an organization (an organized group of people who have been brought together to commit crimes with a view to achieve an appropriate goal); unlawfulness of activities carried out by an organized group; conspiracy, that is, the secrecy of functioning of an organized group; the use of violence to pursue the interests of an organized group; intimidation of the environment in order to pursue the interests of the organized group; endangering and harming values such as: life, health, moral integrity, property, public and state security. The basic difference between terrorism and organized crime is reflected in the psychological element, that is, the motive. The main motive for terrorist activity is to pursue a political, social, national, ideological or religious goal, while in organized crime, the main motive of the actors is unlawful enrichment (Šuput, 2006: pp. 67). At the same time, political ambitions for organized crime actors are emerging now, as well as the "exchange of goods" in the interest of linking terrorist organizations and organized crime (Ćosić, 2008: pp. 22-23).

CC of the Republic of Serbia, in ch. XXVIII, "Criminal offenses against the constitutional order and security of RS" stipulates in Art. 312 "Terrorism." The domestic legislator, when incriminating terrorism, takes into account the following common elements in all the definitions of terrorism: "Who, in order to endanger the constitutional system or security of Serbia, causes an explosion or fire or undertakes any other dangerous act or abducts a person or other act of violence or threatens to take any acts of general danger or by the use of nuclear, chemical, bacteriological or other general means of danger, thereby causing fear or insecurity for citizens, shall be punished by imprisonment for a term between three and fifteen years." In this way, Serbia has partially implemented certain elements of the "anti-terrorism resolutions" of the Security Council related to criminal law. Also, Serbia has accepted the official list of terrorists and terrorist organizations of the European Union. The list adopted by the EU Council on March 20, 2006 contains 45 people and a number of terrorist groups and organizations from all continents except Australia (Mičić, 2006: pp. 1023), and has adopted or ratified a number of other instruments of importance in the international integration of states in the fight against terrorism.⁶

⁶ For example: Strategy of Interest Border Management in the Republic of Serbia, Official Gazette of the Republic of Serbia no. 11/2006; Decision on the Criteria for Issuing Licenses for the Export of Arms, Military Equipment and Dual-Use Items "Official Gazette of Serbia and Montenegro" no. 11/2005; Law on Confirmation of Defeat of the

CONCLUSION

Crime and delinquency always occur when three essential elements of their existence are acquired: the victim, the perpetrator and the place of the act. Accordingly, the basis of the philosophy of prevention is to interfere with, or to prevent, the co-existence of these three elements. While the idea of total crime prevention is an unattainable ideal, much can still be done in the process of effectively minimizing the occurrence of crime.

The emergence and development of crime prevention are some of the important features of criminal justice systems in modern countries of the world and often reflect the global "transfer" of prevention practices and ideas, as they are embedded in different jurisdictions and within the jurisdiction of each country. This is always clearly shaped by the various local and cultural traditions, as well as by the social-legalistic context of the issues it regulates. The adoption of preventive strategies and technologies, in the broadest sense, is conditioned by their alignment with political aspirations, on the one hand, and their harmony with the values of culture, on the other.

The issues of crime prevention need to be considered in relation to the past, as well as the contemporary rise in the level of the preventative mentality in people, in a clear historical context (Kostić, pp. 89-110). Next, it is important to look at the notions of crime, law and security, because these three concepts are the key to developing crime prevention and security in the community. This shift towards prevention, together with the discussions that take place there, the different practices and technological procedures used in prevention, is not set as a premise on the basis of a theoretically coherent framework, but on a number of assumptions, which are often not in agreement with one another.

Technological change has played a crucial role in crime prevention. Yet, as usual at first glance, all technological procedures and strategies in crime prevention imbue powerful demands on human effort and opportunities for prevention. Crime prevention is not only a freely valued "tool bag" that has emerged from practice, it is deeply embedded in the conceptual starting points and creates challenges pertaining to various ethical and social issues.

Federal Government of the Federal Republic of Yugoslavia and the Government of the Republic of Slovenia on Cooperation in the Fight against Organized Crime, Trafficking in Illicit Drugs and Psychotropic Substances, Terrorism and Other Serious Crimes, Official Gazette of the Federal Republic of Yugoslavia - International Treaties no. 4/2001; Declaration on the importance of joint action in the fight against organized crime and terrorism, "Joint action of the countries of the region in the fight against organized crime and terrorism", source: Press Office of the Government of the Republic of Serbia, 16.10.2006; Law Confirming the International Convention for the Suppression of Terrorist Attacks by Bombs, "Official Gazette of the Federal Republic of Yugoslavia - International Treaties" no. 12/2002

In the criminology literature, all of these efforts are often interpreted as the consequence of the famous "Martin Works" (Martinson, R., Lipton, D., Wilks, J., 1974) platitude "nothing works". These criminologists, using a meta-analysis procedure, performed a complete evaluation of the criminal rehabilitation program that was implemented in the period 1945-1967 in Europe. They concluded that "with a few isolated exceptions, the reported rehabilitation efforts did not have a noticeable impact on recidivism."⁷ The results of that assessment convinced them that "nothing" had any particular success and that no program seemed better than the other.

Therefore, in later criminology, it was precisely under the influence of such a pessimistic conclusion that the question of "what succeeds" was raised, with the aim of changing the professional ideology in 21st century criminology.

Until the late 1960s, criminologists believed that scientific research into the causes of crime would create the basis of individualization of treatment that would reduce recidivism among offenders. Later, by the mid-1970s, this attitude failed and was replaced by a professional ideology that "nothing succeeds" in correctional treatment of perpetrators, under Martinson's influence, that the causes of crime are structural and that crime can only be prevented under the influence of social justice. This professional ideology has one "unfortunate consequence" of legitimizing "destructive knowledge" (which shows what fails but applies) as the core of an intellectual criminological project, and rendering it the part of a weakened effort of "constructive knowledge" (which shows what succeeds and does not apply). The "what works" movement within the correctional treatment, however, requires an alternative professional ideology, which, again, introduces the use of science into the process of addressing crime-related issues. This vision will advance criminology as a science and contribute more than a "nothing fails" attitude to the well-being of both the perpetrators and the public order in crime prevention.⁸

A further shift in contemporary crime prevention has taken place under the influence of Wilson (J. Wilson, 1975) and his work *Thinking About Crime*. The idea of fixing criminals through social programs was the revival of the classic thoughts of the intimidation of perpetrators combined with the pursuit of mechanisms of informal control and new pragmatic realism. Wilson advocated an approach in which criminology has a much closer connection with public policy goals, an approach that should be achievable. In his view, by then, there was an over-occupation with issues of broad social and structural causation. Criminological theories, which explain the causes of crime by the action of social factors, have remained, according to this author, unconfirmed or impractical. Prevention policy

⁷ „Nothing works“, http://sociologyindex.com/nothing_works.htm, accessed: 8.9.2010.

⁸ *Ibidem*.

should focus on what can be changed or what can be manipulated. The new logic was to seek intervention that could diminish the source of criminal opportunities and improve the likelihood of detecting and apprehending criminals. Motivational issues, as well as those of a social, structural or psychological nature, should be suppressed in the background of action.⁹

According to Ekblom (Ekblom, 2000) these are the "ultimate factors". In the "new criminology of everyday life" (Garland, 1996), in the precursor of preventative mentality, the proximal (closest) factors need to be aligned more prominently. This assumption assumes that in criminology a shift must be made from the perpetrator as an object of knowledge, to the crime, its situational and spatial characteristics, and at the same time to the place and role of the victim in the crime (The Oxford Handbook of Criminology, pp. 870).

Today, there are definitions of crime prevention on the Network that call it "an attempt to reduce victimization, prevent crime and intimidate criminals." This definition refers solely to the efforts made by the state to reduce crime, to the application of the law, and in particular to the criminal justice system. A broader definition is that "crime prevention is any initiative or policy that reduces or eliminates the overall level of victimization or the risk of individual criminal behavior". The term so defined includes programs undertaken by the state and the local community to reduce the risk factors that correlate with criminal behavior and the level of victimization, as well as efforts to change the notion of crime.

This approach to crime prevention stems directly from the work of various international organizations. Thus, in 2004, the World Health Organization adopted the World Health Organization Guide (2004), which complements the World Report on Violence and Health (2002) and the World Health Assembly Resolution of 2003. 2003 (2003 World Health Assembly Resolution 56-24), which recommends that States implement the following nine recommendations: create, implement, and monitor national action plans for the prevention of violence; increase the space for collecting data on violence; define priorities, such as: causes, consequences and evaluation of violence prevention and support research on it; promote primary prevention efforts; strengthen response to victims of violence; integrate prevention of violence into social and educational policies and thereby promote gender and social equality; increase cooperation and exchange of information on violence prevention; promote and monitor the implementation of international treaties, laws and other mechanisms for the protection of human rights; seek applicable, concerted responses to the global drug and arms trade.¹⁰

⁹ J. Wilson, *Thinking About Crime*, <http://www.freeservants.us/thinkcrime.html>, accessed: 9.9.2010.

¹⁰ *Ibidem*.

REFERENCES

- Andreau-Guzmán, F. (Ed.), (2002). *Terrorism and Human Rights*, International Commission of Jurists.
- Arnaudovski, LJ. (2007). *Kriminologija*, [Criminology]. Štip: Skopje.
- Cooper, H.H.A. (2001). Terrorism: The problem of Definition Revisited. *American Behavioral Scientist* 44, 881-893.
- Deklaracija o značaju zajedničkog delovanja u suprotstavljanju organizovanom kriminalu i terorizmu, (2006). *Zajedničko delovanje zemalja regiona u borbi protiv organizovanog kriminala i terorizma*. Press Service of the Government of the Republic of Serbia.
- Đurić, M. (1962). *Problemi sociološkog metoda*, [The Problems of Sociological Method]. Belgrade: Savremena škola.
- Gaćinović, R. (2005). Definisane savremenog terorizma. [Defining contemporary terrorism]. *Nauka, bezbednost, policija*, Beograd, 2, 41–54.
- Gidens, E. (2005). *Sociologija*, [Sociology]. Belgrade: Faculty of Economics.
- Horvatić, Ž. (1981). *Elementarna kriminologija*. [Elementary Criminology]. Zagreb: „Liburnija” – Rijeka, „Školska knjiga”.
- Wilson, J. *Thinking About Crime*, Retrieved on September 9, 2010 from the World Wide Web: <http://www.freeservants.us/thinkcrime.html>.
- Jevtović, Z. (2006). Terorizam i medijski rat. [Terrorism and media war]. *Nauka, bezbednost, policija*, 3, 3–16.
- Kešetović, Ž. (2008). Internet kao oruđe terorista. [The Internet as a tool of terrorists]. *Revija za bezbednost*, 4, 37–41.
- Kostić, M. (2010) Prevencija kriminaliteta – pojam i istorijski razvoj. [Crime Prevention: Concept and Historical Development]. *Zbornik radova Pravnog fakulteta u Nišu*, Nis, Faculty of Law, 55, 89–110.
- Lemkin, R. (1933). Faut il un nouveau delit de droit gens nomme terrorisme. *Revue de droit penal et criminologie*, 13.
- Maguire, M., Morgan, R., Reiner, R. (eds.), (2007). *The Oxford Handbook of Criminology*, Oxford University Press.
- Matić, M. Podunavac, M. (1994). *Politički sistem*. [Political system]. Beograd: Institut za političke studije.
- McLaughlin, E. and Muncie, J. (2006). *The Sage Dictionary of Criminology, Second Edition*, London: Sage Publication.
- Merari, A. (1978). A Classification of Terrorist Groups. *Terrorism*, 2, 331-346.
- Mićić, P. (2006). Samoubilački terorizam, [Suicide terrorism] Prikazi. *Bezbednost* 6, Retrieved on September 12, 2008 from the World Wide Web: prezentacije. mup.sr.gov.yu/upravazaobrazovanje/casopis/6-06/BEZ12.pdf.
- Novosel, P. (2001). Terorizam je najjača poruka koja se može poslati. [Terrorism is the strongest message that can be sent]. *Vjesnik* 5. april 2001. Elektronsko izdanje. Retrieved on September 10, 2008. Vjesnik on line from the World Wide Web <http://www.vjesnik.com/html/2001/10/05/Clanak.asp?r=tem&c=1>
- „Nothing works“, Retrieved on September 8, 2010. from the World Wide Web http://sociologyindex.com/nothing_works.htm.
- Odluka o kriterijumima za izdavanje dozvola za izvoz naoružanja, vojne opreme i roba dvostruke namene*. „Službeni glasnik SCG”, 11/2005.
- Oldroyd, D. (1986). *The Arch of Knowledge*. Retrieved on October 17, 2011, from the World Wide Web <http://books.google.com/books?>
- Politička enciklopedija*. [Political Encyclopedia] (1985). Beograd: Savremena administracija.

- Preventing Crime: What Works, What Doesn't, What's Promising*, A Report to the United States Congress, Retrieved on September 10, 2010, from the World Wide Web <http://www.ncjrs.gov/works/wholedoc.htm>.
- Schafer, S. (1974). *The Political Criminal: The Problems of Morality and Crime*. New York: The Free Press.
- Strategija interesnog upravljanja granicom u Republici Srbiji*, „Službeni glasnik RS”, 11/2006.
- Šuput, D. (2005). Odnos terorizma i organizovanog kriminala. [Relation between terrorism and organized crime]. *Nauka, bezbednost, policija*, Beograd, 1, 55–80.
- Tadić, Lj. (1996). *Nauka o politici*. [The science of politics] Beograd: BIGZ.
- Titus Reid, S., (2003). *Crime and Criminology*. New York: McGraw-Hill.
- Zakon o potvrđivanju Međunarodne konvencije o sprečavanju terorističkih napada bombama, „Službeni list SRJ – Međunarodni ugovori”, 12/2002.
- Zakon o potvrđivanju sporazuma Savezne vlade Savezne Republike Jugoslavije i Vlade Republike Slovenije o saradnji u borbi protiv organizovanog kriminala, trgovine nezakonitim drogama i psihotropnim supstancama, terorizma i drugih težih krivičnih dela*, „Službeni list SRJ – Međunarodni ugovori”, 4/2001;
- Zakonik o krivičnom postupku, „Službeni glasnik RS”, 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014 i 35/2019.

КРИМИНОЛОГИЈА И БЕЗБЕДНОСТИ ИЗАЗОВИ И ПРЕТЊЕ ДАНАС

Миомира Костић, Марина Симовић, Дарко Обрадовић
Универзитет у Нишу, Правни факултет у Нишу, Ниш, Србија

Резиме

Бављење криминологијом, као и било којом другом друштвеном науком или научном дисциплином, подразумева јасно, прецизно одређење предмета и циља теоријског и емпиријског истраживања, као и примену одговарајућих методолошких поступака ради долажења до сазнања предмета који се проучава. Сродна питања која се изучавају у безбедносним студијама и наука које се инкорпорирају у њих не искључују међусобно сродне предмете посматрања, него их групишу, у једном циљу – превенцији друштвено негтивних понашања. Зато је природно расправљати криминолошки о питањима као што су политички криминалитет и тероризам, као посебним типовима криминалитета, у оквиру криминалне феноменологије. Искључивим познавањем ове две појаве могуће је изградити одговарајуће мере превенције, у оквиру криминално-политичког поимања спречавања злочина. Концепт политичког криминалитета је релативно занемарен у изучавањима криминолога, веома мало радова посвећено је историјском развоју и савременим примерима политичког криминалитета. Издвајају се три схватања о политичком криминалитету: прво схватање полази од објективних критеријума и под политичким криминалитетом подразумева све преступе којима се напада држава, њени органи и институције, независност, суверенитет, територијални интегритет; друго схватање једини критеријум сагледава у субјективном фактору, мотивима и намерама извршиоца кривичног дела, а то је рушење државе и њених институција и треће, настало на основу критике прва два схватања, повезује објективне и субјективне елементе јер конфликти са политичким системом могу бити изазвани и једним и

другим разлозима. У савременој науци кривичног права узимају се у обзир оба елемента јер се тражи да постоји и политички објект и политички мотив. Да би се избегле слабости у дефинисању објективне и субјективне теорије, учињена је подела на апсолутна (права или чиста) политичка кривична дела и релативна (неправа) политичка кривична дела. У криминологији се тероризам одређује као облик испољавања политичког криминалитета. Уливање страха је највиши, промишљени циљ, који је права сврха активности пред јавношћу. Исто тако, тероризам се може посматрати и као облик криминалитета насиља упереног против одређене личности, с тим што се акт терора примењен у појединачном чину вршења разбојништва, на пример, разликује од терористичког напада управо у недостатку циља изазивања страха код јавности, а не само код појединачне жртве. У енциклопедијским објашњењима тероризма постоје веће или мање разлике. Тако, на пример, тероризам се одређује као акција насиља која се предузима из политичких разлога ради застрашивања и беспоштедног сламања отпора онога коме је упућена.

Криминалитет, злочин, делинквенција – јављају се увек када се стекну три суштествена елемента њиховог постојања: жртва, учинилац и место извршења. У складу са тим, основ филозофије превенције састоји се у ометању, односно онемогућавању, постојања садејства ова три елемента. Док је идеја потпуне превенције криминалитета недостижни идеал, много тога, ипак, може бити учињено у процесу ефикасног минимизирања појаве криминалитета.

Питања превенције криминалитета неопходно је сагледати у односу на прошли, као и савремени, пораст нивоа превентивног менталитета код људи, у једном јасном историјском контексту. Затим, битно је сагледати и схватања злочина, реда и безбедности, с тим што ова три појма чине кључ развоја превенције злочина и сигурности у друштвеној заједници. Тај заокрет ка превенцији, заједно са расправама које се о томе воде, различитом праксом и технолошким поступцима који се примењују у превенцији, није постављен као премиса на основу теоријског кохерентног оквира, већ је заснован на бројним претпоставкама, које често нису сагласне једна другој.