

*College of Police and Security Studies
Affiliated Member to the University of Ljubljana*

*Institute of Criminology
at the Faculty of Law
University of Ljubljana*

Slovenian Society of Criminal Law and Criminology

Challenges of Slovenian Criminology

A book of conference abstracts



**Edited by
Gorazd Meško, Bojan Dobovšek, Matjaž Jager and Dragan Petrovec**

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»Challenges of Slovenian Criminology«

Editors

Gorazd Meško, Bojan Dobovšek, Matjaž Jager and Dragan Petrovec

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Foreword

A conference “Challenges of Slovenian Criminology” is the result of a good co-operation among the College of Police and Security Studies, the Institute of Criminology at the Faculty of Law, University of Ljubljana and the Slovenian Society of Criminal Law and Criminology. The conference has been the first national criminological conference since 1991 when Slovenia became an independent country.

The programme and organising committee members have put great efforts in organising this prestigious event. We hope that we have succeeded in our efforts to organise a participant friendly conference with a plenty of possibilities to gain and exchange new knowledge. The selected papers are “the state of art” of Slovenian criminology, despite the fact that some significant Slovenian criminological projects are not presented at the conference. In addition, we have included several papers written by foreign colleagues, especially from Croatia and Bosnia and Herzegovina.

I wish you all a good presentation of your papers, an active co-operation, an exchange of ideas and a fruitful debate on all criminological topics.

I would like to thank all programme and organisation committee for their support. Thanks also go to the Ministry of the Interior – a sponsor general of the conference.

I am also very grateful to Mr. Mitja Klavora, PETROL, for his support to the conference.

Dr. Gorazd Meško

Chair of the conference

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Plenaries

THE INFLUENCE OF CRIMINOLOGICAL RESEARCH ON CRIME POLICY

Alenka Šelih

An important part of research in general is aimed at influencing the phenomena of its analysis. This holds especially true of applied research. By doing this, the research activity takes over a very important role since it indirectly takes some responsibility for development of the researched area in everyday life. This holds particularly true of the research of crime and of crime policy based upon its results.

This contribution tries to present some criminological research projects carried out in Slovenia as well as their possible influence on work of particular institutions dealing with problems of crime. It will be limited to the research projects implemented by the Institute of Criminology as a research unit which has been and still is mostly working in the field of these problems. Positive as well as negative experiences will be presented; projects which achieved no echo in the work of agencies dealing with the problems of crime will be included as well.

HUMAN RIGHTS AND TRENDS IN MODERN CRIME POLICY

Ljubo Bavcon

The time after The Second World War has been inspired by great ideas on human rights and on democratic and liberal crime policy, which by its definition is non-repressive and which emphasises crime prevention and rehabilitation of perpetrators as its main goal. Such an attitude towards human rights or towards for example the death penalty has been seen as a symbol of Western values of human liberty, pluralism, democracy and the rule of law. But this attitude did not prevail for a long period of time. By the end of the nineteen seventies and especially in the nineteen eighties claims for “law and order” were brought forward by conservative political forces then coming to power (e.g. US President Reagan, and the British Prime Minister, Margaret Thatcher). Thus, the State response to crime has become increasingly repressive and retributive, especially after the fall of The Berlin Wall. New forms of crime have given rise to a new orientation in criminal justice that strives for efficiency. The terrorist attacks on the 11th of September 2001 in America have further reinforced such an orientation. The United States has shamelessly used means and methods that had been used in fights against different “enemies” by totalitarian regimes of the last century. These means and methods include the establishment of specialised courts, courts of summary jurisdiction and martial courts, all sorts of security agencies with unlimited powers and the use of other methods from the once so vigorously criticised armoury of repressive and non-democratic regimes.

It is clear that the claims for efficiency overwhelmed the whole body of human rights and basic principles of criminal law that had built up after the WWII. But it is often forgotten that breaches of values of the so-called democratic State and the rule of law have been among main reasons for the sudden collapse of the Eastern European socialism.

Therefore we are confronted with the question of how to deal with challenges brought about on the one hand by crime and its social representation and, on the other, with challenges posed by trends, tendencies and requirements of international and regional organizations, especially the European Union and the Council of Europe. Should Slovenia blindly and obediently follow the “declarations of war” against crime affecting the European Union (e.g. crimes against financial interests of the EU) and against crime in the

European Union, thereby joining all negations of human rights and basic principles of common and international humanitarian and criminal law already taking place or threatening to come about in the name of the efficient fight against terrorism?

YOUTH AND VIOLENCE

Bojan Dekleva

In the beginning of the presentation the Slovenian research on the topic of »youth and violence« will be reviewed and analysed. In the second part the results of a research project, carried out in 1999-2000 by the Institute of Criminology, and dealing with youth as victims and perpetrators of violence, are presented. The presentation focuses on comparisons between the youth of Slovenian and other nationalities. Many different research approaches have been used in this research: analysis of official police data, representative survey of 1.934 15-year old Ljubljana students (this is a part of an international comparative research led by the Criminological Institute of Hanover), qualitative analysis of interviews with 32 school pupils, qualitative analysis of interviews with 30 professionals from schools and local social welfare centres, case studies, analysis of youngsters' drawings and analysis of conclusions of three workshops with professionals. The project estimates the level of young second generation immigrants inclusion/exclusion, analyses their participation in officially known and unknown deviance and crime, and tries to find relationships between violence and personality and family characteristics of its perpetrators. The ending conclusion of the research project is that the topic of second generation immigrants seems to be one of the »silent« topics, which has not yet been discovered by different professions in Slovenia.

HEROIN MAPS OF SLOVENIA

Vito Flaker

Cartography of heroin use based on the qualitative analysis triangulated with quantitative indexes enabled us to construct some 'sketches maps' that will make possible a description of various aspects of drug use in Slovenia. It is possible to describe various drug use styles (casual, regular, recreational, addicted and junkisation), career developments and significant events in the careers (beginnings, withdrawal, getting hooked, deciding on abstinence), different subcultures as well as different ways of reasoning and attitude articulation towards heroin (passionate, ordinary). At the same time we can analyse trends, moments (crises, life events), vectors and gradients of various factors (unemployment, housing deprivation, family structures) on heroin use as a cultural (drugs as a way of life and aesthetics of everyday life) and as a social phenomenon (destructive career outcomes of some users). Similarly, we can analyse harmful consequences of drug use and harm reduction interventions. We can use a double perspective: birds-eye view (macro) and frogs-eye view (micro), combination giving us a better understanding and above all grounds and arguments for more precise and well-thought out interventions. Heroin use is a diffuse phenomenon that yields observation for different perspectives in order to avoid agitprop simplifications and reductions, which will prevent us from acting rationally, purposely and with pragmatism.

THE DEVELOPMENT OF (SLOVENIAN) CRITICAL CRIMINOLOGY BEYOND MODERNITY

Zoran Kanduč

It is quite obvious that both the actual time and the social space (we are living in) are characterized by various ongoing »deep transitions«. In this regard, the following question has to be posed: how critical criminology could be developed in the context of dramatic social transformations and cultural changes. The answer, to be presented in our contribution, starts from a hypothesis that one of the possible foundations (of particular importance for critical criminology) consists of: (a) the (eminently modern) concept of »subject«, i.e. individual and collective actor who autonomously determine his/her activities; (b) the emerging »post-modern« values, such as free time (i.e. time that is liberated from economic constraints or heteronomous work), tolerance, self-expression, equality, cooperation, solidarity, security, participation and healthful environment). Such a normative approach has many important implications. On the one hand, it (re)directs our theoretical attention first of all toward those – personal, institutional and structural – victimizations that endamage/endanger as individual's capability (and objective conditions) for self-determination (that is to say self-creation as a subject). Among the various victimizations of this kind there are, of course, many traditional/conventional crimes, but these punishable acts remain – in statistical terms at least – somewhat marginal, in particular if compared with the violence of economic, political and cultural structures victimizing the most vital human »goods« (being *sine qua non* for self-defined personal life). On the other hand, it is clear that all (classical and positivistic) modern criminological theories and concepts have to be reviewed in the light of changed cultural climate. That is also the task of »postmodern« critical criminology.

DIFFERENTIATION BETWEEN DELINQUENT BEHAVIOUR, DEFINED BY CRIMINAL LAW, AND DISSOCIAL DELINQUENT BEHAVIOUR.

Miloš Frančiček Kobal

Public opinion is usually quick to ascribe mental abnormality to unusual and dangerous delinquent individuals. In the past years we tried to delineate the border between the ordinary delinquent behaviour and other sorts, in which more psychopathology will be imputed. That is in the first order the dissocial (antisocial) delinquent behaviour (classification ICD 10, DSM IV). The criminal activity with reason and goals is attributed to the norms of criminal law: it is defined as motivated delinquent behaviour. Under the developmental and actual pressures the human behaviour will be changed. Instead of stress we used the term of frustration, regardless the different meanings of the term in the variety of anthropological skills. In our researches the frustration was defined as the behaviour under the unsupportable pressures and before the unsurmountable barrier. The behaviour is not more directed toward the (delinquent) goal, but only to get rid of inner tension. Radical desintegrative behaviour is rather rare. The organism/personality is reinforced to reintegrate, even in the delinquent way. It could be nearly complete (delinquency becomes rational: »secondary motivation«). The concrete person will be reintegrated in the criminal sort of life, in the conformity with the delinquent subculture. The dissocial (antisocial) behaviour on the contrary will be formed in accordance with unconscious and

unresolved feelings of guilt, manifested in the overt behaviour as negative self-proving (leading from the simplest to the heaviest forms of delinquency) and simultaneously or successively with the self punishment.

CONTROVERSIAL ETHIC ISSUES IN FORENSIC PSYCHIATRY

Slobodan Loga

All around the world, forensic psychiatry is striving to achieve high standards in application of ethical principles. However, attitudes towards the practical application of certain ethical principles are different in different environments. That is why we can talk about controversial ethical issues in forensic psychiatry. Controversial questions are coming up more from different legislative regulation than different attitudes regarding certain aspects of forensic practice. In every country forensic psychiatrists are experts working in two fields of knowledge: medicine and law. This involves the professionals in different system of values, procedures and terminology. It also leads those who practice forensic psychiatrist into potential conflicts, misunderstandings, abuse and complications between psychiatry and its ethical principles, and ethical principles and legal justice system.

For example, in the Anglo-Saxon legislative practice, a forensic psychiatrist is obliged to report criminal intentions or acts that his client has committed. While under Criminal Code of Federation Bosnia and Herzegovina (1998) in accordance of the Act 325, point 3, a psychiatrist is not included in those required to report a criminal act for which individual can face a long term in prison.

There is a direct conflict between the age old ethical principle and criminal law that obligates a doctor, for some other principles, deemed equally important, to break that confidentiality.

The non-existence of ethical committees in some countries, which should take care of practice in forensic psychiatry, creates situation where controversial issues are not resolved in everyday work and, no positive impact is made on legislation parties to confront the problems.

RESEARCH IN THE FIELD OF CRIMINAL INVESTIGATION

Darko Maver

Research activity is obligatory for the development of any scientific discipline. This fact is also applicable to develop a theoretical framework and practical science on detection and investigation of crime - criminal investigation. Much less activity was devoted to research on criminal investigation than to criminology and criminal law in the past. The development of criminal investigation science has been much less in Slovenia than in other European countries. A research fellow at the Institute of Criminology in Ljubljana has been trained to conduct research projects on criminal investigation. Several theoretical and applicable projects have been conducted so far. Those projects have not become a substantial basis for the development of criminal investigation as a scientific discipline, mainly due to the lack of interest and co-operation of the police force with researchers.

Recently, several research projects on criminal investigation have been finished at the College of Police and Security Studies in Ljubljana. In addition, quite a large number of publications have been issued on crime investigation at the same institution.

In other European countries, especially in Germany, Russia and some CE countries, several significant research projects on criminal investigation have been conducted lately (tactics of criminal investigation, methods of investigation and criminalistics). Such research projects, if transferred into the police practice, undoubtedly increase the efficiency and efficacy of detection, investigation with respect and the quality of evidence in the criminal procedure.

META-ANALYSIS OF FOUR CRIME RELATED RESEARCH PROJECTS IN LJUBLJANA

Gorazd Meško

The presentation deals with a multisource analysis of crime for the purpose of crime prevention and crime control in the centre of the Slovenian capital. We used GIS, conducted a fear of crime survey, analysed national victim surveys and conducted a survey of police officers' perception of criminals and victims of crime.

(1) We used GIS to establish the distribution of reported criminal offences. Generally speaking, the analysis of crime in the centre of Ljubljana shows up three hot spot areas. A detailed analysis of selected criminal offences shows us a picture of the spatial and temporal distribution. For the purpose of crime prevention and crime control these sites should also be studied in a more qualitative manner. Preliminary findings suggest self-preventative and situational measures such as avoiding such places at a certain time, increased awareness of possible victimization, warnings and the use of surveillance technology. (2) The study of fear of crime conducted in the same area suggests that the majority of respondents follows the idea of stranger danger. Respondents perceive some places as no go areas and connect those places with a high risk of victimization. The results also imply that people who perceive their neighbourhoods as places of hostility suffer more fear. But fear in general is also related to some psychological characteristics of individuals who have not been tested. (3) The crime victim survey shows that the majority of victimizations happen in the town of residence or near the victim's home. Criminal offence report rate is quite low, except for vehicle theft, where victims need a police report to apply for compensation from an insurance company. Willingness of respondents to cooperate in crime prevention endeavours and report criminal activity to the police is quite low. As stated in other studies, only about 20% of citizens are willing to cooperate in such initiatives – and they are mainly people from a 40 plus age group. (4) The police officers' perception of their *clientele* is also very important due to the fact that police officers have an influential input into the criminal justice system. Police officers' perception of a typical suspect is related to biological and social determination, differential association and social pathology, some aspects of anomie and cultural conflict issues. Such findings lead us to a conclusion that police officers are able to, and capable of, focus only on selected social groups and therefore neglect other groups of more »elite criminals«. Police officers therefore reinforce public attention to some social groups and consequently influence measures which are, or should be, taken against them. These findings are also a good starting point for a discussion on police culture and the influence of the police on social construction of crime reality.

ROLE OF YOUTH DELINQUENCY AND RESIDENTIAL INSTITUTIONS IN THE RESEARCH OPUS OF THE INSTITUTE OF CRIMINOLOGY

Vinko Skalar

The Institute of Criminology at the Faculty of Law in Ljubljana which is a scientific and research institution has focused much of its attention in the last 45 years on the close examination of the issue of juvenile delinquency and within this context on the issue of residential care for delinquent youths. The total number of research projects that were carried out in this period of time was 115¹; 35 of these research projects (30.43%) referred to the issue of youth delinquency, out of these 35 research projects, 13 (37.14%) referred to residential institutions. Seven out of 14 researchers who work full-time participated in these projects once or several times. Especially in the research projects pertaining to residential institutions met with great response in Slovenia, in former Yugoslavia and also in the international context. The fact that the issues of juvenile delinquency and of residential institutions attracted so much attention reveals the susceptibility of the Institute's managing staff and of its employees to the criminological issues. There are many reasons for this. Firstly, in the post-war period the research findings related to juvenile delinquency in former Yugoslavia were used as a means of »softening« the attitude towards offenders; for the most part this attitude was rigid and irrational. Thanks to the research findings just mentioned, the treatment orientation gradually developed in Slovenia and in Yugoslavia; this orientation is more innovative, less rigid, more rational and it is more susceptible to alternative solutions. The research findings in the field of residential care helped to initiate the process of transforming the field of practice in our country and they also attracted the attention of the experts in the developed countries due to our innovative approaches to the treatment of juvenile delinquents and to the study of extrafamilial care.

¹ All statistical data quoted here were taken from the survey of research work carried out between 1954 and 1995. That is the reason, why the research projects completed in the period between 1996 and 2000 have not been included in this survey.

ROUND TABLES

ABUSE OF HUMAN RIGHTS IN POLICE PRACTICE
MEDIA PORTRAYAL OF CRIME AND CRIMINALS
THE INCREASING PRISON POPULATION

CITIZENS' COMPLAINTS AND POLICE PRACTICE

Bečir Kečanovič

Being aware of the need for very high standards of protection of human rights in connection with police activities (in particular when using discretion about the use of force) the legislator has arranged a special (alternative) method of complaint in Article 28 of the Police Act (PA). The term "right" in this particular provision has a much wider meaning than the term "protection of human rights and basic freedoms". Filing a complaint under Art. 28 does not preclude any other legal or other remedies that are granted to the petitioner under the Constitution and other Laws, for example criminal law or civil law, the law on ombudsman, the law on the procedure at the Constitutional court and the competence of regular and specialized courts. It is important to stress that active participation of representatives of the police and the public is granted in these procedures, all in order to assess impartially whether the citizen's rights were protected in a certain police proceedings even in cases where that judgement cannot be reached even by the judiciary. Experience shows that this is the reason the complaint under Art. 28 is often used even though the individual could perhaps file charges in court. In states with a democratic tradition this procedure enables the civil society to effectively supervise police activities, which has a positive effect on relations between the public and the police. On the other hand the casuistry of these cases enables the police to systematically develop its normative-ethical standards of "good praxis" in "police investigation". The active participation of the public fosters the interest of the citizens in the development of the democracy (participatory democracy). In sum, these procedures enhance the level of the culture of security in a society and, last but not least, reduce the number of judicial proceedings between the citizens and the police.

HUMAN RIGHTS AND FREEDOMS: PERCEPTION OF SLOVENIAN POLICE

OFFICERS

Branko Lobnikar, Bečir Kečanovič, Miroslav Žaberl, Andrej Lukan, Maja Zupančič and Janez Mekinc

In late 2001 research entitled *The Protection of Human Rights and the Police* was carried out on a sample of 641 Slovenian police officers. The research dealt with the issue of how police officers understand, know and assess various rights and freedoms. The methodology used was the following: the police officers read a description of 14 different cases from everyday police work and then assessed each case using the same series of questions. They assessed, taking into account the specific situation, whether the conduct of the police officer or the police manager in the described situation was right or wrong, whether the situation represented a violation of any individual's rights and freedoms and whether it represented a violation of any regulations governing police work. The results show that police officers are relatively well aware of certain rights, such as the intangibility of human life or the protection of children's rights. On the other hand, a considerable part of the police officers assessed some of the situations as less questionable, although they described transgressions of police powers. Opinions were most divided in the field of the abuse of personal data, where police officers do not have sufficient understanding that the data they encounter in the course of their work is not meant to be used to their benefit. Also, in their operative

work they often like to move the limits of the protection of individual's rights and freedoms to the advantage of the investigation of a criminal offence or the completion of their work. Thus, they do not view the intrusion upon someone's body as a very significant violation, especially if it results in a cleared up criminal offence, and in the investigation of the causes of a suicide they do not consider the protection of privacy of letters as important as the completion of the police procedure. At the same time police officers are relatively well aware of their own rights. The research has shown that on average police officers understand rights and freedoms well, but sometimes tend to restrict them if a personal or professional benefit appears.

MEDIA PORTRAYAL OF CRIME AND CRIMINALS

Gorazd Meško

For many people an issue does not exist until it appears in the news media.

Michael Parenti, *Inventing Reality* (1986:IX; Bailey, Hale, 1998:85)

A round table deals with problems of making myths of crime, creating moral panics and painting a distorted picture of crime in the mass media. The author of these starting points for the discussion reflects upon the following: portrayal of crime and criminals in the mass media, influence of such information on people's perception and readiness of people to get involved in crime prevention initiatives. In addition, myths of crime, myth creators and functions of myths of crime are discussed. Many analyses of the mass media and their relation to crime and criminals have been conducted recently (Kappeler, 1996; Reiner, 1997; Bailey, Hale, 1998). The research results show that the newspapers influence public perception of crime in society due to the fact that the majority of people learn about crime and criminals from the mass media. Sensationalism often contributes to more "picturesque" reporting of an "ordinary" crime and marginalized people who are considered to be guilty for all crucial problems in society. Exaggeration, focusing on specific social groups, presenting victims of street violence as a totally innocent, etc., are some of characteristics of the media portrayal of crime and criminals. The media portrayal of crime and criminals is also related to the kind of the media, market and consumers. On the other hand, the mass media sometimes play a role of a watchdog protecting justice in society instead of the institutions which have been established to deal with crime and social problems.

THE RISE IN THE PRISON POPULATION: WILL THE NUMBERS CONTINUE TO INCREASE IN COMING YEARS AND WHAT PRISON CAPACITIES NEED TO BE PLANNED FOR?

Dušan Valentinčič

The number of people housed in Slovenia's prisons has grown steadily since 1996, almost doubling over the period up to 2001. Today we have more people in prison on average than in the year before Slovenia gained independence. A comparison with other member-states of the Council of Europe shows that in the period 1996-2000 Slovenia had the largest growth in the prison population. But although the number of people in prison per 100,000 inhabitants rose from 31 in 1996 to 57 in 2000, Slovenia is still among the countries with the smallest prison populations. In 2000 only four members of the Council of Europe had a

smaller number of prisoners relative to their population than Slovenia, which indicates that the rise in the number of prisoners in Slovenia is nothing unusual from the European perspective, but there are many reasons for concern here at home.

In the past few years the prison population has outgrown the capacities of our prisons in terms of the prescribed norms. The pressure on space is growing and leading to many problems in managing and controlling the prison population.

What are the decisive factors causing such a rapid rise in the number of prisoners, not just convicted prisoners and remand prisoners but also people committing minor offences? What is the link between the extent of crime and the number of people in prison? Are the penal policy and the remand policy becoming tougher, and how many prisoners should we reckon with in the coming years? What spatial capacities in our prisons should be planned for inmates, remand prisoners and minor offenders? Will new prisons need to be built or can the rise in the number of prisoners be halted? Imposing alternative forms of deprivation of liberty – does the legislation offer sufficient possibilities and how are they put into practice? Is prison overcrowding a fact we will have to contend with in coming years, and if so how do we neutralise the negative consequences it entails?

This is certainly a problem of a systemic nature that concerns the competencies and capacities of the National Prison Administration, requiring a broad expert approach and the appropriate decisions from the highest authorities.

Proposal for some of the participants: – a representative from:

- the National Prison Administration,
- the Ministry of Justice,
- the Institute of Criminology.

Criminological Theory and Research

ON THE ATTITUDE TOWARDS NEW DISCOVERIES IN BIOLOGY AND MEDICINE

Marko Bošnjak

The attitude of the repressive instruments of the society towards new scientific discoveries and towards their technological application has always been marked by ambivalence. On the one hand, these discoveries have been seen as a decline from established patterns of life and have thus produced fear, leading to calls for punitive measures. On the other hand, however, the criminal law has often made use of new scientific discoveries and technologies. The development of modern biology and medicine brings new challenges to the repressive instruments of the society. Shocking discoveries call for border-setting and consequent criminalizations and prosecutions, the question of free will in criminal behaviour may be reexamined, the criminal procedure stands before new possibilities of investigating crime, new horizons have been opened in the field of execution of penalties. Criminal law disciplines can form four basic types of answers to these challenges, that may be labelled as ignoring approach, repressive approach, open approach and precaution approach, whereby the present Slovene approach may be qualified as the ignoring one. The author concludes by outlining the basic features of a suitable attitude towards new discoveries and technologies in modern biology and medicine.

CRIME IN YEARS 1991-2001 - POLICE CRIME STATISTICS

Bogomil Brvar

The police crime statistics have many gaps in contents and methodology. In spite of that it is almost the only source of information, which informs public and political opinion about crime activity in the country. The police have a strong administrative and technical mechanism for influencing the size of crime records. In last 20 years there was a great variation of crime statistics. In the years 1981-1982 (1), 1991-1992 (2) and 1998-2000 (3) the crime statistics greatly increased, but in the years between it decreased. This total variation of crime was mainly the result of the variation of thefts and burglaries and partly of the offences of damage to property, thefts of cars and frauds. The number of other offences, which are often used in the crime index, such as murders, robberies and assaults, didn't increase in the years 1991-2000 with the exception of drug offences, which increased in these last years.

The increase of crime statistics in the years (1), (2) and (3) was administrative. This is the result of more consistent crime records, referring mainly to less serious offences in the 2 year period, that was followed by decreasing the number of offences – the consequence of the gradual dropping of the administrative decisions. The police statistics of offences doesn't show the actual structure and dynamics of crime in the country and doesn't have the real empirical value for criminology.

SOME THOUGHTS ON THE RELATIONSHIP BETWEEN CRIMINOLOGY(-IES) AND CRIMINAL POLICY

Jager Matjaž

The nature of the relationship between criminology(-ies) and criminal policy is primarily the question of the purpose and aim of criminology. This question has been forgotten to a great extent, but despite that it can – by its very nature - never really cease to be truly relevant. Today's one-sided and *de facto* mainstream understanding that criminology is (and ought to be) in a “natural” ancillary relationship to criminal policy is a reflection of this situation.

CRIMINOLOGICAL RESEARCH IN CROATIA DURING THE LAST DECADE

Irma Kovčo and Irena Cajner Mraović

During the last decade there was a great amount of criminological research in Croatia which can be divided in the following two categories.

Research from the National Programme of Scientific Research (reviewed and accepted by Croatian Ministry of Science and Technology):

University of Zagreb Faculty for Special Education, Department of Social Pedagogy carried on a developmental research which focused on the way in which economic situation and social conditions of life influenced crime and official institutional response to crime in Croatia in a twenty year period. The main researcher Mladen Singer, Ph.D. and seventeen researchers in cooperation with graduate, postgraduate and doctoral students and with criminal justice experts, published scores of papers, book chapters and monographs in which they elaborated social or demographic features of offenders, trends in crime and criminal justice policy. The particular stress was on violent crime, property crime, traffic offenses and juvenile delinquency. The given results revealed unemployment as the great source of risk in adults while the main risk factors in juveniles were bad communication in family and peer pressure.

The same institution carried an applied research which focused on evaluation of treatment models of youths with behavioural problems. The main researcher Milko Mejovsek, Ph.D. and 22 researchers published 51 papers in which they revealed results of evaluation of integral methods in the prevention of behavioural problems in preschool and primary school children as well as results of the evaluation of probation and institutional treatment of juvenile and young adult delinquents. The results confirm the need for individual approach in treatment of offenders and the best efficiency of early intervention and prevention programmes.

University of Zagreb Law School, Department of Social Work carried on an applied research in the field of psychological and social aspects of child abuse and neglect. The main researcher Marina Ajdukovic, Ph.D. and four research assistants with the help of students and social welfare experts published 48 papers. The given results proved the integrative explanatory model of abuse. Related attitudes and knowledge of law enforcement, criminal justice, social welfare and public health professionals were also assessed in the course of the research. The research also tried to answer the question of war and displacement as sources of child abuse and neglect. The given results revealed that situation of war weaken social institutions such as police and social welfare and increased aggression among the whole population. Thus researchers are able to offer many practical strategies to overcome such state and solve conflicts on the level of individuals and on the level of local community.

The University of Split Law School carried out a piece of research which focused on traffic delinquency in tourism. The main researcher with ten research assistants published 29 papers in which they revealed the nature and scope of traffic offences committed by tourists on the Croatian coast and suggested some preventive measures.

The Police College in Zagreb has been carrying on a piece of applied research focused on criminological features of violent crimes with particular interest in homicide, rape, robbery, violent behaviour in public places and urban violence. The main researcher Mladen Singer, Ph.D. and six other researchers published several papers and made many presentations of their research results for criminal justice and law enforcement professionals. The research results revealed development in the nature and scope of juvenile violence during the thirty year period. Significantly more often than those thirty years ago, modern violent juvenile offenders are not only emotionally but also rationally motivated to commit violent crimes. It is particularly obvious in juvenile homicide.

Other Research:

The Police College in Zagreb also carried on some pieces of criminological research which were initiated by the Croatian Ministry of the Interior. This research was conditioned by concrete needs of law enforcement practice so they were focused on juvenile violence, juvenile recidivism, sexual delinquency, crimes against women and fear of crime. The main researchers Irma Kovco, Ph.D. and Irena Cajner Mraovic, Ph.D. in cooperation with graduate and postgraduate students and law enforcement professionals published several papers and educational materials for police officers. The results of this research have shown that childhood delinquency and family violence are the best predictor of juvenile recidivism and juvenile sexual crime.

The University of Rijeka Law School carried on research focused on the nature and scope of juvenile delinquency in the region with particular emphasis on actual problems - violent crimes, school as a source of risk and protection and crimes committed by children. The results have suggested that school failure is one of the main sources of risk for youngsters in the region.

The Croatian Association of Criminal Sciences and Practice and Croatian Association of Special Educators carried out several pieces of applied research in the field of criminal policy which were initiated and funded by the Ministry of Justice and nearly 20 "area approach" researches in the field of juvenile delinquency and violent crime initiated and funded by municipal or local authorities in different parts of the country. The results of their research have suggested differences in the main sources of risk in different parts of the country.

The results of the stated research were used purposefully for crime prognosis and crime prevention and in that context were presented at several domestic and international conferences, expert or specialization courses and graduate or postgraduate classes.

SECONDARY ANALYSIS OF OFFICIAL STATISTICS OF CRIME AND OTHER DANGEROUS AND HARMFUL EVENTS

Miran Mitar

The article at first discusses theoretical and methodological critiques of official statistics of crime and other dangerous and harmful events (especially official statistics of the police) from the viewpoint of various theoretical approaches to crime analysis in modern society. Then a part of our attention is given to identification of conditions which are needed for the improvement of official statistics from the viewpoint of the role of the police in democratic society. Some attention is also devoted to the explanation of the need for the resurrection of

the use of official statistics in various research projects. There are emphasized also the limitations of use of official data, which derive from the specific process of their collection and processing for police work.

MECHANISMS FOR THE MAINTENANCE OF POWER

Katja G. Šugman

Using the critical analysis the author reveals the mechanisms for maintaining the positions of power in the social structure. In accordance with Foucault she ascertains that besides the obvious and easily perceived mechanisms such as control, disciplining and punishment there exist also the subtle and hardly-seen ways of maintaining the positions of power. She focuses on the so called implicit messages which create our understandings of the world including the relationships of power in an unspoken, unconscious and for this reason, seemingly self-evident way. For disclosure and changing of these mechanisms we first have to recognize them intuitively to become aware of them. The impressions then have to be verbalized so that they can be exposed to critics in the field of communication.

Criminology and Social Problems

EDUCATION AS A MEANS OF CORRUPTION PREVENTION

Bojan Dobovšek

The goal of the article is to explain the dangers of corruption to the society, especially to the younger generation. It is a public responsibility to educate the young ethnical values and models of integrity as a long-term investment that will render our societies more immune to corruption. In this perspective it is crucial to involve the younger generation into the global anti-corruption struggle, in particular into its educational component. Therefore, we must focus on disseminating best practices, using publications and easy access (web sites etc.) in spreading knowledge about corruption. Explaining the dangers of corruption and promoting values throughout the educational process will make future society capable of resisting corruption. The development of teaching and awareness raising materials must be one of the priorities, but the first steps must be to educate those who will educate the younger generation. Because generally speaking, the real victim of corruption is society at large and the consequences will exacerbate in the future if we do not focus on the younger generation.

DOMESTIC VIOLENCE AND CRIMINAL LAW

Katja Filipčič

The justification of the state intervention in the family (also with criminal law) is not problematic. Incriminations of domestic violence are necessary and justified. Criminal law has a certain role in the prevention of this form of violence and also in ideological changes of the society. However, it is necessary to be aware of the limited range of criminal law in influencing social phenomena or of its efficiency in the sense of prevention. Therefore, we must not glorify its importance. Neither on behalf of various interests (of the state, victim, interested public) as in analysing them carefully we find them a poor argument. Instead of the demands for a greater preventive role in the framework of the existing criminal law we must therefore strive for understanding the distress of the victims – parties of the criminal procedure. Beside this our attention must be directed to the search of other, less repressive interventions in the family (looking for alternatives in the framework of judicial treatment, strengthening of the network of social services, development of professional help to victims of domestic violence).

SOCIOTHERAPEUTIC WORK WITH FAMILIES

Alenka Kobolt

“Child needs to be worthy of love at home worthy of respect among the peers while competitive and competent in social situations.” (Burns, 1976)

These are great demands that have only increased since the time the author have stated them. The social demands and criteria of successful positioning oneself in society have intensified so that today's rising generations are even more vulnerable.

In the first part the paper attempts to presents the comprehension of risk factors with forming and maintaining of difficulties in social integration by children/youngsters. The

factors particularly stressed are those that arise from family surroundings. The cases in point are unsuccessful family relations troubled by long-term problems e.g. frequent changes of dwelling places, lasting partnership problems between the parents, unsuitable intergenerational setting of boundaries within a family, unsuccessfulness of supplemented families, parental problems with dependence that is also linked with youngster's prematurely taking up the role of an adult.

In the second part the paper shows the results of a qualitative research that unfolds the inner characteristics of family relations as perceived by youngsters living in residential homes in Slovenia. The research presents the "view from within" based on the youngster's experiences and memories of what was typical of their family, how they felt in it, what was happening between them and their parents, how they communicated, what they meant to each other, what was that they told to each other, what they expected from each other and how and if they "heard" each other. While such an approach may not provide the quantitatively measured images of the families it nevertheless adequately outlines the key characteristics that co-form relations between youngsters and their parents. Precisely from those key characteristics revealed by our informants arises the need for sociotherapeutic work with families of the children/youngsters that were placed in residential homes. The work in the sense of support, information giving, teaching and attending families and its individual members when they find themselves in predicament and when they are not able to find appropriate strategies to engage with difficulties and dilemmas.

PROCESSES OF PERCEIVING, DEFINING NEED AND DECISION MAKING OF PLACING INTO AN RESIDENTIAL ESTABLISHMENT

Mitja Krajncan

The process of perception, defining and deciding in favour of placing a person into an educational establishment represent a highly delicate area. The question is how the need for socio-pedagogical help to children and adolescents is shown through socio-structural conditions and living situations of families and their children, and it is also debatable whether the processes of perception, defining and deciding influence the whole quality and quantity of the disposed offers of help for the young people. It depends on that, whether the giving away into an educational establishment has the role of being able to choose within all the problematic areas and is considered useful for specific difficulties of an individual, or it has the role of only solving the emergencies for all kind of cases. (Burger, Lehning in Seidenstucker 1994). From the research about the analysis of criteria for placing the children and adolescents with emotional and behavioural difficulties in educational establishments, we will show how the reasons for accommodations are defined by the expert workers in the social work centres, and how they are defined by the pedagogues in the educational establishments who work and live with them. This research was done in the spring, of the year 2001.

Upon all, the differences in defining the population appeared among the pedagogues (who grade those children) of the educational establishments, housing groups, youth homes, and re-educational home (133) and expert workers from the social work centres.(75)

The educational establishment graded 333 children and adolescents, while the expert workers from social work centre graded only 278. The population mentioned is placed into the institutional out-of-family education. In the same way an interesting factorial structure formed among 180 variables about reasons for placing children and adolescents, and in defining the causes and patterns of emotional and behavioural difficulties.

THE NATIONAL STRATEGY FOR DRUG RELATED PROBLEMS: THE CASE OF BOSNIA AND HERCEGOVINA

Borislav Petrović

The national strategy for dealing with drug abuse must be based on a multidisciplinary approach where two dimensions must be stressed – first, one needs enough qualified people and second, they need to be co-ordinated and work together. The multidisciplinary approach may be achieved by constant striving of various social institutions – the holders of programs for drug related problems - and here the national coordinating body has an important role. These institutions are: police, state prosecutor, courts, customs, army, educational institutions (in particular schools), health care institutions and pharmacies, mental health institutions, social work centres and non-governmental organizations. These institutions have to provide conditions for the work of teams or individual experts from various fields. Apart from that these experts ought to work hand in hand at the state and at local level; the international cooperation being the task of the state coordination team. The state coordination team must be understood as a body that, apart from covering international cooperation, also takes care of cooperation on the national level.

THE ROLE AND PARADIGM OF SOCIAL WELFARE IN PROCESS OF REDUCING CRIMINALITY

Bojan Regvar

The rate of criminality in Slovenia, comparable with that social phenomenon in the European union is average. Treatment of the offenders and preventive activities of that negative social phenomenon in Slovenia has multiple dimensions. Punishment of perpetrators is an important issue. Preventive activities and the reduction of causes of that social phenomenon, rehabilitation of convicted persons and their social integration in the society is another issue, mostly neglected or isolated from other issues. The impact of socio-economic status of the individuals on the criminality rate is well established; also importance of social welfare in reducing criminal offences, but the never ending story of reducing this social phenomenon should include broader elements. If we expose the paradigm in this article, that penal code and juridical institutions don't have magic powers in reducing criminal offences, then we could also expose that social welfare as separated activity include the same paradigm. Therefore, criminology in further development must include much broader elements and consider their integral influence on reducing this social phenomenon.

Policing – Criminal Investigation

IMPORTANCE OF CRIMINOLOGY FOR DEVELOPMENT OF CRIMINAL INVESTIGATION STRATEGY

Anton Dvoršek

Criminal investigation strategy is understood as a new field of (scientific) research dealing with planning and implementing of complete criminal measures to investigate, control and prevent crime considering criminal-political and legal frameworks, and the efficiency principle. It is classed into criminal investigation by some authors, whereas others consider it to be a more complex field of research, and thus place it as an equally independent scientific discipline beside crime policy. Analyses of one's own and opponents' forces and of an environment in which threats and investigators' reactions occur are a pre-condition for the formation of any strategy. Forming its term instrumentation (factors, means, guidelines), criminal investigation strategy has copied a lot from the findings of criminology. Its findings on forms of crime and characteristics of perpetrators, victims and environments in which crime springs up are the basis for criminal-strategic analyses. By means of these analyses it is possible to find out how to gain advantages over criminals or how to neutralize their advantages, and in this way, to reduce the crime rate efficiently.

SLOVENIAN FORENSIC LABORATORY – RECENT DILEMMAS

Janez Golja

Slovenian national forensic science laboratory is called Center za kriminalistično tehnične preiskave (CKTP). The purpose of the CKTP is to serve the police and the judicial system by providing independent scientific support in the investigation of crime and expert evidence to the courts. The paper describes the organisation structure of CKTP, fields of expertise, equipment, staff, international cooperation, especially in European Network of Forensic Science Institutes (ENFSI). The development plan is also described. The final goal of CKTP is to meet western European standards and deliver a quality service to the the Slovenian police and judicial system.

CONTROL OF THE ECONOMIC CRIME IN BANKS AND OTHER FINANCIAL INSTITUTIONS

Igor Lamberger

All financial institutions meet during their operations with criminal deeds committed by ordinary and legal persons, which have influence on business safety and through this also on the uncertainty of planned conclusions of business events, together with unclear possible extent of damage which originates from the appearance of certain risks. Criminal deeds committed in financial institutions are called also the economic crime, which is characterised by the fact that it is active in the economic environment and that we can not ascertain how much crime of this type actually exists and how much damage it has caused. We can only guess what the actual extent of the economic crime is, since the discovered part of the economic crime represents only one part of the "iceberg" that juts out of the water. With the expression "grey field" we designate that part of economic crime that remains forever hidden from law enforcement and judicial authorities.

Financial institutions are especially attractive for economic crime, since money in all more or less liquid forms is the main subject of their activities, which means that the unlawful financial benefit acquired through criminal deeds already appears in more or less liquid form. This could then be channelled in various ways to other accounts, to other national or foreign financial and non-financial institutions and thus cover the traces of criminal offences.

The fight against economic crime is therefore very important for individual financial institutions as well as for the State itself, since mistrust in financial institutions could be shown also through the withdrawal of foreign investments from the national economy. The financial institutions themselves must be the first ones to take care of the prevention of the economic crime through their own supervision and control mechanisms. The cooperation of financial institutions with the police is important for successful investigations of financial crime, since a qualitative dealing with the case and its successful sanctioning at the court could be possible only in this way. Only custodial sentences and confiscation of unlawfully acquired financial profits will act as deterrents against any potential future perpetrators and divert them from the commitment of criminal offences.

POLICE COLLECTION OF INFORMATION OR POLICE INVESTIGATION IN THE PRE-CRIMINAL PROCEDURE

Miroslav Žaberl

During the investigation of criminal offences police forces are authorised to collect information from persons who know something about a criminal offence. This is one of the most frequent measures in the so-called pre-criminal procedure. Police may question anybody and are not limited by formal rules, which must be considered during the examination in the criminal procedure. Information collected in this way has no formal value as evidence in the further criminal procedure. The author presents the legal and actual topics of such a legislative regulation, which despite the legislator's tendency to clearly separate the so-called preliminary inquiry procedure and the formal criminal procedure (granting the defendant all rights) brings a great deal of conceptual and procedural problems. This is the rules »*sui generis*« and it is not comparable with the other Anglo-Saxon or Continental European systems. The author suggests alternative solutions as corrections to the current system, prohibition of the police collection of information from the suspect and legal regulation of the police powers to interrogate.

Criminal Law and Criminology

REVISING CRIMINAL LEGISLATION – PROCEDURAL ISSUES

Ivan Bele

We live in the times of the inflation of newly adopted laws and an increasing negative politization of a legislative process. To ensure that criminal law norms in these times are crafted by »*per legem*« and not »*per iudicationem*« we should argue that new criminal norms are subject to a different and more specific drafting and legislative process than other laws. First of all, amendments to the criminal legislation and introduction of new incriminations in the criminal code should never be subject to a speedy parliamentary procedure for the adoption of laws. Different functions that the criminal law traditionally served would be enhanced and strengthened if the public is aware of intended changes in criminal offences and criminal sanctions in the drafting and law adoption stages. Every criminal incrimination or criminal sanction namely carries a moral and a value judgement, which should be the result of a broad public consensus, and not simply forcibly imposed and enforced on individuals by the State after its adoption. For the criminal law it is imperative for it to be a comprehensive and harmonised system of rules acting as a guarantor of the whole legal system and the rule of law. This calls for a participation of a broad spectrum of experts in all stages of the drafting and legislative process. Drafts of new criminal legislation and proposed revisions should, in addition, be based on prior criminological analyses of the expected social implication of new criminal incriminations and an assessment which would show whether the problem could be addressed with other non-repressive measures. Slovenia's Criminal Code, which includes general principles of criminal legal system and the core criminal offences, is formally on the same legal hierarchical level as any other law. Therefore, there is present a danger that different later fragmented criminal legislation may disrupt the widely accepted and carefully drafted principles of criminal law embodied in the Criminal Code itself. Since the Constitutional Court of Slovenia does not have the power to review a specific piece of legislation from the perspective of harmonisation of this substance with other laws, it is the responsibility of the legislative body to have a special care to substantive harmony of all criminal legislation. To achieve this goal, a permanent expert body should be established with the mandate to follow all revisions of the criminal legislation closely. In addition, such a body would be in a position to give a constructive contribution to the development of the international criminal law.

DILEMMAS ON EFFECTIVENESS AND CELERITY OF CRIMINAL JUSTICE PROCESS

Sonja Kotnik

It is of a great importance to the victim ("joinder in the civil party") that the criminal proceeding is brought to an end quickly and effectively but there are many conditions and circumstances that interfere with this process and eventually slow it down. There is a possibility that legislation on criminal proceeding may be adequate (but the courts are unable to practise it) or it may be not. As every country has its own unique codification of criminal proceeding statistics do not reflect the true situation. As an example, some criminal proceeding codes allow that the criminal matter ends in the preliminary phase, i.e. before the criminal proceeding, yet this regulation does not assure its effectiveness.

The regulation of guilty pleas makes it possible to quickly solve the criminal matter, but on the other hand it may result in human rights violations. At the same time it is important to consider the victim's role in criminal matters.

COMPARING THE MORAL VALUES OF SLOVENIAN, AMERICAN AND BOSNIAN CRIMINAL JUSTICE STUDENTS, POLICE OFFICERS, AND JAIL OFFICERS

Gorazd Meško, Peter Umek, Slobodan Loga, Elmedin Muratbegović and Muhamed Budimlić

Given the global nature of this study and the differences in culture between Michigan, Slovenia and Bosnia and Herzegovina, we judged it best to use pre-tested, standardized measurements. Statements within the administered surveys are from standardized scales designed to measure values, human rights, and moral behaviour. We used Harding and Phillips' morally debatable behaviours scale. This instrument "assesses the justifiability of behaviours reflecting contemporary moral issues that adults confront in their lives and have an opinion about" (1986:741). Twenty-two morally debatable behaviours make up this inventory. Each statement item is rated on a 10-point scale ranging from one – meaning the behavior is never justified, to ten – meaning the behaviour is always justified. The inventory measures three aspects of moral behaviour (1) personal-sexual morality, focusing on matters of life and death as well as sexual relations, (2) self-interest morality, and (3) legal-illegal morality, which is defined by behaviours that are formally proscribed by law. The authors conducted a survey in Michigan and Slovenia in 2000 and in B&H in 2001.

NEW LEGISLATION AND RESPONSE ON CRIME

Dragan Petrovec

In the nineties a new criminal legislation (Penal Code and the Code of Criminal Procedure) was adopted with a clear intention to completely abandon the treatment ideology. In spite of the starting points, promising objective punishment the new Penal Code did not strictly follow this direction. Articles dealing with juveniles in particular preserve the vocabulary of treatment ideology. Furthermore, there are provisions without a slightest idea of the objective punishment, yet »justice« in the best meaning is being preserved (e.g. »Special grounds for remission of sentence«).

Six years after the new legislation was adopted we are in position at least to roughly interpret the reaction to crime in the view of the new legislation compared to the old one. Statistical data on crime reports show a small increase within the last five years, while the number of prisoners increased much more rapidly. Slovenia has been for a long time one of the most civilized countries in the world regarding the number of prisoners per population. This picture slowly changes as the rate increased from 35 to 50%. These changes should make us reconsider the possible influence of the new legislation upon crime policy in general, though Penal Code has brought milder sentences for many crimes as well. On the other hand the major shift towards objective punishment could have an impact on harsher sentencing as well.

Victims of Crime

IMPLEMENTATION OF PENAL SANCTIONS AGAINST JUVENILE DELINQUENTS IN B&H

Almir Maljević

This paper will attempt to point out the necessity for the introduction of new approaches (philosophy) in solving crime problems in postwar conditions. Namely, this period is characterized with some specific examples that are, or can be, of influence on results of our struggle with crime. Due to the fact that war activities destroyed, or at least damaged, the infrastructure needed for resocialization and rehabilitation of offenders, meaning correctional institutions and quality of life and work in such institutions, it is necessary to evaluate a need for development and implementation of new measures, or reactions to criminal behaviour, especially with regard to some categories of offenders. The category, that we deem, deserves special attention are juvenile offenders. Even though penalties, available to a judge within Criminal Code of Federation of Bosnia and Herzegovina, have a notion of contemporary penology, statistical data, published by Federal office of statistics, show that those penalties are not being applied to juvenile offenders. Therefore, it is our opinion that, lawmakers in Bosnia and Herzegovina should be encouraged to make one step further, to start making changes in the criminal justice system of Bosnia and Herzegovina and to introduce principles that are being applied in developed European countries- restorative justice principles.

TEN YEARS OF THE INTERNATIONAL (CRIME) VICTIM SURVEY IN SLOVENIA – WHO CARES ABOUT THE RESULTS?

Zoran Pavlović

Participation in the International (Crime) Victim Survey was amongst the major empirical criminological research enterprises in Slovenia in the past decade. Studies of this kind gain value with each consecutive repetition. The study was carried out by the Institute of Criminology twice, in 1992 and 1997, and by the Statistical Office of the Republic of Slovenia in 2001. The first survey (in the city of Ljubljana) was carried out very soon after the declaration of independence and the beginning of the transition process. We can only start learning to what degree the image which survey produced might have been atypical, after two sweeps that followed, on larger samples covering all Slovenia. We will report on the crime/victimization trends in the decade, dynamics of the »dark figure« of crime, satisfaction with the police performance, fear of crime and other data offered by this internationally nested study. We have to, however, also reflect on the general (financial) problems of the empirical research in social sciences in Slovenia, and, also, on who the interested users of the produced information are, and who are not, although one would expect them to be.

**CONTRIBUTION OF THE INSTITUTE OF CRIMINOLOGY TO TREATMENT
OF THE MALTREATED CHILD – SOCIAL STUDY AS AN INITIATIVE AND
THE LIMITS OF THE STATE'S RESPONSIVENESS**

Zoran Pavlović

In the area of treatment of abused and maltreated children, The Institute of Criminology carried out a significant role at several stages. In the mid-nineteen eighties it carried out the first interdisciplinary research project, in which a conceptual framework for understanding and treating the phenomenon was laid out. Based on that study, a series of interdisciplinary seminars for about 300 Slovenian practitioners was conducted in the years 1988-89. That continued in 1990 with a seminar on violence against women as well. In the mid-nineties another study followed, that provided an assessment of the scope and the structure of the phenomenon, as perceived by the institutions of the system (the educational vertical being the most important for detection); the system detects 3.500-4.000 cases yearly, although it does not always intervene. Within the research mandate, the Institute offered a coordination of the governmental branches in creating a national doctrine of treatment of the child in need; all previous work indicated that such coordination was absolutely necessary. The group accomplished several objectives. However, upon the conclusion of the research project, nobody took over the coordination, although the need for it didn't diminish. Quite contrary, that experience became the basis for all later public requests to establish a governmental service (or office) that would provide an integral care for the implementation of the UN Convention of the Rights of the Child, and protection of children's rights and interests generally, including a coordination of the branches, so essential for development of a national doctrine and a quality response to the phenomenon of the maltreated child.

**VICTIMS ON POLICE OFFICERS (INVESTIGATORS) AND INVESTIGATORS
ON VICTIMS OF CRIME**

Peter Umek

The author states that the Slovenian police is at the very beginning in regard to work with crime victims. Police officers and crime investigators are not skilled enough to deal with a variety of crime victims in a professional manner. Attention is paid only to training of police officers who deal with sexually abused children. All other fields of criminal victimization are quite neglected.

A study of victims of property crime shows that such victims perceive police officers and crime investigators as professionals who do not provide them with a substantial amount of information on criminal procedure and victims' rights in such a procedure. Studied victims also report the lack of information on post-victimization support and self-help. Police officers report the lack of victim-handling skills and the lack of co-ordination among institutions and associations which deal with victims of crime. They are aware of the shortage of their victim-handling skills and wish to have at least a basic training in this field.

Corrections

CRIMINOLOGY IN PENOLOGY

Franc Brinc

Criminology has been from its very beginning closely connected to the criminal law and penology. Although criminology constitutes an independent theoretical science about the causes of crime. It also presents at the same time a practical applied science aimed (according to Lombroso, Feri et al.) at understanding the aetiology of crime in the processes of sentencing and imposition of appropriate criminal sanction and to enable within the implementation of penal sanctions an exterior and interior classification of prisoners and their treatment in accordance with the declared societal aims of punishment.

Nowadays, criminology is taught in Slovenia at different schools which provide training for professionals working in the field of criminal justice. In 1958 the Institute of Criminology at the Faculty of Law was founded in Ljubljana, providing the education for numerous criminologists which contributed with their theoretical and empirical research studies to the new knowledge in Slovene criminology and penology. Currently we are speaking about a crisis of (classical) criminology, which seems powerless in the explanation of causes of classical and contemporary crime and particularly in its efforts to prevent it. Although foreign and domestic criminological knowledge are incomplete and unreliable in many fields, Slovene penological practice often does not use even that professional knowledge which could reduce a gap between theory and practice and contribute at least to the achievement of those results in the treatment of delinquents, which could be really expected by the use of the appropriate scientific achievements and cognition about a delinquent.

PENOLOGICAL ASPECTS OF THE ENFORCEMENT OF PRISON SENTENCES FOR MISDEMEANOURS

Aldo Carli

The article describes the standard legal regulation of sentencing in misdemeanour proceedings, with the emphasis on the enforcement of such sentences, in particular on the enforcement of fines turned into prison sentences. The article provides data on the total number of people in Slovenian prisons who have served time for a fine turned into prison sentence in the last year. It describes the status of these people from the aspect of their rights and duties during the imprisonment and asks about the validity and efficiency of conducting the process of re-socialisation or treatment for this category of prisoners. It points out certain inadequacies in legal regulation and the actual position of the people serving such prison sentences. The primary objective of the article is to show the complexity of the issue of enforcing prison sentences passed in misdemeanour proceedings, especially of the replacement of imprisonment in practice within the system of enforcement of penal sentences in Slovenia. In the conclusion the author presents several possible and suitable solutions and offers them for discussion.

PRISON OVERCROWDING IN LIGHT OF THE COUNCIL OF EUROPE'S RECOMMENDATION USING LJUBLJANA PRISON AS AN EXAMPLE

Irena Križnik

In the article the author examines an example of a prison struggling with overcrowding in its daily operation. The article is divided into three sections addressing the following questions:

1. What is overcrowding?
2. What are the characteristics of an overcrowded prison?
3. What are the ways for dealing and resolving the issue?

Overcrowding is a complex issue, common to many European and other countries. It presents a challenge for prison governors who have to organise life and work in prisons while respecting legal provisions and human rights, taking into account the objective conditions and providing efficient prison management. This is compounded by the fact that the main reasons for overcrowding lie outside the prison system or a particular prison itself. Within these constraints, governors are trying to improve inter-human relations, ensure security and safety on a different basis and to carry out various programmes. The instructions to the prison management are to do everything within their abilities and powers to reduce the negative effects of prison overcrowding on prison inmates and staff. In order to achieve this the organisation of work in prison needs to be flexible, dynamic, constantly changing and adapting to the current situation and this demands extreme efforts from prison staff.

The following, if slightly modified, Confucian statement can serve as a guidance in this process:

"There are three things which belong to the human being:
Humanity, which tries to save us from narrow-mindedness;
Wisdom, which tries to save us from doubts;
Courage, which helps us to overcome the fears."

MEASURES FOR THE PREVENTION OF INTRODUCING DRUGS INTO PRISON

Bojan Majcen

A daily newspaper carried an article according to which there are around 180 million regular drug users worldwide. Lately, the consumption of synthetic drugs, in particular, has been on a rapid increase among young people. Drugs produced from plants (heroin, cocaine and marijuana) as well as synthetic drugs are readily available in Slovenia. Crime and offences which accompany drug abuse have become part of our daily life and in this respect trends in Slovenia are no different to the trends in any other European or other country. Drugs, in particular heroin, can also be found in prisons. There are two main reasons for drugs in prisons; one, that inmates are drug users (most of whom had a drug problem before they went to prison) and two, that some inmates are drug dealers. In such circumstances it is hard to completely banish drugs from prisons as prisons are not (or could ever be) hermetically sealed-off institutions. However the amount of drugs brought into prisons can be reduced with the help of a quality and professional approach.

The article focuses on security measures but also touches on preventive measures which are just as important. It also describes known methods of introducing drugs into prison and the preventive measures in use. It describes collaboration with the police, which is essential for the detection and prevention of such phenomena.

VIOLENCE AMONG PRISONERS

Jožica Možina

Violence among prisoners is one of those areas of social interaction in prisons which due to its covert and complex nature is not easily accessible to research. If we compare openly violent acts committed by men and by women in general (statistics on murder, crimes with elements of violence and violent behaviour in public and in the family) the frequency and seriousness of violent actions by men is unquestionably greater. Violence among men is also more frequent than violence by women against women. What is surprising is that the dynamics of violence by men against men have been studied the least of all. There are some who attribute such behaviour to the rules of human evolution according to which men use violent behaviour in the belief that it is required to attain status in a group of males and to create male identity. The article attempts to shed light on the rules of using violence to create status within a group of male prisoners. The findings show that even a minor verbal attack or physical response can trigger a violent reaction if one of the participants considers such attack as a threat to his identity or personal reputation and self-respect.

COOPERATION BETWEEN PRISONS AND SOCIAL ORGANISATIONS

Slava Novak

In the article the author defines the standards that serve as the foundation for co-operation between the penal system and social organisations in the execution of various programmes for dealing with prisoners' problems. These programmes are geared towards preparing the prisoners for a successful return to life after prison. The article provides a brief historical overview of such cooperation in Slovenia, a description of current practice and of open issues.

International documents serve as a guideline for ideas and initiatives for a more effective approach and more transparent role of various organisations in this field. International practice includes cooperation between the governmental and non-governmental sectors. The objective of the non-governmental humanitarian organisations is not to establish the divide between the assignments of public social services and of social services within the judicial system or to identify the scope of public authorisations but to provide an efficient and concrete assistance to people. The purpose of the punishment does not play an important role here – what is of significance is that, after serving the sentence, the person will return to the community with various needs, some of them quite basic. The choices are two: either to remain on the margins of society or with the help of others and through their own efforts, to seek the path to reintegration.

The judicial system and the system of enforcing penal sentences cannot measure the efficiency of fulfilling their mission without the cooperation of various segments of society, where social care as a system and social organisations as providers of services targeting various client must play an important role.

AN ASSESSMENT OF THE READINESS OF SLOVENIA'S PRISON SYSTEM TO RECEIVE AND WORK WITH PRISONERS WHO ARE MEMBERS OF CRIME SYNDICATES

Božidar Peteh

An analysis of the past approach within the system and of the approach to working with prisoners sentenced for crimes committed as members of crime syndicates (organised crime) would show the degree to which the system of enforcing prison sentences has adapted to these new forms. Are legal and professional standards of enforcing prison sentences sufficiently flexible, adjustable and applicable to people for whom crime is a business endeavour? While there is no legal act that would directly discuss the purpose of prison sentences, it is nevertheless clear from all legal orientations that the purpose is to remove a person (the perpetrator of a crime) from society for a certain period of time and thus prevent this person from repeating the crime, at least for the duration of the removal from society. Is this achievable when it comes to people who are part of organised crime? The author argues both sides of the claim that the prison system has not adapted to the new circumstances and that persons who are members of organised crime continue to run and carry out criminal activities from prison or are even able to set up a new organisation within the prison.

CURRENT CHALLENGES AND TESTS FOR THE SLOVENIAN SYSTEM OF ENFORCEMENT OF PRISON SENTENCES

Jože Podržaj

The Slovenian system of enforcing penal sentences is certainly unique to the European and international penology, particularly from the aspect of the communications system, which runs on all levels. The socio-therapeutic model is based on intensive communication with the emphasis on the relationship between employees and inmates. As a result of changes in Slovenia's social system and some other factors Slovenian penology is being rapidly invaded by phenomena and problems faced by other systems. The structure of prison population itself has changed considerably as a result of the new forms of crime (organised crime in particular). The large changes in the system of values within society, the greater emphasis on human rights and protection for personal data are the main reasons why enforcers of penal sentences (penologists) are faced by many new questions and issues which cannot be resolved on the basis of foreign experience alone.

Professional methods and procedures for treating prisoners and the methods of working with prisoners serving long prison sentences need to be changed; the intensity of work with prisoners with drug problems must be increased and programmes of work with sex offenders need to be developed. The methods and procedures for enforcing sentences and treatment of specially dangerous inmates must also be improved.

TREATMENT FOR PRISON INMATES WITH DEPENDENCIES – YES OR NO?

Radovan Zupančič

After nearly three years of a high-threshold dry unit in Celje Prisons there are doubts as to whether there is any reason to continue the work. Almost certainly the problem of substance abuse has not become smaller over the recent years, probably the opposite in fact. Time has shown that the proportion of people with such problems is growing while society at large is still seeking ways to regroup in a manner that would include all those substance users who wish or need such help. Of course the urgency of the need to transfer many of the experiences and changes from society into the environment behind prison walls is growing. It is even more obvious now that a clear definition of the role of treatment inside prisons and between prisons is required; inside prison because of professional identity and of the roles and organisational opportunities adjusted to this identity, and between prisons in order to ensure greater transparency in the work of individual prisons. The author's answer to the question posed in the title is unambiguous: yes to treating dependencies, but not in the way that this has been done currently.

The author also warns of the danger of feeling omnipotent, when everyone wants to do everything, instead of each doing what they do best. Sadly it appears that the vision of treatment in prisons is leaning in favour of arguments of power and not of the power of argument. How else are we to interpret the increase in the importance of administrative procedures, i.e. the legal profession, at the expense of the importance of treatment professions? Instead of engaging in a "power struggle", the legal profession should be the first to offer a sufficiently broad and useful legal framework to enable the treatment profession to apply its expertise.

Table of contents

Foreword 5

Plenaries 7

THE INFLUENCE OF CRIMINOLOGICAL RESEARCH ON CRIME POLICY 8

Alenka Šelih 8

HUMAN RIGHTS AND TRENDS IN MODERN CRIME POLICY 8

Ljubo Bavcon 8

YOUTH AND VIOLENCE 9

Bojan Dekleva 9

HEROIN MAPS OF SLOVENIA 9

Vito Flaker 9

THE DEVELOPMENT OF (SLOVENIAN) CRITICAL CRIMINOLOGY BEYOND MODERNITY 10

Zoran Kanduč 10

DIFFERENTIATION BETWEEN DELINQUENT BEHAVIOUR, DEFINED BY CRIMINAL LAW, AND DISSOCIAL DELINQUENT BEHAVIOUR. 10

Miloš Frančišek Kobal 10

CONTROVERSIAL ETHIC ISSUES IN FORENSIC PSYCHIATRY 11

Slobodan Loga 11

RESEARCH IN THE FIELD OF CRIMINAL INVESTIGATION 11

Darko Maver 11

META-ANALYSIS OF FOUR CRIME RELATED RESEARCH PROJECTS IN LJUBLJANA 12

Gorazd Meško 12

ROLE OF YOUTH DELINQUENCY AND RESIDENTIAL INSTITUTIONS IN THE RESEARCH OPUS OF THE INSTITUTE OF CRIMINOLOGY 13

Vinko Skalar 13

ROUND TABLES 14

CITIZENS' COMPLAINTS AND POLICE PRACTICE 15

Bečir Kečanović 15

HUMAN RIGHTS AND FREEDOMS: PERCEPTION OF SLOVENIAN POLICE OFFICERS 15

Branko Lobnikar, Bečir Kečanović, Miroslav Žaberl, Andrej Lukan, Maja Zupančič and Janez Mekinc 15

MEDIA PORTRAYAL OF CRIME AND CRIMINALS 16

Gorazd Meško 16

THE RISE IN THE PRISON POPULATION: WILL THE NUMBERS CONTINUE TO INCREASE IN COMING YEARS AND WHAT PRISON CAPACITIES NEED TO BE PLANNED FOR? 16

Dušan Valentinčič 16

Criminological Theory and Research 18

ON THE ATTITUDE TOWARDS NEW DISCOVERIES IN BIOLOGY AND MEDICINE 19

Marko Bošnjak 19

CRIME IN YEARS 1991-2001 - POLICE CRIME STATISTICS 19

Bogomil Brvar 19

SOME THOUGHTS ON THE RELATIONSHIP BETWEEN CRIMINOLOGY(-IES) AND CRIMINAL POLICY 20

Jager Matjaž 20

CRIMINOLOGICAL RESEARCH IN CROATIA DURING THE LAST DECADE 20

Irma Kovčo and Irena Cajner Mraović 20

SECONDARY ANALYSIS OF OFFICIAL STATISTICS OF CRIME AND OTHER DANGEROUS AND HARMFUL EVENTS 21

Miran Mitar 21

MECHANISMS FOR THE MAINTENANCE OF POWER 22

Katja G. Šugman 22

EDUCATION AS A MEANS OF CORRUPTION PREVENTION 24

Bojan Dobovšek 24

DOMESTIC VIOLENCE AND CRIMINAL LAW 24

Katja Filipčič 24

SOCIOTHERAPEUTIC WORK WITH FAMILIES 24

Alenka Kobolt 24

**PROCESSES OF PERCEIVING, DEFINING NEED AND DECISION MAKING OF
PLACING INTO AN RESIDENTIAL ESTABLISHMENT 25**

Mitja Krajnčan 25

**THE NATIONAL STRATEGY FOR DRUG RELATED PROBLEMS: THE CASE OF
BOSNIA AND HERCEGOVINA 26**

Borislav Petrović 26

**THE ROLE AND PARADIGM OF SOCIAL WELFARE IN PROCESS OF REDUCING
CRIMINALITY 26**

Bojan Regvar 26

Policing – Criminal Investigation 27

**IMPORTANCE OF CRIMINOLOGY FOR DEVELOPMENT OF CRIMINAL
INVESTIGATION STRATEGY 28**

Anton Dvoršek 28

SLOVENIAN FORENSIC LABORATORY – RECENT DILEMMAS 28

Janez Golja 28

**CONTROL OF THE ECONOMIC CRIME IN BANKS AND OTHER FINANCIAL
INSTITUTIONS 28**

Igor Lamberger 28

**POLICE COLLECTION OF INFORMATION OR POLICE INVESTIGATION IN THE
PRE-CRIMINAL PROCEDURE 29**

Miroslav Žaberl 29

Criminal Law and Criminology 30

REVISING CRIMINAL LEGISLATION – PROCEDURAL ISSUES 31

Ivan Bele 31

**DILEMMAS ON EFFECTIVENESS AND CELERITY OF CRIMINAL JUSTICE
PROCESS 31**

Sonja Kotnik 31

**COMPARING THE MORAL VALUES OF SLOVENIAN, AMERICAN AND BOSNIAN
CRIMINAL JUSTICE STUDENTS, POLICE OFFICERS, AND JAIL OFFICERS 32**

*Gorazd Meško, Peter Umek, Slobodan Loga, Elmedin Muratbegović and Muhamed
Budimlić 32*

NEW LEGISLATION AND RESPONSE ON CRIME 32

Dragan Petrovec 32

Victims of Crime 33

**IMPLEMENTATION OF PENAL SANCTIONS AGAINST JUVENILE
DELINQUENTS IN B&H 34**

Almir Maljević 34

**TEN YEARS OF THE INTERNATIONAL (CRIME) VICTIM SURVEY IN SLOVENIA
– WHO CARES ABOUT THE RESULTS? 34**

Zoran Pavlović 34

**CONTRIBUTION OF THE INSTITUTE OF CRIMINOLOGY TO TREATMENT OF
THE MALTREATED CHILD – SOCIAL STUDY AS AN INITIATIVE AND THE
LIMITS OF THE STATE'S RESPONSIVENESS 35**

Zoran Pavlović 35

**VICTIMS ON POLICE OFFICERS (INVESTIGATORS) AND INVESTIGATORS ON
VICTIMS OF CRIME 35**

Peter Umek 35

Corrections 36

CRIMINOLOGY IN PENOLOGY 37

Franc Brinc 37

**PENOLOGICAL ASPECTS OF THE ENFORCEMENT OF PRISON SENTENCES
FOR MISDEMEANOURS 37**

Aldo Carli 37

***PRISON OVERCROWDING IN LIGHT OF THE COUNCIL OF EUROPE'S
RECOMMENDATION USING LJUBLJANA PRISON AS AN EXAMPLE 38***

Irena Križnik 38

***MEASURES FOR THE PREVENTION OF INTRODUCING DRUGS INTO PRISON
38***

Bojan Majcen 38

VIOLENCE AMONG PRISONERS 39

Jožica Možina 39

COOPERATION BETWEEN PRISONS AND SOCIAL ORGANISATIONS 39

Slava Novak 39

***AN ASSESSMENT OF THE READINESS OF SLOVENIA'S PRISON SYSTEM TO
RECEIVE AND WORK WITH PRISONERS WHO ARE MEMBERS OF CRIME
SYNDICATES 40***

Božidar Peteh 40

***CURRENT CHALLENGES AND TESTS FOR THE SLOVENIAN SYSTEM OF
ENFORCEMENT OF PRISON SENTENCES 40***

Jože Podržaj 40

TREATMENT FOR PRISON INMATES WITH DEPENDENCIES – YES OR NO? 41

Radovan Zupančič 41