

Summaries

Mapping the Criminological Landscape of the Balkans

Evisa Kambellari

Criminology and Crime in Albania

77–98

The paper aims to provide a general representative picture of criminological research and education in Albania. It consists of a step-by-step analysis that explains the main peculiarities characterizing the criminal justice system and crime related matters in Albania. The paper is divided into several sections, each of them dealing with specific matters of criminal policy, institutional capacities, statistical research, and actual major problems of the criminal justice system. The article presents a good starting point to reflect on where we are and the objectives to be achieved in terms of national criminal policy and issues related to it. Special key notes are made on the main recommendations made by international actors and the institutional and legal measures that have been taken in this regard.

Almir Maljević and Elmedin Muratbegović

Criminology and Crime in Bosnia and Herzegovina

99–111

The authors address a number of issues related to crime and criminology in Bosnia and Herzegovina. First of all, it provides an overview of the development of criminological education and research in the country. The Faculty of Criminal Justice and Security, University of Sarajevo, has been identified as the institution at the forefront of both criminological education and criminological research. When it comes to education, curriculum of undergraduate, master and doctoral studies in criminology are in line with respective studies abroad, in Europe in particular. This paper provides evidence to show that researchers from this faculty have been involved in a number of world leading research projects and have published in some of the most renowned criminological journals. Despite being on a par with the European criminologists, the paper argues that criminologists in Bosnia and Herzegovina are yet to produce reliable figures on crime and criminal justice statistics for the country. For this to happen, governmental support and willingness to share data needs to be

provided. Only once the data is provided, will criminologists be able to analyse the information and provide figures based on which it will be possible to view the country's significantly reformed criminal justice system as either a success or as a failure.

Svetla Margaritova-Vuchkova

Criminology and Crime in Bulgaria

113–138

Historically, Criminology took shape as science in Bulgaria at the end of the 19th century. The first institutionalization of criminology dates back to 1922 when the Society for Crime Control was founded.

In accordance with the process of institutionalization of criminology in Europe, in 1967 a Council for Criminological Research at the Chief Prosecutor's Office was established and later a Research Institute of Forensic Science and Criminology at the Ministry of Interior was also created. Some criminological problems are dealt with at the Institute for Legal Studies at the Bulgarian Academy of Sciences, at the Faculty of Law of Sofia University and at the Academy of the Ministry of Interior.

One of the achievements in the promotion of criminology is the fact that it has been lectured at law faculties since the end of the 1970s. Today, it is legally required to be on the curricula of all the 9 law faculties in the country.

In 1987, the Bulgarian Association of Criminology was founded. It contributes to the qualifications of its members, coordinates plans of research units and the teaching of criminology in law faculties. It has a permanent seminar which is a forum for discussing the results of specific criminological surveys and current problems of criminology and criminal policy.

Contemporary crime in Bulgaria is a consequence of globalization, the effect of which was manifested most tangibly seen after 1989 when the division into ideological and military blocks (East-West) and the elimination of national and regional isolation saw crime move out of control.

The main characteristics of contemporary crime in Bulgaria are: increased participation of minors in the commission of criminal offences and decrease in the age of early criminal activity; intellectualization of crime, especially in the area of economic and computer crime; dangerously increased criminal activity of Roma in street crime, especially offences against property, which has become an acute social problem, and development of organized crime.

At the same time it appears that penal policy is more and more reduced to severe repression by means of criminal law. Society is taught to believe that the only effective way to fight crime is to increase the severity of punishments for criminal offences.

Anna-Maria Getoš Kalac and Ruža Karlović
Criminology and Crime in Croatia

139–174

The authors analyse the current state of art in Croatian criminological education and research, focusing on criminological history and criminological institutionalization, the key actors, major criminological textbooks, journals and domestic as well as international studies. This *criminological mapping* is then followed by a discussion on the basics of the Croatian criminal justice system with a focus on the prison system and recent statistics, before the findings of a general *crime mapping* are presented. These findings offer a basic insight into major sources of data about crime and the most important crime trends and problems in Croatia. Levels, trends and patterns of crime in general and violent crime in particular are analysed, before being discussed in the context of age, sex, recidivism, type of crime, etc. They are then evaluated against the current Croatian socio-political setting, including possible effects of the New Croatian Criminal Code. The aim of the article is to provide a full picture of the current state of criminology and crime in Croatia, including its specific socio-political context.

Effi Lambropoulou
Criminology and Crime in Greece

175–201

The article describes in its first part the development of criminology in Greece during the last decades, and in particular, the graduate, as well as the postgraduate criminological education, i.e., courses, major criminological textbooks and journals publishing criminological studies. The article continues with the state of empirical research and the respective institutions. It refers to the relationship between criminological theory and research and the public policy, the state of general criminological discourse, and the research strategy of criminology.

In the second part, the article analyses the level and patterns of crime during two time periods, 1980–1998 and 1998–2010/11, as well as the development of sentencing and imprisonment. High increase of felonies (robberies, serious assaults and homicides), significant decrease in convictions with an increasing involvement of women in crime rates and high rise of prison population are the main characteristics of the situation. ESS data are used for outlining victimization and fear of crime, being of the highest in the EU countries. Political and media engagement with crime trends and criminal justice problems is varying, selective and, generally speaking, moderate.

The third part presents a short description of the criminal justice system and the main problems that it faces, which are the overburdened court dockets and prison overcrowding. Although various measures have been taken in response, they have had limited and short term effectiveness. In the conclusions the author emphasizes the need for continuous and systematic efforts on the part of criminologists in order to intervene more as a scientific community with their distinctive arguments and perspectives in public policy, and similarly for the establishment of the criminological profession in social life.

Eszter Sárík**Criminology and Crime in Hungary**

203–223

The article presents an analysis of the development of criminology in Hungary from the early 20th century to date. Besides an overview of the history of this branch of science the evolution of crime from the 1970s and 1980s to the present is explained in more detail. The aim of this part is, on the one hand, to outline the rapid and radical changes in crime experienced in Hungary after the fall of the Berlin Wall and, on the other hand, to highlight the contradictions in current legislation. The author explicitly emphasizes her belief in the commitment of scientific research to human rights, although the populism in legislation seems to contradict scientific findings and statistical data from time to time. Also, scientific research should aim to support those legislators who prefer the priority of prevention and individual punishment, despite punitive trends in the international scene.

Ernesto U. Savona**Criminology in Italy between Tradition and Innovation**

225–233

The author outlines the development of criminology in Italy from legal medicine and forensic psychiatry to social sciences through criminal law. The result is an interdisciplinary approach connected to the mainstream debate of criminology at international level. Different problems related to crime Italy has experimented in recent years (organized and economic crime) have solicited a wide and deep debate on these topics, a consequent data collection and the development of policy relevant research at national, European and international level.

Lavdim Krasniqi**Criminology and Crime in Kosovo**

235–243

The paper deals with education, legal research and crime trends in Kosovo. The first section looks at the development of education and research in the field of criminology in Kosovo, with a focus on several key institutions (both public and private). The main challenges to criminology are also spelled out. The second section presents and analyses data from institutions responsible for fighting crime, focusing on forms of crime and the number of cases initiated and completed (including the number of prisoners). Special attention is paid to the criminal justice system where legislative structures and key developments in this area are analysed. The paper concludes with the observation that there are a lack of publications and research infrastructure in the area of criminology, including the non-existence of harmonized databases required for criminological research. Criminology in Kosovo needs much support if it is to contribute to discussions on crime prevention and mitigation.

Gordana Bužarovska

Criminology and Crime in Macedonia

245–284

The paper presents a brief overview of the basic data relating to criminology, trends in crime, recidivism rates, most frequent committed types of criminal offences, imposed criminal sanctions, profiles of inmates and opportunities for conditional release in Macedonia. There is an analysis of crimes committed by adult males and females as well as an assessment of the main features of juvenile delinquency. Characteristics of the criminal justice system are presented through the last reform of the Code of Criminal Procedure, a schematic presentation of the organization of courts and public prosecutor's offices, and an appraisal of the situation of state prisons and pre-trial detention.

Vesna Ratković

**Criminology and Crime in Montenegro –
Focus on Corruption**

285–313

Crime, especially its organized forms, including corruption, has been identified as a priority issue to be addressed in Montenegro. The article briefly points out the activities of competent state authorities and other institutions that undertake suppressive, preventive and educational measures to reduce crime in the country. The necessary prerequisites for the prevention and sanctioning of corruption and organized crime have been established. However, it is also very important to continuously strengthen the independence and integrity of key authorities and institutions, as well as their overall resources (administrative, technical and material). In the forthcoming period, the preventive activities of state institutions should focus on removing bureaucratic barriers to the provision of public services to citizens, as these barriers have been identified as one of the main causes of corruption. Strengthening the administrative framework is a serious challenge, especially for “small countries”, which have limited personnel capacities, especially highly specialized ones. This is evident not only in relation to the state authorities, but also for higher education institutions, partly due to a significant lack of scientific studies into the nature of crime. It is hoped that the quality of legislation and successful and effective practice of judicial and other authorities, along with a critical scientific approach to the study of crime, will provide for a reduction in crime, especially its most serious, organized form.

Andra-Roxana Trandafir

**Criminology and Crime in Romania –
Focus on the New Criminal Code**

315–328

The paper aims to offer a general introduction to criminological research and education in Romania, as well as on the criminal justice system, focusing on the challenges raised by the new Criminal Code and new Criminal Procedure Code, which both entered into force in February 2014. The adoption of these regulations is the

consequence of several problems raised after the fall of communism and the accession to the European Union. For this reason, the paper also briefly presents some of the issues Romania has faced with in the past years, as well as criminological studies and projects developed at a national level. It is clear that all reforms in this field cannot be made by a single body, which means that only sustainable structures of cooperation between all agents involved in crime prevention and repression can lead to proper solutions.

Dorđe Ignjatović and Natalija Lukić

Criminology and Crime in Serbia

329–351

This article is divided into two parts. The first part examines the status of criminology in Serbia. After a brief review of the development of this science, its status as a scientific discipline at universities in Serbia is presented, as well as the main sources of knowledge in criminology. First and foremost, the list of textbooks in criminology with their systematic is presented, as well as the approaches of the authors in defining this science. Furthermore, the list of the most important journals is given. Also, a selective bibliography of monographs in Serbian language is provided. The paper presents information about the Section of Criminology of the Serbian Society of Criminal Law Theory and Practice, which is the first association of criminologists in the country. The special efforts of the Section to gather the interest of young people in criminology are mentioned. Of great significance is the fact that among its honoured members some of the most famous criminologists from all around the globe can be found. The article further indicates the importance of edition “Crimen”, which has become the most significant library of criminological sciences in Serbia.

The second part of the article, based on the data from judiciary statistics, gives an overview of crime in the Republic of Serbia. Crime trends are analysed for the period 1991–2012. At the time of writing the article, the last available statistical data of the Statistical Office of the Republic of Serbia were for the year of 2012 (Bulletin n. 576). The authors have analysed data for adult offenders, both suspects and convicted persons. Offenders charged with criminal offences are excluded, considering that they have a transient status. Furthermore, the territorial distribution of committed crimes, data about the structure of committed criminal offences and data about some characteristics of these offenders are presented. Finally, the crime rate for suspects and for convicts as well as the crime clock for the year of 2012 is calculated.

Sabina Zgaga

Criminology and Crime in Slovenia

353–375

Criminology in Slovenia has a long tradition and has been closely intertwined with various institutions and fields of science. Criminology study and research originated within the Faculty of Law, University of Ljubljana, with *Aleksander Vasiljević Mak-*

lecov. The Institute of Criminology in Ljubljana was established in 1954, followed by the Faculty of Criminal Justice and Security, University of Maribor, established in 1973. In 2004, finally, the Institute of Criminal Justice and Security Research in Ljubljana was established.

The paper presents the state of art of criminology and criminal justice in Slovenia. Its first part defines basic outlines of criminological education and research in Slovenia. Criminology has been mostly taught in two institutions in Slovenia, i.e., at the Faculty of Criminal Justice and Security of the University of Maribor and at the Faculty of Law of the University of Ljubljana. The study of criminology in Slovenia is within certain limits possible also at the Faculty of Social Work and Faculty of Educations, University of Ljubljana. Slovenian institutions that provide criminological education also conduct criminological research, co-financed by the state and the European Union.

The second part of the paper focuses on the main crime trends and problems. Accordingly, available official statistics shows the rise of all crime reports, as well as reported crime against the economy and property as well as computer crime. The statistics on sentencing of adult offenders shows repressive trends, since prison sentences are more frequent, and the conditional release and judicial admonition have decreased. This is reflected in the gradual growth of the average number of all incarcerated prisoners in Slovenia, as well as the average number of sentenced prisoners and the general trend towards longer prison sentences.

The effectiveness of the criminal justice system is of course based on effective, clear, up-to-date and safeguarded legislation; therefore the third part sketches the criminal justice system of Slovenia. Despite opposite desires of science and practice, Slovenian criminal legislation has suffered from constant amendments without expert basis, which also influences the efficiency of the criminal justice system. Issues (prison overcrowding, length of criminal procedures, etc.) that are arising in the criminal justice system demand thoughtful, clear and decisive actions from the legislator, based on the needs of the practice, clear understanding of the state of art, its reasons and problems and theoretical basis.

Adem Sözüer and Tuba Topçuoğlu
Criminology and Crime in Turkey

377–397

The paper provides an overview of the state of art in Turkish criminological research and education. It also undertakes a brief outlook into the many facets of the criminal justice system in Turkey. Overall, it is shown that criminological education and research, though developing, is in its infancy in Turkey. A fully-fledged education in criminology and criminal justice in terms of theory, research and practice is currently absent. Furthermore, existing research into the causes of crime is scarce and suffers from serious methodological flaws and, as a result, cannot guide effective

policy making. Measurement of crime at the national level relies solely on unreliable official sources, and available data suggests a significant and worrisome increase in both adult and juvenile crime over the last decades. Available judicial statistics also point to a significant and increasing case overload at both the investigation and the prosecution phases. Finally, the continuous increase in the country's prison population over the last decade is another matter of concern in Turkey that calls for urgent and effective solutions. In sum, an outlook of the state of crime and criminology in Turkey significantly points to the urgent need for the scientific development of the criminology discipline in terms of theory, research and practice, which in turn initially requires providing comprehensive criminological education at the universities.

An Expedition into the Criminal Landscape of the Balkans

Filip Vojta

Punishment and Sentence Enforcement for Serious Violations of International Humanitarian Law Committed in the Former Yugoslavia

401–427

The article provides one of the first systematic and empirically-supplemented overviews of the ICTY's sentence-enforcement system. The system itself, being to a large extent different from the historical prison archetypes of Spandau (Nuremberg trials) and Sugamo (Tokyo trials), requires the assistance of individual states for the incarceration of international prisoners.

The analysis indicates that the problems relating to the imposition of international sentences are also present at the sentence-enforcement stage. The system operates within an under-developed penological framework which seemingly does not account for intrinsic characteristics and the context of "macro-criminality". This is reflected in the ambiguous set of rules which, as practice indicates, can lead to discretionary decisions, politicization and inequality in approach and treatment of international prisoners who are being transferred to various European prison systems where they serve their sentences among ordinary prisoners.

The article proposes the development of a penologically valid, standardized approach to treatment of international prisoners through structural and regulatory consolidation. This is also deemed necessary due to the fact that other international tribunals have, to a large extent, adapted the ICTY-system for the enforcement of their sentences.

The article concludes by fostering a further systematic inquiry into the enforcement of the ICTY sentences which can, due to its wealth of practice, serve as a valid point of reference for potential future improvements. The research project is the first one conducted under MPPG's Research Focus III on international sentencing.

Reana Bezić

Juvenile Delinquency in the Balkans: A Regional Comparative Analysis of the ISRD3-Study Findings

429–445

The article presents the overview of a current Ph.D. research project, with the focus on regional comparative analysis in the Balkans. The project is carried out under Research Focus III of MPPG dealing with Feelings and Perceptions of (In)Security and Crime. It highlights the importance of the background variables in understanding and explaining the prevalence and patterns of juvenile delinquency in the Balkans. First preliminary results of the ISRD3 Croatia data presented show the prevalence of self-reported delinquency and alcohol consumption. The article concludes with a proposal for the strengthening of criminological research in the Balkans.

Karlo Ressler

Trafficking in Human Beings in and through the Balkans – Introduction to a Qualitative Approach

447–466

Despite the growing interest in human trafficking, the precise extent of the phenomenon is largely unknown. The lack of data and understanding hinders the creation of effective and well-targeted anti-trafficking policies in the EU, but in the Southeast of Europe as well. The article presents the overview of the research project on trafficking in human beings in and through the Balkans which is being conducted within the Research Focus I of the MPPG Group for Balkan Criminology on Violence, Organized Crime and Illegal Markets. Firstly, an overview of the human trafficking framework in the Balkans is presented. Secondly, different qualitative ways based on which human trafficking is measured, such as the number of trafficked persons and estimations of profits, are discussed. Thirdly, the article proceeds to examine the advantages of utilizing qualitative methods and explains the proposed methodology.

Sunčana Rokсандić Vidlička

Severe Economic Crimes Committed in Transitional Periods – Crimes under International Criminal Law?

467–498

The article presents some of the important findings of the Ph.D. research project “Criminal responsibility of severe economic crimes committed in transitional period”, supervised by professors *K. Turković* and *H.-J. Albrecht*. The project belongs to MPPG's Research Focus I on Violence, Organized Crime and Illegal Markets.

This article has its focus on the concept of qualifying severe (transitional) economic offences as crimes under international law. It aims at exploring legal and social pre-conditions under which severe (transnational) economic offences could be qualified as such crimes.

Placing more emphasis on the indivisibility of human rights and on the importance of including the protection of economic rights in the Statute of the ICC could be seen as the next necessary step in order to correspond with global developments concerning the concept of human security. Furthermore, the project, as elaborated in this article, is exploring whether it would be possible at all to aim to achieve security and “well-being of the world” in today’s global world without prosecuting severe economic crimes, especially those occurring in transitional periods.

Economic crimes have often been neglected in criminal proceedings and the reports of truth commissions that have followed economic transitions or conflicts, although such crimes can result in substantial losses for the economy, society and rule of law. The Balkan region is no exception to this rule. In order to answer the research questions, the Croatian experience in addressing severe transitional economic offences will be taken as an example. Croatia abolished the statute of limitations for transitional economic offences with retroactive effect with the justification that those crimes have to be regarded “as extremely grave crimes for which it is necessary, right and justified to rule out application of statute of limitations, particularly having in mind the time, circumstances of perpetration and consequences caused.” Hence, these economic offences are equated with the most serious crimes under international law, i.e. genocide, crimes against humanity, war crimes and the crime of aggression. This article examines whether one can find justification for such an identification for severe economic crimes at the international level.

Aleksandar Maršavelski

**Responsibility of Political Parties for Criminal Offences:
Preliminary Observations, Challenges and Controversies** 499–514

The paper provides preliminary observations on the models of responsibility of political parties for criminal offences. First of all, it opens the general research question: Do we need criminal responsibility of political parties?

In most countries it is difficult or even impossible to attribute criminal liability to political parties. This is mainly due to legal obstacles to prosecute or convict political parties, or because of the unwillingness of law enforcement bodies to undertake criminal procedures and hold political parties criminally liable. There is some paradox in such state of affairs. Namely, political parties have the highest responsibilities when governing state administrations, however, they bear little responsibility when they abuse the given powers. There are two main reasons for this. The first one is that classical doctrine of criminal law rejects the possibility of holding collectives criminally

liable. Second is that ruling political parties – being the creators of legal frameworks governing their activities and having to certain extent the political influence on the criminal justice system – are in a position to minimize the possibility of sanctions for the wrongdoings they commit throughout their mandates. This vicious circle creates a state of “responsibility without accountability” i.e. it provides power and functions to political elites, but the risk of sanctioning their misbehaviour is minimal.

The phenomenology of the criminal activities of political parties is somewhat specific due to the particularity of the position they have in states and societies. The preliminary research for this paper reveals the categories of crimes that can be attributed to political parties. They are mainly limited to: economic crimes, election crimes, political crimes, international crimes, crimes against privacy, hate speech, unlawful imprisonment and torture.

One of the hypotheses of this research is that the causes of criminal activities of political parties are linked to the misbalance of two colliding interests: the duty to act for the benefit of the people vs. the will to power. When the prevailing goal of their conduct is to satisfy their will to power – there is a tendency to engage in criminal activities.

The main two models used so far in criminal proceedings against political parties were in principle related to their status. The first model is to treat political parties as legal entities, while the second is to treat them as criminal organizations. In any case, it is important to be aware of the consequences of criminal proceedings and imposed sentences against political parties, which can be fatal for their political future. Various controversies linked to political trials throughout history have demonstrated the need of restrictions to the criminal responsibility of political parties in political settings where there is a danger of instrumentalization of criminal proceedings in confrontations with the opposition parties. Therefore, it is necessary to find an adequate balance between the interests of justice and the need of preserving the functioning of the democratic system. This requires reconsidering possible alternatives to criminal law approach (constitutional, political, civil, administrative) since criminal law ought to be the “ultima ratio”. This research has the task to compare the advantages and disadvantages of different models and make proposals about how to address the criminality of political parties. Finally, special attention is given to the types of sanctions that could be imposed on political parties.