

UDC: 343.9.01(497)  
Biblid 0543-3657, 63 (2012)  
Vol. LXIII, No. 1148, pp. 52–70  
Original Scientific Paper  
October 2012

*Jelena Matijašević*<sup>1</sup>

## **The Importance of Preventive Acting in the field of Crime Suppression with the Reference to Strategic Acts of the Western Balkan Countries**

### ABSTRACT

Criminality is a very complex phenomenon and it is a national problem in all countries - developed countries and developing countries. In the field of crime is particularly highlighted organized crime. Organized crime is a significant threat to security, in national and international scale. Crime prevention is focused on the prevention of occurrence some of the forms of crime. Preventive action involve a range of different political, economic and legal measures taken by states at national, regional and international levels. Preventive fight against crime is based on certain principles that together meet the basic criminal-political goal, and it is successfully fight against crime, with legal, humane, legitimate treatment, with respect for human rights and freedoms. In the current social circumstances, repressive measures are a necessity in combating organized crime, and prevention is orientation of modern criminal policy, which is lately accented, because over time it became clear that the reactive approach, which focuses on the event, is not sufficiently effective in preventing criminal activities. Realizing the importance of preventive activities in the area of crime, Western Balkan Countries have adopted appropriate National Strategic Acts to regulate this area. These Strategic Acts are presented in more details in this paper.

*Keywords:* Crime, Organized Crime, Prevention activities, Strategic documents, Western Balkan Countries.

---

<sup>1</sup> Doc. dr Jelena Matijašević, Faculty of Law for Business and Justice in Novi Sad. E-mail: jelena@pravni-fakultet.info.

## **Introduction**

Criminality is known to be a most complex phenomenon, equally harmful to all societies and all levels of development. In order to comprehend the actual concept of criminality, we ought to take a close, multidisciplinary insight into it by using all our previously gained knowledge of different theoretical disciplines. Criminality is, above all, a social phenomenon which came out as a result of all social relations and processes altogether.

Another, but by any means far too important, aspect of studying criminality is, without question, the psychological aspect. However, this approach enables us to understand the behaviour of individuals, offenders and, most importantly, the victims of criminality.

The third aspect of analyzing criminality is merging the first and the second aspects and, as such, it can be defined as social-psychological aspect. Given the fact that many social phenomena have both social and psychological characteristics, this area has proven to be highly adequate for comprehending the interaction between social groups and individuals.

The fourth, that is, the legal aspect, is by far one of the most important ones which demands to be paid special attention to, especially given the fact that criminal offense inevitably leads to violating the principles of criminal legislation, so that, consequently, the legal treatment of criminality cannot be avoided.

Cultural aspect, on the other hand, is another point in analyzing the complexity of this social phenomenon. Needless to point out, criminal activity does not necessarily stand for a hazard to substantive law only, but also to moral patterns – a manifestation of cultural values of one particular society.

The sixth aspect of studying criminality is the political aspect. However, all political structures should take great interest in dealing with this serious social problem by directing their actions towards suppressing criminal activities and therefore making strong connections between institutions and organizations, aimed at preventing criminality.

And finally, criminality is also an economic category, which aspect cannot be avoided either. On one hand, most criminal activities lead to material losses of victims, but also, on the other hand, the fight against criminality requires some extraordinary financial investments for organizing departments, funds and personnel, all of which necessary in order for these activities to be implemented.

According to previously stated, it is to be pointed out that the multidisciplinary contained in the approach to criminality is not a matter of choice, but a highly requisite access to this complex social phenomenon.

Criminality is, nevertheless, characterized by several very important points. Firstly, it represents a legal category. Secondly, it is always influenced by

behaviour of individuals or groups. And thirdly, such behaviour inevitably leads to harming individuals, groups of people or a society as a whole.

Furthermore, criminality implies all forms of behaviour done by individuals or groups that can be subjects to treatment by criminal legislation in any way, as such behaviour always causes damage to individuals, groups or the society itself.<sup>2</sup> Being a national problem of all countries, apart from the fact whether it is the developed, advanced or developing ones, criminality is characterized by a high level of organization, both on the internal and international basis. Also, it is constantly increasing and its main characteristics are: upgrade of recidivism, professionalism and specialization, misuse of technical achievements and emergence of new criminal forms, privacy and the variety of organization and ways of acting, internationalization, enormous funds which include several different financial systems, weakened efficiency of detection departments, which is caused by increase of material costs necessary for crime suppression. On the other hand, capital realized by criminal actions, as well as the one that activates it, is constantly growing in the meantime.<sup>3</sup>

### **About the organized criminality**

Out of all its forms, criminality is especially characterized by one in particular — organized criminality. It has its three key elements that help define it, and they are: 1.) organizational nature (a solid and hierarchically established nature), 2.) the goal of a criminal action is establishing profit and maintaining the higher, both economical and political power, possible, as well as seizing power, 3.) gaining close connections with the state, its authorities as well as the leading industrial and political subjects, all through its various strong and powerful methods of corruption.

Due to numerous changes in the field of economical and political matters, both on the internal and international levels, organized criminality seems to be getting more and more of an international aspect, as well as new forms of transnational organized criminality.

Having been one of the most important and specific forms of criminality and due to its ability of adjusting to numerous circumstances and situations, along with the possibility of using the new, modern technological achievements when dealing with illegal actions, organized criminality is, by far, the most complex and dangerous sort of crime in any society, and therefore, one of the greatest threats to modern times and humanity.<sup>4</sup> Nevertheless, tight networks among

---

<sup>2</sup> Vladimir Krivokapić, *Crime prevention*, Police Academy, Belgrade, 2002, p. 3.

<sup>3</sup> Vladimir Krivokapić, *Crime prevention*, op. cit., p. 7.

<sup>4</sup> Strategy of Bosnia and Herzegovina in the fight against organized criminality (period from 2009-2012), Council of Ministers of Bosnia and Herzegovina, Sarajevo, 2009, p. 3.

criminals of all nationalities are involved with different sorts of lucrative “jobs”, especially the ones dealing with human trafficking, drugs or weapons, which have proven to be highly profitable. On the other hand, mafia cartels gain control over business transactions in certain areas and parts of the world by blackmailing, threatening, bribing and using force as well as other illegal instruments in order to prevent economy and society from developing. However, by achieving certain positions and being more influential in economical and political structures, the organized criminality becomes a severe threat to safety<sup>5</sup> (both on national and international level), and can seriously jeopardize economical, political, legal, cultural, moral and all other aspects that are of great value to one particular society.<sup>6</sup>

Should we take a look into the situation in this part of the world, we will undoubtedly come to a conclusion that the “organized criminal groups” that come from countries of former Yugoslavia and Balkans have joined together, grown stronger and established a very close connection to the mafia, as well as the internationally organized criminality in countries of Western Europe, such as France, Italy and Belgium and therefore brought to danger new Balkans countries, including the European Union itself.<sup>7</sup>

However, one of the main points of criminality as a whole, especially the organized criminality worldwide is its “dark figure”, which rate is growing every day, mainly in the area of industrial criminality, is related to both criminal acts and the offenders themselves. It comes as no surprise, in this case, that the actual criminal actions that have been revealed and known of are outnumbered by the figure of the actions in total. Criminality, furthermore, especially organized criminality, is characterized by violence, which is no longer only a safety issue, but also a social, economical and political problem as well. Violence, on the other hand, is not an aim for itself, but it is also there for gaining some other, criminal goals, too.

In its resolution 98/c 408/01 from December 21, 1998, the European Council has suggested a number of measures for crime preventing with an emphasis on making a general strategy for these kinds of activities. In order to

---

<sup>5</sup> Ministry of Justice and Public Administration, <http://www.mpravde.gov.rs/lt/news/vesti/jacanje-vladavine-prava-u-srbiji-kroz-borbu-protiv-organizovanog-kriminala-i-korupcije-21.-11.-2008.-godine.html> (downloaded: 15/01/2013).

<sup>6</sup> Nebojsa Teofilovic and Tatjana Teofilovic, *Organized criminality suppression*, Anthology of papers “Prevention and suppression of modern forms of criminality II”, Criminal-police Academy, Belgrade, 2007, p. 124.

<sup>7</sup> Ministry of Justice and Public Administration, <http://www.mpravde.sr.gov.yu/lt/news/vesti/jacanje-vladavine-prava-u-srbiji-kroz-borbu-protiv-organizovanog-kriminala-i-korupcije-21.-11.-2008.-godine.html> (downloaded: 15/01/2013).

fight criminality, the resolution itself insists on cooperation among all national security departments of the whole community. According to this resolution, the essence of preventing criminality is, primarily, preventing the black market from spreading, especially the illegal narcotic market. Along with this, it is highly recommended for an informational and educational network to be established in order to prevent criminality, thus public can be introduced to the results concerning the sources, nature and consequences of organized crime. It is also crucial for cooperation among departments of different states to be present (especially when we talk about the new forms and methods used in prevention of criminality).

As far as prevention of international criminality is concerned, a special role is given to the UN Convention on transnational organized criminality, which is amended with two memorandums: Memorandum of prevention, suppression and punishment of human trafficking, especially women and children, and Memorandum against smuggling of migrants by land, sea or air. The Convention, along with the Memorandums, is used to prevent, investigate and legal prosecution of serious criminal offenses as well as crimes committed by an organized criminal group. The Convention, additionally, apart from the organized criminal groups, also suggests severe ways of punishment for money laundering (especially the kind that has been made by criminal actions), criminal corruption and obstruction of justice. Aside from the confinement, the offenders are likely to be punished by seizure of property, whereas contracting states are obliged to suggest means of confiscation, trace or even seizure of property.

Due to all above, it comes out crystal clear that a constant fight against all sorts (and especially the organized) criminality is more than crucial, as “organized crime (initially, the transnational one) represents a new and modern challenge, risk and threat and that is why it has been identified in strategies of national safety in many countries worldwide”.<sup>8</sup> Also, “according to numerous authors, the organized criminality also stands for a threat to international peace and stability”.<sup>9</sup>

This paper provides us all with preventive activities and measures that need to be taken in order to put the organized criminality into its reasonable extent and fight it as such.

---

<sup>8</sup> Mitar Kovač, *Strategic and doctrinal documents of national safety- theoretical basics*, The world of the book, Belgrade, 2003, p. 131.

<sup>9</sup> Walter Zalisko, *Russian organized crime: The foundation for trafficking*, Police, Bobit Publishing Company, Redondo Beach, 2000, p. 19.

### Preventive activities in the field of crime suppression

Crime suppression includes the usage of all sorts of different methods and measures aimed at preventing any form of criminality.<sup>10</sup> There are, however, different points of view considering this specific topic. While some authors define crime prevention only by the activities aimed at crime suppression done by the public or local community, others, on the other hand, add some activities conducted by the police department as well.<sup>11</sup> In addition to this, some other authors do not take positive legislation to be a basis to crime prevention, but only as result of preventive acting of the public, departments and other services, whilst others are of opinion for criminal legislation to be a solid basis for preventive strategy whatsoever.

Bearing all of this in mind, we can point out that “crime prevention suggests using all measures and facilities for mobilization of individuals, social groups, organizations and institutions, aimed at suppressing all actions that are not in accordance to criminal legislation, which can be and, after all, are, by itself, harmful to individuals, social groups or the society in a whole”.<sup>12</sup>

Criminality prevention is characterized by its opponent nature. Moreover, it implies theory as a solution to crime prevention. Given that stopping a criminal activity from happening is the main goal of the prevention, it is more than necessary to fully understand what criminality actually means in theory, that is, to comprehend its etiological and phenomenological aspects. Furthermore, prevention also has its ideological meaning, too, thus it can not be disapproved due to its containing of the “good” and “eligible” elements. And finally, the third aspect of the opponent nature of prevention is contained in its permanent interaction to politics, as politics itself stands for and organized activity of the whole society in regulating social life. So, prevention is a part of the program of different political orientations. The making of prevention strategies and their implementation by far depend on both political activities in a society and political environment altogether.

Preventive crime suppression is based on certain principles, which, when combined, lead to achieving the main criminal political goal — successful crime suppression along with the following of the legal, human, legitimate rules as well as respecting human rights. These principals are: principal of legality (suggest that any activity aimed at crime suppression should be done in accordance to legal standards implied to such activities), legitimacy principle

---

<sup>10</sup> Vladimir Krivokapić, *Crime prevention*, op. cit., p. 31.

<sup>11</sup> Although modern criminology considers police actions to be strictly retroactive, some activities done by the police can be taken as preventive activities.

<sup>12</sup> Vladimir Krivokapić, *Crime prevention*, op. cit., p. 32.

(all limitations of human rights and freedom should be in accordance to implementation of preventive measures and actions, given that repressive measures become illegitimate unless useful, that is, if not effective enough), principle of individualization (it is highly recommended for preventive measures to be taken in order for certain individual needs to be met), principle of humanity (the modern concept of social prevention insists on human, none-repressive measures themselves).

### **Prevention – repression relation**

Criminality is common for both rich and poor countries. Bearing in mind that its acting has had a destructive influence on development and prosperity of various countries, as well as it being not only an internal, but also in international for many years now, it is no surprise that a need from one organized society has occurred in order to fight criminality in many different ways. However, there are two main ways to resist criminality, and they are: repressive and preventive acting.

Repressive acting means post delictum acting of judiciary power and the police, as part of executive power which deals with revealing and proving that criminal actions have been done; all in all, repressive acting is the reaction of one state to criminal in specified cases. Preventive acting, on the other hand, implies a whole series of different political, economical and legal measures, conducted by the state on the national, regional and international levels. Political measures consist of certain activities that can be put down to: keeping a close eye on all social deviations, accordance between national standards and recommendations of the UN, EU, European Council..., technical and staff improvements of legal and police departments, providing quality facilities to improve working conditions in these departments, scientific and other educational institutes, etc. Economical measures are used to adjusting to the economical political situation via social politics instrumentalization and eradication of poverty. Legal measures refer to all three branches of government powers (executive, legislative and judiciary). The Parliament, as the highest instance of legislative power, is in charge of dealing with legislative matters, passing resolutions and directives to the executive power. The government, as the highest instance of the executive power, proposes and enforces the law and by-laws and controls the police. The essence of judiciary, in its preventive aspect, does not only mean criminal prosecution due to proper ways of punishing the offenders, but also a constant promotion of criminal policy as well as interpretation of statutes.

The growth of social awareness and the human aspect of suppressing criminality have influenced the development of prevention as a separate

segment of criminal policy in modern societies, which, along with the repression, makes a whole out of social engagement as far as crime prevention is concerned.<sup>13</sup>

### **The issue of suppressing organized criminality**

It is not fully possible to suppress organized criminality without having a close insight into its main etiological and phenomenological characteristics, as well as numerous other references. Thus, we are constantly alarmed to improving the existing and finding new methods in the field of crime suppression. It is essential for all elements of organized criminality to be taken into consideration so that enabling statutes can be passed that will affect preventive measures to be effectively conducted.

In addition to this, it is more than necessary to have a preventive influence on the causes of criminal activities, which is exactly where etiological aspect comes first. We must not fail to point out the fact that the offenders are in a non-stop seek of making powerful connections to the state and its departments, whereas criminal organizations have a strong financial impact and therefore can influence political decisions and processes, too, elections for governing authorities, etc. Preventive measures need are be directed to eliminating corruption itself, as well as other activities that criminal organizations use in order to get closer to the state.

In modern society, repressive measures are crucial in fighting organized criminality, whereas prevention is only an orientation for a new criminal policy which has lately been put an emphasis on, which is why it is very important to come up with a new and improved reactive approach due to the preventive activities, as they are not supposed to be “a reaction to the criminal action, but need to be a stimulus for acting ahead”.<sup>14</sup> However, the fight against organized criminality is a very complex and long-term process. All measures need to be well-shaped and clearly defined. One of the key factors in an institutional fight against organized criminality is independent, objective, efficient and responsible jurisdictional institutions.

It is generally accepted that all forms of criminality cannot be efficiently suppressed without using an adequate legal mechanism “which best suits the demands of a successful fight against criminality, with the constant abidance of international conventions, as well as the respect of human rights suggested by

---

<sup>13</sup> Vladimir Krivokapić, *Crime prevention*, op. cit., p. 44.

<sup>14</sup> Branislav Simonović, *The part of the police in crime prevention on the local community level*, Security no.1/2001, Belgrade, p. 35.



national legislation".<sup>15</sup> Along with this, it is also highly recommended for the importance of preventive activities to be pointed out on the international level.

When it comes to international criminal political level, on the other hand, there has been a need for some national, regional and global preventive measures to be taken. The resolution which has been passed on the sixth congress of the OUN on criminality prevention and the treatment of the offenders suggests some of the material and legal consequences caused by economical and political domination of certain countries of the world. The resolution also contains an appeal and recommendation for to a number of countries on how to organize themselves in order to fight the consequences of criminality and destruction on both national and international levels.<sup>16</sup>

Further in the text, we will represent the ways of fighting all manifestation forms of criminality, firstly the organized criminality, in regional countries and countries of former Yugoslavia. By putting together all methods of suppressing of criminal forms and the concept of the planned, that is, strategic documents passed with the goal of bringing the whole process onto the higher, national level which is in accordance to the international standards, we have managed to come up with a parallel among countries. Each country has managed to arrange the aspect of suppressing all forms of criminal manifestation and organized criminality according to its own needs and instruments. We have also come to a conclusion that most countries share the same opinion that, due to all strategic, that is, planned documents based on the modern principals and standards and which regulate certain matters, all activities are being put down to the level of operational acting. Every document gives preventive measures are primal, which is actually the framework of this paper itself. Also, the text will offer analysis of some strategic, that is, planned documents of every country that has pointed its reactions into this direction, as well as other aspects of organization and realization of activities in the field of crime suppression, mainly organized crime suppression.

---

<sup>15</sup> Stanko Bejatović, *The necessity of passing the Law of Criminal Procedure of the Republic of Serbia*, Journal of criminology and criminal law, no. 1/2004, Belgrade, p. 55.

<sup>16</sup> Dušan Cotić and Vladimir Kambovski, *The Sixth UN Congress on the prevention of criminality and the treatment of the offenders held in Karasko*, JRKK, no. 1/1981.

## **Primal framework of National strategy in crime suppression in the Republic of Serbia**

The primal framework of National strategy in crime suppression<sup>17</sup> in the Republic of Serbia was released in 2009 by the Ministry of Home Affairs of the Republic of Serbia.<sup>18</sup>

As pointed out in the introductory part of this publication "... it is more than obvious that well planned strategies of crime prevention are not there only to prevent crime or victimize, but also to promote the safety of a community and make contribution to a sustainable country development. Efficient, responsible crime prevention increases the quality of life of all citizens."

In the first part, the Preamble of the Primal framework offers the future activities concerning the creating of the National strategy of crime prevention, as well as founding of the National Council for crime prevention that will be in charge of all activities on national level. However, one of the sources used for defining of the Primal framework and creating the strategy for crime prevention in other countries was the Guideline for crime prevention by the UN office for drugs and criminal.<sup>19</sup> The Primal framework refers to prevention of criminality containing the elements of violence, drugs, property torts, especially the ones done by underage persons, as well as all other sorts of criminal acts. A definition given by the European network for crime prevention (EUCPN) is also pointed out, according to which crime prevention includes all measures used for suppressing or reducing the number of criminal acts in any other way and dispelling the feeling of guilt with the citizens, either through the direct deterrence from committing crimes, or policy and interventions aimed at reducing the crime potential and its factors. It also includes activities done by the government of the Republic of Serbia, appropriate authorities, criminal law institutions, local authorities, associations of experts, private, volunteering and civil sectors, scientists, public and the media.

The new passage of the first part says that the Primal framework is aimed at stimulating the professional and social dialogue as well as an agreement on the future course of action when crime prevention in the Republic of Serbia is concerned.

---

<sup>17</sup> The Primal framework of the National strategy for crime prevention, Ministry of Home Affairs of the Republic of Serbia, 2009, ISBN: 978-86-83397-11-2.

<sup>18</sup> The Primal framework of the National strategy for crime prevention was created in cooperation with the Ministry of Home Affairs of the Republic of Serbia, Institute for criminological and social research, Faculty for special education and rehabilitation in Belgrade and the Center for children's rights.

<sup>19</sup> Guidelines for the Prevention of Crime, The Economic and Social Council resolution 2002/13 of 24 July 2002.

The second part of the Primal framework implies the goals of crime prevention in Serbia, as such: the general (reducing crime, increasing the subjects' ability in crime prevention, development of cooperation among all subjects involved in crime prevention) and the specific goals.

The third part points out that the future Strategy should be used as an instrument in engaging numerous partners into improving crime prevention in Serbia.

And finally, the fourth part represents the crime prevention Concept which is suggested by the Primal framework. According to the Concept, "crime prevention is consisted of a number of measures, activities and people involved in it, which altogether bring to realization of goals set in this field of action. There are two levels of actions in this area: crime prevention system and a series of general and specific measures and activities, all directed to crime prevention by the community due to its different ways of organizing and various forms of acting". Both of these elements are explained closely, leading to naming the levels of crime prevention: primal, secondary and tertiary. Due to defining all of the three levels of crime prevention, we can say that all preventive activities basically refer to: the situation (creating an environment inappropriate for making crime), social environment (family, school, peer pressure), a potential offender and an actual offender (control and change of behaviour), potential victim (reducing the possibility of becoming a victim in crime) and cooperation with the citizens, resulting in reacting to crime activities.

The Primal framework of National strategy for crime prevention contains a special enclosure: Situational analysis as a basis for creating the Primal framework, consisting of the following points: analysis of every ongoing situation in the field of crime, as a basis for defining strategic directions and goals; major, well-known reasons for crime activities happening in Serbia; analysis of the existing legal framework; analysis of recent activities done in the area of crime suppression, especially the crime prevention; analysis of past cooperation and partnerships.

### **National plan for organized crime suppression in the Republic of Croatia**

National plan for organized crime suppression in the Republic of Croatia<sup>20</sup> in its legal aspect contains all rules of international law, as well as the national legislative of the Republic of Croatia. Due to provisions of the passed stabilization and integration agreement, the Republic of Croatia has largely

---

<sup>20</sup> National plan for fight against the organized criminality 2007-2008, Ministry of Justice of the Republic of Croatia, 2007.

brought its own national criminal legislation in accordance to *aquis communitaire*.

In the part concerning the rate of the present situation in Croatia, it has been concluded that even the most important and the most common forms of the traditional, organized crime can easily lead to illegal migrations, smuggling of drugs, smuggling and illegal sales of weapons, as well as forging, that is, the distribution of the forged money. According to their characteristics, the organized criminal groups in the Republic of Croatia belong to the type of criminal associations that are specialized in one or, sometimes even more, criminal activities. Also, there are such criminal associations with a very fine and flexible internal organization, fields of interest and criminal activities that they are in charge of. Some of the changes in the number of notified crimes have been detected in the Republic of Croatia, meaning that in 2005 the rate has come down to 6,47% less than in 2004. One of the conclusions based on the screening of the situation in Croatia, which is partially a topic of this paper, is the need for implementing and a proper use of the proactive approach at monitoring activities of organized criminal groups, and which represents a basic presumption for a more efficient reveal and suppression of this type of criminality. The end of the third part, however, explains the activities of Special bodies that take part in revealing, reporting and pursuing of the organized criminality: 1.) the Police (department for organized criminality, founded in 1992), 2.) Office for suppression of corruption and organized criminality, 3.) Office for preventing money laundering, 4.) the rest of the governmental bodies (Council for National Security, Council for coordination of security and secret services, Customs service, Exchange inspectorate, Tax administration, etc.).

The fourth part, however, referring to the Plan of specified measures, starts from the fact that it is measures for suppressing organized criminality that determine the what kind of strategic approach will be used in order to fight organized criminality, whereas it's, at the same time, based on the analysis of the state and the directions of acting of the organized criminality in Croatia. The specified measures have a wide range of aims which refer to prevention, strengthening the legislative frameworks, improving the staff and material aspects in bodies responsible for crime suppression and clear defining of their rights and obligations, as well as improving of the whole system of crime persecution. In order to prevent, reveal, successfully repress and persecute the offenders, the police and other governmental and judicial bodies have an everyday obligation of conducting the following measures: 1.) Prevention, 2.) Education, 3.) Development of strategies and regulations, 4.) Money laundering repression, 5.) Deprivation of property rights acquired by making a criminal offense, 6.) Suppression of corruption, 7.) Coordination among the police, certain departments of the Ministry of finance and the National prosecution

service, 8.) Creating of the national data base and protocols for data exchange among the police, certain departments of the Ministry of finance and the National prosecution service, 9.) International and regional cooperation, (9.1) Operational cooperation between the police and other governmental bodies in the field of revealing and repressing of criminality abroad, 9.2) Multilateral and regional cooperation with other judicial bodies of other countries, 9.3) Creating an appropriate atmosphere for conducting investigations together).

And finally, the fifth part is dedicated to the supervision of the way the Plan for specified measures is being conducted.

### **Strategy for organized crime suppression of Bosnia and Herzegovina**

The strategy for organized crime suppression of Bosnia and Herzegovina<sup>21</sup> is a result of development of national capacities and potentials aimed at an efficient fight against all forms of organized criminality, along with creating an adequate environment for political and legal points that would lead to a successful implementation of the Strategy, based on three main principles: a proactive approach of developing and applying of preventive acting, implementation of preventive acting and deprivation of property acquired by making criminal offenses. The Council of Ministers of Bosnia and Herzegovina uses the Strategy in order to regulate politics and establish an efficient system of organized crime suppression and by which it would identify strategic goals, parts and responsibilities of all subjects involved and set up a framework for plans implementation. Also, the Strategy helps create some of the additional terms for a more effective involvement of Bosnia and Herzegovina in the regional, European and world concept of the fight against organized criminality.

At its very beginning, the Strategy represents the visions, missions and main goals it has been based on, and which are: 1.) The general goals of the Strategy set up for the fight against organized criminality, 2.) Special goals of the Strategy set up for the fight against organized criminality. The Strategy also studies the factors that influence the development of organized criminality, all of which aimed at foreseeing a constant integrated process of measures and methods conducted by all governmental bodies and other subjects relevant for organized crime suppression in Bosnia and Herzegovina.

The following part of the Strategy refers to factors valuable for a conducting a successful fight against organized criminality in Bosnia and Herzegovina and

---

<sup>21</sup> Strategy for organized crime suppression of Bosnia and Herzegovina (period from 2009–2012), the Council of Ministers, Sarajevo, 2009.

which are related to a normative legal framework, institutional capacities and the resources of the process itself.

The final regulations of the Strategy, however, deal with the measures used in order to foresee the further acting and development of organized criminality in Bosnia and Herzegovina, as well as valuation of disposable national capacities and possibilities for fighting this phenomenon, and also the steps that need to be taken so that the Strategy is fully implemented. These steps refer to: 1.) passing an Action plan that will consider the measures and both the preventive and repressive forms of fighting the organized criminality, as well as deprivation of property acquired by making criminal offenses, 2.) creating a Work group that develops the Action plan, consisting of bodies' representatives that will take place in conducting the Strategy, as well as all other subjects who show interest in this action.

### **Program for fight against corruption and organized criminality of the Republic of Montenegro**

Program for fight against corruption and organized criminality in the Republic of Montenegro<sup>22</sup> has been set up due to program activities of the government of the Republic of Montenegro and cooperation with the NGO sectors. The aim of the program is becoming a part of the general social plan and widely approved system of measures and activities directed to suppression of organized criminality. A long-term aim of this program is, however, restriction of corruption and organized criminality and their consequences which have a destructive impact on the society in global.

At its very beginning, the Program suggests an analysis of the present situation and state in the Republic of Montenegro in the fields of: 1.) corruption and its harmful consequences, 2.) organized criminality and its harmful consequences, all based on research and relevant statistic data.

The fact that determines whether, and to what extent, is the fight against corruption and organized criminality, depends on a number of factors, mainly political will and determination, as well as abidance of international obligation of acting. Namely, political obligation of acting is not an ordinary declaration of one's intention, but also a clear obligation of subjects of political power, which influences responsibility towards citizens. Furthermore, the program for fight against corruption and organized criminality also proposes the abidance of relevant international standards in an organized social phenomenon in this field

---

<sup>22</sup> Program for fight against corruption and organized criminality of the Republic of Montenegro, the Government of the Republic of Montenegro, Ministry of Home Affairs, 2005.

of action. The program itself also defines the general goals of this process that refer to: 1.) an efficient passing of the law as a key factor of legal system stabilization, 2.) development of preventive dimension, that is, working on directing the disposable potentials towards eliminating the causes that affect appearance of corruption and organized criminality, 3.) stimulating the public and civil society to develop a partner relationship with the institutions in charge of preventing corruption; given the fact that police and judicial activities cannot be successful without a public support, it is highly necessary to set up a system of liberal and public media, 4.) enforcement of democratic and industrial reforms, 5.) setting up a new legal system and creating new institutional frameworks in accordance to international legal documents and practice in order to improve the governmental power into a more efficient suppression of corruption and organized criminality.

The program also identifies a series of specific measures used against the corruption and organized criminality in the field of a proper criminal prosecution, passing laws and measures referring to certain controlling institutions, corruption prevention and involvement of the public, civil society and the media.

On the other hand, the final paragraphs of the program have been dedicated to implementation of the program's regulations. Due to this point, a special body has been formed –the Committee of the government of the Republic of Montenegro, which will be in charge of realization and the proper implementation of the program's regulations.

### **The Action plan of the Interdepartmental work group for the fight against human trafficking of the Republic of Slovenia**

The Action plan of the Interdepartmental work group for the fight against human trafficking plays a most important role as a document that influences the realization of legislative provisions in the Republic of Slovenia.<sup>23</sup>

The Action plan was initially formed as a proper addition to previous planned documents in this field, given the fact that human trafficking became the center of attention and one of the leading problems in the Republic of Slovenia in 2001.

The Action plan, however, puts an emphasis of prevention, transparency, awakening the public awareness, education and training of technical staff, educational and social institutions. Nevertheless, the Plan offers a series of

---

<sup>23</sup> Action Plan Interdepartmental Working Group for the Fight against Trafficking in Human Beings for 2010–2011, Government of the Republic of Slovenia.

elements of preventive activities, and they are: 1.) communication activities which aim is to affect the public awareness and informing, 2.) activities concerning the training of public servants whose work is variously connected to different aspects of human trafficking issue, 3.) considering the point of human trafficking in the Regional ministerial Conference in the field of home affairs, so called "The hill process".

However, a special significance has been given to the point of revealing, investigation and prosecution of criminal acts, as well as the international cooperation when carrying out the activities above. Specified phases in this part are: 1.) Revealing and investigation of criminal acts of human trafficking through forming joint investigation teams (JIT) in the Southeast Europe region, 2.) an intense work of the police towards revealing and investigation of criminal acts of human trafficking in the area of sexual exploitation, 3.) an intense work of the police towards revealing and investigation of criminal acts of human trafficking in the area of labour exploitation, 4.) monitoring individual cases of criminal persecution for criminal acts of human trafficking, 5.) monitoring the extent and ways of making criminal offenses directly connected to human trafficking, 6.) improving the controlling mechanisms of work permission delivers.

The Action plan also covers and, at the same time, deals with a very important point of this matter, which is undoubtedly, the help and protection of the victims. The main field of actions in this manner is have been realized via numerous activities, all named together as „a care for the victims of human trafficking“, as well as through the addition of the project.

„The implementation of mechanisms for recognizing, helping and protecting the victims of human trafficking and/or sexual violence in the process of acquiring the international protection in Slovenia (PATS)<sup>24</sup> and the process of reintegration of human trafficking victims.

The final chapter of the Action plan represents means of support which contain: identification of system and legal solutions regarding the issue of human trafficking, participation in regional and international organizations in charge of human trafficking suppression and enabling an active participation of the NGO in national and international educational Congresses.

---

<sup>24</sup> Project „Uvajanje mehanizma za prepoznavanje, pomoč in zaščito žrtev trgovine z ljudmi in/ali spolnega nasilja v postopkih priznanja mednarodne zaščite v Sloveniji (PATS)“, Akcijski načrt medresorske Delovne skupine za boj proti trgovini z ljudmi za obdobje 2010–2011, Government of the Republic of Slovenia.



## **Organizational and legislative regulation of organized crime Manifestation in the Republic of Macedonia**

A specific and conspicuous issue in the Republic of Macedonia is, by far, is a rapid increase of organized crime manifestation, named industrial, that is, economical financial criminality.

For years, this issue which manifestation is widely spread and enormously dangerous for a society, has been kept in dark from the eyes of Macedonian public. What's more, this phenomenon has not been even considered by the science of criminal law, let alone from the criminal or criminological aspect.<sup>25</sup> During the past several years, however, under the influence of international legal acts and the Contracts Convention, the problem of industrial criminality has been given a certain significance, which it undoubtedly, deserves.

Namely, the reaction to this manifestation of organized criminality consists of two approaches — the preventive and repressive, that is, criminal prosecution for committed crimes. Thus, it should be pointed out that in this manner, there are two means of a direct law enforcement (the Penal Code of the Republic of Macedonia and Law of Criminal Procedure), as well as bodies and institutions that indirectly make contribution to a quality investigation and prevention of industrial criminality.

There are several appropriate authorities in the Republic of Macedonia that are in charge of implementing procedural provisions of the Law of Criminal Procedure as well as substantive provisions of the Penal Code of the Republic of Macedonia, and they are: the Court, Public Prosecution, the Police, Custom Service and Financial Police department, all of which can be considered to be law enforcement agencies in this area. On the other hand, there are certain, but not less important, bodies, departments and institutions that make indirect contribution to crime prosecution, and which are specialized for financial transactions, managing, controlling the use of budgetary funds, etc (i.e. Revenue Department, Head office for preventing money laundering and financing of terrorism, Audit Office of the Republic, The Republican Foreign Inspection, The Republican Trade Inspection, The Republican Labour Inspection) and the State Commission for preventing corruption, as an independent body.

Along with the matters of an appropriate procedural investigation and prosecution of the offenders, the Penal Code of the Republic of Macedonia<sup>26</sup>

---

<sup>25</sup> See more: Concepts and forms the economic and financial crime, <http://search.conduit.com/Results.aspx?q=POIM++I+POJAVNI+OBLICI+NA+EKONOMSKO++FINASISKIOT+KRIMINAL&hl=en&gil=en-US&SelfSearch=1&SearchType=SearchWeb&SearchSourceOrigin=13&ctid=CT2009787&octid=CT2009787&FollowOn=True> (downloaded: 06/05/2011.)

<sup>26</sup> Chapter 25 – Criminal offenses against public finances, payment system and the economy, the Criminal Code of the Republic of Macedonia, Official Gazette of RM, no. 19/04, 268–287.

also regulates, in details, all other actions that could be suitable for criminal culpability in any possible way. In addition to this, 22 criminal acts have been regulated in this field of interest.

### **Conclusion**

When we talk about the process of resisting different forms of criminality and therefore reducing them to a reasonable extent in the Republic of Serbia, it is more than necessary to take an appropriate approach to this matter, as the fight against criminality needs to be constant and smartly conceived. That implies not only the realization of repressive actions, but also creation of a strategy that would contain a certain preventive activity.

However, it is these preventive activities that have been given a very important role in the field of crime suppression, as, given the fact that the reactive approach, aimed at a criminal act itself, has proven to be inefficient enough in prevention of making criminal offenses. Also, the researches have shown that putting an emphasis on revealing of the committed crimes only and their offenders, has a limited effect on reducing the crime rate.

In 2009, the Ministry of Home Affairs of the Republic of Serbia published the Primal framework of the National strategy for crime prevention, all in accordance to comprehension of the importance of preventive activities in the field of criminality.

Such process of fight against criminality development will inevitably lead to a high level of citizens' respect and trust in institutions that are in charge of this matter. Bearing that in mind, it is essential to improve the institutions closely involved in fight against the organized criminality, improving the legal framework of action, international cooperation as well as human resources in this area.

### **Literature**

1. Action Plan Interdepartmental Working Group for the Fight against Trafficking in Human Beings for 2010-2011, the Government of the Republic of Slovenia
2. Bejatović, Stanko, *The necessity of passing the Law of Criminal Procedure of the Republic of Serbia*, Journal of criminology and criminal law, no. 1/2004, Belgrade
3. Cotič, Dušan and Kambovski, Vladimir, *The Sixth UN Congress on the prevention of criminality and the treatment of the offenders held in 1980 in Karasko*, JRKK, no. 1/1981
4. Concepts and forms of the economic and financial crime, <http://search.conduit.com/Results.aspx?q=POIM++I+POJAVNI+OBLICI+NA+EKONOMSKO+->

- +FINANSISKIOT+KRIMINAL&hl=en&gil=en-US&SelfSearch=1&SearchType=SearchWeb&SearchSourceOrigin=13&ctid=CT2009787&octid=CT2009787&FollowOn=True (downloaded: 06/05/2011.)
5. Criminal Code of the Republic of Macedonia, Official Gazette of RM, no. 19/04, 268-287
  6. Guidelines for the Prevention of Crime, The Economic and Social Council resolution 2002/13 of 24 July 2002
  7. Kovač, Mitar, *Strategic and doctrinal documents of national safety- theoretical basics*, The world of the book, Belgrade, 2003
  8. Krivokapić, Vladimir, *Crime prevention*, Police Academy, Belgrade, 2002
  9. Ministry of Justice and Public Administration, <http://www.mpravde.gov.rs/lt/news/vesti/jacanje-vladavine-prava-u-srbiji-kroz-borbu-protiv-organizovanog-kriminala-i-korupcije-21.-11.-2008.-godine.html> (downloaded: 15/01/2013)
  10. National plan for fight against the organized criminality 2007-2008, Ministry of Justice of the Republic of Croatia, 2007
  11. Program for fight against corruption and organized criminality of the Republic of Montenegro, the Government of the Republic of Montenegro, Ministry of Home Affairs, 2005
  12. Simonović, Branislav, *The part of the police in crime prevention on the local community level*, Security no.1/2001, Belgrade
  13. Strategy for organized crime suppression of Bosnia and Herzegovina (period from 2009-2012), the Council of Ministers, Sarajevo, 2009
  14. Strategy of Bosnia and Herzegovina in the fight against organized criminality (period from 2009-2012), Council of Ministers of Bosnia and Herzegovina, Sarajevo, 2009
  15. Teofilović, Nebojša and Teofilović, Tatjana, *Organized criminality suppression*, Anthology of papers "Prevention and suppression of modern forms of criminality II", Criminal-police Academy, Belgrade, 2007
  16. The Primal framework of the National strategy for crime prevention, Ministry of Home Affairs of the Republic of Serbia, 2009, ISBN: 978-86-83397-11-2
  17. Zalisko, Walter, *Russian organized crime: The foundation for trafficking*, Police, Bobit Publishing Company, Redondo Beach, 2000