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Kriminalističke teme

RIJEČ UREDNICE

Marija LUČIĆ-ĆATIĆ

Poštovane čitateljice i čitatelji,

osobito mi je zadovoljstvo predstaviti drugi dvobroj časopisa „Kriminalističke teme" za 2025. godinu, koji sadržajno obuhvaća šest iznimno interesantnih znanstvenih i stručnih radova iz domena kriminalistike, kriminologije i sigurnosnih studija.

Ovaj dvobroj započinje izvornim znanstvenim radom doc. dr. Sohela Rane sa Sveučilišta informacijskih tehnologija i znanosti u Dhaki (Bangladeš) pod naslovom *„Policing, Public Trust, and Democratic Accountability: A Comparative Legal Analysis of Bangladesh and the Western Balkans".* U navedenom radu autor vrši usporednu analizu modela policijske odgovornosti i razine povjerenja javnosti u Bangladešu i odabranim državama zapadnog Balkana te koristeći kvalitativne, doktrinarne i komparativne metode, zaključuje da su države zapadnog Balkana, potaknute procesom integracije u Europsku uniju, ostvarile značajniji napredak u uspostavi demokratskog nadzora nad policijom. U konačnici autor u radu nudi zakonodavne i političke smjernice za jačanje legitimnosti policije i demokratskog upravljanja te doprinosi rijetkim međuregionalnim usporednim istraživanjima u području policijskih studija.

Naredni rad predstavlja prethodno saopćenje koautorskog tima Nomana Nadeema, studenta na Odsjeku za kriminologiju, NFC IET Multan, doc. dr. Ahmada Saada sa NFC IET Multan, Umaisa Samada, studenta na Odsjeku za kriminologiju, NFC IET Multan i Muhammada Daniyala Tahiria, studenta na Odsjeku za kriminologiju, NFC IET Multan iz Pakistana pod naslovom *„The Impact of Technological Innovation in Juvenile Delinquency : A Case-Based Analysis for Modern Policy Intervention in Punjab, Pakistan"* u kojem koautorski tim analizira utjecaj digitalnih tehnologija na oblike maloljetničke delinkvencije u Pakistanu, s posebnim naglaskom na kibernetički kriminal i devijantna ponašanja mladih. Primjenom teorije ravnoteže kontrole i analizom studija slučaja razmatra se kako povećana izloženost digitalnom okruženju dovodi do slabljenja društvenih kontrola. U zaključku rada koautorski tim predlaže regulatorne i obrazovne mjere usmjerene na jačanje digitalne pismenosti i stvaranje sigurnog mrežnog okruženja za mlade, čime rad nudi vrijedan doprinos preventivnim javnim politikama.

Potom slijedi pregledni znanstveni rad *„The rights of suspects and accused in criminal proceedings in Bosnia and Herzegovina: To what extent are they in compliance with European union agenda on procedural safeguards?* koautora prof. dr. Harisa Halilovića, prof. dr. Muhameda Budimlića i prof. dr. Elmedina Muratbegovića, redovitih profesora na Univerzitetu u Sarajevu – Fakultetu za kriminalistiku, kriminologiju i sigurnosne studije. U navedenom radu koautorski tim razmatra prava osumnjičenika i optuženika u kaznenom postupku u Bosni i Hercegovini u kontekstu usklađivanja s pravnom stečevinom Europske unije. Analizom važećih kaznenoprocesnih propisa i relevantne sudske prakse, uključujući odluke Ustavnog suda i viših sudova, posebna se pozornost posvećuje procesnim jamstvima, osobito u odnosu na

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maloljetnike. Navedeno istraživanje doprinosi razumijevanju izazova učinkovite provedbe europskih standarda kaznenog pravosuđa u procesu europskih integracija Bosne i Hercegovine.

Nadalje, dvobroj nudi pregledni znanstveni rad koautorskog tima prof. dr. Muamera Kavazovića, doc. dr. Edite Hasković, prof. dr. Marije Lučić-Ćatić i prof. dr. Dine Bajraktarević Pajević sa Univerzitetu u Sarajevu – Fakultetu za kriminalistiku, kriminologiju i sigurnosne studije pod naslovom *„Kriminalistička vještačenja i standard ISO 17025 (studija slučaja Bosna i Hercegovina)"*. U navedenom radu analizira se važnost akreditacije forenzičkih laboratorija u Bosni i Hercegovini prema standardu ISO 17025 u kontekstu složenog ustavnog i policijskog ustroja države. Primjenom analize sadržaja te teorijskih i empirijskih spoznaja ukazuje se na nužnost implementacije ovog standarda radi međunarodne prepoznatljivosti forenzičkih nalaza, jačanja njihove pouzdanosti u sudskim postupcima i ispunjavanja zahtjeva europskih integracija. U konačnici koautorski tim zaključuje da akreditacija predstavlja ključni preduvjet osiguranja objektivnosti i kvalitete forenzičkih vještačenja u kaznenim i građanskim postupcima.

Naredni rad *„Implementacijski izazovi Strategije za sprečavanje i suzbijanje zloupotrebe opojnih droga u Kantonu Sarajevo"* predstavlja pregledni znanstveni rad koautorskog tima prof. dr. Irme Deljkić, redovite profesorice na Univerzitetu u Sarajevu – Fakultetu za kriminalistiku, kriminologiju i sigurnosne studije, Admira Katice, ministra Ministarstva unutarnjih poslova Kantona Sarajevo i doc. dr. Adnana Fazlića, docenta na Univerzitetu u Sarajevu – Fakultetu za kriminalistiku, kriminologiju i sigurnosne studije u kojem se razmatraju izazovi provedbe Strategije za sprečavanje i suzbijanje zloupotrebe opojnih droga u Kantonu Sarajevo (2024.–2028.) u kontekstu složenosti suvremenih politika borbe protiv ovisnosti. Analiziraju se ključne prepreke implementacije, uključujući zakonodavnu fragmentiranost, ograničene resurse i nedostatnu međusektorsku koordinaciju, uz isticanje mogućih rješenja za povećanje učinkovitosti i održivosti strateških mjera u lokalnom okružju.

U konačnici, dvobroj nudi stručni članak *„Prikaz uređenja prostitucije u Švedskoj, Njemačkoj i Sloveniji s osvrtom na hrvatsko rješenje"* dr. sc. Pere Mihaljevića. Autor u radu analizira različite modele pravnog uređenja prostitucije u europskom kontekstu, s posebnim naglaskom na švedski abolicionistički model, njemački model legalizacije te slovenski pristup dekriminalizacije. Usporednom analizom ističu se prednosti i nedostaci pojedinih rješenja, uz zaključak da ne postoji jednostavan i univerzalno učinkovit model regulacije ove složene društvene pojave, dok aktualni hrvatski model kriminalizacije predstavlja tek jednu od mogućih opcija u traženju optimalnog normativnog okvira.

Ovom prigodom također želim izraziti zahvalnost svim autorima i koautorima na dostavljenim radovima, recenzentima te članicama i članovima redakcije koji su svojim sugestijama i prijedlozima unaprijedili kvalitetu i omogućili publiciranje još jednog izdanja časopisa „Kriminalističke teme". Nadam se da će čitateljice i čitatelji i u ovom broju pronaći interesantne i upotrebljive sadržaje.

Glavna i odgovorna urednica
Prof. dr. Marija Lučić-Ćatić

OPOZIV/RETRACTION

Obavještavaju se čitatelji/čitateljice da se rad pod naslovom "Policing, Public Trust, and Democratic Accountability: A Comparative Legal Analysis of Bangladesh and the Western Balkans" povlači iz objave zbog naknadno uočenog grubog kršenja odredbi Etičkog kodeksa Redakcije časopisa "Kriminalističke teme".

Readers are hereby informed that the paper entitled "Policing, Public Trust, and Democratic Accountability: A Comparative Legal Analysis of Bangladesh and the Western Balkans" is being withdrawn from publication due to a subsequent observation of a gross violation of the provisions of the Code of Ethics of the Editorial Board of the journal "Kriminalističke teme".

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POLICING, PUBLIC TRUST, AND DEMOCRATIC ACCOUNTABILITY: A COMPARATIVE LEGAL ANALYSIS OF BANGLADESH AND THE WESTERN BALKANS

Original Scientific Paper

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Sohel RANA

Abstract

This research article compares the legal systems of Bangladesh with selected Western Balkan nations in terms of police accountability and public confidence. The study examines the scientific subject of transitional democracies' challenges to democratise law enforcement, which are hampered by institutionalised authoritarian legacies, legislative flaws, and ineffective monitoring institutions. The analysis employs qualitative, doctrinal, and comparative research methods to investigate linked issues such as police legislation, abuse of authority, community-based policing, and democratic accountability. The research contends that, while both areas face structural and political impediments to law enforcement reform, Western Balkan governments, influenced by EU integration demands, have made more substantial achievements in institutionalising democratic supervision systems. The objective is to propose legislative and policy-driven reform plans that strengthen police legitimacy and democratic governance. This study is unique in that it includes cross-regional comparison studies, which are uncommon in the policing research. The scope of work includes substantial legal paperwork, institutional frameworks, and policy creation. The findings have significant cognitive value for both academic discourse and field practice, particularly in transforming policing institutions in transitional cultures.

Keywords: Community Policing, Comparative Legal Analysis, Democratic Policing, Police Accountability, Public Trust

1. INTRODUCTION

Public trust in law enforcement agencies is an essential component of democratic government and the rule of law. When the public sees the police to be legitimate, accountable, and transparent, there is more compliance with the law, improved collaboration, and the preservation of social order. Policing in post-transition societies emerging from authoritarian regimes, conflict, or colonial legacies is frequently a source of heated debate, and historical patterns of political control, corrupt practices, and misconduct continue to undermine public trust (Uddin, 2022; Patwary & Banarjee, 2025). Bangladesh and numerous Western Balkan nations, most notably Bosnia and Herzegovina, Serbia, and North Macedonia, are instructive instances of policing methods that remain shaped by such historical trajectories despite ongoing reform measures.

The Police Act of 1861 of Bangladesh continues to affect both legislative power and institutional architecture in Bangladeshi police. Despite successive reform efforts, civil society complaints and recent empirical research show that long-standing issues persist: political interference, a fragile independent complaints system, excessive force, and limited civil society involvement in oversight (Ahmed & Kader, 2023; Sarker et al., 2025). Community policing programs are being adopted; however, research shows that they generally follow a formalistic approach and are mostly police-driven, with little community engagement (Bhaduri, 2024; Biswas, 2023). Reports also show widespread public distrust: a recent poll found that approximately 38% of respondents had been harassed, and 31% had admitted to paying bribes in order to obtain police services, despite widespread assumptions of corrupt practices (Dhaka University Department of Development Studies, as cited in The Daily Star, 2025).

Western Balkan nations exhibit both substantial disparities and commonalities. Under pressure from EU membership and international human rights regimes, nations such as Bosnia and Herzegovina and Serbia have adopted formal law amendments to improve supervision measures, including parliamentary scrutiny, ombudsman offices, judicial review, and civilian complaint systems (OECD, 2024). However, there are still significant implementation gaps. Political meddling, splintered institutional systems (particularly in Bosnia), a lack of resources, and a lack of civil society participation all impede true democratic accountability (Tunyan & Goetz, 2024). The public's trust is low due to frequent instances of police abuse of authority and unequal execution of legal protections.

In this context, this article combines police, public trust, and democratic accountability through a comparative legal examination of Bangladesh and a few Western Balkan republics. The work is research and scientific in nature, conceptual in its understanding of legitimacy, supervision, and community policing, and methodological in its use of doctrinal and comparative legal analysis supported by contemporary empirical findings.

This academic concern is on how post-transition democracies' legal and institutional frameworks have failed, particularly in transforming procedural improvements into efficient public oversight and confidence. According to recent reliable research and surveys, the inconsistency between policing practices and statutory measures in both regions is a cause for worry (Ahmed & Kader, 2023; Patwary & Banarjee, 2025; Tunyan & Goetz, 2024).

The arguments made are summed up as follows: first, despite the perception that the legislative reform and supervision frameworks of Western Balkan countries are more advanced, they nevertheless have serious execution flaws that make it difficult to build strong public trust.

Second, political meddling, lingering colonial legal norms, and inadequate civilian supervision in Bangladesh all contribute to the persistence of institutional policing accountability. Third, despite the potential advantages of community policing, its impact on public trust will also rely on the degree of sincerity of community engagement, institutional autonomy, and underlying legislation.

It aims to distinguish between institutional and legislative reform measures that might support democratic accountability and police legitimacy in places like Bangladesh and the Western Balkans. The research aims to produce comparative insights that might help academic researchers, civic society, policymakers, and reformists create efficient oversight structures and community-oriented policing frameworks.

Its originality is that it is a cross-regional examination contrasting South Asia (Bangladesh) and Southeast Europe (Western Balkans) in recent (2021-2025) institutional and law-driven developments. No study compares them in terms of public confidence, supervision structures, and police accountability, especially when combining empirical reporting from recent years with doctrinal legal analysis.

The research incorporates a number of elements, including constitutional provisions, law enforcement policies, oversight legislation, documented incidences of wrongdoing, community policing tactics, current public opinion, and poll data from Bangladesh and certain Western Balkan countries. The time frame mostly spans 2021–2025 in order to account for both public opinion and previous developments.

Cognitive contribution to science lies in enriching the literature of comparative criminology and criminal justice; that is, better understanding how law, culture, institutional design, and external influence (e.g., EU accession) affect police accountability. In transformative democracies, the results are arranged at the practice level to support community policing, enhance oversight institutions, support legal change, and restore public trust in police institutions.

2. RESEARCH METHODOLOGY

This study applies a qualitative, doctrinal, and comparative legal research methodology to examine the dynamics of police, public confidence, and democratic accountability in Bangladesh and select Western Balkan nations. Doctrinal legal analysis requires carefully considering and interpreting legal resources such as constitutions, police legislation, regulatory statutes, supreme law instruments, and court opinions that define police power, supervision regimes, and accountability frameworks. Furthermore, socio-legal aspects are taken into account by reviewing policy documents, organisational reports, and civil society comments to determine how the practical reality of legislation differs from its formal portrayal. Using a comparative perspective allows one to identify convergences, divergences, and best practices across different legal regimes, particularly in transitional democracies undergoing legal change and international normative impact.

2.1 Research Design

The research is structured as a multijurisdictional comparative legal study that combines doctrinal methodology with sociolegal contextual analysis. The doctrinal examination will look at legal frameworks in both Bangladesh and the Western Balkans (which include Bosnia and Herzegovina, Serbia, and the Republic of Northern Macedonia). The mapping of statute provisions, monitoring organisations, constitutional assurances, and court opinions on law enforcement accountability are all important. Sociolegal factors are gathered from current international institution and NGOs reports, media stories, and empirical study conducted in 2021-2025 to assess real-world applicability. Comparative studies will focus on tracking structural elements (politics, institutions, cultures) that determine how legal frameworks function, such as the effects of external forces (e.g., EU accession) and internal civil society pressures.

2.2 Jurisdictional Selection

Jurisdictions chosen reflect transitional democracies with legal reforms in enforcement and supervision, but are nevertheless afflicted by authoritarian legacies, political intervention, or war. Bangladesh, as a representation of South Asia, has a colonial-era centralised policing model with longstanding challenges of accountability and public confidence. Bosnia and Herzegovina, Serbia, and North Macedonia from the Western Balkans were also chosen because to recent reform attempts, EU integration procedures, post-conflict or post-authoritarian legal reforms, and availability to current legal and sociolegal resources. The options allow for comparative assessments of scenarios in which EU normative goals appear against contexts in which domestic governance processes predominate.

2.3 Data Sources

2.3.1 Primary Legal Materials

These contain constitutional documents, police codes, oversight laws, rules, and case law (including higher court decisions) of the selected countries. Sources include official gazettes, case law databases, official government websites, and published case law libraries, as well as documents enacted or interpreted between 2021 and 2025 when applicable.

2.3.2 Secondary Sources

Secondary sources include current academic journal articles, policy briefs, reports from nongovernmental organisations and human rights organisations, as well as evaluations from international organisations (for example, EU or OSCE reports). The emphasis is on works published after 2021, therefore addressing current legal and institutional contexts. For example, research on human rights breaches in police in Bangladesh (Uddin, 2022) and new studies on parliamentary supervision in Western Balkan countries (OECD, 2024) provide socio-legal insights.

2.3.3 Comparative Legal Analysis

International expert review, comparative legal theories, and law scholarly analysis are utilised to position territorial judgements in international standards and to comprehend broad trends. This contains academic publications that discuss oversight procedures, police reform, and problems with public confidence that occur in transitional environments.

2.4 Limitations

The scope of this study is restricted to a literature review. Surveys, participant observations, interviews, and other primary data gathering methods are not employed. Inferences drawn from published sources and reports are therefore entirely dependent on them, which may unintentionally add bias or omission through selective or underreported reporting. Although the comparative study covers important countries, it does not fully represent all transitional democracies; hence, it is important to use caution when extrapolating conclusions beyond the examples examined. Second, there can be a failure to observe some long-term patterns because of the dependence on recent sources (2021–2025). Lastly, the actual execution of the law frequently differs significantly from theory; it is inherently immature to evaluate actual enforcement or public opinion in the absence of field factual evidence.

3. RESULTS

3.1 Legal Framework of Policing in Bangladesh

The primary legislation governing policing in Bangladesh is the Police Act of 1861, which was mostly passed down from colonial times. Instead of creating a democratic police paradigm based on accountability and rights, the British colonial rulers first enacted the particular legislation to maintain power and crush resistance (Rahman & Chowdhury, 2023). Despite Bangladesh's independence in 1971 and the ensuing changes that supported democratic principles, the Police Act has not seen much revision, which has resulted in long-standing flaws in the controls placed on police authority and accountability. The Act gives police ranks broad discretionary powers without corresponding accountability mechanisms, placing a major focus on a command-and-control pyramid. The consequence is that many of its provisions are still ill-suited to modern police demands, including community policing, civil rights protection, and open supervision (Islam, 2022).

These attempts to make Bangladeshi law enforcement more professional have been inconsistent and largely unsuccessful. As demonstrated by the proposed Police Reform Bill, attempts to implement new legislative measures or supportive frameworks have either stagnated or haven't significantly changed the way police operate (Hasan, 2023). A police tradition that is difficult to reform has been upheld by such legislative paralysis, which has encouraged authoritarian behaviours that are contrary to the values of law and order and democratic government.

The Constitution of Bangladesh has a number of pertinent clauses that protect citizens' rights and limit police conduct. While Article 35 protects people from arbitrary arrest and imprisonment and mandates due process, Articles 27 and 31 provide equality before the law and forbid discrimination of any form (Ahmed & Hossain, 2023). Additionally, Article 44 grants the judiciary the authority to provide writs to support the enforcement of basic rights, giving individuals a way to seek redress for unlawful actions by the government, including the police. However, there is a significant gap between constitutional protections and actual police operations. As a sign of a systemic failure to apply legal principles in reality, law enforcement agencies frequently ignore court orders and judicial oversight, and judicial action is inherently drawn out and unavailable to many of its residents (Khan et al., 2024).

Institutional independence is seriously compromised by the Bangladesh Police's administrative subordination to the Ministry of Home Affairs. Political influence on police appointments, transfers, promotions, and operational directives is a result of this structural positioning (Rahman & Chowdhury, 2023). Because of the Home Ministry's authority, political meddling is made easier, and police are frequently employed as tools to quell dissent and repress opposition rather than impartially ensuring public safety (Siddiqui & Chowdhury, 2024). Because of the highly centralised chain of command and the little operational autonomy granted to lower ranks, accountability and responsiveness to community demands are further weakened.

Bangladesh does not have a civilian review process or an impartial complaints authority against the police. Most police complaints are handled internally through departmental investigations or administrative disciplinary actions, which are often seen as unfair and opaque (Hasan, 2023). Reports from civil society and the media often detail instances of police torture, deaths in custody, and arbitrary incarceration; yet, very few of these incidents lead to prosecution and conviction of law enforcement officials (Khan et al., 2024). Despite being available, legal redress is rarely used due to structural obstacles including intimidation, corruption, and convoluted procedures (Ahmed & Hossain, 2023). As a result, the institutional and legal system neither effectively discourages police abuses nor fosters public trust.

3.2 Legal Framework of Policing in the Western Balkans

States in the Western Balkans, such as Bosnia and Herzegovina, Serbia, and North Macedonia, provide a distinct picture, with major post-conflict reform motivated more by the possibility of EU membership and international integration (Marković, 2023). These nations, in contrast to Bangladesh, have carried out significant law reform to align policing tactics with EU standards for accountability, democratic governance, and human rights protection. However, complex political arrangements and the legacy of violence have created disparate institutional forms and reform trends.

As a legacy of the Dayton Peace Agreement, Bosnia and Herzegovina is a prime example of a decentralised policing approach based on the nation's political entities. According to Šimić and Vuković (2023), the Brčko District and the Federation of Bosnia and Herzegovina and Republika Srpska are the two core entities that share police power. Each of these entities has its own police force and legal code. The Human Rights Ombudsman of Bosnia and Herzegovina, an independent agency with the authority to look into complaints, monitor police behaviour, and push for reform, helps to mitigate the division's impact on standards and oversight consistency (Šimić & Vuković, 2023). Even though the Ombudsman's recommendations are not legally binding, they have made a substantial contribution to openness and giving residents a forum to file grievances.

Although both Serbia and Northern Macedonia have more centralised police forces, they have also been implementing more legislation reforms to increase accountability, openness, and community engagement (Petrović & Kovačević, 2024). The Law of Internal Affairs in Northern Macedonia and the Serbian Police Law both have clear provisions demanding respect for human rights while putting institutional mechanisms in place to deal with wrongdoing (Petrović & Kovačević, 2024). Internal auditing units and inspectorates also have increased investigative power, and parliamentary commissions have been established with the purpose of continuing to monitor police operations and financial resources. Civil society organisations, sometimes in collaboration with foreign organisations like the EU and OSCE, regularly monitor police operations and promote change (Janković & Petrov, 2024).

Furthermore, the legal systems in North Macedonia and Serbia show an increasing emphasis on crime prevention and community-oriented policing. According to Petrović et al. (2024), police departments are required by law to engage with the community, promote communication, and carry out projects that address local safety concerns. Institutional reforms aimed at eliminating political influence from law enforcement and maintaining professional standards through meritocratic hiring and training procedures in line with European norms underpin this legislative progress.

Notwithstanding these advancements, obstacles still stand in the way of the equitable and efficient application of the law throughout the area. Corruption, ethnic division, and political meddling continue to be problems that impact enforcement in some areas, complicating reform initiatives and undermining public trust (Marković, 2023). However, in contrast to Bangladesh, the Western Balkans have established more comprehensive and multifaceted accountability systems that include international monitoring, parliamentary oversight, ombudsman review, and civil society engagement.

3.3 Abuse of Power and Accountability Mechanisms

Despite having quite different scopes, characteristics, and institutional responses, police abuses of power remain a serious problem in Bangladesh and the Western Balkans. Both domestic and foreign human rights organisations have extensively documented the recurrent use of extrajudicial methods in Bangladesh, including arbitrary arrest and imprisonment, torture, and murders (Khan et al., 2024). Bangladesh's special law enforcement unit, the Rapid Action Battalion (RAB), has been heavily accused of violating human rights through extrajudicial killings, torture, and enforced disappearances (Human Rights Watch, 2022). Sanctions on RAB officials have been imposed by the US government and other international organisations, demonstrating widespread concern over abuse and impunity.

The prevalence of these abuses in Bangladesh is also a reflection of more pervasive political and institutional problems. Police personnel who violate the law continue to enjoy a culture of impunity since they are rarely prosecuted or penalised (Siddiqui & Chowdhury, 2024). Inadequate judicial enforcement, a lack of decentralised supervision, and political protection of law enforcement agencies all contribute to systemic barriers to accountability. The end result is a law enforcement environment where human rights violations are systematic rather than sporadic.

In the Western Balkans, police abuse also happened, particularly in relation to anti-corruption raids, protests, and ethnic tensions. However, international agencies that monitor human rights compliance and pursue institutional reform, such as the OSCE and the EU Fundamental

Rights Agency (FRA), are increasingly documenting such incidents (FRA, 2023). Increased attention and follow-up on recorded violations were facilitated by independent human rights agencies and a more outspoken civil society (Marković, 2023).

Institutional accountability mechanisms in the Western Balkans, including autonomous complaint reviewing boards, legislative commissions, and ombudsman offices, also began operating more transparently, albeit unevenly around the area (Petrović & Kovačević, 2024). In contrast to the Bangladesh case backdrop, more transparency and more intense media attention have created pressure for both probes and sanctions, even though prosecutorial action against officials is still uncommon.

However, the politics of the Western Balkans still restrict the application of comprehensive responsibility. Political patronage systems frequently continue to shape law enforcement organisations, and national differences in judicial independence may allow for the selective protection or enforcement of well-known individuals (Janković & Petrov, 2024). Therefore, even while the institutional architecture has improved, persistent governance deficiencies still prevent police abuses from being completely eradicated.

3.4 Community Policing and Public Trust

Bangladesh and the Western Balkans have developed community policing programs with different degrees of success, with the goal of increasing trust between law enforcement and society via contact and effective communication. Projects with external finance, notably the United Nations Development Programme's (UNDP) Police Reform Programme (PRP), have been the primary drivers of this paradigm in Bangladesh. The primary aim of these efforts is to improve community participation, encourage police organisations to be more responsive, and lower crime rates via cooperative action (UNDP Bangladesh, 2023). However, the absence of a clear legislative authority for community policing, as well as entrenched police culture and politicking, has hampered the success of such efforts (Hasan, 2023).

In Bosnia and Herzegovina, law enforcement, local authorities, and community leaders collaborate to establish security goals, create crime deterrent plans, and assess police efficacy under the "safe community" paradigm (Vuković & Šimić, 2023). Rebuilding confidence has been aided by the projects' excellent outcomes, which include a decline in small crimes and the removal of communication obstacles between the community and law enforcement. In a similar vein, Serbia has appointed community liaison officers to serve as a liaison between the police and the local population. The cops help prevent crime, report locals' concerns, and serve as communication channels (Petrović & Kovačević, 2024). Although the impact varies depending on the area and the resources available, these initiatives have significantly improved community relations amongst the participating communities.

In addition to human rights knowledge, police officer training now incorporates community policing ideas (Janković & Petrov, 2024). Even with these encouraging advancements, difficulties still exist. In the Western Balkans, community policing frequently faces inconsistent funding, sporadic political backing, and inadequate institutional integration (Marković, 2023). Political meddling consistently erodes the efficacy and independence of law enforcement in both areas, which in turn damages public confidence. Overall, the comparative analysis concludes that legislative frameworks and institutional transformation have remarkably different effects on prospects for community involvement and policing accountability. Bangladesh encourages widespread mistreatment and mistrust since it is reliant on precolonial legal standards and lacks independent supervision mechanisms.

In contrast, the Western Balkans, which are subject to EU-initiated reform influences and have more robust civilian oversight, have more developed accountability mechanisms and emerging community policing accomplishments. However, both regions are beset by political and governance issues that impede the full realisation of democratic policing aspirations.

4. DISCUSSION

The intricate challenges that these law enforcement agencies in Bangladesh and the Western Balkans face have historical roots and have a significant influence on their democratic legitimacy and operational proficiency. This section of the conversation critically examines the same challenges that these areas face when it comes to police accountability and reform, the alternative paths they have taken under various institutional and political circumstances, the potential and significance of community policing in fostering public trust, and tactics that can be employed to improve democratic accountability in policing models.

This section provides a critical study of these dynamics based on current academic articles, policy assessments, and international studies covering the years 2021–2025. The goal is to identify the potential and challenges for police reform in transitional countries.

4.1 Shared Challenges

In Bangladesh and the Western Balkans, a major challenge is the widespread and ingrained political meddling in police operations, which seriously undermines the impartiality concept that is essential to democratic administration. Political actors have a significant impact on personnel appointments, operational directions, and the handling of politically sensitive cases, as demonstrated by the ample evidence of the police institution's tight ties to political elites in Bangladesh (Ahmed, 2023). A policing culture that prioritises regime security over public safety or respect for the law is created by this politicisation, seriously undermining public confidence (Rahman & Chowdhury, 2022). The consequences of political meddling include selective enforcement of the law as well as the use of police forces as repressive instruments against journalists, civil society members, and political opponents, endangering the police's ability to act as an impartial mediator.

Additionally, despite significant advancements in institutional reform, political meddling in law enforcement is still institutionalised throughout the Western Balkans. For instance, ethnic-based decentralised policing in Bosnia and Herzegovina complicates reform and exposes police to political party influence as they vie for control of their local organisations (Marković, 2023). Despite being more centralised, Macedonia and Serbia both experienced instances where political factors overshadowed professional policing norms, particularly during election seasons or during periods of elevated political tension (Janković & Petrov, 2024). In post-authoritarian and post-conflict environments, weak democratic institutions are unable to exert control over security agencies, as seen by the politicisation of policing in both cultures.

This is connected to the absence of adequate, genuinely independent supervision systems that can hold the police force accountable. In Bangladesh, the Ministry of Home Affairs is mostly in charge of internal policing supervision, exercising administrative control over the police forces and conducting biassed and opaque internal investigations (Rahman & Chowdhury, 2022). There are prevalent views of police impunity and underreporting of violations as a result of the incapacity to establish an independent complaints authority. Human rights organisations have highlighted the institutional void and advocate for the establishment of civilian-led oversight bodies that have the authority to look into complaints and enforce sanctions (Khan et al., 2024).

Furthermore, there are official monitoring mechanisms in the Western Balkans, such as parliamentary committees, ombudsman offices, and internal audit organisations; nevertheless, these organisations usually confront significant resource and political constraints (Petrović et al., 2024). Particularly in Bosnia and Herzegovina, the ombudsman offices play a crucial role in civilian supervision; yet, their efficacy is hindered by their lack of political influence and enforcement authority (Vuković & Šimić, 2023). Additionally, legislative supervision lacks openness, since parliamentary committee meetings are usually closed to the public and civil society involvement is limited. This limits public scrutiny of police activity (Janković & Petrov, 2024). Additionally, the limitations impair accountability by exacerbating the pervasive lack of trust between civil society and monitoring organisations.

One of the common features is aversion to democratisation and openness, which penetrates the cultures of police institutions. Law enforcement institutions in both contexts are the result of authoritarian governance regimes, which are distinguished by rigid hierarchical practices, secrecy, and loyalty to one's superiors over compliance with legal norms and public accountability (Siddiqui & Chowdhury, 2024; Stojanovic, 2024). Such organisational cultures create conditions in which police personnel frequently hesitate from disclosing colleague misbehaviour, delaying investigations, or withholding vital evidence from oversight agencies. Such opposition is bolstered by fear of reprisal and potential professional repercussions, fostering a culture of silence that is harmful to institutional transformation (Stefanovic & Jovanovic, 2024). Changing established police cultures needs recurrent efforts targeted at training, leadership, and institutional rewards; nonetheless, such efforts in both settings are insufficient.

Human rights violations and extremely common coercive tactics further erode public confidence and democratic policing ideals. The Rapid Action Battalion (RAB) is a symbol of police violence and impunity in Bangladesh, where arbitrary arrests, extrajudicial executions, and torture in detention are still commonplace. Officers are seldom tried and found guilty of violations, despite international condemnation and local indignation (Khan et al., 2024). Particularly among disadvantaged populations, who perceive policing as repressive rather than protecting, the abuses exacerbate mistrust.

Despite being less institutionalised, police violence is still reported throughout the Western Balkans, especially in areas where ethnic sensitivity is high and when officers are interacting with migrants or demonstrators. Although significant institutional adjustments and enhancements in reporting procedures were required due to pressure from foreign organisations like the EU and the OSCE, accountability gaps still exist. According to Vuković and Šimić (2023), future progress is discouraged by political intervention and implementation challenges, although such changes have started to incorporate victim assistance structures and human rights education. The necessity of establishing a culture of respect for fundamental liberties inside law enforcement organisations is further highlighted by such human rights issues.

Lastly, two major impediments are a lack of resources and insufficient training. The law enforcement agency in Bangladesh has challenges such as inadequate funding, antiquated infrastructure, and a deficiency in training on human rights and community policing (Rahman & Islam, 2023). Similar to this, institutional division, political unpredictability, and budgetary disparities prevent Western Balkan enforcement services from meeting EU standards (Janković & Petrov, 2024). Reform will remain surface-level unless ongoing investment is made in professional development and modernisation.

4.2 Divergent Reform Pathways

Since political settings, external incentives, and governing regimes differ, reform paths in Bangladesh and the Western Balkans have diverged despite parallels in the challenges faced. The European Union's accession conditionality, which has been a major force behind policing-related institutional and legislative reforms, has a considerable amount of foreign influence over the Western Balkans. In order to comply with the EU's guidelines for democratic governance, human rights, and the rule of law, candidate nations must align their policing practices with European standards as part of the accession process (Janković & Petrov, 2024).

Due to the external pressure this generates, Bosnia and Herzegovina, Serbia, and North Macedonia have improved their training and accountability processes, implemented new police statutes, and established civilian oversight committees (Petrović & Kovačević, 2024). This process is further enhanced by the participation of international organisations like the OSCE and the Council of Europe, who offer technical support, monitor adherence to norms, and promote civil society engagement (Marković, 2023; Vuković & Šimić, 2023). The dynamic environment created by the cooperative arrangements supports gradual but meaningful reform advancement.

In a similar vein, Bangladesh's policing reform environment is marked by little to no external pressure and internal political resistance. Although community-based police initiatives and institutional-building programs have received backing from foreign donor organisations, particularly the UNDP, they are subject to substantial political restrictions and do not have the enforced character of EU conditionality (UNDP Bangladesh, 2023). Reform initiatives are hampered and authoritarian practices are strengthened when the government uses security laws, like the Digital Security Act, to stifle dissent and shield law enforcement from accountability (Khan et al., 2024). These conditions significantly stifle potential reform and foster a culture of fear and restriction among media journalists and civil society organisations. Bangladesh works in a geopolitical setting that restricts the foundations of reform since there are fewer foreign actors promoting whole-of-government police reform than in the Western Balkans.

These characteristics of governance and political will help to explain the disparate outcomes seen. Western Balkan nations exhibit varying levels of commitment to policing reform as part of larger democratisations, despite protracted ethnic conflicts and shaky democratic systems (Petrović et al., 2024). This dedication is frequently motivated by aspirations for membership in European organisations and an understanding that rule of law-related changes is essential to both advancing economically and establishing credibility internationally. Political leaders in

Bangladesh, on the other hand, prioritise regime stability above institutional accountability, resulting in sporadic and superficial change that has little effect on enduring patronage networks or instances of police brutality (Ahmed, 2023). This disparity highlights the degree to which political leadership and motivation may both facilitate and obstruct change initiatives.

The trajectory of reform initiatives is significantly influenced by organisational design. According to Hasan (2023), Bangladesh's highly centralised policing approach consolidates authority under the Ministry of Home Affairs, allowing political meddling while restricting institutional autonomy. Because of this, creating autonomous monitoring systems or community policing models with actual authority is difficult. There are notable variations in policing structures in the Western Balkans. Bosnia and Herzegovina's decentralised, entity-based approach exemplifies political division while fostering local policing and oversight innovation (Marković, 2023). In contrast, North Macedonia and Serbia still have more centralised police forces, despite increased civil society involvement in monitoring, which has encouraged a change in this direction (Petrović & Kovačević, 2024). Organisational disparities draw attention to the need for reform initiatives that are specifically customised to the unique settings of each area.

4.3 Community Policing: Missed Opportunity or Future Hope?

Community policing is one of the most crucial strategies for re-establishing public confidence, improving transparency, and incorporating democratic principles into law enforcement agencies. Although Bangladesh and the Western Balkans both acknowledge the theoretical and practical significance of community policing, its implementation has been uneven and limited by institutional, political, and legal limitations.

The UNDP and other development stakeholders were consulted before community policing programs were implemented in Bangladesh. The goal of these community-police cooperation is to address security and crime issues collectively (UNDP Bangladesh, 2023). The lack of clear-cut law supporting the police authority's ability to practise community policing, however, made such programs ineffective in enacting systemic change. Despite being replaced, the 1861 Police Act does not specifically include community policing, which leads to ambiguous directives and operational misunderstandings (Rahman & Chowdhury, 2022).).

Effective community engagement is further hindered by political meddling and the police culture of command, as officers are unwilling to cede discretionary authority or interact with civil society actors who are perceived as hostile (Khan et al., 2024). As a result, community policing remains superficial and frequently resembles tokenistic outreach rather than institutional conduct.

Community policing approaches have become more institutionalised in the Western Balkans, especially in ethnically diverse and post-conflict communities where intercommunal trust-building is strong (Marković, 2023). For example, Bosnia's "safe community" initiatives have been effective in lowering local crime rates by encouraging police attention to community problems and incorporating citizens in safe community planning (Vuković & Šimić, 2023). According to Petrović and Kovačević (2024), community liaison officers in Serbian towns have improved police visibility and confidence, as well as crime reporting and dispute resolution. However, these kinds of programs encounter obstacles such limited funding, inadequate training for community orientation, and ongoing political interference that stifle the autonomy of community policing units (Janković & Petrov, 2024). In this regard, the transformational paradigm of community policing is still constrained in terms of sustainability and scalability.

Legal standards that institutionalise community policing and clearly define duties, responsibilities, and accountability procedures must be developed in both regions (Hasan, 2023; Marković, 2023). Community policing is still vulnerable to politicisation and inconsistent program implementation in the absence of legal support. In order to improve police forces' perspectives and skills, comprehensive training programs emphasising human rights, cultural sensitivity, and community engagement are also desperately needed (Siddiqui & Chowdhury, 2024; Stefanovic & Jovanovic, 2024). Lastly, in order to maintain democratic accountability and public confidence, community police must be protected from political meddling through open reporting procedures and independent supervision.

Beyond minimising crime, community policing offers opportunities to empower marginalised groups, deter conflict, and foster social harmony- all of which are critical in transformative societies where ethnic divisions and historical injustices are prevalent (Vuković & Šimić, 2023; Rahman & Islam, 2023). Thus, community policing presents a viable means of overcoming the lack of confidence between law enforcement agencies and civil communities in Bangladesh and the Western Balkans provided it is properly institutionalised.

4.4 Strengthening Democratic Accountability

A complex strategy involving institutional architecture, legislative frameworks, civil society engagement, and political culture is required to make policing more democratically accountable. Bangladesh is one of the post-transition democracies that can learn from the Western Balkans.

The creation of ombudsman offices as independent institutions of accountability is one significant step. In Bosnia and Herzegovina, the Human Rights Ombudsman has done a fantastic job of looking into police abuse instances, making recommendations, and taking up victim cases, among other things. This has allowed for a level of civilian control that is lacking in Bangladesh (Vuković & Šimić, 2023). Even while enforcement concerns persist, ombudsmen might be strengthened as monitoring organisations by expanding their authority, ensuring their political independence, and receiving more funding. Bangladesh may start by establishing such agencies or bolstering current human rights commissions by giving them the authority to look into and punish instances of police abuse (Khan et al., 2024).

A crucial component is the unambiguous parliamentary examination of police matters. Transparency and accountability have increased in the Western Balkans as a result of initiatives to make committee hearings public and to solicit feedback from civil society, even while legislative monitoring is restricted (Petrović et al., 2024). It is possible to improve public trust and police accountability by granting parliamentary institutions the power to conduct independent investigations and publicise the results. The establishment of specific committees devoted to law enforcement oversight, which would be in charge of conducting frequent hearings and disseminating reports about police behaviour in public, would enable the Bangladeshi parliament to examine the police more closely (Rahman & Chowdhury, 2022).

Through their examination and disclosure of police abuses, participation in public discourse, and accountability of authorities, independent media also play a vital role in democratic accountability (Ahmed, 2023; Janković & Petrov, 2024). Although political involvement and harassment have occasionally occurred, dynamic investigative journalism has been more successful in exposing injustices and promoting changes in the Western Balkans (Marković, 2023). Bangladeshi media is more restricted, but in order to create an educated public that can hold the police force responsible, there must be a strong push for a free press and protection for journalists (Khan et al., 2024).

Bangladesh, on the other hand, may teach the Western Balkans about the dangers of recentralization during times of political unrest. Especially during times of state crisis, the Bangladeshi policing regime, which is centralised at the Ministry of Home Affairs, has been vulnerable to power concentration that undermines institutional checks and balances (Hasan, 2023). Such centralisation could speed up decision-making, but if it is not restrained by independent monitoring and judicial review, it runs the risk of becoming autocratic. Defending democratic resilience requires Western Balkan nations to resist pressures to recentralize policing authority at the price of independent scrutiny and decentralised community policing (Petrović & Kovačević, 2024).

Furthermore, a comprehensive legislative reform that modernises police legislation to specifically incorporate human rights protection, community policing responsibilities, and efficient monitoring is necessary to ensure democratic accountability (Rahman & Islam, 2023; Janković & Petrov, 2024). To combat obscurity and arbitrariness, laws must contain clear definition of police authorities, protection for whistleblowers, and transparent disciplinary procedures. Political will for enforcement and police force capacity improvement must go hand in hand with legislative reforms.

The most important thing is to increase civil society engagement. Both areas emphasise the importance of supporting community organisations, victim advocates, and non-governmental organisations (NGOs) in monitoring law enforcement practices, offering training opportunities, and promoting communication between police and civil society (UNDP Bangladesh, 2023; Vuković & Šimić, 2023). Instilling a culture of accountability and openness, civil society serves as a vital check on state authority and a conduit for public interests.

In summary, this cross-regional research shows that police reform initiatives in Bangladesh and the Western Balkans face comparable obstacles, which are tempered by particular institutional, political, and external factors. Important measures towards success include removing longstanding political meddling, putting in place impartial supervision procedures, encouraging community-focused police, and strengthening democratic accountability through institutional, legal, and civil society channels. The lessons learnt by both areas provide crucial direction for creating more locally appropriate and successful reform initiatives that can protect human rights, increase democratic control of law enforcement, and strengthen public confidence.

5. CONCLUSION

This comparative study analysed Bangladesh's legal systems, institutional frameworks, and workplaces in relation to the Western Balkans in terms of democratic accountability, public trust, and law enforcement. Despite the fact that both contexts face deeply ingrained systemic barriers, the investigations show that these barriers differ significantly in terms of their form and scope because of differences in historical background, legal cultures, and sociopolitical circumstances.

The colonial heritage of Bangladesh has a significant impact on the institutional framework of police, as seen by the Police Act of 1861, which remains the basic statute governing law enforcement operations. Despite due process and equal protection guaranteed by the constitution, police independence and accountability have been undermined by institutionalised centralised authority in the Ministry of Home Affairs and significant political interference. Without adequate legal remedy or civilian monitoring, crimes like extrajudicial murders and torture in detention continue to be commonplace due to the lack of external accountability mechanisms. Despite some community policing efforts, they lack the necessary statutory authority and political will to actually improve their interactions with civil society. In broad terms, these reveal a police force that is still unable to reconcile its authoritarian history with the democratic demands of accountability and fostering public trust.

However, attempts to reconstruct after the conflict and EU-initiated reforms that try to achieve a balance in policing tactics based on democratic values have given the Western Balkans a more complex but adequately progressive path. Although decentralised arrangements along entity lines characterise policing in states like Bosnia and Herzegovina, the adoption of institutional accountability structures- which include parliamentary oversight committees, ombudsman offices, and civil society involvement- is a significant step towards greater levels of transparency and adherence to the rule of law.

With the support of international pressure and civil society scrutiny, centralised policing models in Serbia and North Macedonia have made institutional transformation more commonplace. However, the pace and extent of transformation are constrained by obstacles including shifting political will, ingrained authoritarian inclinations, and the fragility of democratic institutions. Although community policing methods vary from municipality to municipality and are typically dependent on institutional backing, they show promise in fostering local trust, particularly in ethnically mixed or conflict-affected areas.

These findings highlight the significant influence that legislative frameworks and institutional arrangements have on public confidence and policing accountability. This case demonstrates how external pressures and diverse accountability structures collectively produce positive outcomes in the Western Balkans, whereas in Bangladesh, the widespread existence of antiquated legislation and the lack of independent oversight impede progress towards democratic policing. However, all areas face significant challenges related to political meddling, cultural opposition within law enforcement agencies, and the general challenge of integrating democratic principles into policing procedures.

It is apparent that resolving such issues calls for a comprehensive approach, in which institutional strengthening and cultural shifts should be bolstered by legal change. The comparative analysis highlights that police reform should not be viewed as a legal or procedural step, but it is actually closely related to the political and social processes of all societies. To change policing from a regulatory instrument to a community-focused service in the interest of security, human rights protection, and accountability in a democratic society, both situations need for consistent effort.

This study aims to provide light on the reality and factors that underpin police in both regions rather than offering prescriptive solutions. The results provide a foundation for further research and policy debate, emphasising that the quest for lawful, responsible, and reliable policing is a protracted and challenging undertaking that is impacted by institutional contexts, historical legacies, and shifting societal expectations.

In summary, this comparative research between Bangladesh and the Western Balkans emphasises that, despite differences in their policing reform patterns and institutions, the last imperative- achieving a balance between police authority, democratic accountability, and public trust- remains true. Finding this equilibrium is essential for the credibility of law enforcement agencies and is also crucial for the strengthening of the rule of law and general democratic governance in emerging and transitional environments.

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POLICIJSKI RAD, POVJERENJE JAVNOSTI I DEMOKRATSKA ODGOVORNOST: KOMPARATIVNA PRAVNA ANALIZA BANGLADEŠA I ZAPADNOG BALKANA

Izvorni naučni rad

Sažetak

Ovaj naučno-istraživački članak pruža komparativnu pravnu analizu odgovornosti policije i povjerenja javnosti u Bangladešu i izabranim zemljama Zapadnog Balkana. Fokusira se na naučni problem s kojim se suočavaju tranzicione demokratije u procesu demokratizacije policije, unutar okvira autoritarnih naslijeđa, pravnih nedostataka i ograničenog nadzora. Istraživanje analizira policijsko zakonodavstvo, zloupotrebu ovlasti, policiju u zajednici i demokratsku odgovornost kao međusobno povezane izazove, primjenjujući kvalitativne, doktrinalne i komparativne metodološke pristupe. Osnovna teza sugeriše da, iako obje regije imaju strukturne i političke prepreke reformi policije, države Zapadnog Balkana su, usljed pritisaka u procesu evropskih integracija, ostvarile veći napredak u institucionalizaciji mehanizama demokratskog nadzora. Cilj istraživanja je identifikovati pravne i političke reforme koje bi mogle povećati legitimitet i odgovornost policije. Originalnost ovog istraživanja ogleda se u međuregionalnom poređenju, koje je rijetko zastupljeno u naučnoj literaturi o policiji. Istraživanje pokriva širok spektar tema, uključujući pravne tekstove, institucionalne okvire i razvoj politika. Nalazi istraživanja imaju značajnu kognitivnu vrijednost za nauku i praksu, posebno u kontekstu reforme policijskih sistema u tranzicijskim društvima.

Keywords: policijski rad u zajednici, komparativna pravna analiza, demokratski policijski rad (demokratsko policijsko djelovanje), odgovornost policije, javno povjerenje

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THE IMPACT OF TECHNOLOGICAL INNOVATION IN JUVENILE DELINQUENCY: A CASE-BASED ANALYSIS FOR MODERN POLICY INTERVENTION IN PUNJAB, PAKISTAN

Preliminary scientific announcement

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Sažetak

The exponential rise of digital technologies has redefined how Pakistani youth interact, learn, and express themselves—but it has also opened new avenues for deviant behavior. Similarly, it examines cases of cybercrimes committed by children through the application of control balance theory to explain the breach of social controls in cyberspace. An examination of how technology shapes deviant sexual conduct among adolescents by also taking a glance at this relationship between exposure to explicit content and rape intent. In this case, the technology usage trend that has been rising for the last two decades among underage children opens avenues for accidentally committing criminal offenses. These cases help formulate specific strategies that are meant to curb internet-induced juvenile offenders in Pakistan. The proposed policy recommendations involve regulation, boosting digital literacy, and education to install a safe e-environment among the youth. Therefore, it is safe for us to conclude that this study will help deepen our understanding of the relationship between technology and juvenile delinquency problems while giving some practical advice for social policymakers to react preventively. These suggested laws seek to create an online environment that guarantees the safety of teenagers in cyberspace.

Ključne riječi

Juvenile Delinquency, Technology, Cybercrime, Youth, Pakistan, Digital Policy

INTRODUCTION

The intricate tapestry of contemporary Pakistani society finds itself intricately woven with the thread of technological innovation, fundamentally reshaping the landscape of daily life (Patton, 2000). The advent of the twenty-first century has witnessed an unparalleled surge in the adoption of digital technologies, with smartphones becoming ubiquitous and internet connectivity permeating even the remotest corners of the nation (Chu, 2017). The youth, in particular, stands at the forefront of this digital revolution, seamlessly integrating technology into their daily routines and social interactions (Coz, 2015). Mobile devices are no longer mere communication tools; they have become extensions of personal identity, channels for socialization, and gateways to a vast digital universe (Tsao, 2011). The omnipresence of digital platforms, from social media networks to online gaming communities, underscores the transformative influence of technology on the very fabric of social connections and cultural expressions (Sahlin, 2015). As Pakistan embraces the opportunities presented by technological advancements, a critical undercurrent demands attention—the complex and evolving relationship between this technological tapestry and the emergence of juvenile delinquency (Khan, 2022). In navigating this interplay, we embark on a journey to unravel the multifaceted implications of technological innovation on the behaviors and trajectories of the nation's youth (Baguley, 2014).

To understand the influence of technological advances on juvenile delinquency in Pakistan, we must consider the digital evolution our country is undergoing. For the last twenty years, the country has been on a journey of change driven by digital technology weaved into the nation's everyday existence (Sullivan, 2012). This progression goes beyond simply indulging in gadgets; rather, it reflects how people nowadays, particularly the younger generation, experience the world (Achmad, 2019). Smartphones, which were previously considered a luxury, are now becoming a necessity with instant connection to the world and availability of abundant information (Sergiu, 2016). The Internet has left the cities to expand into rural zones and caused the creation of a digital environment that surpasses social conditions (Ochoa, 2019). With the digital age in full bloom, social media, gaming online communities, and streaming services are no longer just plug-and-play entertainment but also vital for identity formation and the dynamics of human interaction among Pakistani youth (Chassiakos, 2020). The digital revolution has certainly opened doors, providing such connection and potential for self-expression that the world has never seen before; yet, it has also brought with it threats – today, we talk increasingly about new cyber-threats and crimes that up until a few years ago where not even heard of or considered (Zeballos, 2018). This evolution challenges us to question how the digital revolution influences the actions, interactions, and even the (potential) delinquency of the country's youth (Escoda, 2020).

This study sets out on an extensive journey to first 'open up' the digital hemispheres that have amalgamated with boys' everyday worlds in a traditionally analog society such as Pakistan. We aim to pursue distinct representations of the complex interrelation of technological innovation and youth criminality through a qualitative case study approach. Four specific aspects will be examined: cyber harassment, the role of internet gaming violence (e.g., PUBG) in revealing fraudulent behavior, and the role of sexuality and sex offending behavior in rights violation intention (Viki et al., 2007). These aspects serve as gateways into the digital worlds that the youth access – a finer-grained viewing mirror that we can use to analyze and comprehend the nuances of internet-induced juvenile delinquency (Wei-li, 2012). Through these specific illustrations, we hope to provide snapshots of the lived experiences and practices of technology-mediated interaction that underpin emergent forms of communicative practices among youth in Pakistan (Licoppe, 2004). Through an intensive investigation, this in-depth examination seeks to unearth the different dimensions of internet-induced juvenile delinquency vis-a-vis to provide insight into peculiar challenges of the information age on the understanding of how innovation influences the development of delinquent disposition in our youths (Gazimbe, 2021).

In order to negotiate the maze of the complicated relationship between technological innovation and youth crime, the theoretical base of our study is the criminological theory, which is used as a reference point to analyze the phenomenon (Short, 1957). These criminological paradigms, which each provide a different analytical viewpoint about juvenile delinquency, will be systematically applied to the cases. It is through this theoretical triangulation that we will be able to not only understand what is happening in each case but also to develop a more coherent picture of the macro relationship between technological innovation and the rise of juvenile delinquency in Pakistan.

The importance of such studies goes beyond academics, as the study seeks to bring technology and the manner young criminal offenders are evolving in Pakistani society to meet halfway. Through analysis of the complex interrelations between these issues, this study has the potential to provide a vital understanding of the struggles of today's young people in the digital age. The overall goal is not only to achieve full disclosure of the multi-aspects of juvenile delinquency actuated by the internet but also to support the framework of the specific targeting of internet-induced juvenile delinquency countermeasures and policies (Wei-li, 2012).

The goal is to make the digital space a safer place for children in Pakistan to enjoy. As we navigate the complexities of this transforming space, we hope to bring a focus not only on the challenges presented by tech innovation but also on how to lead proactive efforts that marshal technology to ensure that however emerging technologies are integrated into the lives of the nation's youth, they protect their well-being and help shape a future where the advantages of innovation are properly aligned with the imperatives of safety and security.

LITERATURE REVIEW

The intersection of juvenile delinquency and technology in Pakistan has recently emerged as an interesting area of exploration. There is a reflection of emerging patterns in the socio-cultural set-up of the society within this area (Short, 1957). The literature does, however, give a complex picture of the relationship between the prevalence of increasingly adopted digital technology and its role in the appearance of deviant behavior amongst the young of the nation (Durkin, 1995).

The research discusses the revolutionary impact of smartphones and social media on social relationships among the Pakistani youth, being a game-changer in communication culture and personal relations (Ali, 2016). According to them, this digital socialization has a double effect: besides enabling contact and the construction of identities, it also brings potential risks, paving the way for the practice of deviant behaviors (Güzel, 2016). This demonstrates the necessity to examine the role of technology in the glorious composition of youth in Pakistani society.

The popularity of online games such as PUBG is rising, and its increasing trends have been under the limelight among researchers. Researchers examine the desensitizing effects of violent gaming, which may lead to increases in aggression and even criminal behavior (Funk, 2005). This investigation goes beyond the surface by acknowledging the abundance of gaming devices and exploring how these technology applications have a psychological impact on juvenile delinquency (Rikkers, 2016). This reinforces the urgency of the need to gain insight into the complex nature of the relationship between online gaming violence and self-reporting for deviant behavior (Dill, 1998).

An important addition to this dialogue is the analysis of cyber harassment. Our study is grounded on the Control Balance Theory: the structural fact that criminal behaviors are too easy to commit in cyberspace breaks down the balance of control in the new space of control where juveniles can violate social control (Huang, 2009). This theoretical lens provides us with useful insights into the existing dynamics of power underpinning the digital world, demanding the development of remedial interventions to re-establish a dynamic equilibrium. This dialogue sets the stage for a deeper cognition of the underpinnings of cyber delinquency and the convolutions surrounding social controls in cyberspace (Ibrahim, 2020).

The literature also explores the impact of explicit content on deviant sexual behavior in youth (Peter, 2006). Their findings also support Social Learning Theory, which posits that exposure to online explicit content can mold actions and, ultimately, possibly even rape intentions (White, 1998). This literature strand highlights the importance of digital literacy initiatives that are sensitive to the effect of explicit material on adolescent attitudes. This perspective may enrich our theoretical understanding of how technology and the etiology of deviant sexual behavior in youths intersect (Långström, 2000).

A dominant theme found in the review is a regulatory void in Pakistan regarding cyber juveniles in the digital era, warranting a focus on policy implications (Yaqub, 2022). All-embracing policies control cyberspaces, raise digital literacy and create educational programs related to a safe e-environment for children (Buckingham, 2006). The call for proactive policy responses highlights the emphasis on reversing the adverse effects of technological advancement on youth delinquency (Loeber, 2000). The existing review of literature, however, provides a base for the current study to provide fresh perspectives and policy recommendations to tackle the nuances faced in the digital environment.

In a nutshell, one acting on the dynamic relationship between technology innovation and juvenile delinquency in Pakistan, in the existing literature, provides a detailed and intricate insight. From digital socialization and its transformational effects to the psychological effects of online gaming, cyber harassment dynamics, and the impact of explicit content, the literature highlights various dimensions of internet-induced juvenile delinquency issues (Rui-Xia, 2006). The inclusion of criminological theories (Control Balance Theory and Social Learning Theory) makes the analysis more complex. It gives rise to the possibility that the present investigation adds new elements to the ongoing debate.

RESEARCH OBJECTIVES

The study aimed to find out the following objectives.

To explore how emerging technologies and juvenile delinquency are connected.

To explore how the factors of technological innovations, promote and motivate delinquent behaviors among juveniles.

To suggest suitable outcomes for policymakers to control Juvenile delinquency in contemporary world.

RESEARCH DESIGN

Due to the complexity of researching this field, a qualitative study was employed to gain a better understanding of juvenile delinquency through technological innovations in the contemporary world. In this context, a case study methodology was used to investigate four specific juvenile delinquency cases and the researcher chose the Punjab province of Pakistan through simple random sampling.

DELIMITATIONS OF THE STUDY

The study was only limited to the secondary data present in different research and reports.

Only four selective cases of delinquents were analyzed.

The researcher wasn't allowed to interview any juvenile directly and all the information was provided by respected police.

RESEARCH METHODOLOGY

A qualitative case study approach was employed, focusing on four juvenile cases reported in Punjab, Pakistan. Secondary data were collected through police records, case files, and media reports. Ethical limitations prevented direct interviews with juveniles; therefore, interpretations are drawn from verified official statements and behavior assessments.

CASE STUDIES AND ANALYSIS

Case 1 – Adolescent A: Pornography and Rape Intent

Adolescent A (17) committed rape after prolonged exposure to online pornography and minimal supervision due to single parenting.

Theoretical Lens: Social Learning Theory

Key Insight: Online explicit content shaped the offender's distorted understanding of intimacy and consent.

Case 2 – Adolescent B: Online Business Fraud

Adolescent B (16) defrauded a man during the COVID-19 pandemic by impersonating an e-commerce trader. Peer influence and weak parental monitoring were contributing factors.

Theoretical Lens: Control Balance Theory

Key Insight: Economic vulnerability and unsupervised internet access enabled fraudulent behavior.

Case 3 – Adolescent C: Cyber Harassment and Blackmail

Adolescent C (17) blackmailed an ex-girlfriend using intimate photos after their breakup. Social media misuse and peer validation played key roles.

Theoretical Lens: Control Balance & Social Learning

Key Insight: Misunderstanding of consent and digital ethics fostered coercive behavior.

Case 4 – Adolescent D: Gaming-Related Multiple Homicide

Adolescent D (14) committed multiple homicides under the influence of the game PUBG. The youth had unmonitored screen time and psychological issues rooted in a disrupted family environment.

Theoretical Lens: Differential Disorganization Theory

Key Insight: The prevalence of violent content, coupled with the absence of a stable family structure, has significantly contributed to the intensification of aggressive behaviors.

Table 1: Overview of Research Methodology

Methodological Component	Description
Research Approach	Qualitative
Research Design	Case Study
Data Source	Secondary data from police records, case files, and media reports
Sample Location	Punjab, Pakistan
Number of Cases	Four
Ethical Considerations	No direct contact with juveniles; all data derived from verified authorities

RESULTS AND FINDINGS

Four cases of juvenile delinquency were reviewed from Punjab, which highlighted a commonality in the role digital exposure and socioenvironmental factors play in shaping deviant behavior among the young. One of the key things was the role of unfiltered access to the digital world, “all” of the juveniles fare the opportunity to go online unsupervised, in quite a few cases accessing harmful content, ranging from pornography, violent games or exploitative social media. This is a real gap in digital literacy for both young people, and clearly their parents, at the moment. Parental delinquency and family separation were also prominent, and all but 1 of the 4 juveniles either was from a single-parent family or experienced inadequate supervision consistent with Differential Disorganization Theory. Peer pressure and social modeling also became a key factor, especially in the fraud and cyber harassment cases, where offender emulation of unethical behavior prompted by peers or online services was observed—again supporting the value of Social Learning Theory. Signs of psychological vulnerability were present in all cases but were most marked in the gaming-related homicide; it followed exposure to violent virtual content and the development of emotional blunting and behavioral disturbance. Low-risk perception of potency restrictions was also evident in the fraud and blackmail cases in which juveniles felt that they were unlikely to get caught or to be punished, supporting

Control Balance Theory and demonstrating how perceived anonymity facilitates cybercrimes. Finally, financial stress – especially exacerbated by the coronavirus crisis – was a factor in at least two cases in which financial difficulties were the driving force for criminal motivation and neglecting parenting, which then endorsed the deviant digital behavior. Taken together, these results highlight the urgent requirement for organized intervention at familial, institutional, and policy levels.

CONCLUSION

Criminal juvenile activities in Pakistan are now witnessing a drastic transition – turning from old violation trends to technology-focused succumbed in the cyber world. With no limits to physical areas such as streets or schools, contemporary youth delinquency is also exhibited in a virtual dimension, which includes chatrooms, online games, social networks, and unmonitored digital services. This research highlights the importance of unsupervised tech exposure in the development of behaviors like cyberbullying, financial fraud, sexual harassment, and even more violent offenses. Adopting a qualitative case-based approach underpinned by criminological theories, this study established a cycle of digital abuse influenced by fractured family structures, inadequate parental monitoring, peer influence, and economic precarity. These cases speak to how juvenile offenses are now often shaped more by what young people digest online and how they process it in fragile social settings. A single-dimensional response—whether legal or educational—will not suffice. A holistic, hybrid strategy that includes strict digital content regulation, technology-integrated education, school-based psychological support, and parental involvement is urgently needed. Without proactive and systemic intervention, the current trend threatens to normalize deviant behavior in cyberspace, creating long-term consequences for both individual youth and society at large.

By addressing these issues comprehensively, Pakistan can move toward a future where digital innovation enhances youth potential rather than enabling their criminalization.

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UTJECAJ TEHNOLOŠKIH INOVACIJA NA MALOLJETNIČKU DELINKVENCIJU: EMPIRIJSKA ANALIZA ZA RAZVOJ SUVREMENIH POLITIKA INTERVENCIJE U PUNJABU, PAKISTAN

Prethodno saopštenje

Abstract

Eksponencijalni porast digitalnih tehnologija redefinirao je načine na koje mladi u Pakistanu komuniciraju, izražavaju se i uče, ali je istodobno otvorio nove oblike devijantnog ponašanja. Sukladno tome ovaj rad analizira slučajeve kibernetičkog kriminala koje su počinila djeca, primjenjujući teoriju ravnoteže kontrole kako bi se objasnilo narušavanje društvenih kontrola u kibernetičkom prostoru. Također, u radu se razmatra utjecaj tehnologije na devijantno seksualno ponašanje adolescenata, s posebnim osvrtom na povezanost izloženosti eksplicitnim sadržajima sa namjerom počinjenja silovanja. Naime, trend porasta korištenja digitalnih tehnologija među maloljetnicima tijekom posljednja dva desetljeća povećava rizik od nenamjernog počinjenja kaznenih djela. Slučajevi analizirani u ovom radu služe kao osnova za oblikovanje specifičnih strategija usmjerenih na suzbijanje maloljetničke delinkvencije koja je inicirana upotrebom interneta u Pakistanu. Neke od predloženih javno-političkih mjera uključuju regulatorne intervencije, jačanje digitalne pismenosti i obrazovanje s ciljem stvaranja sigurnog digitalnog okruženja za mlade. U konačnici, istraživanje doprinosi dubljem razumijevanju odnosa između tehnologije i maloljetničke delinkvencije te nudi praktične smjernice za preventivno djelovanje donositelja javnih politika, usmjerene na osiguravanje sigurnosti adolescenata u kibernetičkom prostoru.

Keywords: maloljetnička delinkvencija, tehnologija, kibernetički kriminal, mladi, Pakistan, digitalne politike

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THE RIGHTS OF SUSPECTS AND ACCUSED IN CRIMINAL PROCEEDINGS IN BOSNIA AND HERZEGOVINA: TO WHAT EXTENT ARE THEY IN COMPLIANCE WITH EUROPEAN UNION AGENDA ON PROCEDURAL SAFEGUARDS?

Review Scientific Paper

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Abstract

Paper discusses the rights of suspects and accused in Bosnia and Herzegovina (BiH) criminal proceedings in comparison to the efforts of the European Union (EU) when it comes to strengthening the foundation of the European area criminal justice. BiH is on the road toward the EU integrations and is faced with the requests to harmonize national legislation, including specific areas of criminal justice with EU standards and legislation. Research primarily comprises normative analysis of the criminal proceeding laws that are in force in BiH including other related regulations. Due attention is paid to special safeguards for juvenile suspects and accused in criminal proceedings as well. As EU acquis implies not only harmonization of national legislation but also its effective implementation, paper provides analytical insight to number of decisions of the Constitutional Court and of other high courts in BiH comprising important opinions regarding procedural safeguards for suspects and accused.

Keywords

suspects, accused, criminal proceeding, procedural safeguards, EU integrations

1. INTRODUCTION

In 2009. European Council adopted Convention on Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings (OJ C 295, 2009). The above-mentioned document will become fundamental step in improvement the rights of suspects and accused persons in criminal proceedings of EU countries and will mark the beginning of the development of the EU agenda on procedural safeguards. In 2010, the Roadmap became an integral part of the Stockholm Program – An open and secure Europe serving and protecting citizens (OJ C 11, 2010), and in the next few years this Agenda will generate a series of legislative acts aimed to improve procedural safeguards. Philosophy behind was that the EU recognizes the importance of the European Convention on Human Rights (ECHR) (1950) 213 UNTS 222 as a common basis for the protection of the rights of suspects and accused in criminal proceedings, furthermore that interpretations of its provisions by the European Court of Human Rights (ECtHR) represent the foundation of developing mutual trust of Member States in each other's criminal justice system, but that there is still room for improvement of that protection in terms of implementation and respect of Convention standards, consistent application of the applicable standards and where it is possible to raise existing standards (Roadmap, Point 1, 2). This advancement by various EU directives from this Agenda was made in several areas, namely: rights to interpretation, translation, and information in criminal proceedings, improvements to various aspects of the presumption of innocence, rights to legal advice and legal aid, communication with relatives, rights of juvenile suspects and accused, as well as in some other aspects of legal protection of citizens in criminal proceedings.

On the other side, the beginning of the 2000s for the legislation of BiH marked the entry into a period of radical criminal justice reform, which began with the adoption of new criminal laws and laws on criminal procedure and was supposed to bring BiH closer to the Western, European values, to the rule of law, especially regarding protection of human rights and freedoms, and to provide more effective fight against crime as well. The reform is still ongoing and was reflected through the process of constant improvement of existing laws as well as the adoption of new ones. Thus, in the meantime, among others, completely new legislation will be developed, such as the one in area related to protection and treatment of children and juveniles in criminal proceedings, in area related to forfeiture of property acquired through criminal activities as well, and in other areas of criminal justice. No less important are the regulations governing the issues of the institutional functioning of the criminal justice system, which were also the subject of reform through all these years and are in the constant focus of the international factor in BiH, especially the EU, and which should ensure its efficiency and integrity.

Approaching European values meant adopting more adequate protection of rights and freedoms in criminal proceedings in relation to suspects and accused persons, in accordance with international documents, in particular the ECHR, which is ultimately a constitutional obligation of all legislators in BiH, as well as institutions and individuals who enforce the laws. Paper examines the achieved level of reform from the point of view of protecting the rights and freedoms of suspects and accused persons in BiH as one of the most obvious indicators of the rule of law in a legal system. In this regard, besides the review of the procedural safeguard in contemporary criminal procedure law legislation, main attention is paid to the review of the compliance of BiH criminal justice with EU directives from the Agenda on procedural safeguards.

In 2022, the European Council granted candidate status to BiH, which means that at some point in the future, BiH is obliged to harmonize its legislation with EU requests, including the area related to the Agenda on procedural safeguards. In the end, regardless of whether and when BiH will become part of the EU family, the acceptance of the minimum standards of rights for suspects and accused persons in criminal proceedings as laid down in EU legislation will certainly represent a civilizational step forward in achieving the rule of law.

2. EU DIRECTIVES WITHIN THE FRAMEWORK OF AGENDA ON PROCEDURAL SAFEGURADS

Following the Roadmap adopted in 2009. European Parliament and Council of the EU adopted 6 legislative acts aiming the further strengthening and protection of human rights and freedoms of suspects and the accused in the EU area.

- *Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings (OJ L 280, 2010)* was adopted in 2010. To achieve fairness of the proceedings, the Directive aimed to improve the right to interpretation and right to translation of essential documents. In that context Member States are obliged to provide suspects or accused persons who do not speak or understand the language of the criminal proceedings without delay with interpretation before investigative and judicial authorities (Art. 2. para. 1.). Furthermore, the obligation was established, where necessary for the purpose of safeguarding the fairness of the proceedings, that interpretation is available for communication between suspected or accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings or with the lodging of an appeal or other procedural applications (Art. 2. para. 2.). The right to interpretation includes appropriate assistance for persons with hearing or speech impediments as well (Art. 2. para. 3.). Related to right to translation of essential documents Directive lays down that Member States are obliged to ensure that suspects or accused persons who do not understand the language of the criminal proceedings are provided within a reasonable period of time with a written translation of all documents which are essential to ensure that they are able to exercise their right of defense and to safeguard the fairness of the proceedings (Art. 3. para 1.). According to the Directive essential documents include any decision depriving a person of his liberty, any charge or indictment, and any judgment (Art. 3. para. 2.). Effective implementation of both rights is guaranteed by the right of suspect or the accused to challenge decisions that there is no need for the interpretation or translation and with possibility to complain on the quality of interpretation or translation (Art. 2. para. 5. and Art. 3. para. 5. of the Directive).
- *Directive 2012/13/EU on the right to information in criminal proceedings, (OJ L 142, 2012)* followed in 2012 aimed to strengthen suspects and accused right to information on procedural rights. Directive defines aspects of: Right to information about rights (Art. 3.); Letter of Rights to arrest (Art. 4.); Letter of Rights in European Arrest Warrant proceedings (Art. 5.); Right to information about accusation (Art. 6.); Right of access to the materials of the case (Art. 7.). Art. 8. para. 1. and 2. of the Directive specifically requests verification of the process of suspects and accused information about their rights by recording procedure and guarantees a remedy in the case of possible failure or refusal of the competent authorities to provide information in accordance with

the Directive. Of particular importance is the Letter of Right to arrest, which obliges Member States to promptly provide suspects or accused persons who are arrested or detained with a written Letter of Rights. Accordingly suspects or accused would be in position to read the Letter of Rights and allowed to keep it in their possession throughout the time that they are deprived of liberty. Letter of Rights should contain further information: (a) the right of access to a lawyer; (b) any entitlement to free legal advice and the conditions for obtaining such advice; (c) the right to be informed of the accusation, in accordance with Article 6; (d) the right to interpretation and translation; (e) the right to remain silent; (f) the right of access to the materials of the case; (g) the right to have consular authorities and one person informed; (h) the right of access to urgent medical assistance; and (i) the maximum number of hours or days suspects or accused persons may be deprived of liberty before being brought before a judicial authority (Art. 3. para. 1. and Art. 4. para. 2. of the Directive).

- *Directive 2013/48/EU on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 2013)* was adopted in 2013. Directive in its text lays down minimum rules related to: The right of access to a lawyer in criminal proceedings (Art. 3.); Confidentiality of communication between suspects or accused persons and their lawyer (Art. 4.); The right to have a third person informed of the deprivation of liberty (Art. 5.); The right to communicate, while deprived of liberty, with third persons (Art. 6.); The right to communicate with consular authorities (Art. 7.); General conditions for applying temporary derogations (Art. 8.); Waiver (Art. 9.); The right of access to a lawyer in European arrest warrant proceedings (Art. 10.); Legal aid (Art. 11.); Remedies (Art. 12.) and Vulnerable persons (Art. 13.).
- *Directive (EU) 2016/343 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 2016)* from 2016 was the next in the series of European Parliament and Council of EU directives in the framework of Agenda on strengthening procedural safeguards. It focuses on setting minimal standards related to certain aspects of the presumption of innocence as are: Public references to guilt (Art. 4.); Presentation of suspects and accused persons (Art. 5.); Burden of proof (Art. 6.); and right to remain silent as well as right not to incriminate oneself (Art. 7.). Directive lays down minimal standards regarding the right to be present at the trial in criminal proceedings (Art. 8-9.) as well. When it comes to the right to be present at the trial, intention of the Directive is to promote this right, but it recognises that there are circumstances where it is possible to held trial in absence of a suspect or the accused. In these circumstances Directive lays down very specific and strict conditions for the trial to be held and decision on the innocence or the guilt of the suspect or the accused to be passed in their absence.
- *Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L* 132, 2016.). This EU Directive laid down obligation for Member States to ensure that the child's best interests are always a primary consideration and that children who are suspects or accused in criminal proceedings need to be given particular attention in order to preserve their potential

for development and reintegration into society (Point 8. and 9.). It needs to be mentioned that Directive applies to children who are suspects or accused in criminal proceedings and children who are subjects to European arrest warrant. Minimum rules laid down by Directive are related to strengthening the rights of suspected or accused children in criminal proceedings and to implementation of a specific procedural measures when children are subject of the proceedings. These are: Right to information (Art. 4.); Right of the child to have the holder of parental responsibility informed (Art. 5.); Assistance by a lawyer (Art. 6.); Right to an individual assessment (Art. 7.); Right to a medical examination (Art. 8.); Audiovisual recording of questioning (Art. 9.); Limitation of deprivation of liberty (Art. 10.); Alternative measures (Art. 11.); Specific treatment in the case of deprivation of liberty (Art. 12.); Timely and diligent treatment of cases (Art. 13.); Right to protection of privacy (Art. 14.); Right of the child to be accompanied by the holder of parental responsibility during the proceedings (Art. 15.); Right of children to appear in person at, and participate in, their trial (Art. 16.) and other as well.

- *Directive (EU) 2016/1919 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ* L 297, 2016) is the sixth legislative act from the framework of the EU Agenda on procedural safeguards. The Directive complements the right to access to the lawyer defining the minimum rules for obtaining legal aid to suspects and accused persons who lack sufficient resources to pay for the assistance of a lawyer. It lays down the possibility for the Member States to apply different tests whether legal aid is to be granted in accordance with the Directive provisions and requests where conditions for the legal aid in criminal proceedings are met to be granted without delay (Art. 4.).

3. RIGHTS OF SUSPECTS AND ACCUSED PERSONS IN CONTEMPORARY CRIMINAL PROCEEDINGS IN BIH

The importance of respect for human rights and freedoms in BiH, especially in the context of the aggression and unfortunate events that occurred in the first half of the 1990s, is particularly emphasized in the provisions of the Constitution of BiH. According to the Constitution of BiH the provisions of the ECHR, as well as its Protocols are directly applied in BiH and have priority over all other laws (Art. II/2 of the BiH Constitution). Conforming to constitutional organization and system, criminal jurisdiction in BiH is divided between the state, the entities of the Federation of BiH (FBiH) and Republika Srpska (RS) followed by Brčko District of BiH (BD BiH). As a result, there are four separate criminal jurisdictions with accompanying legislation and institutional framework in BiH today. In principle, legislation in all jurisdictions is quite compatible, although there are also certain differences. Unfortunately, as time passes, new amendments often bring more, non-harmonized, provisions, which ultimately contribute to the (non)equality of the citizens before the law and legal insecurity. Due to the reason of complexity for the paper of this nature to encompass analyses for all four criminal procedure codes, for the purposes of our subject we will pay attention only to the provisions of state law on criminal proceedings, considering the high degree of compatibility between state and entity laws, as well as those of BD BiH.

Regarding the rights of juvenile offenders, given that there is no *lex specialis* regulations at the state level that would lay down the rules related to legal status and protection of juvenile offenders, we will refer to the provisions of special laws that exist at the entity level of FBiH and RS, as well as BD BiH.

In BiH criminal justice system according to the provisions of Art. 20 a) and b) of the Criminal Procedure Code of BiH (CPC BiH, 2018), a suspect is defined as a person against whom there are grounds for suspicion that he has committed a criminal offense, while the accused is a person against whom one or more counts of the indictment are confirmed. The suspect as well as the accused are one of the main subjects of the criminal proceedings and at the same time parties to the proceedings. Considering the nature of certain stages of criminal proceedings, it is clear that the person in the legal status of a suspect will be exposed to a more significant limitation of individual rights and freedoms (deprivation of liberty, custody, prohibition measures, various evidence-gathering measures, etc.) than in the status of the accused who comes out before the court and in the further proceedings according to the principles of equality in treatment and adversary, undertakes his defense. Of course, this does not mean that legally based coercive measures cannot be applied to the accused, depending on the specific circumstances, such as, for example, detention after confirmation of the indictment, etc.

The following is an overview of the rights of suspects and accused persons in accordance with the provisions of the CPC BiH which are under EU Agenda scope:

a) Fair trial (due process of law)

The right to a fair trial, which is one of the fundamental rights of suspects and accused persons derives from Art. 6. of the ECHR. In BiH, this right has been raised to the level of one of the most important principles of criminal procedure law and criminal law in general if not the most important one. The CPC BiH, through several of its provisions, expresses the requirements from Art. 6. Main provision of the CPC BiH related to a fair trial is the provision of Art. 2. para. 1. which lays down that: "*The rules established by law should ensure that no innocent person is convicted, and that the perpetrator of a criminal offense is sentenced under the conditions prescribed in the Criminal Code of BiH and in other laws of BiH in which criminal offenses are prescribed and, in the procedure, prescribed by law*". This provision is further strengthened by Art. 2. para. 2. of the CPC BiH which lays down that: „*Before the final judgment is passed, the suspect or the accused may be restricted in his freedom or rights only under the conditions prescribed by this law*." Finally, according to the Art. 2. para. 3. of the CPC BiH „*For criminal acts that fall under the jurisdiction of the Court of BiH only that court can impose a criminal sanction in a procedure initiated and carried out according to the law, unless otherwise is prescribed by the law itself.* "It is considered that Art. 2. of the CPC BiH and similar provisions of related criminal proceeding codes of entities FBiH and RS including BD BiH encompasses following rights: presumption of innocence; *in dubio pro reo* rule; right to material and formal defense; request that competent court decides on criminal charges; public nature of trial; right to trial without delay; right to be present at trial; prohibition of double jeopardy; right to use its own language during the proceeding; prohibition of illegally obtained evidence; explanation of court decisions (Sijerčić-Čolić, 2007).

b) Presumption of innocence

CPC BiH guarantees the presumption of innocence in Art. 3. para. 1. according to which: "*Every person is considered innocent until a final judgment establishes otherwise.*" Furthermore, Art. 3.

para. 2. of the CPC BiH obligates the court to resolve doubts regarding the existence of facts that constitutes the characteristics of a criminal offense or on which the application of a provision depends, in a manner to reach decision favourable for the accused. It is known as an *in dubio pro reo* principle. Following the above mentioned provisions, a suspect or accused in criminal proceedings in BiH: 1. is not obliged to defend himself except for the obligation to respond to the summons of the criminal proceedings body; 2. is not obliged to prove his innocence because the burden of proof is on the prosecutor; 3. the court must issue an acquittal not only when it is convinced of the innocence of the accused, but also in a situation where it is not convinced of his guilt (Simović et al., 2021). In support of the *in dubio pro reo* principle Constitutional Court of BiH asserts in one of its decisions that: *"… facts against the accused must be established with certainty, in contrast to facts in favour of the accused, which are taken as established even when they are only probable." (AP-1603/05, 2006).* Supreme Court of FBiH discussing the judicial announcements regarding presumption of innocence in one of its decisions concludes: *"There is a violation of the presumption of innocence from Art. 3. para. 1. of the Criminal procedure code of FBiH (CPC FBiH, 2020) and Art. 6. para. 2. of the ECHR when decision on extending suspects custody contains statements which in their content, present a clear judicial announcement that the suspects committed criminal offenses for which they are being investigated."* (09 0 K 0035796 20 KZ 2, 2020).

c) Right to be informed about rights and of the nature and cause of accusation

According to Art. 5. para. 1. CPC BiH a person deprived of liberty must be immediately informed: 1. of the reasons for the deprivation in his native language or a language he understands; 2. about right that he is not obliged to give a statement, nor to answer the questions, 3. about right to take defense counsel whom he can choose by himself, 4. about right to notify his family, a consular officer of a foreign country whose citizen he is or another person designated by him of his deprivation of liberty. Art. 5. para. 2. stipulates the obligation that a defense counsel will be appointed to a person who is deprived of liberty at his request if cannot afford to pay defense costs due to financial situation.

Further, at the first interrogation the suspect must be informed about the crime for which he is charged and about the grounds of suspicion against him and that his testimony can be used as evidence in the further course of the proceedings (Art. 6. para. 1. CPC BiH). Following the provision of Art. 6. para. 2. to suspect or the accused, must be given the opportunity to state all the facts and evidence against him and to present all the facts and evidence in his favour.

In BiH criminal proceedings, the suspect or the accused is not obliged to present his defense or answer the questions and must be informed about that right (Art. 6. para. 3. CPC BiH) which is a provision in favour of the presumption of innocence and one of the suspects or accused rights which will be discussed latter.

Finally, Art. 12. CPC BiH lays down general obligation for judicial authority, prosecutor as well as other bodies which participate in proceeding to inform the suspect, the accused or another person participating in the procedure, who, out of ignorance, could miss a legal motion in the procedure, or out of ignorance, would not use their rights, about the rights that belong to them according to the provisions of the CPC BiH, and about the legal consequences of missed procedural motion. CC BiH in one of its decisions concludes that: *„The fact that Art. 6. of the ECHR requires that the appellant must be informed as soon as possible about the charge* *against him does not mean that he must be informed about it in the arrest warrant, but rather in the shortest possible time"* (AP-86/05, 2005).

d) Right to interpretation and translation

According to Art. 8. para. 2. of the CPC BiH participants in the proceedings have the right to use their native language or a language they understand. If a proceeding participant does not understand one of the official languages of BiH (which are in official use equally), CPC BIH guarantees an oral translation of participants or other persons statements during the proceedings, as well as translation of documents and other written evidence used during the proceedings (Art. 8. para. 3.). Additionally, procedural bodies are obliged to inform proceeding participants, including suspect and the accused, about rights to use their native language or language they understand, before the first examination (Art. 3. para. 3. CPC BiH). Translation is provided with the assistance of court interpreter. Furthermore, CPC BiH guarantees translation of summons, decisions, and other written documents in the proceedings to a person who has been deprived of liberty or is in custody, serving a sentence or is put to compulsory psychiatric treatment, or compulsory treatment related to addiction (Art. 9. para. 3. CPC BiH). Finally, CPC BIH explicitly prescribes for the interrogation of suspect during the investigation if he is deaf or mute to be performed with the assistance of interpreter (Art. 80.). In one of its decisions CC BiH, regarding the issue where the party who does not speak the official language of the court was interrogated during the pretrial procedure with the assistance of the elected interpreter that: *"There is no violation of the right to a fair trial from Article II/3.e) of the Constitution of BiH and Art. 6, para. 3, item e. of the ECHR…in the case when during the appellants hearing…at his explicit request was present elected not permanent court interpreter for a foreign language*." (AP 1030/04, 2005).

e) Right to remain silent and privilege against self-incrimination

CPC BiH explicitly lays down this right in a few of its provisions, as a right about which the person deprived of liberty must be informed (Art. 5. para. 1) and as a right of the suspect or the accused during the first interrogation (Art. 6. para. 3). This right is again indicated by Art. 78. para. 2. a) as a part of instruction on the suspect's rights during interrogation. It is widely considered that suspect or the accused during the criminal proceedings has a complete freedom to decide whether to use this right, and if he uses it, no conclusions should be drawn from that fact even indirectly from his behaviour during the proceedings. (Krapac, 2014).

f) Right of defense and right to legal aid

On the right to take assistance of defense counsel whom he can choose, and that defense counsel will be appointed to a person who is deprived of liberty on request if cannot afford to pay defense costs due to financial situation, every person must be informed in the moment of deprivation of liberty – arrest (Art. 5. para. 1. CPC BiH). The CPC BiH guarantees the right to defense in such a way that it gives the suspect or the accused the opportunity to defend himself alone or to defend himself using the professional assistance of a defense counsel (Art. 7. para. 1). The possibility that the suspect or the accused defend himself alone in BiH theory and practice is called substantial defense, while defense with the assistance of a defense attorney is called formal defense.

In circumstances where the suspect or the accused does not hire a defense counsel, a defense counsel will be appointed in cases prescribed by law (Art. 7. para. 1. CPC BiH). These are cases of mandatory defense, i.e., circumstances that require the professional assistance of a defense counsel regardless of the will of the suspect or the accused. These circumstances are as follows: 1. if the suspect is mute or deaf, he must have a defense counsel during the first interrogation; 2. if the suspect is charged with a criminal offense for which a long-term prison sentence can be imposed, in which case he must also have a defense counsel during the first interrogation; 3. in the circumstances when the suspect or the accused is ordered to be detained, he must have a defense counsel at the time of the statement on the motion for detention as well as for the entire duration of the detention; 4. if an indictment has been brought for a criminal offense for which a prison sentence of 10 years or a severe sentence can be imposed, the suspect must have a defense counsel from the moment the indictment is raised; 5. if the court determines that it is due to the complexity of the case or the mental state of the suspect or the accused or other circumstances in the interest of justice; and 6. if in the indictment there is a motion for the court to determine that the suspect committed the criminal offense while in a state of insanity, the suspect or the accused must hire a defense counsel after submitting that motion (Art. 45. CPC BiH). CPC BiH in Art. 171. Para. 3. lays down additional circumstance for the mandatory formal defense. This is the case when an accused who does not have a defense counsel and needs to be provided with decision imposing prison sentence, but delivery cannot be made to the accused's current address. In these circumstances the court will appoint an *ex officio* defense counsel for the accused, who will perform this duty until the accused's new address is known. In cases of mandatory defense, if the suspect or the accused does not hire a defense counsel himself, or the defense lawyer is not hired by persons to whom that right belongs according to the law, the defense counsel will be appointed by the judicial authority. In the above-mentioned case, the suspect or the accused has the right to a defense counsel until the verdict becomes final, and if a long-term prison sentence is imposed, then also in the legal remedy procedure (Art. 45. para. 4. CPC BiH).

According to the provisions of the law on the protection and treatment of children and juveniles in criminal proceedings, which are in force in the entities and the BD BiH, defense is always mandatory in the case of a juvenile is perpetrator of a criminal offense. The juvenile must have a defense counsel from the moment of the first hearing by the prosecutor or an authorized official, as well as during the entire procedure.

Furthermore, according to the provisions of CPC the suspect or the accused must be given enough time to prepare his defense (Art. 7. para. 3. CPC BiH).

Finally, BiH criminal procedure laws recognise defense with the assistance of lawyer of persons who have no sufficient financial resources to acquire one. According to Art. 46. para. 1. of the CPC BiH in the absence of conditions for mandatory defense, and if the proceedings are conducted for a criminal offense for which a prison sentence of 3 years or more severe sentence may be imposed, or when the interests of fairness require it, regardless of the prescribed sentence, to the suspect or the accused shall be appointed a lawyer at their request, if they cannot bear the costs of the defense due to their financial situation. A request to exercise this right can be made during the entire proceeding.

Constitutional Court BiH, in its consideration of the right to defense, concludes in one of its decisions that: "*There is no violation of the right to defense as an element of the right to a fair trial when the Supreme Court, in accordance with the law, made a decision at a panel session attended only by the appellant, who agreed that the Supreme Court panel session be* *held without the presence of his defense counsel*." (AP-2050/05, 2007). Regarding the issue of "sufficient time for preparing the defense", in decision AP-639/03, 2004 Constitutional Court BiH expressed that: "*There is no violation of the right from Article 6.3.b) of the European Convention in view of the established facts, and especially bearing in mind the fact that both the appellant and his newly appointed defense counsel stated that they do not need additional time for preparation*." Furthermore, in decision AP-877/07 2009 Constitutional Court BiH concludes that: "*The appellant's right to a defense counsel from Art. 6, para. 3, point c) was not violated when the appellant was instructed about this right, so he did not demand that the court appoint him an ex officio defense counsel, and the court assessed that, considering the nature of the accusation against the appellant, the potential sentence that can be imposed, the complexity of the case and the financial resources of the appellant, it is not necessary*."

g) Right to access material of the case

According to the Art. 47. para. 1. of the CPC BiH during the pre-trial stage of investigation, defense counsel has the right to examine the files and observe acquired material evidence that are beneficial for the suspect, unless it is about files and material evidence whose disclosure could endanger the purpose of the investigation. Art. 78. para. 2. d) of the CPC BiH prescribes the similar right for the suspect. Given the possibility that an examination of the file could call into question the objectives of the investigation, this right during the investigative stage of the procedure seems very limited, even though we speak about evidence in favour of the suspect which could contribute to a more appropriate preparation of his defense (Halilović, 2019). Our disagreement with the existing legal provisions and judicial practice is confirmed even more by decision 070-0-Kz-09-000449 2009, of the Supreme Court of FBiH in which court asserts that: *"By submitting to the suspect's defense counsel motion for custody extension, which contained a notice that the court received evidence essential for the decision on the validity of the motion it can be concluded that court notified the defense counsel about the evidence in the meaning of Art. 61. para. 2, of the CPC FBiH."* After submitting the indictment for confirmation, this right can no longer be denied (Art. 226. para 2. CPC BiH).

h) Right to attend trial and prohibition of trial *in absentia.*

In BiH system of criminal justice accused has the right to attend trial. In the case accused would not be allowed to participate in the trial that was initiated based on the confirmed indictment against him, then the very meaning of the rule of law would be called into question (Halilović, 2019). Art. 247. CPC BiH explicitly prohibits trial *in absentia.* Constitutional Court BiH its opinion regarding the right of the accused to attend trial expressed in several decisions. In its decision AP-557/04, 2004 Constitutional Court BiH concluded that: "*The appellant must have the opportunity to attend the court session in person. This refers, primarily, to the trial before the court of first instance. However, the right to a fair trial also includes the right to be present before the courts of higher instance that decide on appeals, except when the consideration before those courts is limited to procedural or purely legal issues, when the personal presence of the accused is not important."* In one of its other decisions Constitutional Court BiH stresses that: "*If the hearing related to the factual and legal aspects of the appeal was held in the absence of the appellant and his legal representative, and in the presence of the deputy public prosecutor, even if it was based on the current law, it still represents a violation of the right to a fair trial, and especially a violation of the principle equality*." (U-28/01, 2001).

i) Other important rights of the suspect and the accused in BiH criminal proceedings

Additional rights prescribed by BiH criminal proceeding legislation(s) which were not part of the analysis since they are not in a direct scope of the EU agenda on procedural safeguards are: Right to be tried by independent, objective and court established by law; Double jeopardy clause (*non bis in idem* principle); Right to a public trial; Equality of Arms; Right to a speedy trial; Right to introduce evidence at trial; Right to a closing argument at trial; and Right to appeal. Although they are not part of our discussion, it should be emphasized that these rights are essential for legal status of suspects and accused in criminal proceedings, without which the fairness of the proceedings and minimum rights from the EU Agenda on procedural safeguards certainly could not be realized in full capacity.

4. REVIEW ON THE RIGHTS OF JUVENILE SUSPECTS AND ACCUSED IN BIH CRIMINAL PROCEEDINGS

The area of protection of children and juvenile offenders in BiH was separated from the criminal procedure codes first in the entity RS in 2010 by the adoption of a special law on the protection and treatment of children and juveniles in criminal proceedings of the RS. In 2011, the BD BiH and in 2014 the entity FBiH adopted their own laws on the protection and treatment of children and juveniles in criminal proceedings. These laws encompassed the protection and treatment of both, children's victims, and juvenile offenders. At the state level, until this moment, there is still no special law, and the provisions on the procedure for juvenile offenders are part of the CPC BiH. These provisions unfortunately do not meet the contemporary legal trends of humanization and best interest of the children and juveniles related to their protection in criminal proceedings.

Given the significant overlap of the aforementioned laws in the entities and BD BiH, for the purposes of our analysis, we will present some of the most significant provisions of the Law on protection and treatment of children and juveniles in criminal proceedings of FBiH (No. 7/2014, 74/2020).

Thus, according to the Art. 2. para. 1. of this Law, a child is defined as a person who has not reached the age of 18. Furthermore, according to Art. 2. para. 2. it is not possible for criminal sanctions or any other measures this Law lays down to be applied against child who was under 14 years of age at the time the criminal offense was committed. However, children who, due to their age, cannot be subjects to criminal liability and criminal sanctions, are treated in another way, primarily through certain activities prescribed by family legislation, where the social protection services (guardianship authorities) have the first-class role and importance, which directly apply certain activities arising from their legal powers (Karović et al., 2020).

On the other side, juvenile is defined as a child who has reached the age of 16 at the time of the commission of the criminal act but has not reached the age of 18 and against whom criminal sanctions and other measures provided in this Law can be applied (Art. 2. para. 3.).

Further, this Law provides distinction between: 1. a younger juvenile who has reached the age of 14 at the time of the commission of the criminal offense and has not yet reached the age of 16; 2. an older juvenile who, at the time of the commission of the criminal act, turned 16 and did not turn 18 years of age; and 3. younger adult who has reached the age of 18 at the time of the commission of the criminal offense but has not reached the age of 21 (Art. 3. para. 1, 2. and 3).

The Law on protection and treatment of children and juveniles in criminal proceedings of FBiH prohibits any form of discrimination of children, juveniles, and younger adult offenders during all stages of proceedings (Art. 4).

Furthermore, it guarantees minimal rights for the juvenile offenders during every stage of criminal proceedings. These rights are: (a) right to be informed about the accusations; (b) presumption of innocence; (c) to defend himself by remaining silent; (d) not to have his confession coerced by force; (e) the right to the legal assistance of a lawyer; (f) the right to the presence of parents or guardians; (g) the right to conduct proceedings "without delay"; (h) the right to cross-examine the witnesses of the opposing party and to call and hear one's own witnesses under equal conditions; and the right to an effective legal remedy (Art. 5.).

Other rights and appropriate procedures laid down by this Law are: right to translation (Art. 6.); right to privacy (Art. 7.); diversion from a regular criminal proceedings by giving the possibility for the prosecutor and the judge to decide they will not conduct formal criminal proceedings, but they will the case of a juvenile offender acts solve by applying educational recommendations when they are in the best interest of juvenile (Art. 8.); the proportionality or the possibility to choose and apply the sanctions and measures provided by Law that are adapted to the personal characteristics, environment and circumstances in which the juvenile lives and in proportion to the circumstances and severity of the criminal offense committed with respect of the rights of the injured person (Art. 9.).

5. FINDINGS

Right to interpretation and translation in criminal proceedings as we already discussed in the text above is clearly expressed in CPC BiH as well as in other criminal proceeding laws which are in force in BiH. Regarding the Directive 2010/64/EU, it can be observed that there are still certain aspects related to which the legal provisions in BiH could be improved. This primarily refers to prescribing the exercise of this right "without delay", and in the matter of written translation of all essential documents "within reasonable period of time". Further, legal provisions, should clearly define what procedural documents are considered "essential documents" and establish that the suspect or accused has the right to challenge decisions that there is no need for the interpretation or translation with possibility to complain on the quality of interpretation or translation.

Right to information in criminal proceedings in the form prescribed by the provisions of the CPC BiH and other laws on criminal proceeding in BiH could be assessed as not fully satisfactory. One of the objections that could be raised is that these provisions are inconsistent and unsystematic (Filipović, 2022). Consequently, despite provisions prescribe the obligation of procedural bodies to inform suspects and accused persons about their rights, some of these rights are not clearly defined in the context of their interpretation and appropriately placed in legal texts. Thus, much of the improvements regarding this right which are laid down in Directive 2012/13/EU would certainly be welcomed to BiH laws. This particularly refers to the Letter of rights to arrest, which would not only greatly improve the position of suspects and accused persons in terms of familiarizing them with their rights but would also eliminate possible doubts regarding the potential violation of their rights and freedoms that could appear later in procedure through complaints that the suspect or the accused were not informed about their rights. In addition, the legal provisions should be strengthened by the verification of the process of suspects and accused information about their rights by recording procedure. Introduction of a remedy in the case of possible failure or refusal of the competent authorities to provide information would be also step forward for the BiH legislation(s). Regarding *the right of access to the materials of the case*, in this moment BiH legislation(s) significantly diverge from what is laid down in the Directive. The provisions of the CPC BiH and other laws on criminal procedure that are in force nowhere clearly prescribe the right of access to the materials of the case which are essential to challenging the lawfulness of the arrest or detention. It is clearly prescribed by the Directive. In addition, the Directive clearly prescribes the reasons for which access to certain materials may be refused, such as: serious threat to the life or the fundamental rights of another person or if such refusal is strictly necessary to safeguard an important public interest (Art. 7 para. 4.). At this moment, the only justified reason for denying access to the materials of the case in BiH legislation(s) is the endangerment of the purpose of the investigation, which is a quite broad term and subject to voluntary interpretation of the proceeding body. In case of BiH this proceeding body is the prosecutor while the Directive asks that a decision to refuse access to certain materials would be taken by a judicial authority or at least to be subject of judicial review (Art. 7. para. 4).

Right of access to a lawyer as one of the fundamental rights of suspects and accused in criminal proceedings, as we had the opportunity to discuss earlier in this text, is recognized in BiH legislation(s). However, it is quite certain that further steps need to be taken to align this right with the minimum rights required by Directive 2013/48/EU. This particularly refers to the implementation of the term "access to a lawyer without undue delay" in laws texts as well as to ensure clear legal guarantees according to which suspects or accused persons can exercise their right to defense "practically and effectively". Further, the legal provisions should ensure in an appropriate manner not only that suspects or accused persons have the right for their lawyer to be present but to participate effectively during the interrogation as well. Likewise, it is necessary to clearly determine by law that the lawyer can attend all investigative and evidence gathering acts that are provided by law and in respect of which the presence of the suspect or the accused is either required or he is allowed to attend those actions. In this context, the directive specifically states a) identity parade; b) confrontations and c) reconstruction of a crime scene (See Art. 3. para. 3. of the Directive). Regarding *the right to have a third person informed of the deprivation of liberty* it should be noted that this right is recognized in BiH criminal proceedings laws but without any reference of t*he right to communicate with a third person while deprived of liberty* what we see as an additional insufficiency. Finally, in the area of communication with consular authorities, despite BiH legislation(s) recognize this right of the suspect or the accused it should be strengthened following the Directive provisions to include formulations as are: "the right to be visited by their consular authorities ", "the right to converse and correspond with them" and "the right to have legal representation arranged for by their consular authorities" (See. Art. 7. para. 2. of the Directive).

Presumption of innocence as it was already discussed in the text above is one of the main pillars of the contemporary criminal justice system in BiH. However, when we discuss about strengthening certain aspects of the presumption of innocence as they are formulated in the Directive (EU) 2016/343, we will only partially meet this type of provision in BiH legislation. This primarily refers to issues of public references to guilt and in relation to presentation of suspects and accused persons while burden of proof and right to remain silent are already part of the BiH legislation(s) in a very acceptable form. Regarding the right of the accused to be present at trial which is also subject of this Directive according to BiH criminal proceedings legislation *trial in absentia* is explicitly prohibited so we can conclude in this part there is a high level of compatibility with Directive provisions.

Procedural safeguards for children who are suspects or accused persons in criminal proceedings in the manner they are laid down in BiH laws represent probably the most compatible part of BiH legislation(s) with the EU Agenda and requirements settled down in Directive (EU) 2016/800. This can be concluded for the most of requirements established in the Directive, both the ones related to the rights of children and juveniles and the ones related to specific measures in the case of juvenile offenders as are limitations of deprivation of liberty and specific treatment, timely and diligent exercise of juvenile cases, alternative measures and others. However, certain aspects of the juvenile offenders procedural protection should be improved. This in particular can be observed regarding the juvenile right to information in criminal proceeding including the right of a holder of parental responsibility to be informed as well.

Regarding minimum rules for obtaining *legal aid for suspects and accused persons in criminal proceedings* laid down in the Directive (EU) 2016/1919 it can be concluded that BiH legislation(s) in a quite acceptable manner guarantees this right. The conditions for exercising this right in BiH correspond to those from the Directive to the high extent. However, the existing provisions could be improved by emphasizing that this right, if the conditions for its realization are met, should be ensured "without delay" and in any case before the examination or the undertaking of some other evidence-gathering acts. It should also be noted that the Directive's insists on expanding the circle of persons who can exercise right to legal aid. In this context besides initial suspects and accused Directive recognises this right for persons who become suspects or accused while questioning by the police or by another law enforcement authority (See. Art. 2. para 3. of the Directive). This provision should be added in BiH laws as well.

Furthermore, it needs to be emphasized as a general observation that every EU directive within the EU Agenda on procedural safeguards encompasses right to remedy in relation to the decisions about right(s) it strengthens. Additionally, every directive obliges Member states to pay special attention to the specific needs of vulnerable suspects or the accused. Both should be more explicitly implemented and guaranteed in BiH criminal proceedings legislation(s) even though these rights in many instances are already part of the legislation(s).

Finally, it should be emphasized that different projects aimed to improve criminal justice in BiH already exist and contain recommendations to the BiH legislators toward harmonization for the most part with the minimum rights laid down in the EU Agenda. In this sense, recommendations have already been proposed to improve the criminal proceeding legislation(s) in BiH in area of presumption of innocence and right to information, which would include the Letter of Rights, as well as some other improvements, including those in the area of translation and interpretation and protection of vulnerable suspects and accused persons (Sijerčić-Čolić & Halilović, 2022).

6. CONCLUSION

Criminal proceeding legislation(s) in BiH, undoubtedly provides acceptable level of protection of suspects and accused rights in criminal proceedings. In that context, we are prone to state that the existing framework of procedural rights of suspects and accused in criminal proceedings to the greatest extent follows the requirements established by the ECHR as well as the requirements from ECtHR jurisprudence. It can be confirmed not only on the observation and analysis of legal provisions but also following the BiH high courts practice. However, compared to the minimum rights and standards established by the EU Agenda, there are lot to do for BiH legislators to achieve a full level of harmonization. This is especially the case regarding the right to information in criminal proceedings and the right to access materials of the case, even though in every other area of minimum rights prescribed by directives there are certain parts that BiH needs to implement or improve.

It should be mentioned however, that some areas of protection and promotion of the rights of suspects and accused persons are of satisfactory scope already. This, in particular, applies to the rights of juvenile suspects and accused. Furthermore, BiH judicial practice is already in line to some of the minimum rights laid down in directives. This mostly applies to EU Agenda on minimum rights related to presumption of innocence. Finally, it is worth pointing out that the need for harmonization is not unknown to judicial professionals, members of the academic community, civil society and international organizations. This can be confirmed by number of published texts as well as recommendations which have been sent to competent authorities. However, it remains to be seen how long it will take the BiH authorities to harmonize the legislation with the EU agenda. This would be a step forward towards a more humane criminal justice and certainly significant improvement in achieving the rule of law.

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PRAVA OSUMNJIČENIH I OPTUŽENIH OSOBA U KRIVIČNIM POSTUPCIMA U BOSNI I HERCEGOVINI: U KOJOJ SU MJERI OVA PRAVA U SKLADU SA AGENDOM EUROPSKE UNIJE O PROCESNIM MJERAMA ZAŠTITE OSUMNJIČENIH ODNOSNO OPTUŽENIH?

Professional Paper

Abstract

Rad razmatra prava osumnjičenih i optuženih osoba u krivičnim postupcima u Bosni i Hercegovini (BiH) u poređenju sa naporima Evropske unije (EU) kada je u pitanju jačanje temelja evropskog područja krivičnog pravosuđa. BiH je na putu ka EU integracijama i suočava se sa zahtjevima za usklađivanje nacionalnog zakonodavstva, uključujući specifična područja krivičnog pravosuđa sa standardima i zakonodavstvom EU. Istraživanje najvećim dijelom obuhvata normativnu analizu zakona o krivičnom postupku koji su na snazi u BiH uključujući i druge povezane propise. Specifična pažnja posvećena je i posebnim garancijama za maloljetne osumnjičene i optužene u krivičnim postupcima. Kako acquis EU podrazumijeva ne samo harmonizaciju nacionalnog zakonodavstva već i njegovu učinkovitu primjenu, rad pruža analitički uvid u niz odluka Ustavnog suda i drugih visokih sudova u BiH koje sadrže važne stavove u vezi sa procesnim zaštitama osumnjičenih i optuženih u krivičnom postupku.

Keywords: osumnjičeni, optuženi, krivični postupak, procesne mjere zaštite, EU integracije

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KRIMINALISTIČKA VJEŠTAČENJA I STANDARD ISO 17025 (STUDIJA SLUČAJA BOSNA I HERCEGOVINA)

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Sažetak

Bosna i Hercegovina (BiH) je država sa složenim ustavnim okvirom. Takva ustavna hijerarhija, između ostalog, nameće i složenu policijsku organizaciju, a obzirom da su forenzički odjeli ili instituti, prema dugogodišnjoj tradiciji, dio tog sklopa, isto podrazumijeva i složenu organizaciju forenzičkih odjela/instituta u toj strukturi. Akreditacija forenzičkih laboratorija prema standardu ISO 17025 predstavlja imperativ forenzičkih laboratorija širom svijeta, pa se želi ukazati na pojam akreditacije i odredbe standarda ISO 17025 kao i razloge zahtjeva za implementaciju istih unutar forenzičkih službi u BiH. Metodom analize sadržaja, autori proučavaju razloge koji se nameću kao imperativ za implementaciju standarda ISO 17025 u forenzičkoj praksi u BiH. Navedeno proizilazi, prevashodno iz razloga međunarodne prepoznatljivosti rezultata rada, valorizacije pouzdanosti provedenih vještačenja od strane pravosudnih autoriteta različitih nivoa unutar BiH i ispunjavanja kriterija za članstvo u Evropskoj uniji. Razmišljanja i zaključci izneseni u radu se temelje na teorijskim postulatima i od strane autora provedenom empirijskom istraživanju. Implementacija standarda ISO 17025 podrazumijeva akreditaciju forenzičkih laboratorija, što se u praksi, u najvećoj mjeri, odnosi na utvrđivanje usklađenosti primijenjenih metoda, zahtjev adekvatne edukacije i profesionalnog postupanja stručnog osoblja i primjenu odgovarajućeg instrumentarija i opreme, a sve s ciljem kako bi u punoj mjeri u krivičnom, ali i građanskom postupku do punog izražaja došlo načelo objektivnosti.

Ključne riječi

osiguranje kvaliteta, kontrola kvaliteta, ISO 17025, akreditacija, Bosna i Hercegovina, forenzičke institucije

UVOD

Forenzička nauka primjenjuje nauku u krivičnim i građanskim postupcima koje sprovode policijske i druge agencije za provođenje zakona u krivičnopravnom sistemu (Saferstein, 2007). Pojam kriminalističkih vještačenja interpretiran u širem smislu označava vještačenja koja se javljaju gotovo isključivo u kontekstu rada pravosuđa u vezi sa izvršenim krivičnim djelima, dok u užem smislu označava vještačenja u okviru kojih se vještače relevantni kriminalistički tragovi i predmeti krivičnog djela u identifikacijske svrhe (Modly, 1998). Razvoj i napredak forenzičke nauke je u fokus doveo pitanje kvaliteta provedenih forenzičkih vještačenja (kao i prethodne i kasnije aktivnosti koje se odnose na načine postupanja sa materijalom na kojem su provedena vještačenja). Navedeno podrazumijeva osiguranje kvaliteta i njegovo održavanje. U suštini problematike osiguranja kvaliteta savremenih forenzičkih, odnosno kriminalističkih vještačenja nalazi se implementacija standarda ISO 17025 kao najvažnijeg pojedinačnog standarda za kalibraciju i testiranje laboratorija.[1] Savremena praksa kriminalističkih vještačenja zahtijeva implementaciju navedenog standarda u radu institucija koje se bave raznovrsnim laboratorijskim ispitivanjima, pri čemu akreditiranje laboratorije po ovom standardu označava da je ista tehnički osposobljena da obavlja/izvodi precizne testove, odnosno da ista posjeduje potrebne uslove za izvođenje određene forenzičke metode (prostor, oprema, obučeno osoblje). Institucija koja se bavi kriminalističkim vještačenjima mora proći proces ocjene od strane nezavisnog stručnog tijela i to pod nadzorom lokalne državne institucije nadležne za standardizaciju, u svrhu sticanja akreditacije laboratorija. U Bosni i Hercegovini (BiH) je za akreditaciju zadužen Institut za akreditaciju BiH[2].

Pored profesionalnih razloga implementacija standarda ISO 17025 u BiH ima i svoje političke implikacije. Naime BiH je, između ostalih, ovu obavezu preuzela potpisivanjem Sporazuma o stabilizaciji i pridruživanju Evropskoj uniji (EU)[3]. Naime, članom 70. Sporazuma predviđeno je da će BiH nastojati osigurati postepeno usklađivanje njenog postojećeg i budućeg zakonodavstva sa pravnom tečevinom EU te osigurati propisnu primjenu i provođenje postojećeg i budućeg zakonodavstva. Usklađivanje je započeto potpisivanjem Sporazuma i postepeno će se proširivati na sve elemente pravne tečevine Unije.[4] Dakle, BiH mora preuzeti rješenja zakonodavstva EU koja nalažu poštivanje standarda ISO 17025 prilikom obavljanja forenzičkih usluga koje obuhvaćaju laboratorijske aktivnosti.[5]

U ovom trenutku, u BiH postoje tri forenzičke institucije unutar sigurnosnog sistema koje su akreditovane za određene forenzičke metode (u nastavku rada će biti više riječi o navedenom).

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1 ISO/IEC 17025 se prvi put spominje 1999. godine od strane Međunarodne organizacije za standardizaciju (ISO) i Međunarodne elektrotehničke komisije (IEC) (Calibrate Inc./The Pipet People, 2014).

2 Više vidjeti na http://www.bata.gov.ba/O_nama/default.aspx?id=17&langTag=en-US, pristupljeno 01. 09. 2025.

3 Potpisan u Luksemburgu 16. juna 2008. godine, a stupio na snagu 1. juna 2015. godine. Zamijenio je Privremeni sporazum o trgovini i trgovinskim pitanjima, koji je bio na snazi od 1. jula 2008. godine.

4 Više vidjeti: https://www.dei.gov.ba/uploads/documents/stabilisation-and-association-agreement-between-eu-and-bih-unofficial-consolidated-text-compressed_1637138844.pdf., pristupljeno 01. 09. 2025. i Bajraktarević (2011).

5 Pogledati: Okvirna odluka Vijeća 2009/905/PUP od 30. novembra 2009. godine o akreditaciji pružatelja forenzičkih usluga koji obavljaju laboratorijske aktivnosti, SL 322/247/14.

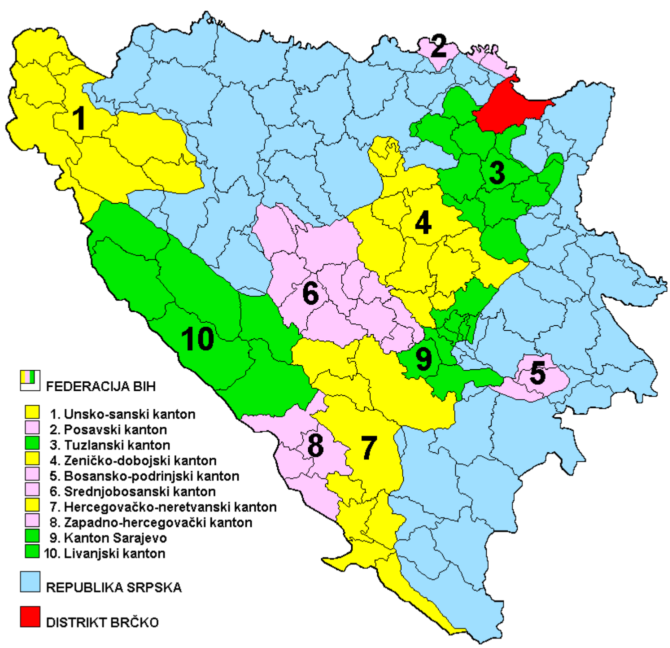
STANDARDIZACIJA I AKREDITACIJA U FORENZICI

Kada se neki predmet pojavi na sudu kao dokazni material, sud i drugi učesnici krivičnog postupka žele biti sigurni da je taj predmet vezan za krivično djelo. Jedini način da se ispuni ovaj zahtjev jeste da postoji koncept provjere kvalitete svega što se radi sa dokaznim materijalom, od trenutka kada se taj dokaz izuzme sa lica mjesta pa do njegovog predstavljanja na sudu. Ova težnja kvaliteti nije jedinstvena i ograničena samo na forenzičku nauku. Krajnji cilj je da se ponude proizvodi i usluge koji su provjereni i sigurni za upotrebu. U forenzičkoj nauci kvalitet dokaznog materijala je veoma bitan jer od tog zavisi da li će krivac biti oslobođen ili će, možda, nevina osoba biti optužena. Termini kontrola kvaliteta i osiguranje kvaliteta se prepliću u upotrebi. Kontrola kvaliteta obuhvata sve aktivnosti potrebne da se ispune zahtjevi po pitanju kvalitete određenog proizvoda ili usluge. U forenzičkoj nauci ovo može značiti da moraju postojati kontrolni uzorci prilikom izvođenja određenih analiza (hemijske, DNK i sl.) ili da se mora bilježiti svaki korak poduzet prilikom mikroskopskog ispitivanja uzorka dlake. Termin osiguranje kvalitete je malo širi, i obuhvata kompletan sistem rukovanja dokaznim materijalom i uključuje i obuku i kvalifikaciju osoblja i laboratorijskog okruženja. Neorganizovana laboratorija koja nema jasno definisan lanac postupanja ne može tvrditi da nudi adekvatno osiguranje kvalitete. Na ideju potvrđivanja kvaliteta nailazimo još u srednjem vijeku kada su pojedini proizvodi koji su smatrani kvalitetnim dobijali posebne pečate. Tada su vrhunske zanatlije počele dodavati svoj znak na proizvodima kako bi zaštitili svoju reputaciju i standarde. S druge strane, kupci kada su kupovali proizvode sa znakom takvog majstora mogli su biti sigurni da se radi o kvalitetnom proizvodu. U XX vijeku se osiguranje kvalitete proširilo na veliki broj proizvoda i usluga, uključujući tu i forenzičku nauku. Srednjevjekovni žigovi su zamjenjeni procedurama, mjerljivim rezultatima, određenom vrstom ponašanja, odnosno svim što je potrebno da se osigura kvaliteta krajnjeg proizvoda ili usluge. Standardi su po ovim pitanjima dugo vremena varirali zavisno od njihovih donosilaca, odnosno od sredina u kojim su donošeni. Zbog toga se javila potreba za međunarodnim referentnim tačkama jer rezultati niti jedne analize ne bi trebali zavisti od države ili laboratorije u kojoj su izvršene. Prvi takav standard bio je standard ISO 9000 i on predstavlja set međunarodnih standarda o menadžmentu kvaliteta, kontroli kvaliteta i osiguranju kvaliteta i ustanovljen je 1987. godine i od tada se stalno nadograđuje. Standard koji se danas dominantno koristi u forenzičkim laboratorijama jeste standard ISO 17025. Kvaliteta je koncept koji se razvija jer se organizacije i pojedinci u njima svakodnevno suočavaju sa izazovom da dostignu još više standarde. U nauci, metode i oprema se mijenjaju veoma često, i laboratorije i njihovo osoblje moraju biti u toku sa tim promjenama i prihvatiti te promjene. Što se tiče istraga krivičnih djela, ovo može biti samo pozitivna stvar jer sve ovo unaprijeđuje povjerenje suda u dokaze koji se predstavljaju. U kontekstu forenzičkih istraga ova oblast obuhvata naučne, pravne i etičke aspekte rada kako laboratorijskih naučnika, tako i policijskih službenika na terenu. Forenzička nauka obuhvata mnoge discipline. Bez obzira na prirodu samog dokaznog materijala, od najvećeg značaja je da se taj materijal zaštiti od uništavanja ili kontaminacije. Zaštitna odjeća i ograničen pristup mogu pomoći u očuvanju i zaštiti dokaza. Takođe, ispravno i sigurno pakovanje tragova je veoma važno. Kada se ti tragovi nađu u laboratoriji moraju se pohraniti na ispravan način što može obuhvatati pohranu u rashladne uređaje ili na mjesto koje je zaštićeno od vlage i nikada ne smiju biti ostavljeni bez nadzora zbog mogućnosti oštećenja i izmjene tragova kao i njihove krađe. Kada se radi o laboratorijskim istragama, moraju postojati standardne operativne procedure i standardni metodi koji se moraju poštovati. Ovo su pisane instrukcije koje objašnjavaju kako pravilno obaviti određeni posao. Naravno, ove procedure i metode rada će se vremenom mijenjati, kako dolazi do upotrebe novih metoda ili nove opreme. Veliki broj različitih uređaja se koristi u laboratoriji. Važan segment kontrole kvaliteta i osiguranja kvaliteta jeste briga da se sva ta oprema koristi na ispravan način kao i da je osoblje prošlo odgovarajuću obuku. Oprema takođe mora biti kalibrirana, te se trebaju koristiti referentni uzorci na tim uređajima kako bi bili sigurni da sve ispravno funkcioniše. Oprema se takođe mora redovno održavati i zamjeniti ili nadograditi ukoliko dođe do pogreške u radu. Kao što se standardi kvalitete primjenjuju na opremu koja se koristi na isti način se primjenjuje i na osoblje koje radi u forenzičkim laboratorijama. Prije svega osoba mora posjedovati odgovarajuće stručne i naučne kvalifikacije za određeni posao. Uslovi mogu varirati, ali svaka osoba mora imati pismeni opis svog posla uključujući odgovornosti, dužnosti i vještine koje su potrebne za obavljanje tog posla. Menadžer laboratorije mora imati određeni broj godina iskustva u radu unutar forenzičke laboratorije. Stručno osoblje laboratorije u cijelosti će imati kvalifikacije koje su u skladu sa poslom koji obavljaju. Njihov posao mora biti pod nadzorom i mora se provjeravati kako interno tako i eksterno. Obzirom na činjenicu da je forenzička nauka disciplina koja se veoma brzo razvija, neophodno je uspostaviti odredbe koje će osigurati kontinuiranu edukaciju osoblja. Takve edukacije mogu podrazumijevati obavezno pohađanje obuka usmjerenih na usvajanje savremenih radnih tehnika, kao i redovno praćenje relevantne stručne literature iz forenzičkih oblasti, te u krajnjem slučaju i sticanje višeg stepena obrazovanja. Dodatno, važan dio posla forenzičkog vještaka jeste i sposobnost davanja usmenog iskaza na sudu. Ovo podrazumijeva unakrsno ispitivanje, te osoba mora biti objektivna i samopouzdana tako da može da odbrani svoj rad, a u istovremeno da objasni principe rada i ostale potrebne detalje. Svako ko radi u forenzičkoj laboratoriji mora učiniti sve što je u njegovoj moći kako bi imao naučan i objektivan pristup svom poslu. Ovo znači biti bez predrasuda, biti spreman za ponavljanje eksperimenata, koristiti kontrolne i referentne uzorke i voditi tačne zapisnike procedura koje se sprovode kao i rezultata do kojih se došlo. Pored ovoga postoje i etički i pravni uslovi koji se moraju poštovati u radu. Možda najvažniji uslov jeste shvatanje koliko je bitan lanac odgovornosti u rukovanju dokazima. Ovo znači da sudu mora biti jasno šta se tačno događalo sa određenim dokazom od momenta kada je izuzet sa lica mjesta pa do trenutka predstavljanja na sudu. Svako ko je došao u dodir sa dokazom mora biti „vidljiv" kroz dokumentaciju koja prati kompletan postupak. Samo na taj način sud i drugi učesnici krivičnog postupka mogu biti sigurni da je dokazni matrijal pouzdan. Pored ovoga, mora se voditi i evidencija svih operacija koje su sprovedene u vezi tog dokaza. U jednom trenutku, sve ovo treba biti zapisano. Sada, naravno postoje računarski sistemi unutar laboratorija koji se mogu koristiti za ovu proceduru. Naravno, laboratorije koje koriste ove sisteme moraju biti sigurne da koriste pouzdane i provjeren sisteme, kao i da je kompletno osoblje obućeno za korištenje istog. Krajnji domet adekvatnog upravljanja i osiguranja kvaliteta jeste eksterna akreditacija laboratorija. Primjena svega naprijed navedenog omogućava adekvatno upravljanje i osiguaranje kvaliteta. Više o pitanjima obrađenim u ovom poglavlju vidjeti u: Cavanaugh (2010), Chung (1999), Gabel (2014), Levy et al. (1999), Ricci (2005), Weedn (2010), Vlasceanu et al. (2007), UNIDO (2009), Bojanić i Bajraktrević Pajević (2017) i Korajlić et al. (2019).

FORENZIČKE INSTITUCIJE I AKREDITACIJA U BOSNI I HERCEGOVINI

Tradicionalno, institucije koje obavljaju forenzička vještačenja i ispitivanja su pozicionirana unutar sigurnosnih/policijskih organizacija (uz par izuzetaka u novije vrijeme, većinski vezano za sudsko medicinska i DNK vještačenja, kao što su institucije pod okriljem ministarstava zdravlja ili pojedinih univerziteta). Stoga će u nastavku, u najkraćim crtama, biti prezentirana organizacija policijskog sistema u BiH sa naglaskom na mjesto forenzičkih organizacija unutar istog. Potrebno je dodati da unutar pravosudng sistema u BiH postoji i institut tzv. „stalnih sudskih vještaka“ Isti se biraju od strane entitetskih ministarstava pravde (Ministarstvo pravde entiteta Federacija Bosne i Hercegovine i Ministarstvo pravde entiteta Republika Srpska). To su vještaci, pojedinci, različitih struka koji se putem javnog poziva i nakon odgovarajućeg kvalifikacionog ispita biraju i postavljaju na listu stalnih sudskih vještaka pojedinačnih ministarstava pravde. Obzirom da navedeno nije u direktnoj vezi sa tematikom rada isto neće biti šire elaborirano.

Policijski sistem u BiH predstavlja složenu organizaciju[6]. Isti je uslovljen složenom ustavnom strukturom države koja se sastoji od dva entiteta i jednog distrikta: entitet Federacija Bosne i Hercegovine (FBiH), entitet Republika Srpska (RS) i Brčko Distrikt Bosne i Hercegovine (Brčko Distrikt BiH). Entitet FBiH se sastoji od deset kantona. Slika 1. sadrži ustavnu-teritorijalnu podjelu BiH.



Slika 1. (http://bih-x.info/wp-content/uploads/2010/03/Federacija-Bosne-i-Hercegovine.jpg, preuzeto 01.09.2025.)

6 Za potrebe ovog rada izvršen je samo osnovni prikaz organizacione strukture policije u BiH. Više informacija o ukupnosti navedenih pitanja vidjeti u: Lučić-Ćatić, M. (2020) i Sijerčić-Čolić, H., Radičić, M. (2015).

U osnovi je jurisdikcija policijskog rada podijeljena na nivoe države i entiteta (FBiH i RS). Dodatni nivo predstavlja Policija Brčko distrikta BiH koja predstavlja samostalnu organizacionu policijsku strukturu.

Na državnom nivou postoje sljedeće policijske agencije koje se formalno, kao samostalne policijske organizacije nalaze u nadležnosti Ministarstva sigurnosti BiH: Državna agencija za istrage i zaštitu, Granična policija BiH, Direkcija za koordinaciju policijskih tijela BiH, Služba za poslove sa strancima, Agencija za forenzička ispitivanja i vještačenja, Agencija za školovanje i stručno usavršavanje kadrova i Agencija za policijsku podršku. Za temu rada je od interesa Agencija za forenzička ispitivanja i vještačenja (AFIV). Navedena agencija predstavlja samostalnu operativnu organizacionu jedinicu unutar Ministarstva sigurnosti BiH.[7]

Policijska organizacija u entitetu Federacija BiH predstavlja decentraliziranu policijsku strukturu koja se sastoji od Ministarstva unutrašnjih poslova Federacije BiH (koje u svojoj organizacionoj šemi kao samostalnu organizacionu jedinicu sadrži Federalnu upravu policije kao samostalan i nezavisan policijski subjekt) i Ministarstava unutrašnjih poslova deset kantona (od kojih svaki u svojoj organizaciji ima Upravu policije). Ministarstvo unutrašnjih poslova Federacije BiH i kantonalna ministarstva unutrašnjih poslova imaju strogo odvojene nadležnosti koje su propisane Ustavom Federacije BiH, Ustavima kantona i Zakonima o unutrašnjim poslovima Federacije BiH i svakog od kantona. Navedena struktura je decentralizirana i ista djeluje po principu koordinacije u kojem entitetska i policije kantona imaju podijeljenu (i propisanu) nadležnost u okviru poslova sigurnosti.

Federalna uprava policije Ministarstva unutrašnjih poslova Federacije BiH, pored ostalih organizacionih jedinica[8], u svojoj strukturi sadrži Centar za forenziku koji je od interesa za ovaj rad.

Unutar pojedinačnih Kantonalnih ministarstava unutrašnjih poslova (njih deset), svako od njih, u svojoj organizacionoj strukturi sadrži niže organizacione jedinice koje u svom djelokrugu rada obavljaju poslove kriminalističke tehnike (obrada lica mjesta) i druge poslove koji podrazumijevaju primjenu stručnih znanja iz oblasti forenzike. Navedene organizacione jedinice, shodno vlastitim potrebama konkretnih ministarstava, u svojoj strukturi, u većoj ili manjoj mjeri obavljaju i neke vrste forenzičkih vještačenja (većinu vještačenja za potrebe ovih ministarstava obavlja Centar za forenziku Federalne uprave policije Ministarstva unutrašnjih/unutarnjih poslova Federacije BiH). Zbog prostora za pisanje, o pojedinim takvim poslovima neće biti više riječi[9].

Policijska organizacija u entitetu Republika Srpska predstavlja centraliziranu policijsku strukturu koja se sastoji od osam organizacijskih jedinica od kojih je najznačajnija Uprava policije. Uprava policije svoj rad realizuje kroz organizacione jedinice u sjedištu i deset terenskih policijskih

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[7] Više o organizacionoj strukturi Agencija za forenzička ispitivanja i vještačenja BiH vidjeti na http://www.afiv.gov.ba/pages/structure, pristupljeno 01.09.2025.

[8] Više o organizacionoj strukturi Federalne uprave policije Ministarstva unutrašnjih poslova Federacije BiH vidjeti na http://fup.gov.ba/?page_id=20332, pristupljeno 01.09.2025.

[9] Više o organizacionoj strukturi i nadležnostima pojedinačnih Kantonalnih ministarstava vidjeti na: https://vladausk.ba/v4/index/ministarstvo-unutrasnjih-poslova/6?vrsta=6, https://www.zupanijaposavska.ba/ministarstvo-unutarnjih-poslova/, http://muptk.ba/, https://www.mupzdk.gov.ba/, http://mup.bpkg.gov.ba/, https://www.mupsbk-ksb.gov.ba/, https://www.muphnk.ba/, https://www.mupzzh.ba/, https://mup.ks.gov.ba/, https://www.mupk10.gov.ba/, pristupljeno 01.09.2025.

uprava[10]. Za temu našeg rada od interesa je organizaciona jedinica pod nazivom Jedinica za forenziku-KTC (Kriminalističko tehnički centar) u organizacionoj strukturi pozicionirana unutar Uprave za policijsku podršku.

Policija Brčko Distrikta BiH predstavlja policijsku strukturu koja se sastoji od Operativno komunikacijskog centra i sedam jedinica unutar kojih se nalaze pojedinačni odsjeci Lučić-Ćatić (2020). Za temu rada je značajan Odsjek za forenziku i kontradiverzionu zaštitu.

Svojevremeno je Visoko sudsko i tužilačko vijeće BiH objavilo dokument sa nazivom „Lista institucija i laboratorija koje vrše forenzička ispitivanja, istraživanja i vještačenja u Bosni i Hercegovini" (www.academia.edu, 2025). Dokument je ranije bio dostupan na stranici navedene institucije, trenutno nije dostupan)[11]. Na navedenoj listi se nalazi sedamnaest institucija. Od navedenog broja samo tri institucije nisu dio sigurnosnog/policijskog sistema. Te institucije se bave sudsko-medicinskim vještačenjima i vještačenjima u vezi sa DNK.

Za posao akreditacije metoda rada forenzičkih institucija u BiH nadležan je Institut za akreditaciju BiH (BATA). Navedeni institut periodično, na svojoj web stranici, objavljuje „Spisak akreditiranih tijela za ocjenjivanje usklađenosti"[12]. Posljednje ažuriranje koje smo koristili u ovoj analizi je objavljeno 01.08.2025. godine (BATA, 2025).

Analizom i poređenjem podataka iz Liste institucija i laboratorija koje vrše forenzička ispitivanja, istraživanja i vještačenja u Bosni i Hercegovini Visokog sudskog i tužilačkog vijeća BiH sa Spiskom akreditiranih tijela za ocjenjivanje usklađenosti Instituta za akreditaciju BiH vidljivo je da tri institucije posjeduju akreditaciju po standardu ISO 17025 i to za određene metode.

Navedene institucije i metode za koje su akreditirane su navedene u Tabeli 1.

Tabela 1.[13]

Naziv institucije	**Akreditirane metode**
Ministarstvo sigurnosti BiH Agencija za forenzička ispitivanja i vještačenja BiH	• Dokumenti i rukopisi • Oprema za obradu i čuvanje digitalnih podataka • Mobilni telefoni i SIM kartice • Audio zapisi • Forenzička genetika

[10] Više o organizacionoj strukturi Ministarstva unutrašnjih poslova Republike Srpske vidjeti na https://mup.vladars.rs/lat/policija/direktor-policije#jumptopost, pristupljeno 01.09.2025.

[11] Navedeni dokument je dostupan na: https: //www.academia.edu /33688433/ Lista institucija_i_laboratorija_koje_vr%C5%A1e_forenzi%C4%8Dka_ispitivanja_istra%C5%BEivanja_i_vje%C5%A1ta%C4%8Denja_u_Bosni_i_Hercegovini, pristupljeno 01.09.2025.

[12] Više vidjeti na: http://www.bata.gov.ba/Akreditirana_tijela/Spisak-akreditiranih-tijela.pdf, pristupljeno 01.09.2025.

[13] Podaci preneseni izvorno bez intervencija autora. Više o akreditiranim metodama vidjeti u dokumentima: Dodatak akreditaciji broj LI-151-01 od 21.02.2024. godine (dostupno na: http://bata.gov.ba/Akreditirana_tijela/Dodaci/LI/LI-151-01.pdf, pristupljeno 01.09.2025.), Dodatak akreditaciji broj broj LI-168-01 od 06.03.2024. godine (dostupno na: http://bata.gov.ba/Akreditirana_tijela/Dodaci/LI/LI-168-01.pdf, pristupljeno 26.04.2023.) i Dodatak akreditaciji broj LI-211-01 od 19.11.2024. godine (dostupno na: http://www.bata.gov.ba/Akreditirana_tijela/Dodaci/LI/LI-211-01.pdf, pristupljeno 01.09.2025.).

Centar za forenziku Federalna uprava policije Ministarstvo unutrašnjih/unutarnjih poslova FBiH	• Daktiloskopska ispitivanja • Balistička ispitivanja
Jedinica za forenziku-KTC (Kriminalističko tehnički centar) Uprave policije Ministarstva unutrašnjih poslova RS	• Dokumenti i rukopisi

DISKUSIJA

Poslovi forenzičkih vještačenja u BiH su prema dostupnim podacima većinski vezani za policijske i sigurnosne službe. Pored tih institucija se vještačenjima bave i tzv. stalni sudski vještaci-pojedinci koji takav status stiču kroz odgovarajuće procedure izbora od strane ministarstava pravde entiteta FBiH i entiteta RS. U BiH se forenzičkim vještačenjima prema dostupnim podacima bavi sedamnaest institucija. Od njih se kao najznačajnije izdvajaju tri institucije i to:

- Agencija za forenzička ispitivanja i vještačenja unutar Ministarstva sigurnosti BiH (institucija na državnom nivou);
- Centar za forenziku Federalne uprave policije Ministarstva unutrašnjih/unutarnjih poslova FBiH (institucija na nivou entiteta FBiH); i
- Jedinica za forenziku-KTC (Kriminalističko tehnički centar) Uprave policije Ministarstva unutrašnjih poslova RS (institucija na nivou entiteta RS).

Potvrđivanje vlastitih kompetencija kroz postupak akreditacije pored profesionalnog izazova i samopotvrđivanja predstavlja i element na osnovu kojeg korisnici usluga forenzičkih institucija (pravosudna zajednica, državni organi i zainteresirani pojedinci) mogu steći utisak o osposobljenosti konkretne forenzičke institucije. Navedeni postupak se, između ostalog, u najvećoj mjeri odnosi na potvrđivanje sposobnosti i mogućnosti na nivou: školovanog i obučenog osoblja, korištenja adekvatne i kalibrirane oprema koja se koristi u forenzičkim ispitivanjima i vještačenjima, zadovoljavanje odgovarajućih standarda u pogledu prostorne organizacije i kapaciteta, adekvatnog postupanja sa materijalom dostavljenim na ispitivanje, kao i odgovarajući ekološki standardi.

Pored samopotvrđivanja vlastitog kvaliteta za akreditaciju prema standardu ISO 17025 za forenzičke institucije u BiH postoji i konkretna pravna obaveza u kontekstu Sporazuma o stabilizaciji i pridruživanju Evropskoj uniji (EU), odnosno Okvirne odluka Vijeća 2009/905/PUP od 30. novembra 2009. godine o akreditaciji pružatelja forenzičkih usluga koji obavljaju laboratorijske aktivnosti, SL 322/247/14. Odlukom se nalaže obavezna akreditacija po standardu ISO 17025 u pojedinim oblastima forenzičkih vještačenja (profil DNK i daktiloskopski podaci). Njenim donošenjem želi se osigurati međusobno priznanje laboratorijskih aktivnosti u državama članicama prema EN ISO/IEC 17025. Za ostvarenje navedenog cilja nacionalna akreditacijska tijela moraju akreditovati pružatelje laboratorijskih forenzičkih usluga u skladu sa EN ISO/IEC 17025. Odluka tretira kao pružatelje forenzičkih usluga javne i privatne organizacije koje obavljaju forenzičke laboratorijske aktivnosti na zahtjev nadležnog tijela. Ovom odlukom države članice usklađivale su odredbe odluke u vezi s DNK profilima do 30. novembra 2013, a u vezi s daktiloskopskim podacima do 30. novembra 2015. godine. Isto tako, države članice bile su u obavezi da do 30. maja 2016. godine dostave Generalnom sekretarijatu Vijeća EU i Komisiji tekst odredbi unesenih rješenja iz ove Odluke u nacionalno zakonodavstvo (EU, 2009).

Akreditacija kao element potvrđivanja osposobljenosti forenzičkih instituta danas predstavlja nezaobilazan faktor u dokazivanju sposobnosti takvih institucija za njihovo djelovanje. Navedeno predstavlja prihvaćeni standard u forenzičkoj zajednici kroz aktivnosti osiguranja i upravljanja kvalitetom forenzičkih usluga. Isto se očekuje i od forenzičkih instituta u BiH.

Postupke akreditacije unutar BiH vodi Institut za akreditaciju BiH (BATA), samostalna upravna organizacija na državnom nivou. BATA, kao državno akreditaciono tijelo Bosne i Hercegovine, potpisnik je Multilateralnog sporazuma s Evropskom akreditacijom (EA MLA) u akreditacionim šemama:

- Ispitivanja (EN ISO/IEC 17025 i EN ISO 15189)
- Kalibracije (EN ISO/IEC 17025)
- Inspekcija (EN ISO/IEC 17020)
- Certifikacija proizvoda (EN ISO/IEC 17065)[14]

Kao EA MLA potpisnik, BATA poštuje sljedeća pravila:

Prihvata sisteme akreditiranja drugih EA MLA (European accreditation Multilateral Agreement) i ILAC MRA (International Laboratory Accreditation Cooperation Mutual Recognition Arrangment) potpisnika i smatra ih jednakim vlastitom sistemu akreditiranja.

Prihvata certifikate/izvještaje koje izdaju tijela akreditirana od strane drugih EA MLA i ILAC MRA potpisnika i smatra ih jednako pouzdanim certifikatima/izvještajima koje izdaju tijela akreditirana od strane BATA-e (ispitne i kalibracione laboratorije, inspekcijska tijela, tijela za certifikaciju proizvoda)[15].

EA MLA pruža okvir za ostvarenje cilja „Akreditiran jednom, prihvaćen svugdje“[16].

Cilj EA MLA jeste olakšavanje kretanja roba i usluga i ukidanje tehničkih prepreka u trgovini, kroz prihvatanje i stvaranje povjerenja u akreditacije državnih akreditacionih tijela i aktivnosti akreditiranih tijela za ocjenjivanje usklađenosti[17].

Ovim sporazumom upravlja Evropska organizacija za saradnju u području akreditiranja (EA) koju je, u skladu sa Uredbom (EZ) 765/2008, imenovala Evropska komisija, a zasnovan je na procesu kolegijalnog ocjenjivanja među članovima EA.

Kada je riječ o akreditaciji forenzičkih agencija u BiH po ISO standardu 17025 iz prethodnih izlaganja je vidljivo da tri institucije imaju implementiran navedeni standard (za jasno naznačene metode). Nažalost akreditirane metode samo djelomično uključuju metode zahtijevane Okvirnom odlukom Vijeća EU 2009/905/PUP od 30. novembra 2009. godine o akreditaciji pružatelja forenzičkih usluga koji obavljaju laboratorijske aktivnosti, te se na navedenom u cilju ostvarivanja uslova za pridruživanje Evropskoj uniji u budućnosti treba raditi.

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[14] prema http://www.bata.gov.ba/Akreditiranje/EA_BLA/default.aspx?id=974&langTag=bs-BA, pristupljeno 01.09.2025.

[15] prema http://www.bata.gov.ba/Akreditiranje/EA_BLA/default.aspx?id=974&langTag=bs-BA, pristupljeno 01.09.2025.

[16] prema http://www.bata.gov.ba/Akreditiranje/EA_BLA/default.aspx?id=974&langTag=bs-BA, pristupljeno 01.09.2025.

[17] prema http://www.bata.gov.ba/Akreditiranje/EA_BLA/default.aspx?id=974&langTag=bs-BA, pristupljeno 01.09.2025.

ZAKLJUČAK

Savremena forenzička vještačenja, danas, se najčešće javljaju u kontekstu rada pravosuđa u najširem smislu. U tom smjeru se od istih očekuje visok nivo pouzdanosti i povjerenja društvene zajednice što u konačnici doprinosi pravnoj sigurnosti. Tom cilju u značajnoj mjeri doprinosi adekvatan sistem osiguranja kvaliteta (Quality Assurance) i sistem kontrole kvaliteta (Quality Control), te kao ključno dostignuće i postupak akreditacije forenzičkog laboratorija. Sve navedeno unapređuje kvalitet forenzičke usluge i doprinosi razvoju forenzike u cjelini.

Sistem osiguranja kvaliteta i sistem kontrole kvaliteta, danas, predstavljaju nezaobilazan činitelj u utvrđivanju pouzdanosti jedne forenzičke laboratorije/instituta. Isti je u okvirima EU, prema konvencijama, obavezan za sve forenzičke laboratorije/institute na prostoru EU (kroz odluke Vijeća Evrope, a vezano za obavljanje poslova vezanih za DNK analize i daktiloskopska vještačenja). Obzirom na ciljeve naše države ka tzv. eurointegracijama, imperativ naših forenzičkih službi je da, u saradnji sa lokalnim Institutom za akreditaciju, a uz pomoć i saradnju sa relevantnim forenzičkim institutima država članica EU, kao i sa radnim tijelima ENFSI-a (European Network of Forensic Science Institutes, Evropska mreža forenzičkih instituta), rade na uspostavi standarda ISO 17025 u svojim radnim procesima. Također, potrebno je raditi na pitanju razumijevanja potrebe uvođenja ovog standarda, te na shvatanju, kako odredbi ovog standarda, tako i shvatanja suštine zbog koje se zahtijeva uvođenje ovog standarda.

BiH u svojoj policijskoj strukturi sadrži tri značajnije opremljena i kapacitirana forenzička instituta (jedan na državnom nivou i dva na entitetskom nivou), te na nižim nivoima, forenzičke laboratorije koje obavljaju određena forenzička vještačenja. Postupak akreditacije provodi lokalno državno tijelo za akreditaciju Institut za akreditaciju BiH (BATA). Ovaj postupak omogućava međunarodnu prepoznatljivost kao jedan od ciljeva razvoja forenzičke nauke.

Sva tri navedena instituta-laboratorije su akreditirane po standardu ISO 17025 za neke forenzičke aktivnosti (širi prikaz akreditiranih metoda nalazi se u dokumentima sa nazivom Dodatak akreditaciji). Jedna laboratorija je članica ENFSI-a.

U budućnosti je neophodno da već akreditirane forenzičke institucije u BiH rade na proširenju vlastitog akreditacionog okvira, a preostale forenzičke institucije da pokušaju provesti postupak akreditacije.

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FORENSIC EXPERTISES AND ISO 17025 STANDARD (CASE STUDY BOSNIA AND HERZEGOVINA)

Review scientific paper

Abstract

Bosnia and Herzegovina (BiH) is governed by a complex constitutional framework. A complex police organization is imposed, among other things, by such a constitutional system. Furthermore, the inclusion of forensic departments or institutions in that framework suggests a complicated organization of forensic departments/institutes inside that structure. Forensic laboratory accreditation in accordance with the ISO 17025 standard is a requirement for forensic laboratories all over the world, so we would like to explain the concept of accreditation and the provisions of the ISO 17025 standard, as well as the reasons for the request for their implementation in the forensic services of Bosnia and Herzegovina. Using the content analysis approach, the authors examine the reasons imposed as an imperative for the implementation of the ISO 17025 standard in forensic practice in BiH. The foregoing is principally due to worldwide acknowledgment of the work's results, evaluation of the reliability of expert examinations conducted by judicial authorities at various levels throughout and fulfillment of the conditions for European Union membership. The concepts and findings in this study are based on theoretical postulates and empirical research conducted by the authors. The implementation of the ISO 17025 standard implies forensic laboratory accreditation, which in practice refers to determining the conformity of the applied methods, the requirement of adequate education and professional behavior of professional staff, and the use of appropriate instruments and equipment, all with the goal of fully expressing the principle of objectivity in criminal and civil proceedings.

Keywords: Quality Assurance, Quality Control, ISO 17025, Accreditation, Bosnia and Herzegovina, Forensic Institutions

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IMPLEMENTACIJSKI IZAZOVI STRATEGIJE ZA SPREČAVANJE I SUZBIJANJE ZLOUPOTREBE OPOJNIH DROGA U KANTONU SARAJEVO

Pregledni naučni rad

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Sažetak

Implementacija strategija za sprečavanje i suzbijanje zloupotrebe opojnih droga predstavlja izuzetno kompleksan društveni i institucionalni zadatak, obilježen brojnim izazovima koji prate ovaj proces. Kompleksnost implementacije proizlazi iz same višedimenzionalne prirode problema zloupotrebe opojnih droga, koji na globalnom nivou generira ozbiljne zdravstvene, kriminalne, psihosocijalne i ekonomske posljedice. U savremenim društvima napori i resursi u ovoj oblasti usmjeravaju se kroz donošenje i provedbu strateških dokumenata koji definiraju ciljeve, mjere i instrumente za suzbijanje zloupotrebe opojnih droga. Jedan takav dokument predstavlja Strategija za sprečavanje i suzbijanje zloupotrebe opojnih droga u Kantonu Sarajevo (2024-2028), čije donošenje označava važan iskorak u razvoju politike suprotstavljanja zloupotrebi opojnih droga u Bosni i Hercegovini. Ipak, iako Strategija zagovara multidisciplinaran i integriran pristup, očekuje se da će se suočiti s nizom implementacijskih prepreka, uključujući fragmentiranost zakonodavstva, nedostatak resursa, slabu međusektorsku koordinaciju i institucionalni otpor prema promjenama. Polazeći od navedenog, cilj rada je analizirati ključne izazove provedbe Strategije te ukazati na moguća rješenja koja bi doprinijela povećanju njene efikasnosti i održivosti u lokalnom kontekstu.

Ključne riječi

zloupotreba opojnih droga, sprečavanje i suzbijanje, strategija, implementacija, Kanton Sarajevo

UVOD

Zloupotreba opojnih droga, u svim svojim oblicima, predstavlja rasprostranjen i složen globalni problem sa ozbiljnim sigurnosnim, zdravstvenim, socijalnim i ekonomskim posljedicama u svakom društvu. O samoj ozbiljnosti problema najbolje govori podatak da je do 2023. godine, oko 316 miliona ljudi širom svijeta koristilo opojne droge tokom prethodne godine. Ovakav porast korisnika u protekloj deceniji nadmašuje rast svjetske populacije i pokazuje povećanu učestalost upotrebe opojnih droga (United Nations Office for Drugs and Crime [UNODC], 2025). Nadalje treba istaći da je u 2019. godini upotreba opojnih droga odnijela gotovo pola miliona života, dok su poremećaji povezani s njihovom konzumacijom uzrokovali gubitak 18 miliona zdravih godina života. Korisnici opojnih droga učestalije obolijevaju od teških i često smrtonosnih bolesti, uključujući HIV i hepatitis C (UNODC, 2021). Trendovi rastuće ponude i potražnje opojnih droga dodatno pojačavaju globalnu nestabilnost, stvarajući ozbiljne izazove za sprečavanje i suzbijanje ovog fenomena. Ponuda opojnih droga dostupnih korisnicima postala je raznovrsnija, što dodatno komplicira obrasce njihove upotrebe, dok je istovremena konzumacija više različitih supstanci postala uobičajena pojava na većini tržišta opojnih droga (Hamilton, 2025, February 3). Istovremeno, neovlašteni promet opojnim drogama nastavlja usporavati ekonomski i društveni napredak, najteže pogađajući vulnerabilne i marginalizirane zajednice, te predstavlja ozbiljnu prijetnju sigurnosti i stabilnosti u pojedinim regijama svijeta (UNODC, 2021).

Uzimajući u obzir navedeno, posebno kompleksnost ovog globalnog problema koji zahtijeva djelovanje na međunarodnom, regionalnom i nacionalnom planu, važno je naglasiti da danas postoje utvrđeni globalni principi, kao i regionalne i nacionalne strategije s ciljem sprečavanja i suzbijanja zloupotrebe opojnih droga. Međunarodne konvencije o kontroli opojnih droga koje kodificiraju mjere za smanjenje ponude i potražnje opojnih droga predstavljaju temelj međunarodnih napora da se ilegalne opojne droge stave pod kontrolu (International Narcotics Control Board, n.d.). Međunarodna kontrola zloupotrebe opojnih droga datira još 1909. godine, kada su uvedene prve inicijative za uspostavljanje nadzora nad proizvodnjom i upotrebom pojedinih vrsta opojnih droga (Deljkić, 2007). Do 1988. godine doneseno je više međunarodnih konvencija, ali se i danas tri konvencije Ujedinjenih naroda smatraju najvažnijim dokumentima u ovoj oblasti: Jedinstvena konvencija o opojnim drogama iz 1961. godine (dopunjena Protokolom o izmjenama Jedinstvene konvencije iz 1972. godine), Konvencija o psihotropnim supstancama iz 1971. godine i Konvencija protiv nezakonite trgovine opojnim drogama i psihotropnim supstancama iz 1988. godine. Navedene konvencije uspostavile su univerzalni normativni okvir u oblasti kontrole opojnih droga, koji ujedno čini i temelj za kreiranje strateških politika i akcionih planova na regionalnom i nacionalnom nivou, čime je omogućeno sistemsko i koordinirano djelovanje u oblasti sprečavanja i suzbijanja zloupotrebe opojnih droga. U okviru evropskog prostora, principi i obaveze definirani u navedenim konvencijama poslužili su kao fundus za oblikovanje višegodišnjih strateških i akcionih politika Evropske unije, koje, iako prate globalne principe i standarde, istovremeno odražavaju specifične socijalne, zdravstvene i sigurnosne izazove evropskog prostora. Strategije i akcioni planovi Evropske unije u oblasti suzbijanja zloupotrebe opojnih droga uspostavljaju ciljeve i mehanizme za borbu protiv zloupotrebe opojnih droga koji su prvenstveno fokusirani na postizanje znatnijeg stepena zaštite javnog zdravlja, socijalne stabilnosti, te osiguranje većeg stepena sigurnosti za javnost kroz poduzimanje preventivnih i represivnih aktivnosti u borbi protiv kriminaliteta zloupotrebe opojnih droga i jačanja prekogranične saradnje (Council of the European Union, 2021). Načela i ciljevi definirani u strategijama i akcionim planovima Evropske unije u oblasti borbe protiv zloupotrebe opojnih droga predstavljaju osnovu za izradu nacionalnih politika u državama članicama, ali i u zemljama kandidatima i potencijalnim kandidatima za članstvo.

Bosna i Hercegovina, iako formalno nije članica Evropske unije, svoje strateške dokumente oblikuje u značajnoj mjeri prema evropskim praksama i standardima. U tom kontekstu, može se reći da su strategije i akcioni planovi Bosne i Hercegovine u oblasti sprečavanja i suzbijanja zloupotrebe opojnih droga u velikoj mjeri konceptualno i strukturalno usklađeni sa evropskim strateškim dokumentima (Council of the European Union, 2021). Na taj način se ostvaruje postepena harmonizacija sa acquis communautaire u oblasti kontrole opojnih droga, te osigurava koherentnost i kompatibilnost mjera na regionalnom i nacionalnom nivou. Međutim, implementacija strateških i akcionih dokumenata u oblasti zloupotrebe opojnih droga u Bosni i Hercegovini suočavala se sa brojnim izazovima koji su se prvenstveno odnosili na složenost i fragmentiranost političko-institucionalnog ustrojstva države, ali i česti nedostatak političke volje za koordinirano djelovanje. Posebno je važno napomenuti da iako je Bosna i Hercegovina donijela Strategiju za nadzor nad opojnim drogama, prevenciju i suzbijanje zloupotrebe opojnih droga za period 2018–2023, prateći akcioni plan nikada nije bio donesen (European Commission, 2023). Odsustvo akcionog plana značajno je utjecalo na realizaciju navedene Strategije jer je otežalo koordinaciju između različitih nivoa vlasti i sektora, smanjilo odgovornost nadležnih institucija te ograničilo mogućnost praćenja i evaluacije rezultata. Navedeno je rezultiralo otežanom ili izostalom implementacijom strateških i akcionih mjera na entitetskim, kantonalnim i lokalnim nivoima vlasti, te generiralo potrebu za kreiranjem zasebnih strateških i akcionih dokumenata na nižim nivoima vlasti. Ovakva situacija potvrđuje općeprihvaćeno stajalište u međunarodnoj praksi da strategije za sprečavanje i suzbijanje zloupotrebe opojnih droga same po sebi nisu dovoljne za učinkovitu implementaciju, već zahtijevaju prateće akcione planove koji definiraju konkretne mjere, odgovornosti, vremenske okvire i sredstva potrebna za realizaciju strateških ciljeva (Council of the European Union, 2021). Naime, bez jasno definiranih akcionih planova, strategije često ostaju apstraktne i teško provedive, što može dovesti do fragmentiranih ili neučinkovitih odgovora na problem zloupotrebe opojnih droga.

Imajući u vidu navedeno, cilj ovog rada je osloviti donošenje Strategije i Akcionog plana za sprečavanje i suzbijanje zloupotrebe opojnih droga u Kantonu Sarajevo (2024–2028), kao specifičnog primjera odgovora na problem zloupotrebe opojnih droga u složenom političko-institucionalnom kontekstu Bosne i Hercegovine. Rad je nastojao da prikaže ne samo potrebu usvajanja ovih dokumenata kao instrumenta za jačanje lokalnog i institucionalnog odgovora, već i da analizira ključne izazove i prepreke koje mogu pratiti njihovu implementaciju.

SPECIFIČNOSTI PROBLEMA ZLOUPOTREBE OPOJNIH DROGA U KANTONU SARAJEVO

Kanton Sarajevo, kao administrativno, ekonomsko i kulturno središte Bosne i Hercegovine, suočava se sa kompleksnim izazovima koje generira fenomen zloupotrebe opojnih droga. Dinamični procesi urbanizacije, visoka koncentracija stanovništva te izražene socijalno-ekonomske disparnosti (Zavod za planiranje razvoja Kantona Sarajevo, 2021) čine ovo područje posebno vulnerabilnim na širenje tržišta i povećanu dostupnost opojnih droga različitim društvenim skupinama. Zloupotreba opojnih droga u Kantonu Sarajevo ne implicira samo sigurnosni rizik, već i ozbiljan javno-zdravstveni i socijalni izazov. Kao odgovor na identificirane rizike u Kantonu Sarajevo, Skupština i Vlada Kantona Sarajevo poduzele su proaktivne i koordinirane inicijative usmjerene ka izgradnji sistemskog pristupa problemu zloupotrebe opojnih droga, što je rezultiralo donošenjem prve Strategije i Akcionog plana za sprečavanje i suzbijanje zloupotrebe opojnih droga u Kantonu Sarajevo za period 2024–2028. Izrada ovih strateških dokumenata zahtijevala je sveobuhvatno razumijevanje fenomena zloupotrebe opojnih droga u Kantonu Sarajevo, kao i detaljnu procjenu kapaciteta i izazova s kojima se nadležni sektori suočavaju u odgovoru na ovaj problem. U skladu s tim, u nastavku rada prikazat će se podaci prikupljeni u okviru Situacione analize stanja zloupotrebe opojnih droga u Kantonu Sarajevo. Ova analiza, koja predstavlja integralni dio Strategije i Akcionog plana za sprečavanje i suzbijanje zloupotrebe opojnih droga za period 2024–2028, temelji se na službenim informacijama relevantnih institucija prikupljenim za period od 2018. do 2022. godine.

Podaci prikupljeni od relevantnih institucija ukazuju na kontinuirani porast problema zloupotrebe opojnih droga u Kantonu Sarajevo. Prema izvještajima Uprave policije Ministarstva unutrašnjih poslova Kantona Sarajevo, iako se bilježi blagi porast registriranih krivičnih djela povezanih s neovlaštenom proizvodnjom i stavljanjem u promet opojnih droga, većina registriranih krivičnih djela u ovom periodu se odnosi na krivična djela posjedovanja i omogućavanja uživanja opojnih droga (član 239. KZ FBiH). Među zaplijenjenim supstancama dominiraju produkti kanabisa, amfetamin, heroin i kokain. Ovdje treba dodatno istaći da dostupni policijski podaci pokazuju kako je u Kantonu Sarajevo učešće maloljetnika u ovim krivičnim djelima i dalje na niskom nivou (Ministarstvo unutrašnjih poslova Kantona Sarajevo [MUP KS], 2024). Nadalje, podaci Tužilaštva Kantona Sarajevo za 2022. godinu pokazuju da krivična djela zloupotrebe opojnih droga čine značajan udio ukupnog kriminaliteta, odnosno približno jednu trećinu svih optužnica u oblasti općeg kriminaliteta i maloljetničke delinkvencije (MUP KS, 2024). Većina krivičnih postupaka odnosi se na posjedovanje i omogućavanje uživanja opojnih droga, dok su slučajevi neovlaštene proizvodnje i stavljanja u promet znatno rjeđi. Statistika Kantonalnog i Općinskog suda u Sarajevu pokazuje da su krivične sankcije za krivična djela u ovoj oblasti uglavnom niske, najčešće uslovne ili kratke zatvorske kazne, uz čestu primjenu rada za opće dobro. Kada je u pitanju krivičnopravna politika prema maloljetnicima, prema dostupnim podacima, odgojne mjere upućivanja u specijalizirane ustanove za liječenje i osposobljavanje se ne izriču zbog nepostojanja takvih ustanova u Kantonu Sarajevo (MUP KS, 2024).

Posmatrano kroz zdravstveni i socijalni aspekt zloupotrebe opojnih droga u Kantonu Sarajevo, Zavod za bolesti ovisnosti evidentirao je u predmetnom periodu ukupno 9.312 pacijenata uključenih u tretmane, od kojih je 2.913 prvi put započelo liječenje, dok je 2.024 pacijenata bilo na opijatskoj supstitucionoj terapiji. Dominantna grupa su muškarci (80%), najčešće ovisnici o kokainu i amfetaminu, a tokom perioda zabilježeno je 37 smrtnih slučajeva pacijenata-ovisnika, bez preciznih podataka o uzrocima smrti. Dostupni podaci također ukazuju na nedostatak kapaciteta Ministarstva rada i socijalne politike Kantona Sarajevo, kao i Terapijske zajednice „Kampus“ za tretman maloljetnih ovisnika i osoba ženskog spola. „Kampus“ se fokusira na primjenu alternativnih sankcija i prevenciju kroz školske programe vršnjačke edukacije, dok se Centar za socijalni rad Kantona Sarajevo, iako ne nadzire direktnu prevenciju, često susreće s problemima ovisnika unutar socijalnih slučajeva (MUP KS, 2024). Ovo stanje ističe značajne praznine u sistemu zaštite i tretmana maloljetnih ovisnika, naglašavajući potrebu za otvaranjem specijaliziranih ustanova i proširenjem kapaciteta postojećih centara, uz integriranu prevenciju i podršku kroz obrazovne i socijalne programe. Finalno, u oblasti odgoja i obrazovanja u Kantonu

Sarajevo, dostupni podaci pokazuju da su škole aktivno uključene u strukturirane preventivne aktivnosti kroz nastavu i saradnju s MUP-om KS, dok Institut za razvoj preduniverzitetskog obrazovanja koordinira *Program prevencije ovisnosti*, obuhvatajući predškolski, osnovnoškolski i srednjoškolski nivo. Nevladine organizacije dodatno pružaju podršku prevenciji, uz asistenciju Javne ustanove „Porodično savjetovalište" i MUP-a KS. Ipak, implementacija programa suočava se s izazovima, uključujući ograničen broj pedagoških, psiholoških i socijalnih stručnjaka, narušeno mentalno zdravlje zajednice, socioekonomske teškoće, disfunkcionalne porodice, nedostatak zaštitnih faktora za učenike te ograničene preventivne sadržaje usmjerene na razvoj kritičkog promišljanja.

TEMELJNE ODREDNICE STRATEGIJE I IMPLEMENTACIJSKI IZAZOVI

Strategija za sprečavanje i suzbijanje zloupotrebe opojnih droga u Kantonu Sarajevo za period 2024–2028. (u daljnjem tekstu: Strategija) prepoznaje zloupotrebu opojnih droga kao složen i višedimenzionalan izazov koji obuhvata sigurnosne, zdravstvene i socijalne aspekte. Donošenje kantonalne Strategije bilo je usklađeno sa Državnom strategijom nadzora nad opojnim drogama, prevencijom i suzbijanjem zloupotrebe opojnih droga u Bosni i Hercegovini za period 2018–2023. Ipak, prateći državni akcioni plan nikada nije usvojen, što stvara institucionalne praznine koje otežavaju koordinaciju, definiranje odgovornosti i praćenje rezultata na kantonalnom nivou. Bez operativnih komponenti, strateški dokumenti ostaju teško primjenjivi, budući da ne sadrže precizne mehanizme provedbe, vremenske okvire, nosioce aktivnosti niti konkretne pokazatelje uspjeha. Također, horizontalna koordinacija među entitetima i kantonima može biti ograničena ukoliko se razvijaju različiti pristupi bez zajedničkog operativnog okvira. Odsustvo državnog akcionog plana dodatno povećava ulogu kantonalnog nivoa u samostalnom planiranju i prilagođavanju mjera, ali istovremeno stavlja dodatni teret na lokalne institucije i partnere, uključujući nevladin sektor i civilno društvo.

Kantonalna Strategija pažljivo je osmišljena kako bi obuhvatila jasno definirane opće i posebne strateške ciljeve, temeljeći se na realnim procjenama i dostupnim resursima. Opći ciljevi uključuju smanjenje ponude i potražnje opojnih droga, prevenciju zloupotrebe među djecom i mladima, liječenje i resocijalizaciju ovisnika te smanjenje zdravstvenih i društvenih rizika, uz naglasak na saradnju s lokalnom zajednicom, jačanje kapaciteta i koordinacije vladinih i nevladinih institucija, te kontinuirano praćenje i evaluaciju stanja. Posebni strateški ciljevi obuhvataju smanjenje ponude i potražnje opojnih droga i smanjenje štete, pri čemu su aktivnosti usmjerene na prevenciju, smanjenje zloupotrebe među mladima te smanjenje negativnih posljedica zloupotrebe (MUP KS, 2024). Akcioni plan za sprečavanje i suzbijanje zloupotrebe opojnih droga u Kantonu Sarajevo za period 2024–2028. (u daljnjem tekstu: Akcioni plan) detaljno razrađuje ove ciljeve kroz 59 konkretnih aktivnosti raspoređenih u tri osnovna strateška cilja.

Iako je Strategija konceptualno kvalitetna, iskustva sa državnog nivoa pokazuju da samo usvajanje strateških dokumenata ne garantira njihovu provedbu, što potvrđuje potrebu za analizom implementacijskih izazova. Među ključnim izazovima ističu se limitirani resursi, otpornost na promjene, nedovoljna koordinacija među učesnicima implementacije te nedostatak uključivanja ključnih aktera, uključujući nevladine organizacije i civilno društvo (PubAdmin Institute, 2024). Analiza specifičnosti problema zloupotrebe opojnih droga u Kantonu Sarajevo te predviđenih mjera Strategije i Akcionog plana 2024–2028. sugerira da implementacija može naići na izazove, među kojima se posebno ističu institucionalna fragmentacija, potreba za snažnijom međusektorskom koordinacijom, složen i fragmentiran pravni okvir koji zahtijeva izmjene i usklađivanja propisa, te ograničeni institucionalni i kadrovski kapaciteti, naročito u tretmanu maloljetnih i ženskih ovisnika.

Kada je u pitanju institucionalna fragmentacija i međusektorska koordinacija, u implementaciju Strategije i Akcionog plana je uključeno više resora (policija, pravosuđe, zdravstvo, socijalna zaštita, obrazovanje, nevladin sektor), što zahtijeva složenu međusektorsku saradnju i stalnu koordinaciju aktivnosti. Navedeno implicira potrebu za usklađivanjem različitih nadležnosti, prioriteta i operativnih procedura, budući da svaki resor djeluje unutar vlastitih pravnih okvira, resursnih mogućnosti i organizacijskih kultura, što može dovesti do preklapanja nadležnosti, nejasne raspodjele odgovornosti i usporene provedbe mjera. Međutim, planirano uspostavljanje jedinstvene baze podataka u vezi sa zloupotrebom opojnih droga u Kantonu Sarajevo predstavlja ključnu priliku za prevazilaženje ovih izazova jer omogućava centralizirano prikupljanje, razmjenu i evaluaciju podataka, čime se jača transparentnost i efikasnost u praćenju strateških ciljeva. Slične prakse u Njemačkoj i Italiji pokazale su da integrirani informacioni sistemi doprinose boljoj koordinaciji sektora, potvrđuju važnost ovakvih rješenja (European Monitoring Centre for Drugs and Drug Addiction [EMCDDA], 2023).

Provedbu dodatno otežava pravni i regulatorni okvir s obzirom na to da Strategija i Akcioni plan predviđaju iniciranje izmjena krivičnog zakonodavstva (npr. dekriminalizacija posjedovanja opojnih droga za vlastite potrebe) kao i podnošenje inicijative za uvrštavanje novih vrsta opojnih droga u listu opojnih droga na razini Bosne i Hercegovine. Naime, ove promjene zahtijevaju koordinaciju više institucija i nadležnosti u okviru kompleksnog i fragmentiranog političko-administrativnog sistema Bosne i Hercegovine, gdje složeni proceduralni i regulatorni okviri, kao i politička volja, mogu ozbiljno usporiti ostvarivanje predviđenih ciljeva. U tom kontekstu, činjenica da državni organi praktično nisu implementirali Državnu strategiju za nadzor nad opojnim drogama, prevenciju i suzbijanje zloupotrebe opojnih droga (2018–2023.) dodatno otežava kantonalne inicijative, jer odsustvo podrške i koordinacije na državnom nivou ograničava mogućnost usklađivanja pravnog okvira, mobilizacije resursa i osiguravanja političke volje za ostvarivanje ciljeva kantonalne Strategije i Akcionog plana.

Kada su u pitanju ograničeni institucionalni i ljudski kapaciteti, evidentiran je nedostatak specijaliziranih ustanova za liječenje maloljetnih i ženskih ovisnika, te potreba za dodatnim kadrovima u policiji, zdravstvu i socijalnim službama. S tim u vezi, postavlja se pitanje može li kantonalni budžet samostalno finansirati sve planirane mjere, s obzirom na to da značajan dio intervencija i dalje ovisi o finansijskoj i tehničkoj podršci međunarodnih organizacija (npr. Svjetska zdravstvena organizacija, Ured Ujedinjenih naroda za droge i kriminal, IPA fondovi Evropske unije). Iako je Strategijom i Akcionim planom predviđeno rješavanje ovih problema, ipak to će uveliko zavisti od političke volje i finansijskih resursa. Naime, implementacija strateških mjera i akcionih aktivnosti u velikoj mjeri ovisi o kantonalnom budžetu, te stoga finansijska nestabilnost može direktno ugroziti realizaciju planiranih aktivnosti. Drugim riječima, ako implementacija ovih strateških dokumenata ne bude praćena odgovarajućim budžetskim izdvajanjima to će neminovno dovesti u pitanje realizaciju određenih aktivnosti. Konkretno, nedovoljno stručnog osoblja, manjak institucionalnih kapaciteta, kao i izostanak kontinuirane edukacije direktno će utjecati na efikasnost provođenja određenih aktivnosti, a posebno u oblasti prevencije, tretmana i rehabilitacije ovisnika. Na kraju treba istaći da činjenica da nadležni resori u Kantonu Sarajevo nemaju prethodna iskustva u provedbi sveouhvatnih lokalnih strategija za sprečavanje i suzbijanje zloupotrebe opojnih droga, dodatno povećava implementacijske izazove. U kontekstu navedenog, najprije treba istaći da institucije mogu biti sklone nastavku rada prema tradicionalnim metodama, što može usporiti usvajanje novih pristupa i tehnologija predviđenih Strategijom i Akcionim planom. Također, otpor prema promjenama može otežati usklađivanje i koordinirano djelovanje različitih sektora, te dovesti do djelomične ili neadekvatne implementacije planiranih aktivnosti.

Iz svega navedenog, evidentno je da se Strategija i Akcioni plan u Kantonu Sarajevo suočavaju s brojnim izazovima koje je potrebno uzeti u obzir kako bi njihova implementacija bila učinkovita, a strateški ciljevi u sprečavanju i suzbijanju zloupotrebe opojnih droga ostvareni. Ipak, uprkos ovim izazovima, proces implementacije predstavlja značajnu priliku za institucionalno učenje i jačanje kapaciteta, što dugoročno može doprinijeti uspostavljanju održive i sveobuhvatne prakse u oblasti zloupotrebe opojnih droga u Kantonu Sarajevo, a ujedno poslužiti i kao model za buduće državne strategije u ovoj oblasti.

DISKUSIJA

Implementacija strateških dokumenata u oblasti sprečavanja i suzbijanja zloupotrebe opojnih droga suočava se s nizom izazova, uključujući nedostatak finansijskih i ljudskih resursa, slabu međusektorsku koordinaciju, neadekvatnu edukaciju stručnjaka te prisutnost stigme prema osobama koje koriste opojne droge (Greene, 2018; Kruger et al., 2024). Dodatne prepreke proizlaze iz kompleksnog društvenog i sigurnosnog konteksta, zakonskih ograničenja, nedovoljne političke podrške te poteškoća u evaluaciji i praćenju uspješnosti mjera (Knudsen et al., 2011; Pereira, 2016). Ovi faktori često usporavaju ostvarivanje ciljeva strategija i ukazuju na potrebu za prilagođenijim, integriranim pristupima, kao i kontinuiranim ulaganjem u kapacitete i resurse.

U kontekstu Bosne i Hercegovine, izazovi implementacije strateških dokumenata dodatno su intenzivirani složenošću i fragmentiranošću političko-institucionalnog sistema, te nedostatkom političke volje za koordinirano djelovanje. Kao rezultat, obaveze preuzete na državnom nivou često se ne prenose dosljedno na entitetski, kantonalni i lokalni nivo vlasti, što dovodi do diskontinuiteta u primjeni mjera. Posljedično, aktivnosti predviđene državnim strateškim dokumentima ostaju djelomično provedene ili uopće ne zažive u praksi. Primjer takve situacije predstavlja Državna strategija nadzora nad opojnim drogama, sprečavanja i suzbijanja zloupotrebe opojnih droga u BiH za period 2018–2023, koja nije implementirana, niti je nakon njenog isteka pravovremeno usvojena nova strategija (European Commission, 2024). Ovakva situacija nameće potrebu da niži nivoi vlasti izrađuju vlastite strategije i akcione planove kako bi odgovorili na specifične lokalne izazove i nadoknadili institucionalne nedostatke u provođenju zajedničkih dokumenata. Pritom se postavlja pitanje razloga neimplementacije državne strategije, odnosno njene utemeljenosti na jasnoj procjeni lokalnih problema i izazova, osiguranju koordiniranog djelovanja na različitim nivoima vlasti i uključivanja relevantnih sektora (International Task Force on Strategic Drug Policy, 2006).

Izazovi implementacije Strategije i Akcionog plana Kantona Sarajevo 2024–2028. reflektiraju globalne prepreke u provođenju politika usmjerenih na borbu protiv zloupotrebe opojnih droga, pri čemu složenost zakonodavnog okvira i fragmentacija nadležnosti u Kantonu Sarajevo korespondira s međunarodnim problemima regulatorne neusaglašenosti i birokratskih barijera. Ured Ujedinjenih nacija za drogu i kriminal (United Nations Office for Drugs and Crime) te Međunarodni konzorcij za politiku droga (International Drug Policy Consortium) identificiraju upravo ove faktore kao ključne prepreke u prilagođavanju politika lokalnim potrebama (International Drug Policy Consortium [IDPC], 2021; Commission on Narcotic Drugs Blog, 2024, March 19). Ograničeni kapaciteti za tretman, prevenciju i resocijalizaciju u Kantonu Sarajevo dodatno odražavaju globalnu neravnomjernu dostupnost programa smanjenja štete i resursa za liječenje, naročito u zemljama s nižim prihodima (Ducharme, 2018, December 18). Istovremeno, potreba za izgradnjom centraliziranih baza podataka i evaluacijskih mehanizama u lokalnom kontekstu odražava globalna upozorenja o nedostatku pouzdanih podataka i teškoćama u procjeni učinka mjera, što dugoročno otežava donošenje politika temeljenih na dokazima (UNODC, 2023a). Socioekonomski faktori, stigma i marginalizacija vulnerabilnih skupina također se prepoznaju kao ključni izazovi, jer krivičnopravne politike često produbljuju društvene nejednakosti i ograničavaju javnozdravstvene intervencije (Fernandez, 2025, June 26). Paralelno, globalne inicijative, poput *Globalne koalicije za suzbijanje prijetnji od sintetičkih droga*, pružaju modele međunarodne saradnje i razmjene znanja koji bi mogli poslužiti kao okvir za jačanje koordinacije i integriranog odgovora na lokalnom nivou (Global Coalition to Address Synthetic Drug Threats, 2025).

Donošenje Strategije i Akcionog plana za borbu protiv zloupotrebe opojnih droga u Kantonu Sarajevo 2024–2028. predstavlja opravdan i strateški ispravan korak, jer omogućava preciznu prilagodbu mjera specifičnom lokalnom kontekstu, detaljno razrađuje operativne aktivnosti te jasno definira nosioce i indikatore provedbe (MUP KS, 2024), čime efektivno nadopunjuje širu državnu strategiju. Uspješnost implementacije u velikoj mjeri ovisi o usklađivanju s državnim zakonodavnim i strateškim okvirima, prevazilaženju fragmentacije nadležnosti, osiguranju stabilnog finansiranja i institucionalnih kapaciteta, te izgradnji kompatibilnih sistema za prikupljanje i evaluaciju podataka, što potvrđuju međunarodne smjernice i preporuke (UNODC, 2023a; IDPC, 2021). Iskustva drugih država potvrđuju važnost kombiniranja nacionalnih politika i lokalnih inicijativa. Pa tako Portugal pokazuje da dekriminalizacija opojnih droga, uz snažna ulaganja u zdravstvene i preventivne programe, može osigurati značajne javnozdravstvene koristi (Hughes & Stevens, 2010), dok Švicarska uspješno integrira nacionalnu strategiju i kantonalne programe smanjenja štete, uključujući terapiju supstitucijom i sigurne prostore za konzumaciju (Uchtenhagen, 2010). Primjer Škotske dodatno naglašava vrijednost lokalnih pilot-projekata unutar nacionalnog okvira, poput sigurnih prostorija za korisnike opojnih droga u Glasgowu, kao modela prilagođenih i inovativnih rješenja (Scottish Government, 2025). Ovi primjeri pokazuju da lokalne strategije, poput one u Kantonu Sarajevo, mogu biti ključne za adresiranje specifičnih izazova, no njihova učinkovitost zahtijeva snažnu koordinaciju s višim nivoima vlasti, stabilno finansiranje i kontinuirano ulaganje u ljudske, materijalne i informacijske resurse (Fernandez, 2025, June 26; UNODC, 2023a).

Uspješnost implementacije Strategije i Akcionog plana Kantona Sarajevo 2024–2028 ne može se u potpunosti sagledati bez uloge nevladinog sektora i civilnog društva, čiji angažman omogućava koordiniraniji i lokalno prilagođen odgovor na problem zloupotrebe opojnih droga (Drug Policy Network South East Europe [DPNSEE], 2019; Civil Society Forum on Drugs [CSFD], 2022; European Commission, 2023). Nevladine organizacije, civilno društvo i lokalne zajednice ne samo da pružaju osnovne usluge korisnicima, već i dizajniraju inovativne programe, zagovaraju politike utemeljene na dokazima te povezuju institucije s lokalnim zajednicama, čime doprinose održivijem, prilagođenijem i sveobuhvatnijem odgovoru na problem zloupotrebe opojnih droga (Dmitrović, 2011; CSFD, 2022). Specifičnosti Bosne i Hercegovine dodatno naglašavaju značaj uloge civilnog društva i nevladinog sektora, jer fragmentiranost vlasti i složen sistem nadležnosti često dovode do nedosljedne implementacije strategija, uz čest izostanak koordinacije između državnog, entitetskog i kantonalnog nivoa. Upravo u tim institucionalnim prazninama civilno društvo ima potencijal da premosti institucionalne barijere i osigura kontinuitet u radu s korisnicima.

Lokalna iskustva potvrđuju da nevladine organizacije doprinose kroz programe smanjenja štete (*drop-in* centri, savjetodavne linije, edukacije u školama) te pokrivaju segmente koje institucije ne uspijevaju obuhvatiti zbog ograničenih kapaciteta ili rigidnih procedura (European Monitoring Centre for Drugs and Drug Addiction [EMCDDA], 2017). Osim što pružaju usluge, ove organizacije aktivno zagovaraju inovativna rješenja, reforme zakonodavstva i kreiranje politika zasnovanih na empirijskim dokazima, čime doprinose održivijem, lokalno prilagođenom i sveobuhvatnijem odgovoru na problem zloupotrebe opojnih droga. Takva iskustva jasno pokazuju da aktivnosti civilnog društva mogu značajno unaprijediti implementaciju Strategije i Akcionog plana Kantona Sarajevo 2024–2028. Nevladine organizacije, lokalne zajednice i civilni sektor predstavljaju ključne aktere u prevazilaženju institucionalnih nedostataka u oblasti sprečavanja i suzbijanja zloupotrebe opojnih droga. Angažman ovih aktera doprinosi primjeni mjera u skladu sa specifičnim lokalnim potrebama, što je posebno važno u složenom političko-institucionalnom okviru Bosne i Hercegovine (O'Gorman & Schatz, 2021; UNODC, 2023b).

Strategija i Akcioni plan predviđaju aktivno uključivanje nevladinih organizacija i civilnog društva u implementaciju mjera, prepoznajući njihovu ključnu ulogu u ostvarivanju lokalno prilagođenih i efikasnih intervencija. Međunarodna iskustva dodatno potvrđuju značaj angažmana civilnog društva u uspješnoj provedbi politika smanjenja štete. Primjeri uključuju programe distribucije sterilnih igala i edukaciju korisnika droga u Argentini, što je rezultiralo smanjenjem broja prenosa HIV-a (Malick, 2018; Tran & Luong, 2022). Slično tome, *Program usmjeren na zajednicu za tretman i podršku osobama koje koriste opojne droge* (Community Oriented Substance Use Programme – COSUP) u Južnoj Africi, proveden kroz partnerstvo civilnog društva i vlade, pružao je edukaciju, podršku i usluge smanjenja štete, doprinoseći smanjenju novih slučajeva HIV-a među korisnicima opojnih droga (UNODC, 2024). Ovi primjeri ukazuju na relevantnost i potencijal primjene sličnih pristupa u Bosni i Hercegovini, posebno kroz aktivno uključivanje lokalnih nevladinih organizacija.

Zaključno, inkluzija nevladinog sektora i civilnog društva osigurava da Strategija i Akcioni plan ne ostanu deklarativni dokumenti, već da budu praktično primjenjivi i utemeljeni na stvarnim potrebama zajednice. Ipak, iako Strategija predviđa učešće nevladinog sektora, njegovo djelovanje može biti ograničeno izazovima. To uključuje nedostatak kvalificiranog osoblja, ograničena finansijska sredstva i nedostatak političke podrške (IDPC, 2023; Rendstrom et al., 2017). Stoga je izuzetno važno da Kanton Sarajevo uzme u obzir sve relevantne nevladine organizacije koje se bave problemom zloupotrebe opojnih droga, kako bi se osigurala široka koordinacija i implementacija mjera prilagođenih specifičnim potrebama korisnika, čime bi Strategija mogla u potpunosti ostvariti svoje ciljeve (Correlation – European Harm Reduction Network, 2023; Graves & Fendrich, 2024; UNODC, 2023b). Navedeno bi značilo sistematsko uključivanje svih nevladinih organizacija kroz formiranje registra, stalne konsultacije i institucionalnu podršku njihovom kontinuiranom radu.

ZAKLJUČAK

Problem zloupotrebe opojnih droga predstavlja složen i višedimenzionalan globalni izazov sa kojim se suočava i Bosna i Hercegovina. Specifičnost domaćeg konteksta ogleda se u izrazito kompleksnom i fragmentiranom političko-administrativnom sistemu, utemeljenom na višeslojnoj strukturi vlasti (državni, entitetski i kantonalni nivo), što predstavlja ozbiljnu prepreku za efikasnu implementaciju strateških dokumenata u oblasti sprečavanja i suzbijanja zloupotrebe opojnih droga. U ovoj oblasti problemi se posebno manifestiraju kroz nedostatak političke volje, neujednačene nadležnosti, slabu koordinaciju, različite razvojne prioritete i ograničene institucionalne kapacitete na različitim nivoima vlasti. Ove strukturne slabosti naročito dolaze do izražaja u činjenici da posljednja državna strategija iz oblasti sprečavanja i suzbijanja zloupotrebe opojnih droga u Bosni i Hercegovini (2018-2023), iako formalno usvojena, nikada nije implementirana. Ključni razlog za to bio je neusvajanje pratećeg akcionog plana, bez kojeg strateški dokumenti ostaju deklarativni i lišeni konkretnih operativnih mehanizama neophodnih za njihovu provedbu.

Neimplementacija prethodnih dokumenata imala je utjecaj na proces izrade Strategije i Akcionog plana za sprečavanje i suzbijanje zloupotrebe opojnih droga u Kantonu Sarajevo (2024-2028)**.** Naime, vlast u Kantonu Sarajevo prepoznala je potrebu za donošenjem vlastite strategije koja će se kretati u okvirima ranije pomenute državne strategije, ali biti prilagođena specifičnim lokalnim problemima i izazovima, uz detaljan akcion plan i jasno definirane nadležnosti. Kreiranju ove strategije prethodilo je sistemsko razumijevanje prirode i obima problema zloupotrebe opojnih droga u Kantonu Sarajevo, njegovog porijekla, posljedica i šireg utjecaja, kako bi se smisleno definirali ciljevi, mjere i očekivani ishodi strateškog djelovanja. Na taj način ovi dokumenti omogućavaju sistemski pristup problemu zloupotrebe opojnih droga kroz adresiranje sigurnosnih, javnozdravstvenih i socijalnih aspekta problema, te uspostavljanje temelja za kontinuirano praćenje i evaluaciju, integrirajući opće i posebne strateške ciljeve s konkretno definiranim operativnim aktivnostima. Važno je istaći da navedeni strateški dokumenti predviđaju koordinirano djelovanje institucija u smanjenju ponude i potražnje opojnih droga, unapređenju preventivnih i tretmanskih programa, te osiguravaju efikasnu implementaciju mjera u skladu sa međunarodnim standardima i najboljim praksama u oblasti prevencije i kontrole zloupotrebe opojnih droga.

Iako je Kanton Sarajevo napravio značajan iskorak donošenjem prve sveoubuhvatne i multidisciplinarne strategije i akcionog plana na lokalnom nivou, analiza implementacijskih izazova ukazuje na višestruke prepreke koje mogu ograničiti efikasnost Strategije i Akcionog plana. Ovi izazovi prevashodno uključuju složen i fragmentiran pravni okvir, institucionalnu fragmentaciju, nedostatak kadrovskih i finansijskih kapaciteta, ograničenu međusektorsku koordinaciju, ograničeno iskustvo u provedbi lokalnih strategija i otpore prema promjenama. Stoga se može reći da uspješna implementacija navedenih dokumenata prvenstveno ovisi od njihove dosljedne provedbe kroz kontinuiranu političku i institucionalnu podršku, stabilno finansiranje i jačanje institucionalnih kapaciteta. Prevazilaženje pravne i institucionalne fragmentacije, unapređenje međusektorske saradnje i aktivno uključivanje nevladinog sektora i lokalnih zajednica predstavljaju ključne pretpostavke za stvaranje održivog i djelotvornog sistema. Naime, od suštinskog značaja je kontinuirano jačanje institucionalnih i ljudskih kapaciteta, uključujući specijaliziranu edukaciju stručnog kadra, formiranje multidisciplinarnih timova i unapređenje infrastrukturnih resursa potrebnih za prevenciju, tretman i rehabilitaciju.

Posebnu pažnju treba usmjeriti na unapređenje međusektorske saradnje između ključnih aktera, budući da se samo koordiniranim djelovanjem može biti prevaziđena institucionalna fragmentacija. U konačnici, izuzetnu važnost ima provedba transparentnog i funkcionalnog mehanizma praćenja i evaluacije ovih strateških dokumenata, čime se garantira ne samo efikasnost, nego i odgovornost svih relevantnih aktera uključenih u proces implementacije. Samo na taj način Strategija i Akcioni plan mogu prevazići ulogu deklarativnih dokumenata i postati konkretni funkcionalni instrumenti društvene promjene, sposobni da odgovore na specifične sigurnosne, zdravstvene i socijalne izazove zloupotrebe opojnih droga u Kantonu Sarajevo, u skladu s međunarodnim standardima i najboljim praksama.

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IMPLEMENTATION CHALLENGES OF THE DRUG ABUSE PREVENTION AND SUPPRESSION STRATEGY IN SARAJEVO CANTON

Review scientific paper

Abstract

The implementation of strategies for the prevention and suppression of drug abuse represents a highly complex social and institutional challenge. This complexity arises from the multidimensional nature of drug abuse, which generates significant health, criminal, psychosocial, and economic consequences globally. In modern societies, efforts and resources are directed through strategic documents that define goals, measures, and instruments for addressing this issue. The Strategy for the Prevention and Suppression of Drug Abuse in the Canton of Sarajevo (2024–2028) marks an important step in advancing drug control policy in Bosnia and Herzegovina. Despite its multidisciplinary and integrated approach, the Strategy is expected to face several implementation challenges, including legislative fragmentation, resource limitations, weak intersectoral coordination, and institutional resistance. This paper aims to analyze these key challenges and propose potential solutions to enhance the Strategy's effectiveness and sustainability in the local context.

Keywords: drug abuse, prevention and suppression, strategy, implementation, Sarajevo Canton

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PRIKAZ UREĐENJA PROSTITUCIJE U ŠVEDSKOJ, NJEMAČKOJ I SLOVENIJI S OSVRTOM NA HRVATSKO RJEŠENJE*

Stručni članak

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Pero MIHALJEVIĆ

Sažetak

U kontekstu mogućeg iznalaženja (nekog budućeg) optimalnog načina uređenja prostitucije u Hrvatskoj, značajnu ulogu bi svakako trebala imati iskustva drugih zemlja koja po svojoj specifičnosti odgovaraju dominantnim trendovima koji su zastupljeni (ili se šire) diljem EU. Prije svega je tu riječ o švedskom modelu uređenja prostitucije (abolicija), začetniku „nordijskog modela", a radi se o pravnom sustavu koji je od donošenja zakona 1999. fokus s pružatelja seksualnih usluga prebacio na korisnike, i na taj način pokušao dokinuti prostituciju u društvu. Potom njemačkog rješenja iz 2002., od kada je prostitucija legalna te je postala redovna profesija, slobodni izbor rizičnog zanimanja, i primjera Slovenije, u kojoj sada egzistira situacija u kojoj prostitucija nije zabranjena, ali nije regulirana (dekriminalizacija). Svi analizirani modeli uređenja prostitucije pokazuju nastojanja država da iznađu najprihvatljiviji model uređenja očito neizbježne pojave, pri čemu je aktualni i dominantni trend abolicionista novina za koju je prilično neizvjesno i nezahvalno prognozirati kako će se dalje razvijati. S druge strane, istaknuti problemi koji se javljaju u analiziranim državama ukazuju kako nema ni približno jednostavnog i uspješnog rješenja ovoga slojevitog problema, i kako model kriminalizacije (aktualan u Hrvatskoj) predstavlja samo jedan (pored drugih aktualnih diljem svijeta) od mogućih načina (pokušaja) iznalaženja optimalnog rješenja.

Ključne riječi

prostitucija, uređenje, Švedska, Njemačka, Slovenija, Hrvatska

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UVOD

Prostitucija je kroz povijest imala različita značenja ovisno o području gdje se promatrala, kao i vrsti društvenog uređenja, te se njezino poimanje kontinuirano mijenjalo i razvijalo (Narag i Maxwell, 2009, s. 572). Posljednjih desetljeća je izašla iz nevidljivosti i postala sve aktualnija tema uslijed nekoliko važnih čimbenika, prvenstveno rastuće komercijalizacije seksualnih usluga, utjecaja interesnih grupacija, problema HIV-a/AIDS-a, trgovine ljudima u svrhu seksualne eksploatacije, migracija, prostitucije djece i mladih, dok je pažnja usmjerena na položaj osoba koje se bave prostitucijom i na adekvatnost postojećih oblika regulacije (Bullough, Bullough, 1996, Farley i Barkan, 1998, Nussbaum, 1999, Farley, 2004, Outshoorn, 2005, Agustin, 2008, Matthews, 2008, Della Giusta, 2010, Kelly et al., 2010, McCarthy et al., 2012, Peršak et al., 2014). Sam pojam izaziva polarizaciju u velikom dijelu javnih političkih rasprava o prostituciji između liberalnih političkih opcija koje žele prostituciju dekriminalizirati, normalizirati i humanizirati te konzervativaca koji su stava kako prostituciju treba iskorijeniti (Matthews, 2008, str. 4-20).

Uvodno je potrebno navesti nekoliko definicija samog pojma prostitucija, pa se tako prema definiciji Medicinskog leksikona, na prostituciju gleda kao na obavljanje (povremenog ili stalnog) spolnog odnosa radi novčanih ili drugih probitaka a bez emotivne veze (Padovan, 1992, s.724). Rječnik kaznenog prava, pak, definira prostituciju kao pružanje seksualnih usluga uz naknadu slijedeći tradicionalno shvaćanje o prostituciji (Horvatić et al., 2002, s. 479), dok kriminološki rječnik u svojoj definiciji navodi da se radi o socijalno-patološkoj pojavi, poznatoj od najstarijih vremena, u različitim sredinama i s vrlo različitim društvenim vrednovanjima, gdje ženska ili muška osoba za novčanu ili drugu naknadu bludniči s unaprijed neodređenim krugom ljudi, a može biti heteroseksualna ili homoseksualna (Modly i Korajlić, 2002, s. 521).

Prije prikaza određenih modela državnih uređenja prostitucije, potrebno je spomenuti kako u suvremenoj povijesti postoje tri glavna modela odnosa spram prostitucije, odnosno komercijalizacije spolnih aktivnosti: prohibicionizam koji smatra kako je širenje prostitucije nemoralno te sankcionira i prodavatelja i kupca; regulacionizam koji prostituciju smatra neophodnim zlom koje treba ograničiti i kontrolirati (tako što se fokusira na prostitutke a kako bi ih se spriječilo da rade ako pate od spolno prenosivih bolesti); abolicionizam koji se bori za ukidanje prohibitivnih propisa prema prostitutkama (jer prostituciju vidi kao manifestaciju muškog ugnjetavanja žena) i liberaliziranje čina prostitucije, dok pokušava progoniti svodnike, trgovanje ženama i organizaciju prostitucije, njezino pomaganje i poticanje. Uz klasične modele spominju se i dva nova modela, neoprohibicionizam s kriminalizacijom klijenta i neoregulacijski sustav s izbjegavanjem kažnjavanja prostitutki. Abolicionizam je modificiran dopuštajući legalno prostituciju u zatvorenom prostoru (Danna, 2014, str. 12-15). Unatoč brojnim preprekama, način uređenja prostitucije može imati velike posljedice, pozitivne i negativne, za javni red, prava i kvalitetu života seksualnih radnika (Wagenaar et al., 2013, s. 91).

Ono što bi valjalo imati na umu pri sagledavanju prostitucije jest njezin socioekonomski kontekst, a koji uključuje čitav niz aktivnosti države, vladinih i nevladinih institucija koje rade sa ženama i osobama koje se bave prostitucijom, zatim nejednakost u dohotku, obrazovanju, mogućnostima zapošljavanja i osposobljavanja, realnost seksualnoga i društvenog podčinjavanja, sve veću feminizaciju siromaštva, muško nasilje, rodne odnose i slično (Scambler i Scambler, 2005, s. 15). Stoga, učinkovito upravljanje prostitucijom zahtijeva stalnu, pažljivu i strpljivu pozornost u njegovom oblikovanju i primjeni. Pravi rad politike prema prostituciji nije toliko izbor političkog režima (modela), već odabir, provedba i evaluacija različitih instrumenata (Wagenaar et al., 2013, s. 91).

S obzirom da se prostitucija kao pojava kroz povijest pokazala prilično otpornom na državne intervencije, izvjesno je kako će i nadalje biti podjele u iznalaženju učinkovitog načina odnošenja društva s tim izazovom. Ono što bi se kao tekovina modernog doba moglo istaknuti pozitivnim je zajednički stav društva u protivljenju prisilnoj prostituciji (i iskorištavanju osoba uključenih u prostituciju), kao i zalaganje za adekvatnu zdravstvenu skrb i pomoć osobama koje su u prostituciji ipak završile. Ključni izazov koji se nameće u razmatranju prostitucije je uloga same države. Postavlja se pitanje potrebe prekršajnog/kaznenopravnog sankcioniranja prostitucije, odnosno pitanje možebitnog prepuštanja prostitucije tržištu i njezinoga tretiranja kao jedne u nizu vrsta legitimnih uslužnih djelatnosti (Mihaljević, 2021, s. 26).

Kako je sredinom 2024. u javnosti izašla vijest da se Hrvatska izmjenama zastarjelog Zakona o prekršajima protiv javnog reda i mira sprema primjerenije regulirati sankcioniranje prostitucije preuzimanjem tzv. švedskog ili nordijskog modela (Glas Istre, 2024), ovaj rad je doprinos i napomena onima koji odlučuju, kako bi prije preuzimanja bilo čijeg modela valjalo sagledati sve aspekte prostitucije, postojeće modele uređenja i druge specifičnosti same države u kojoj se određeni model implementira. Cilj rada je doprinijeti uključenim stručnjacima, odnosno zakonodavcu u iznalaženju najprihvatljivijeg rješenja ovoga jako slojevitog fenomena. Stoga će se u radu, stavljajući težište na kaznenopravne i kriminološke aspekte prostitucije, prikazati način formalno-pravnog uređenja prostitucije u izdvojenim državama, pojavni oblici i način odvijanja prostitucije te pozitivne i negativne strane svakog modela.

Sukladno navedenom, dalje u tekstu je izrađen komparativni prikaz načina uređenja (reguliranja) prostitucije u drugim pravnim sustavima, prije svega njemačkog zakonodavnog rješenja zbog velikog utjecaja na hrvatsko, kao i činjenice da je Njemačka (pored Nizozemske) postala simbolom legalizacije prostitucije. Radi široko hvaljenog i promoviranog rješenja švedskog pravnog sustava zbog specifičnog rješenja u kojem se inkriminira kupac, dok pružatelj usluge prestaje biti inkriminiran, isti će biti analiziran prvi, dok će posljednji biti analiziran pravni sustav Slovenije, s obzirom na to kako se radi o susjednoj državi, i često u medijskom prostoru razne nevladine udruge promiču njihovo rješenje kao poželjno.

Sama usporedba (komparacija) omogućuje da se informacije stave u kontekst u kojem se mogu ocijeniti i interpretirati (Burnham et al., 2006), dok ista metoda u društvenim znanostima omogućuje objektivnije razumijevanje i objašnjavanje društvene pojave, između ostalog i formuliranje općih zaključaka o pojavi koja se istražuje (Hague et al., 2001).

UREĐENJE PROSTITUCIJE U ŠVEDSKOJ

Dugo je vremena službeni stav švedske vlade prema prostituciji bio da se radi o neprihvatljivom društvenom fenomenu protiv kojega je nužno djelovati. No, unatoč tome je sve do 1999. prostitucija bila legalna, a kupovina seksualnih usluga nije bila kriminalizirana, rad bordela je bio zabranjen, kao i podvođenje (Swedish Institute, 2010, s. 2). Od siječnja 1999. nastupaju promjene u Švedskoj, kojima se zabranjuje kupovina seksualnih usluga, a osoba koja primi seksualnu uslugu u zamjenu za određenu kompenzaciju može biti osuđena za kazneno djelo kupovine seksualnih usluga na novčanu ili zatvorsku kaznu u trajanju do 6 mjeseci (Sexköpslagen, Brottsbalk 6/11).

Kad govorimo o švedskom modelu tretiranja prostitucije kroz odredbu koja zabranjuje kupovinu seksualnih usluga (inkorporirana je u kazneni zakon), važno je istaknuti da se prostitucija sama po sebi ne smatra kaznenim djelom (niti je protuzakonita), pri čemu se osobe koje prodaju seksualne usluge ne kažnjava. Međutim, iako se ne kažnjava pružatelj usluge, kažnjava se korisnik usluge, a kupovina seksualnih usluga je kazneno djelo (Florin, 2012, str. 270-271). Iz navedenoga je razvidno kako se radi o rješenju koje prebacuje fokus s inkriminacije ponude (odnosno s osoba koje se bave prostitucijom) na inkriminaciju potražnje (one koji kupuju seksualne usluge ili iskorištavaju osobe koje se bave prodajom seksualnih usluga), pri čemu se ne radi distinkcija između dobrovoljne i prisilne prostitucije (Peršak, 2012, s. 229). Glavni argumenti ovakvog zakonskog uređenja počivaju na tvrdnjama kako je prostitucija nasilje prema ženama i povreda njihovih prava, i da je ponuda seksualnih usluga uvjetovanja potražnjom, pa bi se kriminalizacijom korisnika ukinula potražnja, što bi posljedično dovelo do nestanka prostitucije (Peršak, 2012, s. 229).

Zakonodavni okvir

Takozvani „švedski model" uređenja prostitucije se sastoji od nekoliko različitih zakona, odnosno zakonskih odredbi. U kaznenom zakonu je propisana zabrana podvođenja, pa je tako za podvođenje osoba s ciljem prostitucije propisana novčana kazna i kazna zatvora u trajanju od najviše 4 godine, odnosno 8 godina ukoliko se radi o ozbiljnom djelu (The Swedish penal code 1962:700, 6/12). Djelo se utoliko klasificira kao ozbiljno ukoliko se radi o aktivnostima velikih (ozbiljnih) razmjera koje uključuju značajnu financijsku dobit ili ukoliko se radi o izrazito bešćutnom iskorištavanju druge osobe. Ako je osoba koja je imala pravo na upotrebu prostora, dodijelila pravo na korištenje prostora drugoj osobi, naknadno saznala da se prostor u potpunosti ili u značajnoj mjeri koristi za povremene seksualne odnose u zamjenu za novac, pa nije zatražila ukidanje dodijeljenog prava, smatrat će se kako (ako je aktivnost nastavljena) promovira te aktivnosti te će biti kazneno odgovorna u skladu s 1. stavkom, novčana kazna i kazna zatvora u trajanju od najviše 4 godine (The Swedish penal code 1962:700, 6/12).

Kazneni zakon, Zakon o stanovanju i Zakon o zemljištu sadržavaju nekolicinu odredbi koje zabranjuju upotrebu stanova i drugih prostora za prostituciju i podvođenje, a koje kao posljedicu navedenih radnji predviđaju kazneno sankcioniranje i konfiskaciju nekretnine (Land Code 1970:994, Condominium Act 1991:614). Navedeni zakoni trebali bi rezultirati sustavom u kojemu je nemoguće voditi bordel, unajmiti prostor s ciljem bavljenja prostitucijom, posredovati u pronalaženju klijenata ili na bio koji način oglašavati prostituciju (Dodillet i Östergren, 2011, s. 4). Sam seksualni odnos podrazumijeva čin i djela osoba koja dodiruju genitalije druge osobe ili tijelo druge osobe vlastitim genitalijama (Östergren, 2018, s. 171).

Najpoznatija odredba, ona o zabrani kupovanja seksualnih usluga, svojim stupanjem na snagu 1999. kriminalizirala je stjecanje ili pokušaj stjecanja seksualnih usluga u zamjenu za određenu kompenzaciju. Inkorporiranjem u kazneni zakon i izmjenama za korisnika seksualnih usluga je propisana novčana kazna ili zatvor od najviše jedne godine. Ova odredba se primjenjuje također ako je plaćanje obećala ili dala druga osoba (The Swedish penal code 1962:700, 6/12). Kompenzacija, pritom, ne mora nužno i isključivo biti novčana, već može uključivati alkohol, drogu ili darove oko kojih je unaprijed postignut dogovor (Dodillet i Östergren, 2011, s. 4). Namjera kupnje seksa je pokušaj počinjenja kaznenog djela, za koji je maksimalna kazna jednaka kao i za dovršeno kazneno djelo (Östergren, 2018, s. 171).

Švedski kazneni zakon je univerzalan i odnosi se na sve švedske državljane koji kupuju seksualne usluge u bilo kojoj zemlji u kojoj je to nezakonito, tj. za isto mogu biti procesuirani u Švedskoj

(Aronowitz, 2014, s. 233). U razdoblju od 1999. do 2014. u prosjeku je oko 14 osoba godišnje osuđeno za nabavu, dok su se presude za kupovinu seksualnih usluga povećale u istom razdoblju, u odnosu na 11 osuđenih muškaraca u 1999., u 2014. je taj broj porastao na 254 muškarca (Östergren, 2018, s. 177).

Afirmativni pogledi te argumenti oponenata „švedskog“ modela uređenja prostitucije

Švedska vlada je u svojoj analizi izrađenoj pod ingerencijom Ministarstva pravosuđa 2010, odredbe/zakon o zabrani kupovanja seksualnih usluga proglasila uspješnim te konstatirala kako je ispunio svrhu radi koje je donesen. Argumenti u prilog stavu kako je zakon imao pozitivan učinak su i kako je ulična prostitucija smanjena upola, a to se može pripisati izravno kriminalizaciji kupovine seksualnih usluga. Prema istome, zabrana kupovine seksualnih usluga negativno se odrazila (odražava) i na organizirani kriminal (stopa organiziranog kriminala je manja u Švedskoj u odnosu na ostale zemlje u susjedstvu, što švedska policija objašnjava tvrdnjom kako zabrana kupovine seksualnih usluga predstavlja prepreku za trgovinu ljudima te osobe koje se bave ovim oblikom kriminala zato izbjegavaju ovakvu vrstu aktivnosti u Švedskoj.). Pored toga, porastao je i udio javnosti koji podupire zabranu kupovine seksualnih usluga (više od 70 % ispitanika zabranu smatra pozitivnom), te je smanjena i potražnja (Swedish Institute, 2010, str. 7-10).

Kritike na račun zakona i njegovih odredbi, odnosno tvrdnji prema kojima je zakon rezultirao smanjenjem prostitucije također su značajne. Kriminalizaciju korisnika se kritizira jer dovodi do razmještanja prostitucije, a ono rezultira nepovoljnijim uvjetima za žene, tjera ih u izolaciju pa time izlaže i većim rizicima od nasilja i eksploatacije (Della Giusta, 2009, s. 7).

Uzročno posljedična veza zakona i smanjenja ulične prostitucije u Švedskoj nije dokazana. Isto može biti rezultat pojačanog postupanja policije, nadzora i slično, promjene načina pružanja usluga, preseljenja u zatvorene prostorije, tako da je zaključak o dokazanoj uspješnosti zakona pod upitnikom (Dodillet i Östergren, 2011, str. 8-11, Peršak, 2014, s. 2). Ipak, u Švedskoj je i dalje prisutan konsenzus kako je stopa ulične prostitucije smanjena za otprilike polovicu nakon uvođenja zakona. Međutim, pitanje je radi li se smanjenju doista uzrokovanom zakonom ili nekim drugim čimbenicima (Dodillet i Östergren, 2011, str. 8-11, Peršak, 2014, s. 2).

Što se tiče osoba koje se bave prostitucijom, njihov stav je kako ih zakon stigmatizira te potiče stereotipe, osobito zato što kreće od pretpostavke kako su žene koje prodaju seksualne usluge žrtve koje su slabe i koje se iskorištava. Također, s obzirom na to da sada teže stupaju u kontakt s klijentima, dio njih ovisi o svodnicima čija je uloga pronalazak klijenata (Dodillet i Östergren, 2011, s. 21). Važno je također istaknuti kako se klijenti osoba koje se bave prostitucijom rjeđe odlučuju na svjedočenje u slučajevima kaznenih progona onih koji eksploatiraju seksualni rad drugih osoba, baš zato jer su sada zbog postojećih zakonskih odredbi o zabrani kupovine seksualnih usluga i sami krivi za kršenje zakona (Dodillet i Östergren, 2011, s. 21).

Bitan argument protiv kriminalizacije korisnika je i veliko oslanjanje zakonodavca na generalno preventivnu svrhu zakona, za što postoje negativna iskustva kroz povijest (npr. prohibicija alkohola). U potpunosti pojednostavljeno, bezrezervnim podržavanjem ovakvog oblika kriminalizacije korisnika seksualne usluge, sam korisnik postaje „žrtveni jarac“ svih zala koja proizlaze iz trgovine ljudima, povijesnog i modernog iskorištavanja siromašnih i ranjivih žena (Peršak, 2012, s. 236). Unatoč službenim izvorima koji ističu dobre rezultate u primjeni zakona, nedvojbeno je kako postoji značajan dio opće i stručne javnosti koji takve analize smatra preoptimističnima, ističući kako je prostitucija neadekvatno regulirana te postojeći zakon predstavlja neučinkovit pokušaj (pre)jednostavnog rješenja izrazito kompleksnog fenomena (Florin, 2012, str. 269-278).

UREĐENJE PROSTITUCIJE U NJEMAČKOJ

Njemačka je 2002. legalizirala prostituciju donošenjem Zakona o prostituciji, čime je slijedila jedan od najliberalnijih regulativnih pristupa do danas (Danielsson, 2017). Prije stupanja na snagu ovog zakona prostitucija nije bila zabranjena, kao ni vođenje bordela i slične djelatnosti, no na temelju prethodnih odluka vrhovnog suda te su se aktivnosti smatrale nemoralnim i antisocijalnim, a osobe koje se bave prostitucijom praktično nisu imale prava (Kavemann et al.,2007, s. 4). Prema članku 12. njemačkog ustava, prostitucija je profesija zaštićena slobodom izbora zanimanja, i kada je u pitanju njezin pravni status i definicija, prostitucija je redovna profesija. Međutim, mnogi ljudi nisu promijenili svoje viđenje prostitucije i društvena stigma profesije je i dalje prisutna. Njemačka je jedna od rijetkih zemalja koja je odlučila urediti/ provesti sustav izjednačavanja seksualnog sektora sa sektorom komercijalnih usluga (Heberer, 2014, s. 19).

S druge strane, Ministarstvo za obiteljska pitanja razlikuje četiri različita viđenja prostitucije. Prvo, prostitucija se može promatrati kao kršenje ljudskog dostojanstva, zatim kao kršenje morala, kao profesija poput svake druge te četvrto stajalište koje je usvojio zakonodavac, a smatra kako je prostitucija autonomni izbor rizične profesije (Müller, 2008, s. 12). Ozbiljnije procjene tržišta komercijalnog seksa ukazuju na to kako ono u Njemačkoj ima godišnji promet od 6,4 milijarde eura (Deutscher Bundestag, 1990, s. 5), te da 200.000 žena radi u prostituciji u Njemačkoj (Domentat, 2003, s. 45).

Zakonodavni okvir

Dobrovoljna prostitucija je od 2002. legalna u Njemačkoj (njem. Prostitutionsgesetz-ProstG), što znači da seksualne radnice imaju ista prava i dužnosti kao i svi drugi zaposlenici. One mogu ući u njemački sustav socijalnog osiguranja, kao i sustav mirovinskoga i zdravstvenog osiguranja. Štoviše, imaju pravo na ugovore o radu s vlasnicima bordela i mogu primati naknade za nezaposlene nakon otkaza poslodavca (Herber, 2014, s. 29). Prema zakonu, prostitucija podrazumijeva pružanje seksualnih usluga, tj. seksualne radnje koje se obavljaju za novac kada je prisutna barem jedna druga osoba, te se još naziva i „seksualni rad“ (FederalMinistry for Family Affairs, Senior Citizens, Women and Youth, 2017, s. 3). Njemački Bundestag je 7. srpnja 2016. donio novi savezni Zakon o reguliranju prostitucije i zaštite osoba (njem. Prostituiertenschutzgesetz) koji je stupio na snagu u 1. srpnja 2017.. Zakon o prostituciji i novi Zakon o zaštiti prostitutki primjenjuju se u cijeloj Njemačkoj na sve prostitutke, njihove klijente i vlasnike ustanova koje se koriste za prostituciju. Međutim, neka područja, npr. porezno i trgovačko pravo su regulirani različito unutar federalnih država (Hunecke, 2018, s. 15).

Dobrovoljna prostitucija općenito je dopuštena u Njemačkoj, dok je najmanja zakonska dob za prostituciju 18 godina, zabranjeno je svodništvo i eksploatacija, prisilna prostitucija, trgovina ljudima i seksualno zlostavljanje maloljetnika. Prostitutke imaju pravo odbiti pružiti seksualnu uslugu ili prestati pružati takvu uslugu, čak i ako je ona unaprijed dogovorena, dok klijent ne može zahtijevati da se usluga pruži, ali ne mora platiti ako nije pružena. Potvrda o registraciji vrijedi u cijeloj Njemačkoj. Savezne države mogu, međutim, izdati vlastita dodatna pravila o tome gdje je potvrda o registraciji valjana, dok potvrda o registraciji vrijedi dvije godine za osobe starije od 21 godine, a za one mlađe od 21 samo jednu godinu (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, 2017, s. 5). Kondom se mora koristiti tijekom svih spolnih radnji (oralnih, analnih i vaginalnih), a prostitutke imaju pravo odbiti seksualne radnje bez kondoma (objekti za prostituciju moraju postaviti obavijest o obvezi korištenja kondoma), dok klijenti koji ne koriste kondom mogu biti kažnjeni. Vlasnici ustanova (objekata) i prostitutke ne smiju promicati nezaštićeni spolni odnos. Prostitutke mogu biti samozaposlene ili zaposlene kod poslodavaca (većina prostitutki je samozaposlena). Ako su prostitutke zaposlenici, imaju ista prava i obveze kao i ostali zaposlenici (primjenjuju se opće odredbe radnog prava i zaštite na radu, npr. isplate plaće u slučaju bolesti, porodiljskog dopusta, reguliranje radnog vremena i blagdana, otkazni rokovi itd.). Prostitutke moraju plaćati poreze, bez obzira na to jesu li samozaposlene ili zaposlene, dok dohodak od seksualnih usluga podliježe porezu na dohodak (u slučaju samozaposlenja) ili porezu na plaću, u slučaju zaposlenika (Federal Ministry forFamily Affairs, Senior Citizens, Women and Youth, 2017, s. 12).

Postoje različite regulacije u pogledu oporezivanja u uličnoj prostituciji. Iznos poreza određuju lokalne vlasti i prikupljaju se na različite načine. Porezi mogu biti plaćeni prijenosom, u gotovini ili pomoću automata (slično parkirnom stroju, kod ovih automata može se generirati „dnevna porezna karta“ umetanjem određene količine novca, cijena je otprilike 6 eura), te ispis iz aparata služi kao dokaz seksualnoj radnici da je platila porez, i ova vrsta plaćanja je anonimna (Hunecke, 2018, s. 115).

Pored navedene regulative (njem. Prostitutionsgesetz/Prostituiertenschutzgesetz), u odnosu na prostituciju je potrebno navesti i određene odredbe njemačkog kaznenog zakona (German criminal code, 2013). U članku 180a. je zabranjena eksploatacija seksualnih djelatnika i stvaranje ekonomske ovisnosti seksualnih djelatnika o operaterima (organizatorima pružanja usluga), kao i pružanje smještaja maloljetnicima za obavljanje prostitucije (i poticanje drugih na isto), za što je propisana kazna zatvora do tri godine ili novčana kazna. U članku 181a je propisano kažnjavanje iskorištavanja drugih koji se bave prostitucijom, nadziranje, kontroliranje i održavanje prostitucije drugoga za svoj interes, za što je propisana kazna zatvora od šest mjeseci do pet godina. Isto tako i ugrožavanje osobne ili financijske neovisnosti druge osobe, promovirajući njezin angažman u prostituciji, kupnjom seksualnih usluga na komercijalnoj osnovi, za što je propisana kazna zatvora do tri godine ili novčana kazna. Ista kazna je propisana ako se kazneno djelo počini na štetu supružnika. U članku 184e je propisano kažnjavanje osoba koje obavljaju prostituciju na način i na mjestu protivno propisima kojima je uređeno obavljanje prostitucije, i to kaznom zatvora do šest mjeseci ili novčanom kaznom do 180 dnevnih dohodaka. Isto tako je propisana kazna zatvora do jedne godine ili novčana kazna za bavljenje prostitucijom u blizini mjesta u kojima se nalaze maloljetnici (škole i dr. objekti), zbog opasnosti od negativnog moralnog utjecaja, kvarenja (German criminal code, 2013).

Učinci legalizacije prostitucije u Njemačkoj

U Njemačkoj postoji konsenzus kako očekivani ciljevi, tj. ograničavanje prostitucije i bolje javno zdravlje, nisu postignuti (Hunecke, 2018, s. 108). Mogućnost sklapanja ugovora o radu koji podliježu doprinosima za socijalno osiguranje ne koristi se u velikoj mjeri. To je stoga što se upravitelji bordela boje visokih financijskih izdataka i birokratskih nedostataka jer seksualne radnice obično ostaju jako kratko u objektu, od dva do osam tjedana (Kavemann et al., 2007, str. 17-18). Seksualni radnici također često ne žele imati ugovore o zapošljavanju, jer većina njih želi ostati mobilna, neovisna i anonimna. Mogućnost prikladnih plaća nije donijela nikakve promjene, jer je plaćanje unaprijed uobičajeno u trgovini seksom. Na temelju tih činjenica može se zaključiti da je Zakon o prostituciji (ProstG) imao ograničen učinak. Zahtjevi upravitelja bordela i seksualnih radnika ne podudaraju se u velikoj mjeri s onima drugih dionika (Hunecke, 2018, s. 111).

U 2007. je napravljena evaluacija zakona (ProstG), pri čemu su stručnjaci došli do zaključka kako velik dio njegovih ciljeva još uvijek nije postignut i kako je nedovoljno proveden (Kavemann et al., 2007). S druge strane, samo će službena procjena zakona (Prostituiertenschutzgesetz, u vremenu od 7/2022. do 7/2025.), moći odgovoriti na pitanja učinkovitosti i otklanjanja manjkavosti prvobitnog uređenja (Charpenel et al., 2017, s. 257).

Specifičnosti prostitucije u Njemačkoj: tržište i vrste prostitucije

Najčešće pojavnosti prostitucije su u bordelima, uslugama eskorta, u apartmanima, prostitucija u izlogu/prozoru i ulična, koje na sličan način postoje u mnogim drugim europskim zemljama (Hunecke, 2018, s. 113). Tijekom 2016. procjena kriminalističke policije u Njemačkoj (BKA) o odvijanju prostitucije su bile da se 29 % odvija u hotelima, 26 % u apartmanima, 41 % u barovima i bordelima te 12 % na ulicama. Četvrti *Red Light districts* u njemačkim gradovima sada su atrakcije u koje se ide u turističke obilaske s vodičima (Charpenel et al., 2017, s. 252).

U studiji o seksualnom životu njemačkih državljana, 8 % ispitanih muškaraca tvrdilo je da su imali seksualne odnose s barem jednom prostitutkom, dok se reklame za bordele vide na autobusima, taksijima i gradskim zidinama, pa je prostitucija jednostavno postala još jedan potrošački proizvod (Charpenel et al., 2017, str. 249-258).

U takozvanim „paušalnim bordelima“ podnositelj plaća „ulaznu naknadu“ (otprilike 65 - 120 eura) koja mu obećava „sveobuhvatnost“ usluge (jelo, piće, seks sa seksualnim radnicima onoliko puta koliko želi). Obično seksualni radnici primaju „osnovnu plaću“ i dodatak za svakog gosta kojem su pružili usluge (Hunecke, 2018, s.113). Takozvani FKK (njem. Freikörperkultur) klubovi također su vrlo česti u Njemačkoj, a promiču kulturu slobodnog tijela, što znači da se u prostorijama kluba ne smije nositi odjeća. Svi (gosti/korisnici i seksualni radnici) moraju platiti ulaz. O uslugama se raspravlja izravno sa seksualnim radnikom, a pružaju se u posebnim prostorijama unutar kluba. Ponekad dio pristojbe mora biti predan upravitelju kluba (Hunecke, 2018:113). Takozvane *Run House* nisu poznate u cijeloj Europi, i opet su uobičajene u Njemačkoj. Seksualni radnici iznajmljuju (uglavnom od 80 do 130 eura za 24 sata) sobu. S otvorenim vratima, oni čekaju klijente koji šetaju kroz prostor, a zatim pružaju seksualne usluge u ovoj sobi (Hunecke, 2018, s.113).

Kao i u mnogim drugim zemljama, internet također igra sve značajniju ulogu u seksualnoj industriji u Njemačkoj. Klijenti mogu kupovati seksualne usluge na dražbi (npr. www.gesext.de) ili izravno uz fiksne naknade (npr. www.kaufmich.de). Usluga je tada uglavnom pružena u hotelskoj sobi. Trenutno u Njemačkoj raste i područje *Sugardaddy/ Sugarbabes*. U tom slučaju seksualne usluge nisu uvijek pružene za novac, već i za nenovčane nagrade, odnosno poklone (Hunecke, 2018, s. 114).

Prema istraživanju TAMPEP International Foundation, 80 % seksualnog rada u Njemačkoj odvija se u zatvorenom prostoru. Prema podacima iz 2006. udio prema spolu iznosi: 93 % žene, 4 % muškarci, 3 % transrodne osobe, pri čemu 60 % udjela u pojavi imaju migrantice. Premda su istraživanja o ovoj vrsti oskudna, doista se može primijetiti dramatičan pad cijena na tržištu seksualnih usluga u odnosu na prethodne godine (moguće uslijed povećanog priljeva seksualnih radnica, uglavnom iz istočnoeuropskih zemalja), pa nevladine organizacije upozoravaju kako zbog pogoršanja izvora dohotka seksualni radnici često više ne mogu plaćati najamninu za svoje sobe (Brussa et al., 2009).

UREĐENJE PROSTITUCIJE U SLOVENIJI

U prvom desetljeću nakon osamostaljenja Slovenije 1991., iako je pravni okvir o prostituciji ostao nepromijenjen, sektor prostitucije je doživio značajnu reorganizaciju. Početkom 1990-ih godina prostitucija je uglavnom organizirana u salonima za masažu, koje su kasnije zamijenile agencije za pratnju (značajan dio i u noćnim klubovima), dok je od početka 2000-ih, masovna uporaba mobitela općenito utjecala na organizaciju prostitucije, a osobito u privatnim stanovima (Šori, 2005, str. 61-80).

Zakonskim izmjenama iz 2003. prostitucija je izbrisana s popisa prekršaja, a 2004. u Kaznenom zakonu kriminalizacija ponude zamijenjena je kriminalizacijom eksploatacije prostitucije. Od tada seksualni radnici mogu obavljati svoj posao bez straha da će biti procesuirani, međutim nije moguće registrirati seksualni rad kao pravni posao, kao ostale vrste zanimanja/poslova (Šori i Pajnik, 2018, s. 229). U Sloveniji je prostitucija sada dopuštena i tolerirana (nije zabranjena i ne predstavlja kazneno djelo), dok je inkriminirano sudjelovanje u prostituciji u svrhu eksploatacije.

Zakonodavni okvir

Nakon osamostaljenja Slovenije nije postojao sveobuhvatni zakon o prostituciji. Zakon o prekršajima protiv javnog reda i mira iz 1974. koji je prostituciju tretirao kao prekršaj, još je bio na snazi te je onaj tko sudjeluje, dopušta ili podržava prostituciju mogao biti kažnjen kaznom zatvora do 60 dana, a pravna osoba i odgovorna osoba u pravnoj osobi novčanom kaznom (Zakon o prekrških zoper javni red in mir 110/03). Prodaja seksualnih usluga dekriminalizirana je 2003. Zakon o zaštiti javnog reda (članak 7.) kažnjava pružanje seksualnih usluga u javnim prostorima samo ako se radi na nametljiv način i ako netko ometa, izaziva nemir ili ogorčenje ljudi (Zakon o varstvu javnega reda in miru 70/06). Pravno gledano, dekriminalizacija prodaje seksualnih usluga preusmjerila je pozornost s osoba koje rade u prostituciji na njihovo zlostavljanje, tj. dekriminalizacija je donijela jačanje zakona koji se bave iskorištavanjem, zlostavljanjem, obmanom i prisilom na prostituciju (Radančić i Pajnik, 2017, s. 113). Politika o prostituciji je zapravo ograničena na borbu protiv eksploatacije, porobljavanja i trgovanja ljudima, a ne rješava sve potrebe seksualnih radnika (Šori i Pajnik, 2018, s. 237).

Za zloupotrebu prostitucije (Zloraba prostitucije 175. člen KZ-1E) odgovoran je „svatko tko u svrhu iskorištavanja sudjeluje u prostituciji druge osobe ili tko silom, prijetnjom ili obmanom izaziva, nabavlja ili potiče drugu osobu na prostituciju“, za što je propisana kazna od tri mjeseca do pet godina zatvora. Ako se radi o iskorištavanju maloljetnika, kazna je od 1 do 10 godina, a ako se radi o više osoba ili u okviru zločinačkog udruženja kazna je od 1 do 12 godina. Korištenje seksualnih usluga u Sloveniji se ne smatra kaznenim djelom, osim u slučajevima kada klijent koristi usluge žrtava trgovine ljudima ili maloljetnika, u slučajevima kada znaju za takve okolnosti, za što je propisana novčana kazna i zatvorska do 3 godine (članak 113.). Kažnjavanje za prostituciju se također spominje (kažnjava) i u zločinima protiv čovječnosti (članak 101.) i ratnim zločinima (članak 102.) gdje se u sklopu tih djela osobe prisiljavanju na prostituciju (Kazenski zakonik, 2017).

Dostupni podaci o broju žena koje rade u prostituciji, njihovim radnim uvjetima, društvenom i ekonomskom položaju se uglavnom izvode iz policijskih evidencija. Prema podacima koji se često reproduciraju u medijima i službenim institucijama (bez navođenja referenci ili korištenih metoda), najmanje 3.000 žena se bavi prostitucijom u Sloveniji (Šori i Pajnik, 2018, s. 234). Prilikom pokretanja procedure za dekriminalizaciju prostitucije 2001. raspolagalo se brojkom od 1.400 prostitutki, uz napomenu da je taj broj sigurno veći i da iznosi od 3 do 4 tisuće prostitutki, također bez navođenja referenci ili korištenih metoda (Radančić i Pajnik, 2017, str. 120-121).

Učinci dekriminalizacije prostitucije u Sloveniji

Država tolerira seksualni rad samo tako dugo dok je javno nevidljiv, stoga seksualni radnici ostaju segregirana, stigmatizirana i nevidljiva skupina (Šori i Pajnik, 2018, s. 239). Nedavno je Financijska uprava Republike Slovenije navela da osobe koje prodaju seksualne usluge mogu prijaviti svoj posao kao zanimanje pod „ostale osobne uslužne djelatnosti“ u Standardnoj klasifikaciji zanimanja, te kao poduzetničku aktivnost prema standardu Klasifikacije djelatnosti iz 2008. (Radančić i Pajnik, 2017, s. 119). U 2015. Ministarstvo za gospodarski razvoj i tehnologiju razvrstalo je prostituciju u „aktivnosti koje pogoduju tjelesnom stanju“, među kojima su i kupke, saune, saloni za smanjenje tjelesne težine, saloni za masažu i slično. Prvi put je spomenuto da se prostitucija može provoditi kao registrirana (i oporeziva) djelatnost uz pretpostavku da će se obavljati kao mala trgovačka djelatnost, iako propisi nisu eksplicitno koristili riječ prostitucija ili seksualni rad, već su na njega upućivali posredno, „prikrivajući“ je pod „drugim uslugama“ (Radančić i Pajnik, 2017, s. 119).

U Sloveniji sada egzistira čudna situacija u kojoj prostitucija nije zabranjena, ali nije regulirana. Kada bi se provela regulacija, zaključivanje zaposlenja ili drugog ugovornog odnosa, to bi koristilo seksualnim radnicama koje bi imale socijalno i zdravstveno osiguranje i druga prava iz radnog odnosa (Radančić, Pajnik, 2017, s. 120). Međutim, regulacija i oporezivanje seksualnog rada trebalo bi biti pod uvjetom i na način koji ne bi dodatno stigmatizirao prostitutke. Složena realnost prostitucije, a prije svega potrebe seksualnih radnica, još se moraju riješiti. Buduće politike trebale bi uključivati njihova vlastita iskustva i mišljenja (seksualnih radnika) i trebale bi odgovarati njihovim potrebama (Radančić, Pajnik, 2017, s. 123).

Specifičnosti prostitucije u Sloveniji (vrste prostitucije)

Prostitucija u privatnim stanovima i noćnim klubovima su danas dva najčešća oblika. Prostitucija je također organizirana u nekim hotelima, određenim vrstama pansiona i agencijama te je uglavnom koncentrirana u većim urbanim područjima (Šori, 2005, str. 61-80). Vezano za prostituciju u privatnim stanovima, seksualne djelatnice oglašavaju svoje usluge u tiskovnim i online medijima, te se kontakt uspostavlja najčešće mobilnim uređajima. Trenutne tržišne cijene kreću se od 30 eura za polusatno druženje, do 150 za sat vremena te se neke usluge mogu dodatno naplatiti. U usporedbi s prostitucijom u stanovima, cijene seksualnih usluga u noćnim klubovima su veće, klijenti dodatno troše novac na ulaznice, piće, striptiz, i slično (Šori i Pajnik, 2018, s. 235).

Ovdje je kao primjer zgodno spomenuti i recentni slučaj organizirane prostitucije u Sloveniji. Kriminalna je organizacija, koju su zajedno s više osumnjičenika iz Rumunjske vodila dvojica Slovenaca iz Maribora, zaradila najmanje 14 milijuna eura iskorištavanjem oko 300 osoba u okviru organizirane prostitucije. Sve se odvijalo u lokalu nedaleko Nove Gorice koji je predstavljan kao sauna i wellness klub, a bilo je organizirano mjesto za pružanje seksualnih usluga koje su nudile osobe iz Ukrajine, Rumunjske i Albanije, ali i s područja bivše Jugoslavije (Jutarnji list, 2019).

Prema istraživanju TAMPEP International Foundation, u bavljenju prostitucijom slovenski državljani čine udio od 70 %, dok preostali udio čine migranti. U odnosu na prostituciju, Slovenija je istovremeno i zemlja odredišta, tranzita i podrijetla. Seksualne radnice uglavnom dolaze iz istočne Europe izvan EU-a (uglavnom Ukrajine i Moldavije) i Balkana (posebno Albanije). S druge strane, slovenske seksualne radnice uglavnom odlaze u Italiju, Njemačku, Nizozemsku itd., pri čemu mijenjaju mjesto rada svakih nekoliko mjeseci (Brussa et al. 2009).

DISKUSIJA (KOMPARATIVNA) PREDSTAVLJENIH MODELA

U ovom radu je napravljen prikaz nekoliko različitih modela uređenja fenomena prostitucije, odnosno različitih pravnih sustava. Prvenstveno švedskog modela uređenja prostitucije (abolicije), koji je začetnik „nordijskog modela“ (koji ima sve više pristaša diljem EU-a), a radi se o pravnom sustavu koji je od donošenja zakona 1999. fokus s pružatelja seksualnih usluga (prostitutki) prebacio na kupce/konzumente, i na taj način pokušao dokinuti prostituciju u društvu. Ono što je prilično jasno, a do čega se došlo tijekom izučavanja ovoga modela, je kako se prostitucija, odnosno broj prostitutki značajno smanjio. S druge strane, nije jasno i nedvojbeno dokazana uzročno posljedična veza izmjene i provođenja zakona te smanjenja prostitucije, pa različite interpretacije podataka opravdano dovode u sumnju isključive zasluge zakona u trenutnom stanju. Intencija prebacivanja fokusa samo na konzumenta/kupca seksualnih usluga (u redovnim odnosima) i njegovog inkriminiranja ni u kojem slučaju ne može biti rješenje ovoga slojevitog problema, tim više što se prijašnja (nepravedna) jednostrana represija prema osobama koje pružaju ovu vrstu usluga, sada usmjerava isključivo prema kupcu. I dalje u društvu ostaje zastupljena pojava prostitucije, a o prihvatljivoj razini iste se može raspravljati. Ostaje i nedvojbenom činjenica kako prostitucija ostavlja negativne psihofizičke posljedice na osobe koje se njome bave, a time i nerješivi problem/pitanje švedskog modela uređenja fenomena prostitucije.

Iako je u Njemačkoj od 2002. prostitucija postala legalna tj. redovna profesija, slobodni izbor rizičnog zanimanja, i dalje je prisutna stigmatizacija osoba koje se njome bave, uz upitnu uspješnost provođenja bitnih zacrtanih ciljeva (npr. poboljšanje izlaznih mogućnosti seksualnim radnicama, stvaranja njihovih boljih uvjeta rada i dr.). Iluzorno je reći kako nije došlo do poboljšanja socijalnog i zdravstvenog stanja osoba koje se bave prostitucijom (barem prilike za isto), dok je mogućnost izlaska iz svijeta prostitucije gotovo nemoguća. S druge strane, komercijalizacija „rizične djelatnosti“ je dovela do poslovne/trgovačke borbe za profitom i maksimaliziranjem zarade (zbog čega je zakon i mijenjan 2017.), nauštrb brige za osobe koje se bave prostitucijom. Radi velikog novčanog prometa i profita organizirani kriminal se drži uz te aktivnosti, pa ostaje pitanje mogućnosti promjene tako naprednog i moćnog tržišta kao onog, komercijalnog seksa u Njemačkoj.

Slovenija je 2003. izmijenila prekršajni zakon kojim se prostitutke mogu baviti svojim poslom samostalno ili međusobno organizirane, ali bez svodnika, dok je bilo koji oblik svodništva i dalje ostao kažnjiv. U Sloveniji sada egzistira čudna situacija u kojoj prostitucija nije zabranjena, ali nije regulirana. Regulacija bi vjerojatno koristila seksualnim radnicama (socijalno i zdravstveno osiguranje i druga prava iz radnog odnosa), no teško bi se izbjegla stigmatizacija prostitutki (kao i u drugim zemljama), tako da preostaje vidjeti što donosi novo doba i novi trendovi.

Glede rasprave predstavljenih državnih uređenja prostitucije, bitno je napomenuti da je Europski parlament 2014. usvojio neobvezujuću rezoluciju u kojoj je naglašeno da je prostitucija narušavanje ljudskog digniteta i ljudskih prava, bez obzira radi li se o prisilnoj ili dobrovoljnoj, te bi trebalo smanjiti potražnju za takvim uslugama sankcionirajući klijenta, a ne prostitutke. Također su pozvali države članice da pronađu strategiju kojom će omogućiti ženama izlazak iz svijeta prostitucije te pronalazak novih načina ostvarivanja prihoda (European Parliament, 2014). Nadalje, Amnesty International je s foruma u Dublinu izdao preporuku (dokument) o dekriminalizaciji prostitucije te osiguravanju pune zaštite od iskorištavanja, trgovine i nasilja seksualnim djelatnicima, koji je imao podlogu u njihovom dvogodišnjem istraživanju prostitucije i svih relevantnih sudionika iste (Amnesty International, 2015). Samo priopćenje i u njemu izneseni stavovi su naišli na velike otpore u javnosti (Voxfeminae, 2015), te su žestoko kritizirani (The Conversation, 2015).

Kada se govori o razvoju prostitucije u budućnosti, treba imati na umu da politika određuje pravo donošenjem i izmjenom zakona kojima se neka pojava tretira kao društveno štetna ili prihvatljiva, odnosno nekažnjiva pojava. U tome kontekstu treba imati na umu kako će lobistički utjecaji zainteresiranih skupina trasirati daljnji put društvenog odnosa prema prostituciji, čiji se smjer može jasno iščitati iz prethodno navedene rezolucije i preporuke Amnesty Internationala, a nastavak je politike začete u Švedskoj.

UREĐENJE PROSTITUCIJE U HRVATSKOJ

Uređenje prostitucije kao kaznenog djela zakonska je novina, radi se o kaznenom djelu Prostitucija iz članka 157. Kaznenog zakona (2024), koje se nalazi u glavi 16. pod nazivom Kaznena djela protiv spolne slobode. Iako je navedeno kazneno djelo naslovljeno s prostitucija, uvelike se zapravo radi o inkriminiranju podvođenja te, pod određenim uvjetima, korištenja takvih usluga, dok sama prostitucija u užem smislu riječi, odnosno odavanje prostituciji, nije inkriminirano kroz navedeno kazneno djelo. Ovim djelom se prema stavku 2. po prvi put u hrvatskome kaznenom zakonodavstvu u zonu kažnjivosti stavljaju i korisnici spolnih usluga uz naplatu, ali uz navedeni uvjet znanja o okolnostima pod kojima je došlo do pružanja takvih usluga (s druge strane, stječe se dojam da je u praksi mogućnost dokazivanja činjenice da je kupac/korisnik znao kako je osoba koja pruža seksualne usluge prisiljena na to iznimno teško, zbog čega se državno odvjetništvo rijetko upušta u inkriminiranje počinitelja po toj osnovi.). Pored toga, u trećem stavku je bilo inkriminirano oglašavanje prostitucije u sredstvima javnog informiranja i drugim sličnim sredstvima, za što je propisano kažnjavanje kaznom zatvora do tri godine, koje je korigirano izmjenama iz 2015. na način da je prestalo biti inkriminirano samooglašavanje prostitucije, inkriminira se oglašavanje druge osobe (Ministarstvo pravosuđa, 2015).

S obzirom da se odlučilo spolno zlostavljanje i spolno iskorištavanje djece inkriminirati u zasebnoj glavi, odvojeno je podvođenje djeteta u čl.162 (koje u svojoj suštini odgovara dječjoj prostituciji) od prostitucije odraslih (članak 157. KZ-a). Stavak 1. inkriminira mamljenje, vrbovanje, poticanje, organiziranje, omogućavanje spolnih usluga djeteta radi ostvarivanja zarade ili druge koristi (droge, hrane, skrovišta, odjeće ili dr.), ako osoba zna ili je morala i mogla znati da se radi o djetetu. Dakle kažnjava se i u slučajevima otklonjive zablude o dobi djeteta. Dovoljno je da je zarada ili korist obećana (ne mora biti i dana) djetetu ili nekoj drugoj osobi. To je spoj članka 195. stavka 4. i 6. KZ/97. Ovaj stavak između ostalog omogućuje u određenoj mjeri kažnjavanje organiziranja seksualnog turizma. Ako nema elementa zarade radit će se o kaznenom djelu iz članka 158. KZ-a. U stavku 2. inkriminira se posebno korištenje spolnih usluga djeteta starijeg od 15 godina kada je za spolne usluge dan ili obećan novac ili bilo koji drugi oblik naknade ili protučinidbe kao plaćanje, bez obzira na to vrši li se to plaćanje djetetu ili trećoj osobi. Kažnjavanje klijenata je novina – smatra se da se za efikasno suzbijanje ovakvih pojava mora inkriminirati ne samo ponuda, već i potražnja. Ne inkriminira se zasebno navođenje na korištenje spolnih usluga djeteta jer će se to kažnjavati kao poticanje na spolnu zlouporabu djeteta iz članka 159. KZ-a ili na djelo iz stavka 2. ovoga članka ukoliko je dijete starije od 15 godina. U stavku 3. inkriminira se kvalificirani oblik podvođenja djeteta (uz primjenu sile, prijetnje, itd.) kao i korištenje usluga djeteta uz naplatu i svijest o kvalifikatornim okolnostima. Novina je i kažnjavanje reklamiranja "dječje prostitucije" (stavak 4.). Dakle u ovom članku stupnjuju se ponašanja sukladno svojoj težini i opasnosti (što do sada nije bio slučaj), sankcije su ujednačene (do sad su postojale nelogične razlike u propisanoj sankciji) i djelomično pooštrene (Ministarstvo pravosuđa, 2011).

Zakon o prekršajima protiv javnog reda i mira donijet je i objavljen još 1977. (NN 041/1977), a značajnije je izmijenjen tek 1989. (NN 41/77, 55/89, 5/90, 30/90, 47/90, 29/94). Prema važećem Zakonu o prekršajima protiv javnog reda i mira, prostitucija je regulirana člancima 7. i 12. Počinitelj prekršaja iz članka 7. može biti svaka osoba, vlasnik ili korisnik stana ili drugih prostorija. Radnja se sastoji u dopuštanju vršenja bluda u stanu i drugim prostorijama, tj. u davanju na raspolaganje stana ili drugih prostorija osobama radi obavljanja bluda. Prostitucijom valja smatrati pružanje seksualnih usluga uz naknadu. U seksualne usluge treba ubrojiti, pored spolnog odnošaja, i radnje koje su izjednačene sa spolnim odnošajem. Odavanje se ogleda u ponavljanom obavljanju (u vidu „zanata") s namjerom stjecanja sredstava za život (Veić, 1998). Pored važećeg zakona, Ministarstvo unutarnjih poslova je, kao primarno nadležno tijelo, 2012. dalo u proceduru prijedlog novoga Zakona o prekršajima protiv javnog reda i mira. Umjesto prekršaja odavanja prostituciji uređenog člankom 12. važećeg Zakona, kao novina se u članku 12. stavku 1. Prijedloga zakona propisuje sankcioniranje osobe koja na javnom mjestu ponudi spolne usluge za novčanu ili drugu korist, ali i osobe koja u svojstvu korisnika od te osobe zatraži spolne usluge nudeći novčanu ili drugu korist (Ministarstvo unutarnjih poslova, 2012).

Neke specifičnosti prostitucije u Hrvatskoj

Prilikom izrade doktorske disertacije autora (Mihaljević, 2021) i daljim istraživačkim radom po istoj temi (Mihaljević, 2023), korištenjem statističke i deskriptivne metode obrade prikupljenih podataka, kao i intervjua s glavnim akterima došlo do saznanja o nekim općim određenostima te zakonitostima izučavanog fenomena prostitucije u Hrvatskoj.

Sagledavajući službene statističke pokazatelje (Ministarstva unutarnjih poslova i Državnog odvjetništva te nadležnih sudova) u odnosu na kaznena djela i prekršaje u vezi prostitucije može se konstatirati kako policija službenim postupanjima zahvaća manji dio fenomena prostitucije, dok je sama pojava većim dijelom u sferi tamne brojke, odnosno dostupna saznanja su manjkava kako bi se mogla napraviti ozbiljna procjena o raširenosti pojave.[1] Saznanja se,

[1] Prema izvješćima Ministarstva unutarnjih poslova za razdoblje 2009 - 2020, za kaznena djela povezana s prostitucijom i prosječni broj prijavljenih kaznenih djela (86), kao i prosječni broj prijavljenih prekrša-

zapravo, najviše crpe iz medija[2] i javnog pogovora, naročito kada poznate „starlete" i osobe sličnih profila osvanu na internetskim portalima (ili u drugim medijima) u kompromitirajućim situacijama, koje ukazuju na stvarno stanje i pokazuju realnost koja egzistira iza „proizvoda" koji se prezentira (Mihaljević, 2023).

Za to vrijeme se u stručnoj i nestručnoj javnosti uvriježila brojka od sedam do osam tisuća osoba koje se povremeno ili trajno bave prostitucijom,[3] pri čemu treba imati na umu da su stručne i javne procjene o broju prostitutki prilično slobodno postavljene (Mihaljević, 2023).

U odnosu na način odvijanja prostitucije i uočene određene specifičnosti, proizlazi kako je ulična prostitucija gotovo u potpunosti nestala, zahvaljujući prije svega tehnološkim mogućnostima (oglašavanje i dogovaranje internetom i slično) koje su svele uočljivost na minimalnu razinu, pa samim time i stigmatizaciju. Mali broj ženskih osoba koje se time bave su zapravo zatočenice negativne spirale životnih događaja, koja ih vodi do potpune destrukcije ličnosti (odavanje alkoholu, drogi i drugim porocima).[4] Prostitucije srednje razine (primarno u stanovima i salonima za masažu) je dominantni oblik koji egzistira u Hrvatskoj. Kako se radi uglavnom o samoorganiziranom obavljanju prostitucije, što ne potpada pod kazneno sankcioniranje, zbog svoje diskretnosti i neuočljivosti širem građanstvu, isto ponašanje nije u fokusu policijskog postupanja.[5] U odnosu na prostituciju na visokoj razini (eskort prostitucija koja se odvija najčešće u hotelskim sobama ili stanovima), proizlazi kako su osobe koje se odaju prostituciji na toj razini jako rijetko zahvaćene prekršajnim evidencijama, dok su u organiziranim oblicima, prema policijskoj praksi, evidentirane najčešće kao žrtve (osim ako nisu i organizatori).[6] Neuočljivost ovoga vida prostitucije od strane građana (te policijskih službenika), omogućava osobama koje se bave ovakvom prostitucijom (povremeno ili na duže vrijeme) da si osiguraju odličnu zaradu bez klasičnih negativnih reperkusija u odvijanju realnog, tj. svakodnevnog života (Mihaljević i Getoš Kalac, 2023).

Isto tako (imajući u vidu drugačiji kut gledanja na fenomen prostitucije), ovdje je zanimljivo napomenuti kako su prilikom završetka projekta/istraživanja „Regulacija prostitucije u Hrvatskoj" (financiran od Hrvatske zaklade za znanost, 2019-2023, voditeljice Ivane Radačić s Instituta društvenih znanosti Ivo Pilar, stručnjakinje za ženska prava i rodnu ravnopravnost), između

ja (32) u razdoblju 2010-2020, proizlazi kako je fenomen prostitucije zapravo iznimno rijetka pojava u Hrvatskoj.

2 Brojne objave ukazuju da je fenomen prostitucije kudikamo dinamičniji te otkrivaju neke specifičnosti, npr. „U Hrvatskoj u roku od pet minuta možete pronaći prostitutku. Oralni seks se plaća već od 200, a 'sve zajedno' 500 kuna. Jedini tabu (barem preko telefona) jest analni seks", Jutarnji list, 2019; „Prostitucija preselila s ulica: U dva dana otkrili smo više prostitutki nego policija u cijeloj godini", Rtl.hr, 2019; „'Nisam našla posao, otišla sam u Zadar i tamo prodavala tijelo'", 24 sata, 2018.

3 Vidi Lovrinčević i sur., 2015; Npr. „Imamo 7000 prostitutki i 100.000 klijenata, a kažnjavaju se samo žene", Večernji list, 2016; „Uz bogatu turističku ponudu, cvjeta i ilegalni seks turizam: 'Nije to ništa posebno u odnosu na druge...", Rtl.hr, 2022.

4 Kod niske razine prostitucije, uglavnom se radi o ženskim osobama starosti od 35-40 godina starosti, pa sve do 60 godina, cijena usluga je u rasponu od 10 do 40 eura, ovisno o vrsti usluge (Mihaljević, 2021).

5 Kod ove razine prostitucije, uglavnom se radi o ženskim osobama starosti od 25-40 godina, cijena usluga je u rasponu od 30 do 100 eura, ovisno o vrsti usluge (Mihaljević, 2021).

6 Kod ove razine prostitucije, uglavnom se radi o ženskim osobama starosti od 25-40 godina, cijena usluga je u rasponu od 300 eura pa naviše, ovisno o svim drugim okolnostima (Mihaljević, 2021).

ostalog izneseni zaključni osvrti/prijedlozi: kako je u Hrvatskoj potrebno uskladiti policijsku i sudsku praksu sa međunarodnim standardima za zaštitu ljudskih prava; dekriminalizirati prodaju seksualnih usluga u skladu s međunarodnopravnim standardima; donijeti efikasne javne politike koje bi adresirale nepovoljne socioekonomske uvjete koje su jedan (za neke ključni) od razloga ulaska u prostituciju; te uspostaviti sustave podrške i strategije izlaska za one koje žele izaći iz prostitucije (Ivo Pilar, 2019).

ZAKLJUČAK I PRIJEDLOZI

U kontekstu svih opisanih modela društvene reakcije, evidentno je kako je odabir jednog od navedenih modela prvenstveno političko, ideološko, pa i svjetonazorsko pitanje, prilikom čega ostaje dojam da pristup *one size fits all*, pri odabiru jednog od modela, zanemaruje regionalne i nacionalne sociološke, kulturološke, ekonomske, pa i vjerske tekovine. Upravo u takvim situacijama, i pri konceptualnom opredjeljenju za jedan od navedenih modela, valja poći od imperativa *evidence based crime policy* te temeljem znanstvenih kriminoloških spoznaja osmisliti optimalno rješenje u danim prostornim i vremenskim okvirima.

Pregledom aktualnoga zakonskog uređenja prostitucije u Hrvatskoj i komparativnim prikazom drugih rješenja (s naglaskom na punoljetne osobe), zaključuje se kako odabir određenoga modela i način uređenja fenomena prostitucije može imati ozbiljne reperkusije (a koje ne moraju nužno biti pozitivne) kako na javni red (i cjelokupno društvo), tako i na prava osoba (kvalitetu života) koje se time bave. Razvidno je kako optimalno rješenje nije samo u izboru određenog modela i načina uređenja, nego u kontinuiranoj i dosljednoj provedbi i primjeni zakona i mjera (kako postojećih, tako i onih koje treba unaprijediti). S obzirom na to da nije izvjesno kako bi potražnja za seksualnim uslugama mogla iščeznuti, jasno je kako će postojati i tržište koje će te usluge omogućiti (pružiti). Imajući pritom u vidu psihofizičke posljedice koje prostitucija ostavlja na osobe koje se time neposredno bave (prvenstveno ulična prostitucija), i posljedice na javni red, društvo i država imaju obavezu intervenirati u ovome području.

Svi prikazani modeli uređenja prostitucije u ovom radu pokazuju nastojanja država da iznađu najprihvatljiviji model uređenja očito neizbježne pojave koja i uz opću estradizaciju seksualnih aktivnosti te rastezanje granica društvenog morala, ukazuje na ozbiljne psihofizičke posljedice koje ostavlja na osobe koje se time neposredno bave. Nadalje, kako se radi o iznimno profitabilnoj djelatnosti (bilo kao legalnoj ili ilegalnoj aktivnosti), osobi koja pruža seksualne usluge (i koja je najizloženija), prava su najčešće samo deklarativno zajamčena. Zbog svega navedenog, interesa za ovu granu industrije ne nedostaje, no glas osoba koje pružaju seksualne usluge se slabo čuje prilikom donošenja državnih odluka i izmjena zakona. Trend abolicionista po „nordijskom modelu“ zasigurno je novina koju je progurala liberalna švedska vlada, pod velikim utjecajem feminista, no prilično je neizvjesno i nezahvalno prognozirati kako će se dalje razvijati taj trend.

Zaključno, postojeće zakonodavno uređenje prostitucije u Hrvatskoj je potrebno unaprijediti i modernizirati usvajanjem novog (ili izmjenama) Zakona o prekršajima protiv javnog reda i mira, u kojem bi se sankcionirao i korisnik seksualnih usluga (što je bilo predviđeno i u postojećem prijedlogu iz 2012). Sankcioniranje korisnika usluga predstavlja trend u suvremenim zakonodavstvima i vođeno je kriminalno-političkim težnjama za suzbijanjem potražnje. Analizirajući aktualno zakonsko uređenje prostitucije i moguće promjene koje zazivaju razni akteri koji se bave navedenim područjem, postojeće zakonodavno uređenje prostitucije u Hrvatskoj odražava sliku društva u kojemu prostitucija nije prihvatljiva (dojam je da i u predstojećem desetljeću neće biti značajnih promjena, iako novi trendovi snažno zahvaćaju društvo te se u ovome području zaziva normalizacija i radno pravno uređenje pružanja seksualnih usluga). Istaknuti problemi koji se javljaju u drugim europskim državama koje se na različit način odnose spram fenomena prostitucije ukazuju kako ni približno nema jednostavnog i uspješnog rješenja ovoga slojevitog problema, i kako model kriminalizacije predstavlja samo jedan (pored drugih aktualnih diljem svijeta) od mogućih načina iznalaženja optimalnog rješenja.

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REVIEW OF THE REGULATION OF PROSTITUTION IN SWEDEN, GERMANY AND SLOVENIA WITH REFERENCE TO THE CROATIAN SOLUTION

Professional Paper

Abstract

In the context of possible finding (some future) optimal way of regulating prostitution in Croatia, the experiences of other countries should certainly play a significant role, which in their specificity correspond to the dominant trends that are represented (or spread) throughout the EU. Primarily this is about the Swedish model of prostitution (abolition), the originator of the "Nordic model", a legal system that since the adoption of the law in 1999 shifted the focus from sexual service providers (prostitutes) to users, and thus tried to abolish prostitution in society. Then, there is the German solution from 2002, when prostitution became legal and a regular profession, free choice of risky occupation, and the example of Slovenia, where prostitution is not prohibited but not regulated (decriminalization) either. All analysed models of prostitution show the efforts of states to find the most acceptable model of obviously "inevitable phenomena", while the current and dominant trend of abolitionists according to the "Nordic model" is a novelty for which it is rather uncertain and ungrateful to predict how it will develop. On the other hand, the highlighted problems that occur in the analysed countries indicate that there is no simple and "successful" solution to this layered problem, and that the model of criminalization (currently in force in Croatia) represents only one (in addition to others current around the world) of possible ways (attempts) of finding the optimal solution.

Keywords: prostitution, regulation, Sweden, Germany, Slovenia, Croatia

Podaci o autoru

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KRIMINALISTIČKE TEME

Časopis za kriminalistiku, kriminologiju i sigurnosne studije

SMJERNICE ZA AUTORE

O ČASOPISU

Kriminalističke teme – časopis za kriminalistiku, kriminologiju i sigurnosne studije (u daljnjem tekstu: Časopis) svojim sadržajem smjera općem promoviranju kriminalistike, kriminologije i sigurnosnih studija i predstavlja specifičan oblik doprinosa naučnim spoznajama i kvaliteti društvenog života uopće. Radi se o naučnom i stručnom časopisu koji objavljuje do sada neobjavljene naučne i stručne radove (u daljnjem tekstu: radovi), prikaze i prijevode iz područja kriminalistike, kriminologije i sigurnosnih studija i time doprinosi promociji i razvoju nauke, struke, naučnoistraživačkog rada i visokoškolskog obrazovanja. Prilozi objavljeni u časopisu referiraju se u: EBSCO SocINDEX, EBSCO SocINDEX Full Text, EBSCO Criminal Justice Abstracts, EBSCO Criminal Justice Abstracts with Full Text i HeinOnline.

PRIPREMANJE RUKOPISA

Prilikom pripremanja rukopisa za dostavljanje na recenziju, isti je potrebno uskladiti sa ovim smjernicama. Radovi podliježu dvostrukoj anonimnoj recenziji, dok prikazi i prijevodi podliježu jednoj anonimnoj recenziji. Rukopisi se dostavljaju elektronskom poštom na adresu redakcije: krimteme@fkn.unsa.ba. Recenzirani radovi se kategoriziraju na sljedeći način:

a) ***izvorni naučni rad (original scientific paper)***

izvorni (originalni) rad je originalno naučno djelo u kojem su izneseni novi rezultati fundamentalnih ili primijenjenih istraživanja. Da bi se neko istraživanje smatralo naučnim, mora udovoljiti nekoliko kriterija, među kojima su najvažniji objektivnost, (intersubjektivna) provjerljivost, sistematičnost i preciznost. Da bi se napisao izvorni naučni rad, treba slijediti sljedeću strukturu: Uvod, Metode, Rezultati, Diskusija i Zaključak.

b) ***prethodno saopćenje (research note)***

Prethodno saopćenje je također naučno djelo koje sadrži naučne spoznaje ili rezultate naučnih istraživanja čiji karakter zahtijeva objavljivanje. Ova kategorija naučnih članaka obavezno sadrži nove činjenice dobivene naučnim istraživanjem, ali bez dovoljno pojedinosti koje bi omogućile čitatelju provjeru iznesenih naučnih spoznaja, rezultata istraživanja i naučnih informacija na način kako je to opisano za „izvorni naučni rad“. To je ujedno obavijest drugim naučnicima da je započeto istraživanje određene teme ili problema.

c) ***pregledni naučni rad (review paper)***

Pregledni naučni rad se od izvornog naučnoga rada razlikuje po tome što ne mora sadržavati originalne (nove) rezultate, nego se može temeljiti na već objavljenim rezultatima (najčešće iz istraživanja drugih autora), ali je tada u njemu izvršen cjelovit pregled literature iz određene oblasti i originalne su analize ili sinteze, novi odnosi, ili nove hipoteze s prijedlozima za daljnja istraživanja. U njemu zna biti i novih, neobjavljenih autorovih rezultata, no ti rezultati obično ne čine bitan dio članka. U njemu se može uputiti na razvoj nekog istraživanja, ali i upozoriti na odnose, nedosljednosti i nedorečenosti u literaturi i predložiti daljnje postupke u rješavanju problema. Pri pisanju preglednoga članka istraživač nastoji pregledno i kritički dati ocjenu podataka, informacija i rezultata istraživanja koje opisuje, uz istodobno navođenje cjelovitog pregleda literature o tretiranoj materiji radi novih zaključaka, spoznaja ili hipoteza.

d) ***stručni članak (professional paper)***

Stručni članak ne sadrži originalne preglede i rezultate; u njemu se obrađuje poznato, već opisano. Težište je na primjeni poznatoga, na širenju znanja, a ne na otkrivanju novih spoznaja. Ako se samo opisuju tuđi rezultati radi prenošenja informacija, ili se opisuje primjena onoga što je već drugdje primijenjeno, ne može se to smatrati naučnim člankom, nego, dakle, stručnim. U njima se zapravo ponavljaju poznati rezultati istraživanja koji su korisni u širenju naučnih spoznaja i prilagođavanju rezultata naučnih istraživanja potrebama naučnoj teoriji i praksi.

Osim navedenog, u časopisu *Kriminalističke teme* moguće je objaviti i druge rukopise koji obuhvataju:

- *prikaze*
- *prijevode*

Da bi rukopis bio prihvaćen potrebno je da bude usklađen sa sljedećim uputama:

Dužina rada

U Časopisu se objavljuju radovi koji ne prelaze ukupno 10.000 riječi, uključujući izvore i bilješke (fusnote). Svaki rad treba imati sažetak u obimu od 150-200 riječi, te ključne riječi, kao i sažetak (abstract) i ključne riječi (key words) na engleskom jeziku u istom obimu. Rad treba ispunjavati sljedeće kriterije:

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g) obavezno brojčano označiti stranice.

Redakcija zadržava pravo da objavi radove koji premašuju navedenu dužinu ako izlaganje naučnog sadržaja zahtijeva više prostora, odnosno pravo interveniranja u stil pisanja i skraćivanja rada kada procijeni da je to neophodno.

Prikazi i prijevodi koji se objavljuju u časopisu, moraju biti usklađeni sa prethodno navedenim pravilima i ne smiju prelaziti 3000 riječi.

Jezik i pismo

Dostavljeni radovi trebaju biti napisani na BHS jezicima (bosanski, hrvatski, srpski), na ijekavskom narječju, latiničnim pismom ili na engleskom jeziku, u skladu sa pravilima britanske ili američke varijante pravopisa i stila engleskog jezika.

Početna stranica rada

Na početnoj stranici rada je potrebno navesti:

a) ime i prezime autora/ice, naziv institucije u kojoj radi (ako radi) i e-mail adresa autora/ice;
b) naslov rada na bosanskom/hrvatskom/srpskom i engleskom jeziku;
c) sažetak rada (150-200 riječi) i ključne riječi na bosanskom/hrvatskom/srpskom i engleskom jeziku;
d) datum dostavljanja rada;
e) ukupan broj riječi;
f) predloženu kategorizaciju rada.

Naslovi teksta

Kada autori elaboriraju pojedine segmente nekog problema, tekstovi trebaju sadržavati koncizne podnaslove i to u skladu sa sljedećim primjerom:

1. PRVA PODCJELINA VELIKIM SLOVIMA

1.1. Druga podcjelina potamnjenim slovima (bold)

1.1.1. *Treća podcjelina kosim slovima (italic)*

1.1.1.1. Ostale podcjeline malim slovima

- U slučajevima kada se koriste kratice i simboli, u tekstu ili u fusnoti obavezno moraju biti priložena objašnjenja.
- Poželjno je da radovi budu lektorirani.

Sažetak

- Sažetak ne sadrži reference i treba da se reflektira samo na opći prikaz teme, metodologiju rada, rezultate i zaključak (ako je riječ o naučnom radu); odnosno na sadržaj rada (ako je riječ o stručnom članku);
- Ključne riječi sadrže bitne pojmove koji se tretiraju u radu, ali ne opće i preširoke pojmove (kao npr., društvo) niti preuske pojmove opisane sa više riječi;
- Na kraju sažetka treba navesti četiri do šest ključnih riječi (odnosi se na obje jezičke varijante);
- Uz prikaze i prijevode nije potrebno navoditi sažetak i ključne riječi.

Uvod i pregled literature

Uvodni dio trebao bi sadržavati opće i specifične informacije o temi rada, pregled recentne literature vezane uz glavni cilj rada, jasno definiran cilj i svrhu rada. Prilikom pisanja izvornog naučnog rada, ne preporučuje se upotreba prevelikog broja literaturnih navoda, dok bi se takvi navodi trebali koristiti prilikom pisanja preglednog naučnog rada.

Metode

Dio o metodama trebao bi sadržavati:

• cilj i dizajn istraživanja;

• populaciju i uzorak korišten u istraživanju;

• opis korištenog protokola;

• opis metoda korištenih za analizu podataka.

Rezultati

Ovaj dio treba sadržavati nalaze provedenih istraživanja, odnosno opis dobivenih rezultata.

Diskusija

Ovaj dio rada treba da sadrži raspravu o implikacijama dobivenih rezultata u kontekstu postojećih istraživanja. Dobivene rezultate treba interpretirati i komentirati, bez ponavljanja prikaza rezultata. Potrebno je navesti na koji se način dobiveni rezultati i njihova interpretacija slažu s već objavljenim podacima. Potrebno je jasno predstaviti teorijske i praktične posljedice dobivenih rezultata, te navesti u kojoj su mjeri korištene metode utjecale na dobivene rezultate, i da li bi neke druge metode producirale drugačije rezultate. U diskusiji također treba naglasiti ograničenja provedenog istraživanja.

Zaključak

Ovaj dio trebao bi ukratko i jasno pružiti glavne zaključke, kao i objašnjenje važnosti i relevantnosti istraživanja ako je predstavljeno u radu.

Tabele, grafikoni i ilustracije

Tabele i grafikoni treba da budu sačinjeni u MS Word dokumentu ili nekom drugom formatu koji je kompatibilan sa MS Word. Nije poželjno da se isti podaci prezentiraju i tabelarno i grafički. Svaka tabela, grafikon ili slika treba da budu označeni brojem, s naslovom koji ih jasno određuje. Naslovi tabela, grafikona i ilustracija se trebaju nalaziti <u>iznad</u>. Sve tabele i grafikoni se štampaju isključivo u crno-bijeloj boji.

Primjeri:

Tabela 1. *Struktura uzorka prema uzrastu*.

Grafikon 1. *Dobna struktura prijavljenih osoba tokom 2005. godine*

Ilustracija 1. *Pregled tužilačkih odluka u Posebnom odjelu za ratne zločine u 2011. godini*

Navedeni primjeri ukazuju da je naslove tabela, grafikona i slika potrebno pisati kosim (*italic*) slovima, odnosno različito od dijela koji se odnosi na numeraciju tabele/grafikona/ilustracije. Tabele, grafikoni i ilustracije se navode samo onda kada je neophodno prezentirati podatke od značaja za rad ili kada su potrebni u smislu produbljenih pojašnjenja onoga što se navodi u tekstu.

Navođenje bibliografskih izvora u tekstu

Obavezno je navođenje svih bibliografskih izvora koji su korišteni za pripremu i pisanje rada, pri čemu je potrebno je koristiti APA stil referenciranja (*American Psychological Association [APA] Publication Manual, 7th edition*).

U skladu sa *Publication Manual of the American Psychological Association [APA]* (*7th edition,* 2019) navođenje izvora u tekstu je potrebno izvršiti na sljedeći način:

Primjeri:

<u>Jedan autor</u>

Parentetički citat - (Alexander, 2018) ili

Narativni citat - Alexander (2018)

<u>Dva autora</u>

Parentetički citat - (Salas i D'Agostino, 2020) ili

Narativni citat – Salas i D'Agostino (2020)

<u>Tri i više autora</u>

Parentetički citat – (Martin et al., 2020)

Narativni citat – Martin et al. (2020)

<u>Institucije, organizacije ili udruženja kao autori (sa skraćenicom)</u>

Prvo navođenje u tekstu: (National Institute of Mental Health [NIMH], 2020) ili Nacionalni institut za mentalno zdravlje (NIMH, 2020)

Sljedeća navođenja u tekstu: (NIMH, 2020) ili NIMH (2020)

<u>Institucije, organizacije ili udruženja kao autori (bez skraćenice)</u>

Parentetički citat - (Stanford University, 2020) ili

Narativni citat - Univerzitet Stanford (2020)..."

<u>Zakoni i podzakonski akti</u>

Parentetički citat - (Zakon o krivičnom postupku Federacije Bosne i Hercegovine, 2014)

Narativni citat – Zakon o krivičnom postupku Federacije Bosne i Hercegovine (2014)

Nepoznat ili anoniman autor

Knjige: navodi se samo naslov knjige i godina, npr. (Interpersonal Skills, 2019)

Časopisi/portali: navodi se samo naslov članka i godina („Understanding Sensory Memory“, 2018).

Radovi istih autora sa istom godinom

(Judge i Kammeyer-Mueller, 2012a)

(Judge i Kammeyer-Mueller, 2012b)

Napomena: Prilikom citiranja (doslovnog preuzimanja definicija, podjela i sl.), potrebno je navesti i broj/eve stranice/a. Navedeno je potrebno učiniti na sljedeći način: (Newman, 1972, s. 55) ukoliko se radi o jednoj stranici, odnosno (Newman, 1972, str. 45-58) ukoliko se radi o rasponu stranica.

Navođenje bibliografskih izvora u popisu literature

Na kraju rada se navodi numeriran popis korištene literature. U popisu literature obavezno je navesti sve bibliografske izvore koji su navedeni u tekstu, pri čemu isto treba biti usklađeno sa APA stilom referenciranja. Bibliografski izvori u popisu literature moraju biti navedeni prema abecednom redoslijedu (po prezimenu autora, odnosno naslovu anonimne publikacije). Ako se navodi više radova jednog autora, radovi se navode hronološkim redom.

U skladu sa *Publication Manual of the American Psychological Association [APA]* (*7th edition,* 2019) navođenje izvora u popisu literature je potrebno izvršiti na sljedeći način:

Primjeri:

a) Knjige

Knjiga sa DOI brojem **-** Brown, L. S. (2018). *Feminist therapy* (2nd ed.). American Psychological Association. https://doi.org/10.1037/0000092-000

Knjiga bez DOI broja **-** Burgess, R. (2019). *Rethinking global health: Frameworks of power.* Routledge.

Knjiga (npr. knjiga za Kindle) ili audio-knjiga sa URL - Christian, B., i Griffiths, T. (2016). *Algorithms to live by: The computer science of human decisions*. Henry Holt and Co. http://a.co/7qGBZAk

Cain, S. (2012). *Quiet: The power of introverts in a world that can't stop talking* (K. Mazur, Narr.) [Audiobook]. Random House Audio. http://bit.ly/2G0BpbI

b) Članci

Članak sa DOI brojem - McCauley, S. M., i Christiansen, M. H. (2019). Language learning as language use: A cross-linguistic model of child language development. *Psychological Review,* 126(1), 1–51. https://doi.org/10.1037/rev0000126

Članak bez DOI broja, sa URL - Ahmann, E., Tuttle, L. J., Saviet, M., i Wright, S. D. (2018). A descriptive review of ADHD coaching research: Implications for college students. *Journal of Postsecondary Education and Disability*, 31(1), 17–39. https://www.ahead.org/professionalresources/publications/jped/archived-jped/jped-volume-31

Članak bez DOI broja i bez URL - Anderson, M. (2018). Getting consistent with consequences. *Educational Leadership*, 76(1), 26–33.

Goldman, C. (2018, 28. novembar). The complicated calibration of love, especially in adoption. Chicago Tribune.

Članak sa brojem članka ili eLokatorom - Burin, D., Kilteni, K., Rabuffetti, M., Slater, M., & Pia, L. (2019). Body ownership increases the interference between observed and executed movements. *PLOS ONE*, 14(1), Article e0209899. https://doi.org/10.1371/journal.pone.0209899

c) Poglavlja u knjizi

Sa DOI brojem - Balsam, K. F., Martell, C. R., Jones, K. P., i Safren, S. A. (2019). Affirmative cognitive behavior therapy with sexual and gender minority people. U G. Y. Iwamasa i P. A. Hays (Ur.), *Culturally responsive cognitive behavior therapy: Practice and supervision* (2nd ed., str. 287–314). American Psychological Association. https://doi.org/10.1037/0000119-012

Bez DOI broja - Weinstock, R., Leong, G. B., i Silva, J. A. (2003). Defining forensic psychiatry: Roles and responsibilities. In R. Rosner (Ur.), *Principles and practice of forensic psychiatry* (2nd ed., str. 7–13). CRC Press.

d) Dokumenti i izvještaji

- World Health Organization. (2019). *International statistical classification of diseases and related health problems* (11th ed.). https://icd.who.int/
- Ministarstvo sigurnosti Bosne i Hercegovine (2013). *Strategija suprotstavljanja trgovini ljudima u Bosni i Hercegovini 2013-2015.* Ministarstvo sigurnosti Bosne i Hercegovine
- American Psychiatric Association. (2013). *Diagnostic and statistical manual of mental disorders* (5th ed.). https://doi.org/10.1176/appi.books.9780890425596

e) Zakoni i podzakonski akti

Zakon o krivičnom postupku Federacije Bosne i Hercegovine, *Službene novine Federacije Bosne i Hercegovine,* 35/03, 37/03, 56/03, 78/04, 28/05, 55/06, 27/07, 53/07, 09/09, 12/10, 08/13, 59/14 (2014).

f) Online izvori bez autora

„All 33 Chile miners freed in flawless rescue“. (13. oktobar 2010.). http://www.msnbc.msn.com/id/39625809/ns/world_news-americas/

Napomena: Više informacija o APA stilu referenciranja moguće je dobiti na web stranici: www.apastyle.org.

Podaci o autorima

Autori uz rad dostavljaju i sljedeće podatke: ime/imena autora, zvanje/a, naziv ustanove/a u kojoj je/su zaposlen/i, i e-mail adresu.

OBAVEZE AUTORA

Svaki autor treba dostaviti izjavu da rukopis predstavlja njegovo/njezino vlastito djelo, da nije prethodno objavljen, da se ne razmatra za objavljivanje nigdje drugdje i da su ga odobrili svi koautori; uz saglasnost da rukopis može biti slobodno dostupan u otvorenom pristupu Časopisa i u međunarodnim bazama podataka u kojima je Časopis indeksiran.

Također, u izjavi, svi autori treba da se izjasne da nemaju sukob interesa. U suprotnom, autori su dužni da u izjavi ukažu na finansijske ili bilo koje druge sukobe interesa koji bi mogli da utječu na iznesene rezultate i interpretacije.

Bez navedene izjave nijedan rukopis neće biti razmatran za objavu. Predavanjem rukopisa redakciji časopisa „Kriminalističke teme" autori se obavezuju na poštivanje navedenih obaveza.

Redakcija časopisa

Kriminalističke teme

FAKULTET ZA KRIMINALISTIKU,
KRIMINOLOGIJU I SIGURNOSNE STUDIJE
UNIVERZITETA U SARAJEVU

JOURNAL OF CRIMINAL JUSTICE ISSUES

Journal for Criminalistics, Criminology and Security Studies

GUIDELINES FOR AUTHORS

ABOUT THE JOURNAL

Journal of Criminal Justice Issues - Journal for Criminalistics, Criminology and Security Studies (hereinafter referred to as: Journal) aimes at the general promotion of criminalistics, criminology and security studies and presents a specific form of contribution to scientific knowledge and quality of social life in general. It is a scientific and professional Journal that publishes hitherto unpublished scientific and professional papers, reviews and translations in the field of criminalistics, criminology and security studies and thus contributes to the promotion and development of science, profession, scientific research and higher education. Contributions published in the Journal are referred in: EBSCO SocINDEX, EBSCO SocINDEX Full Text, EBSCO Criminal Justice Abstracts, EBSCO Criminal Justice Abstracts with Full Text and HeinOnline.

PREPARATION OF THE MANUSCRIPT

When preparing manuscripts for submission, please follow the instructions listed below. All contributions will be initially assessed by the Editor of Chief for suitability for the Journal. Papers deemed suitable are then sent to two independent peer-reviewers to assess the scientific quality of the paper, while reviews and translations are subject to one anonymous review. Manuscripts should be submitted by e-mail to the address of the Editorial office: krimteme@fkn.unsa.ba. Peer-reviewed papers are categorized as follows:

a) ***Original scientific paper***

Original scientific paper is an original research paper in which new results of the fundamental or applied research are presented. In order for a research to be considered scientific, it must meet several criteria, among which the most important are objectivity, (intersubjective) verifiability, systematicity and precision. To write an original research paper, next structure should be followed: Introduction, Methods, Results, Discussion and Conclusion.

b.) Research note

Preliminary note is also a scientific work that contains scientific knowledge or results of scientific research whose character requires publication. This category of scientific papers necessarily contains new facts obtained from scientific research, but without sufficient details to enable the reader to verify the presented scientific knowledge, research results and scientific information in the way described for "original scientific paper". It is also a notice to other scientists that research has started on a particular topic or problem.

c.) Review paper

Review paper summarizes and evaluates recent literature and the current state of knowledge on a particular topic. It gives a complete review of literature in a particular field, original analysis or synthesis, new relationships, or new hypotheses with suggestions for further research. It can also contain new, unpublished results of the author, but these results usually do not form an important part of the paper. In this paper, one can refer to the development of some research, but also point out the relationships, inconsistencies and ambiguities in the literature and suggest further procedures in solving the problem. When writing a review paper, the researcher seeks to give a clear and critical assessment of the data, information and research results he describes, while providing a comprehensive review of the literature on the presented topic for new conclusions, findings or hypotheses.

d.) Professional paper

Professional paper does not contain original reviews and results; it deals with the known, already described. The focus is on the application of the known, on the dissemination of knowledge, and not on the discovery of new knowledge. If someone else's results are described for the purpose of transmitting information, or the application of what has already been applied elsewhere is described, this cannot be considered a scientific paper, but therefore a professional one. Professional paper repeats the well-known research results that are useful in disseminating scientific knowledge and adapting the results of scientific research to the needs of scientific theory and practice.

In addition to the above, it is possible to publish other contributions in the Journal, which include:

• *Reviews*

• *Translations*

In order for the manuscript to be accepted, it must comply with the following instructions:

Length of the paper

Journal publishes papers that do not exceed a total of 10,000 words, including references and footnotes. Each paper should have an abstract of 150-200 words, and keywords. The paper should meet the following criteria:

- document stored in MS Word (* .doc or .docx format);
- standard size page (A4);
- 1.5 spaced between all texts;
- font Times New Roman (12pt);
- margin 2.5 cm;
- do not edit the Header or Footer of the document;
- it is obligatory to number the pages.

The Editorial board reserves the right to publish papers that exceed the stated length if the presentation of scientific content requires more space, and the right to intervene in the style of writing and shorten the paper when it deems necessary.

Reviews and translations published in the Journal must comply with the above rules and must not exceed 3000 words.

Language

Submitted manuscripts should be written in good English (American or British usage is accepted).

Title page information

The title page must include:

- name and surname of the author, name of the institution in which he / she works (if he / she works) and e-mail address of the author;
- title of the paper;
- abstract of the paper (150-200 words) and key words d) date of submission of the paper;
- total number of words;
- proposed paper categorization.

Text headings

When authors elaborate individual segments of a problem, the texts should contain concise subheadings in accordance with the following example:

1. FIRST SUBSECTION IN CAPITAL LETTERS

1.1. **Second subdivision in bold**
1.1.1. *Third subdivision in italics*
1.1.1.1. Other subunits in lower case
• In cases where abbreviations and symbols are used, explanations must be attached in the text or in the footnote.
• Paper should be proofread.

Abstract

- Abstract does not contain cited references and should reflect only on the general overview of the topic, methods, results and conclusion (if it is a scientific paper); that is, on the content of the paper (if it is a professional paper);

- Keywords contain important terms that are treated in the paper, but not general and too broad terms (such as society) or too narrow terms described with more words;
- Four to six keywords should be listed at the end of the abstract;
- For reviews and translations, it is not necessary to provide a summary and keywords.

Introduction and literature review

Introduction section should include general and specific information about the topic of the manuscript, review of recent literature related to the main aim of the paper, description of the clearly defined aim and purpose of the paper. The use of too many literature citations is not recommended when writing a originial scientific paper, while such literature citations should be used when writing a review paper.

Methods

The methods section should include:

- the aim and the design of the research;
- population and sample used in the research;
- description of the protocol used;
- description of the methods used for data analysis.

Results

This section should include the findings of the conducted research, that is, the obtained results should be described.

Discussion

This section should discuss the implications of the findings in context of existing research. The obtained results need to be interpreted and commented, without repeating the display of results. It is necessary to specify how the obtained results and their interpretation agree with the published data. It is necessary to clearly present the theoretical and practical consequences of the obtained results, the extent to which the used methods affected the results and whether some other methods would give different results. Discussion section should also highlight limitations of the research.

Conclusion

This section should provide briefly and clearly as possible the main conclusions and explanation of the importance and relevance of research if presented.

Tables, graphs and illustrations

Tables and graphs should be created in an MS Word document or some other format that is compatible with MS Word. It is not desirable to present the same data both tabularly and graphically. Each table, graph or figure should be numbered, with a title that clearly identifies them. The titles of the tables, graphs and illustrations should be above. All tables and graphs are printed exclusively in black and white.

Examples:

Table 1. *Sample structure by age.*

Graph 1. *Age structure of registered persons during 2005.*

Figure 1. *Overview of prosecutorial decisions in the Special Department for War Crimes in 2011.*

These examples indicate that the titles of tables, graphs and figures need to be written in italic letters. Tables, graphs and illustrations are given only when it is necessary to present data relevant to the work or when they are needed in terms of in-depth explanations of what is stated in the text.

References- citation in text

It is obligatory to list all references that were used for the preparation and writing of the paper. Every reference cited in the text must be also present in the reference list (and vice versa). Citations in the text should follow the referencing style used by the American Psychological Association [APA] (*Publication Manual of the American Psychological Association, 7th edition, 2019*).

Examples:

***One author*:**

Parenthetical citation: (Alexander, 2018) or

Narrative citation: Alexander (2018)

Two authors

Parenthetical citation: (Salas i D'Agostino, 2020) or

Narrative citation: Salas i D'Agostino (2020)

Three or more authors

Parenthetical citation: (Martin et al., 2020) or

Narrative citation: Martin et al. (2020)

Institutions, organizations or associations as authors (with abbreviation)

First citation in the text: (National Institute of Mental Health [NIMH], 2020) or National Institute of Mental Health (NIMH, 2020)

Further citation in the text: (NIMH, 2020) or NIMH (2020)

Institutions, organizations or associations as authors (without abbreviation)

Parenthetical citation: (Stanford University, 2020) or

Narrative citation: Stanford University (2020)...“

Legislation

Parenthetical citation: (Criminal Procedure Code of the Federation of Bosnia and Herzegovina, 2014)

Narrative citation: Criminal Procedure Code of the Federation of Bosnia and Herzegovina (2014)

Unknown or anonymous author

Book with no author: (Interpersonal Skills, 2019)

Journal/portals with no author: ("Understanding Sensory Memory," 2018)

Works with the same authors and the same year

(Judge i Kammeyer-Mueller, 2012a)

(Judge i Kammeyer-Mueller, 2012b)

Note: When quoting it is necessary to state the page number (s). To indicate a single page, use the abbreviation "p." (e.g., Newman, 1972, p. 55); for multiple pages, use the abbreviation "pp." (e.g., Newman, 1972, pp. 45-58).

Reference list

At the end of the paper, a numbered reference list must be given. Reference list should also follow the referencing style used by the American Psychological Association [APA] (*Publication Manual of the American Psychological Association, 7th edition, 2019*). Reference sources are listed in alphabetical order (by the surname of the first author or the title of the anonymous publication). If there are multiple works by the same author, they are listed in chronological order.

Reference examples:

a) Books

Book with DOI number: Brown, L. S. (2018). *Feminist therapy* (2nd ed.). American Psychological Association. https://doi.org/10.1037/0000092-000

Book without DOI number: Burgess, R. (2019). *Rethinking global health: Frameworks of power.* Routledge.

Book (e.g., a book for the Kindle) or an audio book with a URL: Christian, B., and Griffiths, T. (2016). *Algorithms to live by: The computer science of human decisions*. Henry Holt and Co. http://a.co/7qGBZAk

Cain, S. (2012). *Quiet: The power of introverts in a world that can't stop talking* (K. Mazur, Narr.) [Audiobook]. Random House Audio. http://bit.ly/2G0BpbI

b) Articles

Article with DOI number: McCauley, S. M., and Christiansen, M. H. (2019). Language learning as language use: A cross-linguistic model of child language development. *Psychological Review*, 126 (1), 1–51. https://doi.org/10.1037/rev0000126

Article without DOI number, with URL: Ahmann, E., Tuttle, L. J., Saviet, M., and Wright, S. D. (2018). A descriptive review of ADHD coaching research: Implications for college students. *Journal of Postsecondary Education and Disability*, 31 (1), 17–39. https://www.ahead.org/professionalresources/publications/jped/archived-jped/jped-volume-31

Article without DOI number and without URL: Anderson, M. (2018). Getting consistent with consequences. *Educational Leadership*, 76 (1), 26–33.

Goldman, C. (2018, November 28). The complicated calibration of love, especially in adoption. *Chicago Tribune*.

Article with article number or eLocator: Burin, D., Kilteni, K., Rabuffetti, M., Slater, M., & Pia, L. (2019). Body ownership increases the interference between observed and executed movements. *PLOS ONE*, 14 (1), Article e0209899. https://doi.org/10.1371/journal.pone.0209899

c) Chapters in book

With DOI number: Balsam, K. F., Martell, C. R., Jones, K. P., and Safren, S. A. (2019). Affirmative cognitive behavior therapy with sexual and gender minority people. In G. Y. Iwamasa and P. A. Hays (Eds.), *Culturally responsive cognitive behavior therapy: Practice and supervision* (2nd ed., pp. 287–314). American Psychological Association. https://doi.org/10.1037/0000119-012

Without DOI number: Weinstock, R., Leong, G. B., and Silva, J. A. (2003). Defining forensic psychiatry: Roles and responsibilities. In R. Rosner (Ed.), *Principles and practice of forensic psychiatry* (2nd ed., Pp. 7–13). CRC Press.

d) Documents and reports

- World Health Organization. (2019). *International statistical classification of diseases and related health problems* (11th ed.). https://icd.who.int/
- Ministry of Security of Bosnia and Herzegovina (2013). *Strategy to counter human trafficking in Bosnia and Herzegovina 2013-2015*. Ministry of Security of Bosnia and Herzegovina.
- American Psychiatric Association. (2013). *Diagnostic and statistical manual of mental disorders* (5th ed.). https://doi.org/10.1176/appi.books.9780890425596

e*) Legislation*

Criminal Procedure Code of the Federation of Bosnia and Herzegovina, *Official Gazette of the Federation of Bosnia and Herzegovina*, 35/03, 37/03, 56/03, 78/04, 28/05, 55/06, 27/07, 53/07, 09/09, 12/10, 08/13, 59/14 (2014).

f) Online sources without authors

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