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## EDITORIAL INTRODUCTION

The fifth issue of the *Journal of Security and Criminal Sciences* co-published by the University of Criminal Investigation and Police Studies in Belgrade and the Faculty of Security Studies, University of Banja Luka, includes four articles from various disciplines. There are three single-author papers, while the fourth paper is a result of the research conducted by several authors, mainly lectures at the Faculty of Security Studies. The reviewers classified this paper as an original scientific paper. This is a research endeavor of Darko Paspalj, Milan Gužvića, Lazar Vulin and Milenko Vojvodić, which is entitled “The importance of coordination for the performance of falling techniques envisaged in the special physical education program.” As stated by the authors, this paper examined the relationship between general coordination ability and the level of the acquisition of falling techniques envisaged in the Special Physical Education program on a sample of 84 second-year male students at the Faculty of Security Studies. The results of this research showed that motor coordination is important for performing falling techniques and the existence of a statistically significant difference in coordination between the students with low and high test scores.

The second paper entitled “Principles of Criminal Prosecution under the 2021 Criminal Procedure Code of Republika Srpska” by Milijana Buha deals with the correlation between the prosecutor and the aggrieved party in the criminal proceedings and explains that “the prosecutor in the criminal proceedings acts as a party to the proceedings, but also as a state body whose basic function is criminal prosecution in accordance with the principles of legality and the accusatorial principle. According to Buha, the principle of legality obligates the prosecutor to prosecute criminal offenses prosecuted *ex officio*, and although the legislature attempted to entrust the function of criminal prosecution to the aggrieved party, “it proved unsuccessful, because there is no criminal prosecution after the confirmation of the indictment.” The author further states that the procedural role of the aggrieved party is still reduced to a secondary procedural role as a witness in the criminal proceedings.

Boris Tučić deals with the Western Balkans, which is a political coin of recent times. The paper entitled “Bosnia and Herzegovina as a factor of the Western Balkan security subcomplex” discusses the position of Bosnia and Herzegovina, both internally and externally. According to Tučić’s analysis, the “the internal situation in BiH is strongly reflected in relations in the region, especially in the dominant ethnic triangle – Serbs, Croats, Bosniaks – which, along with unresolved Serb-Albanian and Macedonian-Albanian relations, is a key to stabilizing the region.” Either the key does not exist yet or the “lock” is jammed, and a number of international representatives cannot unlock it. By constantly ruining the constitutional order (defined by Annex IV of the Dayton Agreement) in such a way that the competencies of the entities were transferred to the level of BiH, the High Representative passed solutions which are currently

being reviewed in Republika Srpska. That is why the author rightly points to the “the responsibility for the unfavorable political and security situation in BiH, and indirectly in the region, is also borne by the strongly present international factor.”

In his paper entitled “Criminal Intelligence Activity as a Precondition for Quality Crime Prognosis” Davor Stupar addresses crime forecasting. Stupar works at the Ministry of the Interior of Republika Srpska, therefore, he is someone who “lives” what he writes about. “Criminal-intelligence activity is the first step without which it is impossible to perform quality crime forecasting”, the author assures us and introduces the development of new crime forecasting methods, but also points out that old methods are still useful. At the same time, Stupar reminds us of the well-known truth about the importance of preventive work in criminalistics. “A crime prediction enables quality crime prevention, which is generally neglected,” the author warns, adding that the “inappropriate presentation of both its value and usefulness, including the results of crime prevention work.” At the same time, the author points out that “using the existing and developing new crime forecasting methods, including prevention, opens up a possibility to gain broader knowledge about crime, which altogether can “contribute to the development of criminology and criminalistics as sciences.” Although classified as a review paper, it is valuable in terms of quality presentation of crime forecasting and its importance in criminal science.

Finally, a very high-quality review of the book *Security in Emergency Situations* is written by Dragan Mlađan Dane Subošić and Želimir Kešetović who assure us that Mlađan’s book, “in addition to academic standards, meets all pedagogical standards and criteria required by a university textbook” and “additionally, the book has an indisputable practical value and will be of use to practitioners not only in the Sector for Emergency Management and the Ministry of the Interior in general but in other emergency services ” It is unlikely that a better university textbook recommendation could be given. Finally, the fifth issue of the *Journal of Security and Criminal Sciences* has justified everything we expect from a serious scientific journal.

Editor-In-Chief

Dr. Predrag Ćeranić

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## **ORIGINAL SCIENTIFIC ARTICLES**



# THE IMPORTANCE OF COORDINATION FOR THE PERFORMANCE OF FALLING TECHNIQUES ENVISAGED IN THE SPECIAL PHYSICAL EDUCATION PROGRAM

Original Scientific Article

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**Abstract:** This paper examines the relationship between general coordination ability and the acquisition of falling techniques envisaged in the Special Physical Education program on a sample of 84 second-year male students aged  $19 \pm 0.6$  years at the Faculty of Security Studies. The aim of this study was to determine the influence of general coordination on the efficiency of performing falling techniques and to define quantitative differences regarding motor coordination between the students who received poor grades and those who received better grades. The sample of variables consisted of thirteen tests to assess general coordination ability and variables to assess the level of the falling techniques acquired. The results of regression analysis showed that motor coordination is important for performing falling techniques envisaged in the Special Physical Education program, while, based on the results of the Mann-Whitney U test, a statistically significant difference in coordination between the students with low and high test scores was found in three variables: cushioning the ball (MKAAML), air agility (MKTOZ) and striking horizontal pads (MKRPLH) in favor of the students with high test scores. The results obtained could contribute to the economy of learning through better organization of the teaching process and the selection of a battery of tests to test motor skills during the student selection process for admission to the Faculty of Security Studies.

**Keywords:** coordination, falling techniques, special physical education, students

## INTRODUCTION

Special Physical Education (SFO) is a narrowly specialized field, which, as a subject of study, has developed from the field of physical culture. It deals

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with the laws of motor space, which study the process of locomotion from the aspect of movement, control and management in relation to human physical characteristics. Blagojević, Dopsaj and Vucković 2006). As a combat system based on practice within the process of education, it studies structures related to movement necessary for the performance of professional tasks by security agency personnel from the aspect of general, focused and specific professional preparation of individuals, special groups and teams for the performance of tasks encompassing the application of specific means of force (Milošević and Zulić, 1988; Milošević, Gavrilović and Ivančević, 1988; Božić, Milošević and Zulić, 1990; Mudrić, Jovanović, Milošević and Ćirković, 1994; Blagojević, 1996; Vucković, 2002; Janković, Vucković and Blagojević, 2014). It is dominated by martial arts techniques: judo, karate, and jiu-jitsu, with the fact that during more complex training in more complex motor programs, it is open to other martial arts, depending on previous experience, morphological characteristics, motor skills, the student's preference and mental structure (Gužvica and Paspalj, 2020). Based on the above, it can be concluded that the SPO is a highly intensive activity of discontinuous movements and motion, which requires certain technical and tactical skills that are manifested in complex conditions, which are aimed at the destruction of and complete control over the opponent. A successful implementation of techniques and their practical applicability largely depends on the quality of their performance and when they are performed, which is why it is very important that techniques are continuously improved and harmonized with biomechanical requirements, and to be effectively modified under situational conditions. In order for this to be possible, it is necessary for students, in addition to other adaptive characteristics, to have a very high level of motor skills. This is supported by previous research conducted in this area, which confirms that a successful application of the SPE techniques is conditioned by a number of factors in spatial-temporal relationships of which motor skills play a dominant role in relation to other adaptive characteristics and abilities – not only faster learning and acquisition of complex motor programs envisaged by the SPE, but also the possibilities of their practical application in a real life situation: (Milošević, 1985; Blagojević et al., 1994; Dopsaj, Milošević, Arlov, Blagojević and Stefanović, 1996; Dopsaj, Milošević, Blagojević and Vucković, 2002; Amanović, Mudrić and Jovanović, 2002; Subotički, 2003; Amanović, Milošević and Mudrić, 2004; Milošević, Mudrić, Jovanović, Amanović and Dopsaj, 2005; Blagojević, Dopsaj and Vucković, 2006; Gužvica, 2008; Paspalj, 2009; Šuica and Koropanovski, 2015), where the role of coordination as a qualitative motor ability is very important.

Given that coordination is an ability that covers a wide field of motor activity, there are several definitions that specify its concept, meaning and structure, but in most cases scholars agree that coordination is the motor ability to control body movements, which is reflected in fast and precise performance of complex motor tasks, that is, in solving motor problems as quickly as possible. Drabik (1996) believes that coordination represents the ability to accomplish movement tasks that demand cooperation of several parts of the body without

mental tension or mistakes with a minimum of effort. According to Drabik, coordination can be described as the ability to perform simple and complex movements, learn new movements and quickly switch from one set of movements to another. Malacko and Rađo (Malacko & Rađo, 2004) are almost in complete agreement with the aforementioned definition, stating that coordination is characterized by the ability to perform complex movements in the shortest possible, acquire new motor skills, and perform non-stereotypical movements. Zoranić and Čović (Zoranić & Čović, 2012), believe that coordination is an expression of the interaction of the central nervous system and skeletal muscles in performing a purposeful motor act. It follows that coordination is reflected in the synchronization of the neuromuscular system and the transmission of stimuli from one motor center to other motor centers that control certain parts of the body, which is why Metikos, Milanović, Prot, Jukić and Marković (Metikos, Milanovic, Prot, Jukic & Markovic, 2003), believe that in order to solve coordination problems, complete synchronization of higher control centers and peripheral parts of the locomotor system is necessary. According to Karalić, Ljubojević, Gerdijan and Vukić (2016), the breadth and diversity of coordination ability are proven by its further divisions, while a number of studies (Brodani & Šimonek, 2010; Idrizović, 2011; Macner, 2011; Njaradi, 2011; Vučetić, Sukreški, Zuber & Sporiš, 2011; Yasumitsu & Nogawa, 2013; Button, Wheat & Lamb, 2014), mainly confirm the assumption that coordination means the precision of task performance, rhythmicity, balance, the ability to react, the ability of kinesthetic differentiation, orientation in space, movement economy and movement synchronization in time. Based on the above issues, it may be concluded that motor coordination is indisputably an important ability which is manifested in most motor activities.

Falling techniques are complex motor structures, which aim to prevent injuries that can occur as a result of a collision of the body with the ground in appropriate situations, that is, positions to break the fall when being thrown by the opponent or independently executing the fall as a result of tripping or slipping. In the initial phase of a training session, the execution of falls is not conditioned by an interaction with the opponent, where it is necessary to connect a number of elements and perform them in a predefined order, in order to, bring the body into such a position when performing a fall, which is the most successful in cushioning the fall. In the subsequent phase of training session, falling techniques are performed after the opponent has performed throwing technique, whereby during the successful throwing technique by the opponent, the body of a person falling gains great acceleration due to the force exerted by the opponent performing the throwing technique, and gravity and one's own reactive force. Given that all these forces act in the same direction, their assembly gives the body great acceleration, so that any fall as a result of such action, without fall braking, represents a potential risk of injury (Blagojevic, Dopsaj and Vuckovic, 2006). In addition to judo, falling techniques are also used in other sports to enable the body to land on the ground safely. There are several techniques for cushioning a fall, but the most common classification is made

according to the surface of the body on which it falls, the direction of the fall and the relationship between the height of the shoulder and hip axis at the time of body contact with the ground. The main goal of falling techniques is to protect the body of a person from negative vibrations harmful to the organism, which are inevitably created by the body hitting the ground. A well-executed fall ensures that a person rises up quickly and establishes a stable equilibrium position, which is extremely important for the continuation of further fighting. There are several ways and principles for performing falling techniques, but in practice the most common are: the principle of forming an arches shape with individual parts of the body to perform rolling, the principle of reaction of a solid surface to simultaneous impact of body parts on the surface and the principle of controlled flexion in the elbow joint, and knees. A breakfall in the first principle is performed by rolling over arched surfaces, so that the weight of the body during the fall is gradually transferred from one point of the body to another, where the body forms a roller, due to which the shock impulse of the collision of the body with the ground decomposes into several smaller collisions of individual points of the arch with the ground (Milošević, Zulić and Božić, 1989). The purpose of fall breaking with the second principle is that after the contact of the hands with the ground, as many points on the body as possible (palms, forearms and soles) touch the ground at the same time. In this way, the body's impact on the ground is distributed over as large an area as possible, whereby the principle of the ground reaction force happens when the body comes into contact with the ground, which slows down the velocity of the body toward the ground (because the pressure per unit area becomes lower, which in practice results in cushioning the fall). Regarding the third principle, when cushioning the collision of the body with the ground, a very important role is played by controlled flexion in the elbow and knee joint (performed by eccentric contractions of the extensor muscles of the elbow and knee joints), which has an effect that causes a significant slowdown. When performing a number of falling techniques, a combination of the above principles is most often applied. In addition to other techniques within the SPE program, judo falling techniques are also taught such as falling forward, falling backwards, falling to the side in order to prevent injuries that may occur as a result of a collision of the body with the ground in appropriate situations, that is, body positions when executing a fall. When performing a forward fall, the body of the performer receives the force of the horizontal direction and the reverse direction from the speed, whereby the body is informed of the rotational movement, as a result of which it rolls in order to participate with as much body surface as possible in cushioning a fall. A backward fall is performed by eccentric reflection (backwards obliquely and upwards), where the position of the arms provides optimal decomposition of pressure forces, which occur when the body falls to the ground and at the same time provides a favorable position of the body for the rolling phase in terms of further decomposition of pressure. When performing a fall to the side (since the longitudinal axis of the body is parallel to the ground), the absorption of most of the kinetic energy of a fall, due to reaction impulses, is wasted on the stroke

of the outstretched arm on the mat just before the whole body falls on the mat. In order to successfully perform falling techniques, the performer is required to constantly improve techniques, coordination and integrate information from the muscles, tendons and joints into the motor cortex and cerebellum, based on which the technique is corrected almost immediately until it is completely stabilized, which requires neuromuscular coordination, that is, the coordination of the upper and lower body parts. What is common for these falls during a training session is the use of several auxiliary exercises, which are very similar in structure to the falls themselves or their individual phases of movement.

Given the fact that knowledge of falling techniques is related to throwing techniques training and the progress of other techniques within the SPE program, the research *problem* was focused on studying the effects of general coordination on the adoption of falling techniques. The main subject of this research was to determine the links between the ability to coordinate and the quality of falling techniques acquisition, which are included in the SPE program. In this sense, the aim of the research was to determine the impact of motor coordination on the performance of falling techniques in the SPE program, in order to possibly change the training of these techniques and select appropriate tools to improve them. Also, the aim of this research was to determine the differences in the level of coordination between the students who received poor grades and those who received better grades according to the result achieved on the falling techniques test, which were included in the SPE program. The basic assumption of the research was that there would be a statistically significant difference in the level of motor coordination between the students who received poor grades and those who received better grades on the basis of which it is possible to predict the efficiency of the implementation of falling techniques envisaged in the SPE programs.

RESEARCH METHODS

This study was conducted at the Faculty of Physical Education and Sports of the University of Banja Luka at two locations: in the athletics hall and the martial arts practice hall covered with tatami mats. The assessment of coordination ability was conducted in the athletics hall, while the assessment of the achieved level of falling techniques was conducted in the martial arts practice hall of the Faculty of Physical Education and Sports. The measurement of tests for the assessment of motor ability of coordination was performed at the beginning of the fourth semester with the aim of determining their impact on the efficiency of performing falling techniques envisaged in the SPE program. Falling techniques were taught a total of eight 45-minute lessons, after which an expert assessment by three examiners (SPE teachers) determined the achieved level of success in performing falling techniques. The falling techniques that were graded maintained a certain order that did not change during the grading. All techniques were performed three times from the basic position, whereby the

respondents stood sideways in relation to the examiners. Regarding the acquisition of falling techniques, it should be noted that, during the assessment, our experiment took place only in the first two phases of the formation of a motor habit, while the third phase was omitted, which is logical, given the student population who were required by the current the SPE I program to exclusively follow the standard form of performing a technique. The assessment of the level of falling techniques acquisition was performed according to the following model:

*Table 1. Model for assessing the acquisition of falling techniques*

Grade	Biomechanical principles	Speed and rhythm	Contact with the ground	Lifting and posture	Cushioning	Height TT
10	+	+	+	+	+	+
9	+	+	+	+	+	-
8	+	+	+	+	-	-
7	+	+	+	-	-	-
6	+	+	-	-	-	-
5	-	-	-	-	-	-

#### *Sample of respondents*

The sample consisted of 84 second-year male students aged  $19 \pm 0.6$ , Faculty of Security Studies. The basic anthropomorphological indicators of the tested sample are as follows: TV =  $181.85 \pm 6.13$  cm, TM =  $78.43 \pm 9.83$  kg, and BMI =  $23.71 \pm 2.43$  kg / m<sup>2</sup>. For the purposes of this study, the sample of respondents was divided into two groups according to the score achieved on the falling techniques test envisaged in the SFO program. The first group consisted of 40 students who achieved a lower score on the fall techniques test and whose range of grades ranged from 5.00 to 7.50, while the second group consisted of 44 students who achieved a higher score on the fall techniques test with grades ranging from 7.60 to 10.00. The basic anthropomorphological indicators of the respondents in the first group were as follows: TV =  $182.20 \pm 6.38$  cm, TM =  $78.84 \pm 9.36$  kg and BMI =  $23.71 \pm 2.03$  kg/m<sup>2</sup>, while the basic anthropomorphological indicators of the respondents in the second group were: TV =  $181.54 \pm 5.95$  cm, TM =  $78.06 \pm 10.32$  kg and BMI =  $23.70 \pm 2.76$  kg/m<sup>2</sup>.

#### *Sample of variables*

A battery of thirteen tests representing predictor or independent variables was used to assess motor ability to coordinate: ball control (MKAVLR) – intended to assess hand dexterity; ball cushioning (MKAAML) – intended to assess hand dexterity; slalom with two balls (MKLSNL) – intended to assess leg dexterity; crawling and jumping (MBKPOP) – intended to assess the speed of complex movement performance, ascending and descending a bench and a Swedish



ladder (MBKPIS) – intended to assess the speed of complex movement performance; figure eight running (MAGOS) – intended to assess the rapid change of movement mode and direction; backward obstacle course (MREPOL) – intended to assess the speed of movement in an unusual manner; side steps (MAGKUS) – intended to assess the ability to change direction of movement quickly; ground agility (MAGONT) – intended to assess the ability to quickly perform complex movements; air agility (MKTOZ) – intended to assess the ability to master complex motor tasks; arrhythmical drumming (MKRBUB) – intended to assess the sense of rhythm; striking horizontal pads (MKRPLH) – intended to assess the sense of rhythm; hand and foot drumming (MKRBNR) – intended to assess the performance of rhythmic structures. All variables used to assess motor coordination ability have the necessary metric characteristics and were applied according to the standardization and measurement process described by Metikoš, Hoffman, Prot, Pintar and Oreb (Metikoš, Hofman, Prot, Pintar & Oreb, 1989). The criterion variable (FALLS) was the assessment of the performance of falling techniques envisaged in the SFO program, which was formed by calculating an average score on a scale of 5.00 to 10.00 by experts who teach SPE, after performing forward falls, backward falls techniques and side falls.

### *Data processing methods*

As a part of descriptive statistical analysis, the basic measures of the central tendency and the measures of the spread of results were calculated and presented, as well as the values of the minimum and maximum results of each variable observed. In order to test correct distribution of the data obtained, the Kolmogorov-Smirnov test was used. Since a certain number of variables used to assess motor ability to coordinate values within the sample do not follow the normal distribution, instead of using the Student's t-test for independent samples, the statistical significance of differences in the variables observed between the students with lower and higher grades was determined based on non-parametric statistical methods using the Mann-Whitney U test. Multiple linear regression analysis was applied to determine the influence of the system of predictor variables on the criterion variable. All statistical analyses were performed using the statistical software program SPSS Statistics 17.0. (Hair, Anderson, Tatham, & Black, 1998).

## FINDINGS

Table 2 shows the results of descriptive statistics of dependent and independent variables for the entire sample of respondents. According to the results presented, it was found that, for most of the variables applied, the results are well grouped. Increased values of the standard deviation in the variables MKL-SNL and MKRBUB indicate a large variability of the results around the mean value, but this phenomenon can be considered normal considering the sample

size. Based on the results of the Komogorov-Smirnov test, a deviation from the normal values of the results achieved was found in five variables: MKAVLR, MAGKUS, MAGONT, MKTOZ and MKRBNR. The largest range of results was found in the variable MAGONT, while the largest deviation from the mean value was found in the variable MKLSNL. The range of grades received based on falling techniques performance ranged from 5.33 to 10.00 with a mean of 7.56 and a standard deviation of 1.18.

*Table 2. Descriptive statistical parameters of predictor variables and falling techniques for the entire sample of respondents*

Variables	Number of respondents	Minimum result	Maximum result	Mean value	Standard deviation	Significance of K-S test
MKAVLR	84	7.00	20.50	10.34	2.07	0.00
MKAAML	84	1.00	10.00	7.39	2.31	0.07
MKJCHJ	84	19.00	50.00	27.93	4.43	0.28
MKLSNL	84	8.65	20.37	12.97	2.44	0.31
MBKPOP	84	9.90	22.30	16.35	2.85	0.93
MBKPIS	84	7.27	11.06	8.93	0.79	0.46
MAGOSS	84	6.10	11.95	8.80	1.17	0.69
MREPOL	84	7.66	17.21	9.24	1.40	0.02
MAGKUS	84	9.19	42.25	12.87	3.70	0.00
MAGONT	84	3.12	9.19	4.06	0.71	0.00
MKTOZ	84	7.00	20.00	14.95	3.10	0.30
MKRBUB	84	16.00	30.00	23.54	2.93	0.29
MKRPLH	84	7.00	17.00	11.87	2.29	0.01
FALLS	84	5.33	10.00	7.56	1.18	0.39

Key: MKAVLR – ball control; MKAAML – ball cushioning; MKLSNL – leg slalom with two balls; MBKPOP – crawling and jumping; MBKPIS – ascending and descending a bench and a Swedish ladder; MAGOSS – figure eight running; MREPOL – backward obstacle course; MAGKUS – side steps; MAGONT – ground agility; MKTOZ – air agility; MKRBUB – arrhythmical drumming; MKRPLH – striking horizontal pads; MKRBNR – hand and foot drumming; FALLS – mean score for techniques: forward falls, backward falls, and side falls.

Analysis of the results achieved by the first and second groups of respondents in Table 3 indicates that the results for most variables are homogeneous. In the first and second groups, increased deviations from the mean value were observed in the variables MKLSNL, MKRBUB, MBKPOP, MBKPIS, MKRPLH and MKRBNR, which indicates some variability around the mean value of the results, but considering the sample size, this phenomenon can be considered normal. The first group of respondents showed a significant dispersion of results in the variables MAGONT and MKTOZ, while in the second group of respondents, a deviation from the normal distribution was observed in the variables MKAVLR and MKAAML. The largest deviation from the mean value of the results for the first group of respondents was found in the variable MAGONT,

while the largest deviation for the second group of respondents was observed in the variable MKLSNL. The mean value of the results achieved when performing falling techniques amounted to 6.53 for the first group of respondents with a standard deviation of 0.54, while for the second group of respondents, the mean value of the results achieved when performing falling techniques amounted to 8.49 with a standard deviation of 0.73.

*Table 3. Descriptive statistical parameters of predictor variables and falling techniques in the first and second group of respondents*

Variables	Results of the first group of respondents				Results of the second group of respondents			
	Number of respondents	Mean value	Mean deviation	Significance of K-S test	Number of respondents	Mean value	Mean deviation	Significance of K-S test
MKAVLR	40	10.14	1.51	0.18	44	10.51	2.48	0.04
MKAAML	40	6.87	2.31	0.44	44	7.86	2.23	0.04
MKLSNL	40	27.65	3.64	0.43	44	28.19	5.07	0.41
MBKPOP	40	12.93	2.51	0.91	44	13.00	2.40	0.17
MBKPIS	40	16.79	2.75	0.82	44	15.95	2.92	0.83
MAGOSS	40	9.03	0.80	0.73	44	8.84	0.77	0.75
MREPOL	40	8.99	1.33	0.89	44	8.63	0.99	0.81
MAGKUS	40	9.61	1.79	0.10	44	8.90	0.81	0.59
MAGONT	40	13.66	5.04	0.00	44	12.16	1.52	0.97
MKTOZ	40	4.32	0.89	0.02	44	3.82	0.36	0.56
MKRBUB	40	15.10	2.95	0.51	44	14.82	3.27	0.91
MKRPLH	40	22.60	2.72	0.47	44	24.39	2.89	0.53
MKRBNR	40	12.33	2.12	0.41	44	11.45	2.38	0.05
FALLS	40	6.53	0.54	0.38	44	8.49	0.73	0.11

Key: MKAVLR – ball control; MKAAML – ball cushioning; MKLSNL – legs slalom with two balls; MBKPOP – crawling and jumping; MBKPIS – ascending and descending a bench and a Swedish ladder; MAGOSS – figure eight running; MREPOL – backward obstacle course; MAGKUS – side steps; MAGONT – ground agility; MKTOZ – air agility; MKRBUB – arrhythmical drumming; MKRPLH – striking horizontal pads; MKRBNR – hand and foot drumming; FALLS – mean score for techniques: forward falls, backward falls, and side falls.

Differences in the values of the achieved results of the variables used to assess coordination and falling techniques of the first and second group of respondents are shown in Table 4. Based on the analysis of the presented results, it can be seen that the first group of respondents achieved better results in five variables, while the second group of respondents achieved better results in eight variables. The first group of respondents achieved better results in the following variables: MKAVLR, MKLSNL, MBKPOP, MKRBUB and MKRBNR, while the second group achieved better results in the variables: MKAAML, MBKPIS, MAGOSS, MREPOL, MAGKUS, MAGONT, MKTOZ and MKRH. Based on the Mann-Whitney U test results, it can be concluded that the results of the subsamples differ statistically significantly in three variables in favor of the sec-

ond group, which are used to measure: hand dexterity (MKAAML), dexterity in performing complex tasks (MKTOZ) and the sense of rhythm (MKRPLH), while the air agility variable (MAGONT) used to assess the ability to perform complex movements quickly is at the border of statistical significance. The results obtained show that the respondents who achieved better results in these variables have better results in performing falling techniques envisaged in the SPE program, based on which we can assume that these variables are important for performing falling techniques in the SFO program, and there is a great connection between them and the result achieved when performing falling techniques.

*Table 4. Values of differences between the results achieved by the first and second group of respondents*

Variables	Groups	Number of respondents	Medium rank value	Rank sum	Median	U Value	Z Value	Level of significance
MKAVLR	First	40	43.63	1745.00	9.93	835.00	-0.40	0.68
	Second	44	41.48	1825.00	9.76			
MKAAML	First	40	36.83	1473.00	7.00	653.00	-2.06	0.03
	Second	44	47.66	2097.00	8.00			
MKLSNL	First	40	42.03	1681.00	27.10	861.00	-0.17	0.86
	Second	44	42.93	1889.00	27.90			
MBKPOP	First	40	42.41	1696.50	12.83	876.50	-0.03	0.97
	Second	44	42.58	1873.50	12.49			
MBKPIS	First	40	45.24	1809.50	16.33	770.50	-0.98	0.32
	Second	44	40.01	1760.50	16.00			
MAGOSS	First	40	45.25	1810.00	9.05	770.00	-0.98	0.32
	Second	44	40.00	1760.00	8.71			
MREPOL	First	40	46.48	1859.00	8.97	721.00	-1.42	0.15
	Second	44	38.89	1711.00	8.59			
MAGKUS	First	40	47.64	1905.50	8.98	674.50	-1.84	0.06
	Second	44	37.83	1664.50	8.73			
MAGONT	First	40	47.88	1915.00	12.75	665.00	-1.92	0.05
	Second	44	37.61	1655.00	12.08			
MKTOZ	First	40	53.89	2155.50	4.12	424.50	-4.08	0.00
	Second	44	32.15	1414.50	3.90			
MKRBUB	First	40	43.71	1748.50	15.50	831.50	-0.43	0.66
	Second	44	41.40	1821.50	15.00			
MKRPLH	First	40	35.43	1417.00	23.00	597.00	-2.55	0.01
	Second	44	48.93	2153.00	24.00			
MKRBNR	First	40	46.99	1879.50	12.00	700.50	-1.63	0.10
	Second	44	38.42	1690.50	12.00			

Key: MKAVLR – ball control; MKAAML – ball cushioning; MKLSNL – leg slalom with two balls; MBKPOP – crawling and jumping; MBKPIS – ascending and descending a bench and a Swedish ladder; MAGOSS – figure eight running; MREPOL – a backward obstacle course; MAGKUS – side steps; MAGONT – ground agility; MKTOZ – air agility;

MKRBUB –arrhythmical drumming; MKRPLH – striking horizontal pads; MKRBNR – hand and foot drumming.

Table 5 shows the relationships between the dependent variable FALLS and associated independent variables used to assess motor coordination, while Table 6 shows the values of Beta coefficients, which provide information on the individual impact of variables used to assess motor coordination on the efficiency of falling techniques.

*Table 5. Parameters of coordination regression and criterion variables FALLS*

Correlation coefficient	Determination coefficient	Standard estimation error	F test	Statistical significance
0.57	0.33	1.05	2.71	0.00

- a. Dependent variable FALLS
- b. Predictors: MKRBNR, MKAAML, MREPOL, MKAVLR, MKSNL, MKRPLH, MAGOSS, MAGKUS, MKBPIS, MKRBUB, MKRPOP, MAGONT, MKTOZ

*Table 6. Coefficients of coordination regression and criterion variables FALLS*

Model	Nonstandardized coefficient		Standardized coefficient	T	Level of significance
	B	Standard error	Beta		
(Constant)	7.13	2.15		3.31	0.01
MKAVLR	0.03	0.06	0.05	0.55	0.58
MKAAML	0.02	0.05	0.04	0.42	0.67
MKLSNL	0.01	0.02	0.07	0.66	0.50
MBKPOP	0.03	0.06	0.07	0.58	0.55
MBKPIS	-0.00	0.04	-0.00	-0.08	0.93
MAGOSS	0.14	0.16	0.09	0.88	0.38
MREPOL	-0.16	0.13	-0.16	-1.23	0.22
MAGKUS	-0.06	0.11	-0.07	-0.52	0.60
MAGONT	0.02	0.05	0.08	0.54	0.59
MKTOZ	-0.68	0.28	-0.41	-2.36	0.02
MKRBUB	-0.06	0.04	-0.16	-1.43	0.15
MKRPLH	0.13	0.04	0.34	3.23	0.00
MKRBNR	-0.02	0.06	-0.03	-0.33	0.74

- a. Dependent variable FALLS

Based on the results of the regression analysis shown in Table 5, it can be concluded that motor coordination significantly affects the efficiency of performing falling techniques contained in the SPE program. The values of the

coefficient of multiple determination suggest that 33% of the total variability of the dependent variable is determined by the variability of the system of independent variables. Since the remaining 67% of the total variability of the dependent variable is not explained by the regression model, it is assumed that it is affected by other factors which were not the subject of this study. As shown in Table 6, the variables MKTOZ and MKRPLH, individually, had a statistically significant impact on the criterion variable explanation, while other variables did not make a unique contribution to the prediction of the dependent variable. Also, it can be seen that, based on the values of the Beta coefficients, the variables MKTOZ (-0.41) and MKRPLH (0.34) individually highly contribute to the dependent variable explanation, when the variance explained by all other independently variables in the model is subtracted. Other variables did not make a unique contribution to the prediction of the dependent variable, which may be due to their overlap, it is also possible that certain tests, in addition to motor coordination, were to some extent saturated with other abilities incompatible with the falling techniques.

## DISCUSSION

Previous research confirms that basic motor skills (as a basis on which specific motor skills are improved) are largely important for a successful performance of certain elements of the given SPE techniques. (Milošević and Zulić, 1988; Milošević, Gavrilović and Ivančević, 1988; Božić, 1989; Božić, Milošević and Zulić, 1990; Blagojević et al., 1994; Mudrić, Jovanović, Milošević and Ćirković, 1994; Blagojević, 1996; Dopsaj, Milosevic, Arlov, Blagojevic and Stefanovic, 1996; Dopsaj, Milosevic, Blagojevic and Vuskovic, 2002; Amanovic, Mudrić and Jovanović, 2002, Subotički, 2003, Amanović, Milosević and Mudrić, 2004, Milosević, Mudrić, Jovanović, Amanović and Dopsaj, 2005; Blagojević, Dopsaj and Vučković, 2006; Janković, Vučković and Blagojević, 2014). Based on the results of this research, it is evident that there is a significant statistical prediction of the performance of falling techniques envisaged in the SFO program, based on the variables used to assess coordination. The results obtained demonstrated that the variables MKTOZ and MKRPL greatly contributed to explaining falling techniques. An explanation of the results obtained can be found in the structure of these variables. The air agility variable (MKTOZ) is intended to assess skills in performing complex motor tasks, whereby, in addition to the coordination of the whole body when performing complex motor movements, the coordination of alternating movements of arms and legs in performing the given structure of movement are expressed, while the variable (MKRPLH) – striking horizontal pads is intended to assess hand coordination according to a certain rhythm. Also, the explanation of the results obtained can be sought in the kinematics and dynamics of performing the falling techniques examined. Specifically, falling techniques are performed in accordance with biomechanical principles, the maximum speed and optimal level of force, whereby the re-

lations of individual body segments change. As stated in the introductory part, the basic purpose of falls, as technical elements of body movement, is to lower the weight of the body to the ground by rolling on as large an area as possible. From the above, it can be concluded that for the successful execution of falling techniques, the coordination of coupled hand and foot movements is very important, both in bringing the body into position to fall, and in performing support, torque and depreciation, cushioning during the performance of falling techniques, and rising up after the fall. The falling techniques assessed fall into the category of complex structures of movement, given the fact that they are made up of different but complex movements combined into one whole. If we compare the structure of movement contained in the variables MKTOZ and MKRPLH and the structure of movement contained in the falling techniques assessed, it is clear that these variables represent a good motor basis for the performance of falling techniques, because in their structure they contain a certain part of the movement structure, which occur during the performance of falling techniques. Also, it should be noted that the respondents who achieved better test results in these variables also achieved better results when performing falling techniques based on which we may conclude that these variables are important for performing falling techniques, and the students who have a higher level of skill in mastering complex motor tasks and a better sense of rhythm have a greater predisposition to achieve better results when performing falling techniques envisaged in the SPE program. It has long been known that the coordination of the whole body, the reorganization of the motor stereotype, the speed of performing complex motor tasks, the ability to change direction of movement quickly, the speed of learning new motor tasks and sense of rhythm are very important for quality performance of motor tasks in the area of judo.

## CONCLUSION

The impact of motor coordination on the efficiency of performing falling techniques envisaged in the SPE program was examined on a sample of 84 first-year students at the Faculty of Security Studies, University of Banja Luka. The results obtained showed that motor coordination is important for performing falling techniques and there is a statistically significant difference in the level of coordination between the students who received poor grades and those who received better grades. The average values of the results achieved show that this difference is defined by better values of the results in three variables: MKAAML, MKTOZ and MKRPLH in favor of the students who received better grades, while the variable MAGONT is on the border of statistical significance. Based on the results obtained, we can assume that the mentioned variables are important for performing falling techniques. The reason why the other selected variables used to assess motor coordination did not take a greater part in explaining the common variability of the criterion variable, may be due to their overlap and the explanation can be found in the fact that some coordina-



tion tests were, to some extent, saturated with other abilities which were not compatible with the performance of falling techniques. The results obtained indicate that consistent, specific tests should be designed or selected in similar future research, which would more precisely explain the connection between coordination and the quality of performing falling techniques. The assumption is that specific tests could contribute to not only easier and faster acquisition of SFO content knowledge and more efficient training, but also the development of a battery of tests to assess motor skills, during the selection process of candidates for admission to the Faculty of Security Studies

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# PRINCIPLES OF CRIMINAL PROSECUTION UNDER THE 2021 CRIMINAL PROCEDURE CODE OF REPUBLIKA SRPSKA

Original Scientific Article

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**Abstract:** The prosecutor, as a state body, performs the basic function of criminal prosecution in criminal proceedings in accordance with the principles of legality and accusatory nature. The principle of legality obligates the prosecutor to prosecute in order to file an indictment if there is evidence of a criminal offense. The accusatorial principle indicates that the initiation of criminal proceedings depends on the prosecutor, because the legislature prescribes that criminal proceedings *can be* initiated only at the prosecutor's request. Criminal prosecution depends on the prosecutor's decision to prosecute matters, and the aggrieved party can only represent the indictment filed by the prosecutor if the prosecutor decides to abandon the indictment confirmed. The aggrieved party may be given a possibility to prosecute criminal offenses in which the public interest has not been violated.

**Keywords:** accusatory principle, legality, aggrieved party.

## GENERAL REMARKS ON THE PRINCIPLES OF CRIMINAL PROSECUTION

The principle of legality and the accusatorial nature of criminal prosecution are the basic principles of criminal procedure that oblige the prosecutor to initiate and conduct criminal proceedings when he provides sufficient evidence to support the indictment. The prosecutor's request and the existence of sufficient evidence are cumulatively set conditions, according to the principle of legality, for undertaking criminal prosecution. In regard to the criminal offenses prosecuted on a motion by the aggrieved party, the principle of legality of criminal prosecution is conditioned by the aggrieved party's interest, because these are criminal offenses in which there is a close connection between the perpetrator and the aggrieved party. According to the accusatorial principle, the only the prosecutor has a right to initiate a criminal prosecution, while the aggrieved

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party can only represent the indictment filed by the prosecutor if the prosecutor abandons criminal prosecution after the indictment has been confirmed. The principles of legality and accusatorial principle thus defined in the criminal procedure in Republika Srpska can be classified under the group of principles of criminal prosecution, because these principles prescribe the conditions for criminal prosecution, that is, a individual responsible for criminal prosecution and the goal of criminal prosecution, which is to gather sufficient evidence and file an indictment based on the evidence of the existence of a criminal offense and the accountability of the suspect or the accused for the criminal offense committed. The principle of legality of criminal prosecution is in line with the guarantee function of the criminal-law principle of legality (Cigler, 1994: 10). There is a synthesis between the principles of formality and legality of criminal prosecution, because the obligation to file an indictment is determined and the entity who this obligation is established (Škulić, 2014: 57). The function of criminal prosecution is performed in the state interest ex officio by a competent body, regardless of whether the person who suffered injury in the commission of a criminal offense wants it (Simić-Jekić, 1973: 155).

By amending the principles of legality and opportunity in the criminal procedure of Republika Srpska, the aim was to give more significant procedural rights to the aggrieved party in the criminal proceedings. The violation and endangerment of the aggrieved party's personal and property rights resulted in the request that the aggrieved party be treated compassionately during the criminal proceedings. The legal regulation of the place of the aggrieved party in the criminal proceedings is reduced to procedural rights, placing a property claim of the aggrieved party in the criminal proceedings, as well as taking measures to prevent secondary victimization. The procedural place of the aggrieved party (Grubač, 2012: 105-120) is being improved both through measures of procedural protection of the aggrieved party in criminal the proceedings, while the place of the aggrieved party in the criminal proceedings is observed through the right to a fair trial (Ilić, 2012: 156).

*Amendments to the principle of legality and  
the accusatorial principle according to the 2021 CPC*

The amendments to the Criminal Procedure Code of Republika Srpska (hereinafter: the 2021CPC) amended the principles of criminal prosecution, the accusatorial principle, and the principle of legality. The amendments to the principles of criminal prosecution of the accusatorial principle and the principles of legality were made with the aim of improving the procedural place of the aggrieved party in the sense that the aggrieved party can undertake criminal prosecution if the prosecutor abandons the prosecution after the indictment has been confirmed. However, it should be mentioned that the legislature talks about assuming the criminal prosecution after the confirmed indictment, and at this stage of the proceedings after the indictment confirmed, we can no lon-

ger talk about criminal prosecution, but about the aggrieved party representing the prosecutor's indictment, rather than his/her own indictment.

The aggrieved party in criminal proceedings can perform one of the possible procedural roles, which is a potential prosecutor for criminal offenses prosecuted *ex officio*, a subsidiary prosecutor for a criminal offense prosecuted *ex officio*, the aggrieved party with a motion for criminal prosecution for criminal offenses prosecuted at the suggestion of the aggrieved party. The Criminal Procedure Code narrows the possibility of the aggrieved party to be a subsidiary prosecutor, because this possibility does not exist at the previous stages of the criminal proceedings (Škulić, 2016: 41), it exists after the confirmation of the indictment. The aggrieved party is limited in his procedural rights in the criminal proceedings, because the aggrieved party's complaint against the prosecutor's decision is not decided by the immediately higher body, but by the same one (Bajović, 2018: 411). If the aggrieved party had the procedural right to assume the prosecution from the prosecutor today, which he/she does not have, we could control the prosecutor's decision on the existence or non-existence of sufficient evidence to conduct an investigation or the existence of sufficient evidence to file an indictment (Buha, 2020: 480–487).

The legal amendments to the Criminal Procedure Code of Republika Srpska did not lack amendments to the principle of legality in such a way that the prosecutor cannot undertake criminal prosecution for certain criminal offenses for which there is no consent of the aggrieved party, which are criminal offenses in which the public interest in criminal prosecution conducted *ex officio* by the prosecutor, as a state body, does not dominate.

The changes in the principle of legality and the accusatorial principle according to the 2021 CPC were made in order to seemingly improve the procedural place of the marginalized aggrieved party (Buha & Jukić, 2020: 628 635) as a secondary procedural participant in the criminal proceedings. Thus, by amending the accusatorial principle according to paragraph 2 of Article 16 of the RS 2021 CPC, the aggrieved party as a prosecutor can assume the criminal prosecution after the indictment has been confirmed if the prosecutor abandons the prosecution. The aggrieved party assumes the criminal prosecution if two conditions are cumulatively fulfilled, and that is the existence of a confirmed indictment, and if the prosecutor declares that he abandons the prosecution. In this legal situation, the aggrieved party's hands are still tied, because he/she is following the "paved paths" in the prosecutor's confirmed indictment, which indicates that this legal provision which prescribes that the aggrieved party assumes the criminal prosecution is meaningless, because he/she has no procedural rights in criminal prosecution and may not influence neither the issuance of an order to conduct an investigation nor the filing of an indictment. We would dare to say that only "cosmetic changes" were made to the criminal procedure. That the place of the aggrieved party is still marginalized is confirmed not only by changes in the accusatorial principle but also in the provisions of the Criminal Procedure Code on the rights of the aggrieved party

in the criminal proceedings, because the aggrieved party remains deprived of significant procedural rights, which improve his procedural place in the criminal proceedings, which is the right to appeal the decision not to conduct an investigation, as well as the right to appeal the judgment (Buha, 2020: 490).

In theory, we find that the thesis that the defendant and other participants in the criminal proceedings do not have the right to appeal the decisions made by the public prosecutor, because these internal decisions are binding only on the public prosecutor's office, rather than the defendant and the court (Vasiljevic, 1981: 135, Grubac, 1995: 150). This view is quite understandable regarding the right of the defendant to appeal against the prosecutor's decisions, because he/she has the right to appeal the judgment or court decision and can point to certain omissions and illegalities in the work of the prosecutor. And certainly this understanding is in line with the thesis that the main procedural participants in the criminal proceedings are the defendant and the prosecutor. However, if we want to give a more active procedural role to the aggrieved party in the criminal proceedings, as the law attempts to do, that is, the status of a subsidiary prosecutor, then we must give him/her more procedural rights.

The 2012 Criminal Procedure Code of Republika Srpska (hereinafter: the 2012 CPC) defines the principle of legality and the accusatorial principle as basic principles of criminal procedure which are a guarantee for fair criminal proceedings against the suspect or the accused, because the criminal proceedings can be initiated only by the prosecutor if there is evidence that a crime has been committed. According to Articles 16 and 17 of the 2012 CPC, criminal prosecution falls exclusively within the competence of the prosecutor when there is evidence of a crime committed. Although at first glance a hasty conclusion could be made that, under the 2021 CPC, the criminal proceedings can be initiated by the aggrieved party, this is certainly not the case because the legislature, in paragraph 2 of Article 16 of the RS 2021 CPC, uses the legal phrase *the aggrieved party assumes* criminal prosecution but does not initiates a criminal proceeding. The competence to initiate criminal proceedings still falls exclusively within the competence of the prosecutor.

### *The accusatorial principle in the criminal procedure of Republika Srpska*

In criminal law, the accusatorial principle is defined as the basic principle of procedural participants (Grubac, 1995: 72), while others as the principle of criminal prosecution (Škulić, 2014: 53). According to the accusatorial principle, the function of criminal prosecution is entrusted only to the prosecutor, that is, the initiation and conduct of criminal proceedings is possible only at the request of the prosecutor. The initiation of criminal proceedings according to this principle does not fall within the competence of the court. The court is not competent to collect and conduct evidence, but may reach a decision only on the basis of evidence presented by the parties before the court (Damascus, 2001: 48). According to the rule *nemo index sine actore* without an authorized



prosecutor, there are no criminal proceedings and thus the functions of prosecution (thesis), defense (antithesis) and trial (synthesis) are strictly separated (Petrić, 1985: 13). In essence, it is possible that the antithesis does not differ from the thesis if the defense, in the material sense, consists in admitting guilt (Škulić, 2002: 5). The principle of accusation, that is, the accusatorial principle, is related to the existence of parties to the criminal proceedings, where one of the parties performs the function of criminal prosecution, while the other is protected from that prosecution (Čubinski, 1933: 9). In the adversarial procedure, the role of the court is passive, because the court does not actively participate in proving a case. Rather, it supervises the presentation of evidence as well as other procedural actions performed by the parties (Pavišić, 2008: 13).<sup>2</sup> The prosecutor is an actively legitimized, that is, an attacked procedural actor who submits a request decided by the court (Živanović, 1940: 129-130). In criminal law, the accusatorial principle is observed from the point of view of learning about historical forms of criminal procedure (Strogović, 1948: 24). The accusatorial principle means that the criminal proceedings cannot be conducted without an indictment,<sup>3</sup> a decision reached by the authorized prosecutor and that the functions of prosecution and trial are separate and the court is limited to considering the facts presented in the indictment and reaches a decision in accordance with the principle of free evaluation of evidence (Buha, 2017: 159-178). Discussion in the accusatorial procedure is oral, direct and contradictory, it was usually a public procedure and the free evaluation of evidence principle was used in evaluating evidence, but these are not essential characteristics of the accusatorial principle, that is, procedure (Vasiljević, 1981: 18).

Although certain changes have been made to the accusatorial principle according to the 2021CPC in the sense that the procedural place of the aggrieved party as a prosecutor who can undertake the criminal prosecution has been “seemingly” improved, the aggrieved party as a prosecutor can undertake criminal prosecution; however, under Article 241 of the 2012 CPC, the prosecutor, when he/she finds that there is sufficient evidence, files an indictment

<sup>2</sup> Although one of the basic principles of criminal prosecution is the accusatorial principle, according to the 2012 CPC and the 2021 CPC, according to which the prosecutor is the only one authorized to initiate criminal proceedings or conduct criminal prosecution, we must not ignore the fact that our criminal proceedings are mixed because the role of the court, no matter how passive, because the court is not obligated to establish the truth, that is, the legislature does not define the principle of truth; however, the court is not obligated to present evidence but there is possibility for the court to present evidence and propose that some evidence be presented and certainly for the purpose of determining the truth, which is indisputably relative in the criminal proceedings. Article 276, paragraph 2, item (d) of the 2012 CPC prescribes that evidence may be presented by the court in addition to the parties. Paragraph 3 of the same article stipulates that the court or the panel may at any time ask a witness questions in the criminal proceedings.

<sup>3</sup> An indictment, according to the criminal procedure of Republika Srpska, can only be filed by the prosecutor under Article 241 of the 2012 CPC when he determines, during the investigation, that there is sufficient evidence from which the basic suspicion that the suspect committed a crime arises and will prepare and submit the indictment to the judge for the preliminary proceedings. The mentioned legal provision indicates that there is no criminal procedure without an indictment confirmed by the judge for the preliminary proceedings and indicates that the prosecutor is responsible for criminal prosecution but not for the decision to initiate and conduct criminal proceedings.

following the investigation. Thus, the aggrieved party does not have the right to file an indictment, nor to participate in building an indictment in terms of gathering evidence which is the basis for filing an indictment. The indictment falls exclusively within the competence of the prosecutor as a state body with the basic task of gathering evidence in the favor of and against the suspect pertaining to the criminal offense committed and the guilt of the suspect. The suspect obtains the status of an accused person only after the indictment has been confirmed by the judge for the preliminary proceedings, which is evident from Article 242 of the 2012 CPC and Article 243 of the 2012 CPC.

### *The principle of legality in the criminal procedure of Republika Srpska*

The principle of legality is defined in theory as the principle of obligation of official criminal prosecution (Škulić, 2014: 53). The prosecutor is obligated to initiate the criminal proceedings *ex officio* if there is evidence of a criminal offense committed, so that within the accusatorial principle according to which the criminal proceedings can be initiated only by the prosecutor, the principle of legality of criminal prosecution applies, according to which the prosecutor has an obligation to institute the criminal proceedings if there is evidence of a criminal offense committed. According to the legal definition of the accusatorial principle and the principle of legality in our 2012 CPC, it is clear that the principle of formality or legality operates within the framework of the accusatorial principle (Roxin, 2006: 71-72). In theory, we encounter the principle of formality and the principle of legality of criminal prosecution in parallel, and in essence it is a principle of the same content, because the prosecutor has an obligation to institute the criminal proceedings if there is evidence of a crime committed. In fact, the prosecutor is the only entity who can introduce an initiative to conduct criminal prosecution (Grubac, 2006: 150).

We notice that in theory there is a certain difference between the principles of formality and legality of criminal prosecution because the thin line of demarcation exists between these two principles in the sense that the principle of formality is bound exclusively to the right rather than to the duty of the prosecutor as one of the main actors in the criminal proceedings to institute the criminal proceedings, while the principle of legality of criminal prosecution indicates, in addition to the right, the duty of the prosecutor to undertake criminal the prosecution *if there is evidence of a crime committed*. According to the 2012 CPC, it is not possible to separate the principle of formality from the principle of legality of criminal prosecution, because the legislature prescribes that the prosecutor is obligated to initiate the criminal prosecution if there is evidence of a crime. In fact, these two principles are interdependent, there exists neither criminal prosecution nor the prosecutor's duty to prosecute if there is no evidence of a crime committed, so it is difficult to make a clear distinction between the principles of formality and legality of criminal prosecution.

Whether we will observe the principle of legality as a principle of criminal prosecution or the principle of criminal procedure also depends on the legal definition of this principle, which is indicated by legal solutions which are different in the Republic of Serbia and the Republic of Croatia. According to Article 6 of the Criminal Procedure Code of the Republic of Serbia, a prosecutor is obligated to undertake criminal prosecution when there are grounds for suspicion that a criminal offense has been committed or that a certain person has committed a criminal offense prosecuted *ex officio*. Like our Code, the Code of Serbia indicates that the principle of legality is the principle of criminal prosecution, while in Croatia the situation is different, because under Article 2 of the Criminal Procedure Code of the Republic of Croatia the principle of legality is the principle of criminal procedure because the proceedings are conducted at the request of the authorized prosecutor. Accordingly, it could be concluded that we encounter different theoretical classifications of this principle.

### *Prosecution on a motion by the aggrieved party*

Regarding the amendments to the principle of legality of criminal prosecution under the 2021 CPC, the possibility of the prosecutor to initiate criminal proceedings for crimes in which private interest dominates is actually limited. For this reason, the legislature decided that in respect of criminal offenses in which private interest dominates (Škulić, 2011: 5), the prosecutor may initiate criminal proceedings only upon the motion of the aggrieved party. Specifically, these amendments to the principle of legality for initiating criminal proceedings on the aggrieved party's motion require that two formal conditions are met, namely the injured party's motion and the prosecutor's motion, because without the prosecutor's decision to accept such a motion there are no criminal proceedings. However, the motion of the aggrieved party for criminal prosecution is a condition without which the criminal proceedings may not be initiated. Interestingly, Article 17, paragraph 2 of the 2021 CPC stipulates that the prosecutor may or may not undertake criminal prosecution for criminal offenses prosecuted on a motion by the aggrieved party. However, the question arises as to what happens if the prosecutor does not undertake criminal prosecution despite the existence of the motion of an aggrieved party for criminal prosecution.

What are the criminal offenses that are prosecuted on a motion by of an aggrieved party? We sought the answer to this question in the substantive criminal legislation of Republika Srpska. Under Article 247 of the 2017 Criminal Code of Republika Srpska (hereinafter: the RS CC), prosecution in the case when the perpetrator is in a close relationship with the aggrieved party is undertaken on a motion by the aggrieved party, and these criminal offenses are as follows: criminal offense under Article 224 paragraph 2 of the RS CC that is, theft if the value of the confiscated item does not exceed 300 KM and the perpetrator intended to obtain a small property gain; a criminal offense under Article 229 of the RS CC, that is, evasion; the offense of fraud under Article 230 of the

RS CC, the offense of concealment, Article 236 CC RS; the offense of illegal immigration, Article 237 of the RS CC, the offense of damage and confiscation of another's property, Article 240 of the RS CC; offense damage to housing and business buildings and special parts of the building under Article 241 CC RS, and the offense of damage to other people's rights, Article 242 of the RS CC. These criminal offenses are prosecuted upon the motion of the aggrieved party under the following conditions: the perpetrator of these criminal offenses is in a close relationship with the aggrieved party, that is, that criminal offenses, as the legal provision itself stipulates, are committed against a spouse, blood relative, brother or sister, adoptive parent or adoptee or against other persons with whom the perpetrator lives in a joint household.

In criminal offenses prosecuted on a motion by the aggrieved party, the private law relationship between these two procedural participants in the criminal proceedings has been violated, the perpetrator of the criminal offense and the aggrieved party who have a close relationship and should regulate their private legal relations without the interference of the state with the rights which do not violate the public good or insult the public interest. These are criminal offenses in which the private interest between the perpetrator of the criminal offense and the aggrieved party dominates, no public interest is identified. The legislature in paragraph 2, Article 17 of the 2021 CPC stipulates that the prosecutor *may*, rather than he *will* undertake criminal prosecution only on the basis of a request of an aggrieved party in cases provided for by the Code. Thus, the prosecutor has no legal obligation to undertake criminal prosecution for criminal offenses prosecuted on a motion by the aggrieved party, provided that the motion is an imperative condition for the criminal prosecution of such criminal offenses. It is practically possible to have a situation where there is a request of the aggrieved party to prosecute criminal offenses based on a motion by the aggrieved party without the prosecutor initiating criminal proceedings, the legislator says he/she may or does not have to initiate criminal proceedings, so the question arises how to act in such a potential legal situation where there exists the motion of the aggrieved party, but the prosecutor does not act upon the request. Therefore, does the prosecutor in such a legal situation, when there is a request of the aggrieved party for criminal prosecution, and does not act upon it, have the obligation to pass a procedural legal act, such as an order not to conduct an investigation. Article 224 of the 2012 CPC stipulates that the prosecutor will order an investigation if there is reasonable suspicion that a crime has been committed, so the motion filed by the aggrieved party to prosecute the offense on a motion by the aggrieved party would constitute reasonable suspicion that a crime was committed. However, considering that the prosecutor is not obligated to act upon the request of the aggrieved party, the question is whether he/she could also issue an order to suspend the investigation, for example, if there is not sufficient evidence of a crime committed despite the motion of the aggrieved party for criminal prosecution. We believe that if the aggrieved party filed a motion for criminal prosecution of criminal offenses prescribed by the code to be prosecuted on a motion by the aggrieved party and if the prosecutor

does not decide to institute criminal proceedings, he/she is obligated to order the suspension of investigation for the reasons listed in Article 232 of the 2012 CPC.

When the prosecutor, after receiving the request of the aggrieved party for criminal prosecution regarding criminal offenses prosecuted on a motion by the aggrieved party, assesses that there is no legal basis for instituting proceedings, the prosecutor then informs the aggrieved party who has no procedural possibility of instituting criminal proceedings, but only the right to object to the passive attitude of the prosecutor (Bajer, 1982: 197).

## THE PRINCIPLES OF CRIMINAL PROSECUTION AND INITIATION OF CRIMINAL PROCEEDINGS IN REPUBLIKA SRPSKA

The principle of legality and the accusatorial principle are the basic principles of criminal procedure. However, some scholars (Škulić, 2014: 50-57) classify these principles in the group of principles of criminal prosecution, some link the principle of legality to the principle of criminal prosecution (Grubač, 2009: 175), while others link this basic procedural principle to the public prosecutor (Vasiljević, 1981: 39), some scholars (Krapac, 2010: 48) link the principle of legality to instituting and conducting criminal proceedings. The principle of legality is the principle of criminal prosecution according to Article 17 of the 2012 CPC, because the legislature stipulates that the prosecutor has a duty to undertake criminal prosecution. The legislature in Republika Srpska did not address the issue of when criminal proceedings are considered instituted as this issue is legally defined and resolved in the criminal procedure of Serbia, Article 7 of the Criminal Procedure Code of the Republic of Serbia, as well as in the criminal procedure of the Republic of Croatia, Article 17 of the Criminal Procedure Code of the Republic of Croatia. Although in theory we encounter different classifications of this principle, either as the principle of the public prosecutor, the principle of criminal prosecution or the principle of instituting and conducting criminal proceedings, as well as the principle of criminal prosecution, it is clear and unquestionable that the principle of legality is a principle related to the prosecutor as a state body whose main duty is to prosecute the perpetrator of a criminal offense, conduct an investigation, file an indictment, collect evidence in favor of and against the accused, that only the prosecutor may institute criminal proceedings, if there is evidence that a criminal offense has been committed. Note that the legal term *criminal proceedings* is used in Article 16 of the 2012 CPC and *criminal prosecution* in Article 17 of the 2012 CPC. Is the instituting of criminal proceedings the same as criminal prosecution, because the accusatorial principle prescribes that the prosecutor is competent to institute criminal proceedings, and the principle of legality that the prosecutor undertakes criminal prosecution if there is evidence that a crime

has been committed. Could we draw a conclusion from such legal formulations contained Articles 16 and 17 of the 2012 CPC that criminal prosecution is one of the stages of criminal proceedings that is conducted only if there is evidence of a criminal offense, and the criminal proceedings can be instituted even if there is no evidence of the crime committed. The legislature in Republika Srpska does not prescribe clearly when the criminal proceedings are instituted and who institutes them and under which procedural acts, as it has been done in the neighboring states of the Republic of Serbia and the Republic of Croatia.<sup>4</sup>

Under Article 16 of the 2012 CPC, the accusatorial principle, according to which the criminal proceedings can be instituted only by the prosecutor, but the Code does not define when the criminal proceedings are considered instituted. We believe that if the criminal proceedings can be instituted by both the prosecutor and the court by taking certain procedural actions of the prosecutor or the court in terms of passing a procedural legal act indicating the existence of a criminal offense, such as an order to conduct an investigation, remand in custody ordered by the court in the investigation phase at the request of the prosecutor, and when a suspect is summoned for questioning by the prosecutor. Thus, in practice, there are frequent situations when a person is remanded in custody in the investigation phase at the request of the prosecutor, as well as when a person is summoned as a suspect for questioning, these are procedural legal acts which restrict human rights and freedoms and which charge the person with committing a criminal offense due to the existence of grounds for suspicion that he has committed a criminal offense.

When the criminal proceedings are considered institute under the RS CPC, as well as many other unresolved issues, and whether it can be said that the principle of legality is the principle of criminal prosecution, which at the same time is not the principle of criminal prosecution, what is criminal prosecution? Are there criminal charges without a criminal prosecution? That such a legal situation is possible is indicated by the legal provisions defining the issue of instituting criminal proceedings in the Republic of Serbia and the Republic of Croatia. However, according to Article 241, paragraph 1 of the 2012 CPC, it is not possible to file an indictment unless an investigation has been conducted which indicates the existence of sufficient evidence from which a reasonable suspicion arises that the suspect has committed a crime. Are there criminal charges if there is no criminal prosecution under our law and does the principle of legality instruct the prosecutor to file an indictment or to institute the criminal proceedings and whether the initiation of criminal proceedings must lead to an indictment? All these issues indicate that changes in criminal procedure in Republika Srpska are necessary in order to overcome certain legal dilemmas that may lead to different application of criminal procedural legislation in practice, which is contrary to the legal standards of equality and security in terms of clarity and specificity of every offense or action to be lawful.

<sup>4</sup> Article 7 of the Criminal Procedure Code of the Republic of Serbia, Article 17 of the Criminal Procedure Code of the Republic of Croatia.



## CONCLUSION

The principle of legality binds the prosecutor to prosecute criminal offenses prosecuted *ex officio*. In the criminal proceedings, the prosecutor is a party to the proceedings, but also has a role of a state body whose basic function is criminal prosecution in accordance with the principles of legality and accusatorial principle. By amending the Criminal Procedure Code of Republika Srpska, the legislature attempted to entrust the function of criminal prosecution to the aggrieved party, but without success, because there can be no criminal prosecution after the confirmation of the indictment. The procedural role of the aggrieved party is still reduced to a secondary procedural role as a witness in the criminal proceedings and a person who has the right to file a property claim as well as a person who institutes the criminal proceedings for criminal offenses prosecuted on a motion by the aggrieved party. And as "significant", "unfortunately", procedural rights that the aggrieved party has under our CPC are the right to object to a negative prosecutor's decision and the right to appeal the decision on the payment of costs of the criminal proceedings. The procedural right of the aggrieved party to file a property claim does not mean that the court is obligated to decide on the same, because under Article 103 of the 2012 CPC, the property claim will be discussed on a motion by the aggrieved party and if it does not significantly delay the criminal proceedings. Regarding the criminal offenses prosecuted on a motion by the aggrieved party, it is still not possible to institute criminal proceedings without the prosecutor's request, which is in accordance with the principle of adversarial proceedings. The principles of legality and accusatorial principle, as the basic principles of criminal prosecution, reflect the right and exclusive duty of the prosecutor to prosecute as a state body entrusted with the right to initiate criminal prosecution if there is evidence of a criminal offense and the duty to indict. With the amendments to the accusatorial principle according to the 2021 CPC, the procedural right of the aggrieved party is reduced only to the procedural right to represent the indictment confirmed, which was filed by the prosecutor if he/she withdraws the charges. A particularly interesting solution in the new code prescribes that the aggrieved party can point to facts and introduce evidence important for proving the case; however, it remains questionable how to exercise his/her right determined under Article 46a, paragraph 1, item (b) of the 2021 CPC.

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## **REVIEW ARTICLES**



# BOSNIA AND HERZEGOVINA AS A FACTOR OF THE WESTERN BALKAN SECURITY SUBCOMPLEX

Review Article

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**Abstract:** Relying on the basic theoretical assumptions of the Copenhagen School, especially the sectoral understanding of security and Regional Security Complex Theory, the paper analyzes the security situation in Bosnia and Herzegovina (BiH), its implications for the wider Western Balkan security environment, including the situation in BiH realized in the context of differentiating the Western Balkan security subcomplex in relation to the wider European security identity which has an impact on the region. The aim of this paper is to point out the key factors that determine the security situation in BiH and its surrounding region, including the specificities of the security context in BiH, which is reflected in the essential inseparability of its political and societal dimension, because the issue of collective identity in BiH, which is exclusively grounded on the ethno-political premises manifested through its Dayton constitutional structure and the consociative character of its political system. Therefore, the paper concludes, among other things, that the causes of the unfavorable security situation in BiH and its negative implications for the region must primarily be sought in the permanent conflict between the three ethno-political identities and the dysfunctionality of political mechanisms for conflict resolutions, including inadequate policies which have been applied to Dayton BiH by key representatives of the European security identity, such as the European Union and NATO, almost since its establishment.

**Keywords:** BiH; Western Balkan security subcomplex; political security; societal security; Serbia; Croatia; European security identity; EU; NATO;

## INTRODUCTION

Two probably most eminent representatives of the so-called Copenhagen school, Barry Buzan and Ole Weaver, offered an essentially neorealist theoretical setting in which local regions, as relatively autonomous security complexes

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with their own internal dynamics, but also complex interrelationships and interconnections with environment in which they operate, were singled out as key actors of the modern international political and security system (Buzan & Weaver, 2003). Within regional security identities, in certain cases, there are narrower security subcomplexes which, on the one hand, rely on the broader framework under their impact, but, on the other hand, are characterized by a series of immanent properties that separate them from regional security complexes (Kelly, 2007; Santini, 2017). Within the given theoretical matrix, the paper attempts to look at the basic characteristics of the Western Balkans as a security subcomplex in relation to the broader European security framework with which it is firmly connected, the prospective of the Western Balkan security identity and, in particular, the impact which BiH, with its complex internal security dynamics, has on a wider environment, manifesting itself as a key factor in preserving the security identity of the Western Balkans. Key issues within the subject of this study are considered using the conceptual-categorical apparatus and methodological tools of international relations and security studies, across several analytical levels: a) identifying key features of the Western Balkan subcomplex that differentiate and separate from the wider European complex, b) considering the basic factors and characteristics of the internal security context in BiH itself, c) the nature of BiH's relations with other relevant Western Balkan entities, primarily Serbia and Croatia, and d) BiH's direct relations with key bearers of European security identity, such as the European Union and NATO. Following the analysis, the author's concluding remarks are presented.

## BASIC CHARACTERISTICS OF THE WESTERN BALKAN SECURITY IDENTITY

Yugoslavia's bloody collapse and the wars of "Yugoslav succession" (Bakić, 2011: 109 - 139) in the 1990s, with their multidimensional implications, differentiated the political space of the former SFRY in relation to the rest of Europe. Contrary to the integrative processes which, with the collapse of bipolarism, gained momentum in the rest of Europe and contributed to the construction of a new European security identity, structurally and institutionally embodied in the European Union and NATO, the former SFRY moved in the opposite direction, facing the phenomenon of Balkanization (Todorova, 2015) and successive armed conflicts in the form of a civil war with foreign intervention. In other words, unlike the European security complex, integration, liberalization and desecuritization as its basic characteristics, the area, which has been referred to by the clumsy geopolitical term "Western Balkans" since 1998, has imposed itself as a separate but not fully rounded security context in which the focus was placed on phenomena and processes which were "at the other end of the pendulum" in relation to those characterized by the broader European security framework (Skočajić – Juvan and Grizold, 2017). After a considerable delay and

failure by the key European and international actors in general to immediately stop, if it was not possible to prevent, the armed conflicts in some former Yugoslav republics, a dilemma over a foundation on which to develop future relations with this turbulent area arose – to gradually incorporate it into the wider European political and security framework or to treat it as an external security challenge. The issue was resolved in the late 1990s by establishing a comprehensive political approach to the region and creating a possibility for integrating the Western Balkan countries into the European Union and NATO and, thus, pulling the transformed Western Balkan subcomplex into the wider European security complex. Nominally, with the successful implementation of integration processes, the implementation of necessary reforms and development of regional cooperation, the overlay of the Western Balkan subcomplex by the European security complex would become more and more apparent, with the final outcome being a total merging of identities (Vučić and Milenković, 2014).

However, regardless of the various failures/successes of the countries in the region on their path to the EU or the fact that some of them have joined NATO, the Western Balkan security identity is still present and clearly visible. Its specificity is especially reflected in the strong intertwining of the political (Weaver, 2011) and societal (Panić, 2009) security dimensions (Leka, 2020: 207), in the sense that the issues of national, religious and cultural identity are still important, while in some Western Balkan countries, it is the only basis for mobilizing political legitimacy and political articulation. With the exception of global threats, countries in the region identify security threats primarily in interethnic and interreligious relations, which are, in this sense, far more oriented to one another than to external factors, developing internal regional security dynamics different from those present in the rest of Europe. Regardless of the involvement of the countries in the region in the integration and reform processes of varying intensity, which results, among other things, in the partial adoption of certain elements of the European security identity, the Western Balkans still exist as a relatively autonomous security entity. Although other Western Balkan countries, such as Northern Macedonia, could serve as a good example, it seems that the specific security characteristics of the region are most pronounced in BiH; the following section, therefore, deals with the most important features, phenomena and processes which not only create a context in this state union, but they also significantly affect the overall security situation in the region.

## CURRENT SECURITY CONTEXT IN POST-DAYTON BOSNIA AND HERZEGOVINA

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Although 26 years have passed since the Dayton Peace Agreement was signed, which, as it is usually said, ended the civil war and defined its constitu-

tional structure and political system, BiH is still characterized by a high level of securitization of the overall political, societal, military, economic and even the ecological spheres and it still represents a deeply divided and fragmented socio-political community whose rare homogenizing factors are exclusively external in nature. The roots of continued securitization can be identified primarily in opposing perceptions, and thus attitudes toward the Dayton structure of BiH by key domestic and international political factors. In other words, the three constituent peoples differently perceive BiH and build a relationship with it and its remaining two constituent peoples. On the one hand, Bosniak political actors, as representatives of a people who constitute a majority of the country's population, openly try to functionally bring almost every political process and activity under the matrix of the unitarization of the internal structure of BiH with the ultimate goal of abolishing the two entities and establishing a "civil state" where relations would be regulated in accordance with the needs and identity value elements of one people in BiH (Party of Democratic Action, 2019). In parallel with the formal and, more often than not, informal revision of the Dayton constitutional structure attempts are being made to impose a "Bosnian-Herzegovinian identity" as a "common determinant of all citizens of BiH and a feeling of belonging to the BiH state" (Maksimović, 2019). Such processes automatically lead to responses primarily by Republika Srpska, as the state-building framework of the Serbian people in BiH, but also one of the signatories of key annexes to the Dayton Peace Agreement,<sup>2</sup> and a strong securitization of all issues related to the place of the Serbian people in this former Yugoslav republic. Representatives of Croats, whose place within the FBiH is threatened by Bosniak dominance and, unlike the Serbs and Republika Srpska, the lack of an appropriate constitutional and political-institutional framework which would provide adequate protection and political autonomy to Croats, perceive such projections of Bosniak political actors as an immediate political danger and a direct attention to ensuring the "equality" of Croats in BiH, especially in the FBiH, through changes in electoral legislation which, with the implementation of the judgement of the European Court of Human Rights in the *Sejdic and Finci vs. BiH* case (Bardutzky, 2010), would enable Croats to elect their own legitimate political representatives, rather than the Bosniak electorate doing so on their behalf (Croatian Media Service, 2020, September 25).

With complex relations between the three constituent peoples and their political representatives spilling over into all spheres of social life, maintaining a constant sense of threat and securitization, an additional aggravating circumstance for internal relations and, in particular, political and social security, is and the actions of the High Representative in BiH, who through a series of his unconstitutional decisions significantly modified the Dayton structure and distribution of competencies between certain levels of government, as a rule to the

<sup>2</sup> Particular emphasis is placed on Annex IV, which constitutes the Constitution of BiH, and Annex X, which regulates the civilian aspects of the implementation of the Dayton Peace Agreement, including the place and competencies of an international community's High Representative in BiH.



detriment of the entities, more specifically, the Republika Srpska. In the last few years, under the circumstances when the High Representative's instruments of power are relatively weakening due to political response by Republika Srpska (National Assembly of Republika Srpska [NARS] 2021), his *modus operandi* has been used by the Constitutional Court, nominally a BiH institution but also the only constitutional court in Europe and one of the two constitutional courts in the world, with a panel of three foreign judges who, along with the Bosniak judges, impose decisions with strong unitarian implications through revoting.

The relationship between the domestic actors and accumulated unresolved issues related to its existence, functionality and direction of political development and, as will be seen, many systemic errors made by relevant international actors keep BiH's political and societal security in a state of permanent threat, minimizing opportunities for joint action, including the issues which, like the current pandemic crisis, pose an identical security threat to all.

## BOSNIA AND HERZEGOVINA AND THE WESTERN BALKAN SECURITY SUBCOMPLEX

Starting with its ethnic and constitutional structure, autonomous political activities of its two entities and ethnic collectives, including a shared Yugoslav past and the current formal bonds with most of the countries in the region, the security contexts of BiH and the Western Balkans are strongly connected and determined. The security situation in BiH, especially at the political and societal levels, is transposed to other countries in the region similarly to the actions of other Western Balkan countries, especially Serbia and Croatia although the latter joined the European Union on July 1, 2013 and thus, formally, joined the broader European security identity, which reflect on the internal relations in BiH. At the same time, regardless of the fact that, according to the standards of international law and the provisions of Annex IV of the Dayton Peace Agreement, BiH is the only state which assumed the legal continuity from the former "Republic of BiH", including membership in the United Nations<sup>3</sup>, heterogeneity in approaching a number of issues is particularly pronounced in BiH's activities at the international level, including its relations with certain Western Balkan countries, particularly with the Republic of Serbia and the Republic of Croatia. The following section deals with key political points in BiH's contemporary relations with these two neighboring countries. Political and societal security threats in the Western Balkans, where ethnic-religious identities are at the center, are manifested in the tripartite principle, as is the case with the BiH–Serbia–Croatia relationship or, on the other hand, the Serbia–Macedonia–Kosovo\* relationship, if the focus is placed on the Albanian national question and the security threats it induces.

<sup>3</sup> Article I - 1 of the Constitution of BiH.

Regarding the Republic of Serbia, as one of the signatories of the Dayton contract package, a sharp distinction can be identified between the relations developing between Republika Srpska and Serbia on the one hand, and the federal part of BiH or the institutions of BiH and Serbia on the other. Based on the possibilities provided by Article III - 2 of the Constitution of BiH, Republika Srpska and Serbia signed the Agreement on Special Parallel Relations in September 2006, as a broader platform for the development of mutual relations in various fields and the Political and Economic Representative Office of Republika Srpska in Belgrade which was established in 1992, with the basic task of facilitating and managing the cooperation between the two entities. Although their relations during the post-Dayton period went through different phases, Republika Srpska, is, naturally, leaning on Serbia and trying to follow the official policy of Belgrade on numerous issues, taking into account that members of the same people live on both sides of the River Drina. For example, BiH is the only country in the region that, due to Republika Srpska's objections, has not recognized the unilaterally declared independence of Kosovo and Metohija in 2008. Also, following the official policy of armed neutrality of the Republic of Serbia, but also rejecting the possibility of establishing a "NATO border" along the River Drina, Republika Srpska strongly opposes BiH's accession to the North Atlantic Alliance, which was expressed in the 2017 Resolution of the National Assembly of Republika Srpska on the Protection of Constitutional Order, which, however, does not target exclusively NATO, but contains a general formulation of armed neutrality in relation to the existing military alliances until a referendum is called in Republika Srpska, in which a final decision on this issue would be decided (National Assembly of Republika Srpska, 2017). Generally, for Republika Srpska the development of relations and strong reliance on Serbia, as the regionally strongest political, military and economic actor, represents a crucial factor in strengthening security under the circumstances of strong pressure from domestic and international factors.

On the other hand, actors across the Bosniak political spectrum and those whose basic political platform is the "statehood" and "sovereignty" of BiH view Serbia's actions and its positioning in the region through the prism of security threats and securitization. There are two groups of reasons for this perception. One group consists, loosely speaking, of inherited factors through which the concept of only one nation as a victim of the 1992-1995 armed conflicts and Serbia as an "aggressor" was established and developed (Dupljak, 2001; International Crisis Group, 2011), which has been, partly through inertia but basically intentionally, transposed to the present day. The second group of factors is related to the fear of this group of political actors from shifts in the distribution of power in the region and possible implications for internal relations in BiH, especially regarding the position of Republika Srpska. At the same time, this does not prevent Bosniak political actors from following the ethnic line, trying to develop intensive cooperation with political actors in the Raska region (Sandzak) in the Republic of Serbia, and BiH has recently opened its office of consular affairs in Novi Pazar.

The Republic of Croatia, like Serbia, is a signatory to the Dayton Peace Agreement. Although at the general level relations between BiH and Croatia during the post-Dayton period could be assessed as satisfactory, one of the key issues in relations between the two countries in recent years has been the position of Croats in BiH and their struggle for political equality in terms of securing the right to elect their legitimate political representatives, for which Croatia has expressed interest with varying intensity at certain stages, from relativization and inertia to openly expressing its concern (Nacional (September 25, 2020)). According to the Croatian legislation, BiH citizens of Croatian nationality have the right to a facilitated acquisition of citizenship and travel documents of the Republic of Croatia and often manifest themselves as an important factor in the election process for the Croatian Parliament. First as a candidate for membership and today as a member of the European Union and NATO, Croatia's official policy toward BiH is aimed at strengthening good neighborly relations and providing support to BiH on its "path to EU". However, this certainly does not mean that certain issues did not cause tension between the two countries, such as the construction of the Peljesac bridge and, according to political actors based in Sarajevo, a serious violation of the territorial integrity of BiH and denial of access to the high seas (Huseinović, 2018); (Jazvić, 2019). BiH has the longest land border with Croatia amounting to 1,047 kilometers and a number of open territorial issues, from the area of Neum, over the bank of the river Una to the border area between Bihac and Korenica.

## BOSNIA AND HERZEGOVINA AND THE WIDER EUROPEAN SECURITY COMPLEX

Like other countries in the region, BiH has been actively involved in the integration processes into Western political, economic and security structures, the end result of which is, among other things, the transformation of unstable Western Balkan countries in line with the prerogatives and standards of the European security complex. Two key institutional authorities regarding the transformation process are certainly the European Union and NATO; however, it seems that the results of the activities undertaken so far are far less from expected, especially regarding BiH.

Nominally, BiH is at the back of the "Western Balkan column" in terms of the results achieved in the Stabilization and Association Process, as a key political instrument of the European Union's regional approach to this area. Although it represents one of the few homogenizing factors in the deeply divided and very conflicting BiH's political space, the process of European integration, since the conclusion of the contract with the European Union in 2008, has been burdened by numerous delays and crises for which political actors in BiH do not bear a sole responsibility. One problem is the issue of "reconciliation" of the complex and highly decentralized constitutional-legal and institutional

structure of BiH with the requirements of efficient implementation of obligations arising from the accession process. In this sense, it is possible to identify two opposing views. On the one hand, there is a legalist approach whose main advocate are Republika Srpska's institutions, which indicate that the obligations from the process can be successfully implemented in the existing Dayton constitutional framework, as evidenced by the results achieved, in this context, by Republika Srpska. Contrary to this, there is an approach embodied in the attitudes and actions of political actors based in Sarajevo, which means an attempt to manipulate the integration process to completely redefine the constitutional structure and centralize and strengthen the position and competencies of the institutions of BiH. In the collision of two opposing concepts, regardless of the nominal compromise expressed through the "Coordination System in the European Integration Process in BiH" (Council of Ministers, 2016), which seeks to ensure coordinated and coherent action by all levels of government in the European integration process in accordance with their constitutional competencies, and to ensure that BiH has "one vote" in relations with Brussels, and the basic characteristic of BiH's "path to the EU" is the stagnation and continued securitization of the process. At the same time, this situation is supported by the approach, often unadapted and insufficiently flexible, of the European Union itself and BiH's every formal step forward in the process is conditioned by meeting the requirements which are not in line with the *acquis*, which are inappropriate for a country with BiH status, particularly those which deeply encroach on the constitutional configuration and competencies of the entities, meaning their implementation is already doomed to failure. It suffices to refer to the conditions laid down by the European Commission before BiH in terms of granting candidate status to BiH, among which are those related to the transfer of a large portion of jurisdiction in the area of justice from the entity level to BiH level, including certain functions of constitutional courts and the legalization of a number of non-Dayton, that is, unconstitutional institutions, as well as processes and practices at the level of BiH that had been established under pressure exerted by the international factor, primarily the Office of the High Representative (European Commission, 2019). At the same time, the position of BiH as a country involved in the process of European integration is irreconcilable with its status as a territory under protectorate, personalized in the High Representative, despite the fact that the European Union with its member states finances the Office of the High Representative and his/her actions (Office of the High Representative [OHR] 2021). Faced with numerous internal problems which are systemic in nature and failing to offer a concrete and clear European perspective whose realization would be based on more appropriate political and economic and financial instruments, the European Union has significantly lost its transformative power (Kovačević, 2019: 26-49) in relation to the entire region, especially in relation to a country with very complex relations such as BiH.

Regarding NATO as the second authority which should assist BiH in implementing the necessary reforms which would help to overcome the Balkan

and accept the European (Euro-Atlantic) security identity, the situation is even more complex. While there is a nominal consensus on the European integration process of all its constituents and their political representatives, the issue of BiH's integration into NATO, in itself, means sharp divisions, securitization and political tensions. As already mentioned, the institutions of Republika Srpska, which follow the official policy of armed neutrality of the Republic of Serbia on this issue, strongly oppose BiH to enter NATO. Therefore, regardless of the presence of NATO forces in BiH, though in a more specific form than before, and regardless of the cooperation that the Armed Forces of BiH have with this military-political organization, the usual strategic planning and operational instruments inherent in countries on the formal path to NATO membership are not used, nominally or essentially, in relations between BiH and NATO

The development of mutual relations so far indicates that the central goal of both the European Union and NATO in relation to the Western Balkan region is to cut off "Russian malignant influence" in this area (Radio Free Europe (July 2, 2019)), which would, according to this projection, ensure its stronger reliance on Euro-Atlantic political, security and any other identity and a far higher level of security in the "European backyard." At the same time, the focus of corrective action undertaken by Western powers in the Western Balkans is collective identities and policies identified as "promoters" of Russian presence in this region.

In addition to the instability they induce at their external borders, the Western Balkans are also, in relation to the European Union, the "exporter" of specific security threats, among which are terrorism-related threats (Vukoičić, 2018: 103-117), especially in light of the connections of individuals and organized groups which took part in the armed conflicts in the region in the 1990s or in the armed conflicts in Syria, with the terrorist acts carried out in Western Europe over the last few years. According to the existing data, seven organizations which have their branches in BiH are on the sanction list of entities associated with terrorism, which is regularly published and updated by the UN Security Council (United Nations Security Council, 2021).

## CONCLUSION

BiH, with its internal relations, accumulated political and security problems, specific internal security dynamics and, in particular, the transposition of its internal complexity and vagueness to relations with other countries in the region, primarily the Republic of Serbia and, to a lesser extent, the Republic of Croatia, as signatories to the Dayton Peace Agreement and perceived as homelands of its two constituent peoples, manifests itself as a key factor in the Western Balkan security subcomplex.

The internal political and societal security context in BiH, with occasional and relatively short "detente phases", has been extremely unfavorable since

the signing of the Dayton Peace Agreement, while conflicting perceptions of BiH as a constitutional, political and even cultural framework for independently exercising the identity content elements of its constituent peoples lie at its core. In other words, at the heart of the internal conflict is a collision between a concept which insists on preserving and protecting the Dayton constitutional and political framework as a guarantee of autonomy on ethnic and religious criteria of the collective identities established and a concept which seeks to recompose BiH's internal structure and establish a new – “civic” BiH identity which assumes politically and security-wise dangerous outvoting by the largest constituent people and submerging of traditional ethno-religious identities in an artificial identity matrix based on “Bosnian” national prerogatives. Conceptual opposition at this basic level results in the constant securitization of almost all relevant issues across the social spectrum, deep divisions and tensions in public discourse which includes the issue of the very survival of BiH as a political community.

At the same time, in addition to the legacies of the war, the internal situation in BiH is strongly reflected in relations in the region, especially in the dominant ethnic triangle – Serbs, Croats, Bosniaks – which, along with unresolved Serb-Albanian and Macedonian-Albanian relations, is a key to stabilizing the region and its gradual security transformations.

At the very least, the responsibility for the unfavorable political and security situation in BiH, and indirectly in the region, is also borne by the strongly present international factor, starting from the outdated, counterproductive and legally highly questionable High Representative in BiH, to the European Union and NATO, which, instead of manifesting themselves as key facilitators of the security-identity transition in this region, contribute to the deepening of the unfavorable situation with their unadapted approaches and policies and often unilateral engagement in favor of one of the three constituent actors. In the interaction of the elements of the two security identities, the advantage is still given to the Western Balkan identity, while the European identity, which is embodied primarily in the actions and policies of the European Union, proves insufficiently potent to achieve key transformative influence and more firmly incorporate this sensitive area into its own stabilization framework.

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# CRIMINAL INTELLIGENCE AS A PREREQUISITE FOR QUALITY CRIME FORECASTING

Review Article

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**Abstract:** Crime forecasting in studying new and adapting one's own methods, and as a part of criminalistic strategy in combating crime as a preliminary stage, must gain a wider knowledge of the same. For any crime forecasting, it is necessary to have crime data, which are systematically processed in their form and structure and stored in records and databases, while data collection is an essential part on which criminal intelligence activity is based. Criminal intelligence activity precedes criminal intelligence analysis, which can be defined as a system in the process of collecting, processing and presenting data to achieve police goals and thus quality crime forecasting. Basically, this task can be described as data collection and storage through criminal intelligence activity, which are then analytically processed in order to shed light on crimes in the tactical sense, and crime forecasting in the strategic sense. This paper addresses the role of data collection through criminal intelligence and criminal intelligence system as a prerequisite for quality crime forecasting.

**Keywords:** Criminal intelligence, criminal intelligence system, criminal strategy, crime forecasting.

## INTRODUCTION

Throughout human history, especially for waging war, there was a need to predict. It is known that the history of mankind is, among other things, the history of war, while the power to predict, especially considering its methods, has always been very concealed and little was publically said or written about this skill at the time. Quality forecasting represented a strategic advantage in relation to potential enemies, as well as to the war itself, but also to other social phenomena.

Dating back to ancient times, the Chinese war strategist Sun Tzu stated in his book *The Art of War*, Chapter Thirteen "The Use of Spies" that foreknowl-

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edge cannot be elicited from spirits; it cannot be obtained inductively from experience, nor by deductive calculation. A forecast can be produced on the basis of data obtained by those who are well acquainted with the circumstances of the enemy (Tzu, 2002).

The mentioned author emphasized that a forecast is produced on the basis of data obtained by those who know the enemy well, which was acceptable at that time and was based on data collection. At that time, modern, later developed, forecasting methods were not known, which were based, among other things, on calculations and previous examples, so the aforementioned author linked the very essence of forecasting to data collection. Throughout history, as well as today, data collection is an essential beginning without which there is no further action and, ultimately, no crime forecasting. The discipline dealing with predicting future reality is called crime forecasting. The basic term is predicting (Krstić, 2005: 348). Crime forecasting is a relatively unexplored and new criminalistic discipline, which seeks to predict. It is important to note that criminal phenomenon and its movement prediction and can be empirical or scientifically based on real, regular connections. In the scientific literature, forecasting is defined as the process of obtaining information about a future phenomenon or event which has not yet occurred. Crime forecasting nurtures an "individual, typical" prediction, without which there is no operational, tactical, and thus no preventive action (Krstić, 2005). The author's statement correctly concludes that a forecast is a precursor to successful prevention.

Based on the above, it can be concluded that, according to the sequence of actions, criminal intelligence work precedes criminal analytics and thus crime forecasting. Also, in order to achieve quality criminal prevention, it is necessary to complete the process that can be set up by first collecting information through criminal intelligence, which is then entered into databases through a systematic and formatted methodological structure of processing, and then through crime forecasting methods derive the final prognostic scenario which is crime prediction. It is important to note that the collection of information for the purpose of a quality crime forecasting must not be based only on information about the perpetrator of the crime.

A significant source of information for scanning problems are victims as the main users of police services. They have special knowledge and experience related to the problem, which can be important when performing an analysis. The existence of unreported crime, where the victims are unknown, should also be borne in mind here. As a result, police and other entities in some states are undertaking investigations into the dark figure of crime in an attempt to obtain information from victims who are not registered as such. The experience that victims bring from contacts with the police is especially significant. They are very important because they indicate possible omissions made by the police in working with victims (secondary victimization, police repulsion, victims do not receive feedback which destroys their motivation to cooperate and increases their dissatisfaction with the police) (Goldstein, 1990: 84). Technological prog-

ress, the age of social networks, general digitalization and the development of science have led to a faster exchange of information, goods and people, and thus, the state and trends of crime.

With the advent of new computer programs, applications, technology, the police get new opportunities to gather information so they can ultimately predict the future state of crime with a greater degree of accuracy and thus achieve a quality crime prediction. The age of digitalization, the Internet and other technologies makes human life less and less private because a person's life becomes recorded both in real time and in digital space. This technical and technological progress is really useful in a comprehensive life, but in addition to changing the way of life, it often records permanent human behavior. In this regard, and in line with the mentioned progress, there is a tendency to profile an individual or group that is already present in the era of marketing and economics because having knowledge on clients, their habits significantly predicts individual or profiled group behavior in economic terms. In accordance with the above, the security services as well as the police agencies are developing their own methods of predicting the movement of social phenomena which are aligned with their interests. This certainly includes crime forecasting, especially for the police agencies, although in addition to the above, the security services also predict, from the aspect of security, the movement of not only crime but also other social phenomena using forecasting methods.

In modern crime countering, the term predictive policing is encountered. It refers to the use of mathematical, predictive analytics and other analytical techniques in law enforcement to identify potential criminal activities. Predictive policing methods fall into four general categories: methods for predicting crime, methods for predicting offenders, methods for predicting perpetrators' identities, and methods for predicting victims of crime (Perry et. Al, 2013: 1). All of the above cannot be achieved without a quality and system-based criminal intelligence activity.

There are a number of articles which, in the form of a criminal strategy, treat the approach to combating crime through intelligence-led police, and thus the purposefulness of using criminal intelligence systems in a tactical sense, that is, for a specific clarification of crimes and in forecasting, strategic sense, estimating future crime trends, where forecasting methods are indicated (Palmiotto, 2000; Groff, & La Vigne, 2002; Herchenradera, & Myhill-Jonesb, 2015; Bošković & Matijević, 2007; Moldy, 2002; Matijević & Stupar, 2021; Muratbegović, 2010; Stupar, 2021).

This paper seeks to present criminal intelligence activities and data collection systems and point out the connection and conditionality of the above with crime forecasting.

The first part of this paper focus on criminal intelligence as a prerequisite for quality crime forecasting and presents its connection, with an emphasis on collecting information on crime, because this phenomenon is impossible to properly observe, control and prevent, and in accordance with the above, im-

prove the existing and develop new methods in countering crime without intelligence activities. The second part of the paper presents the systems of using data collected through criminal intelligence activities in BiH in terms of criminal intelligence system 4x4. The autochthonous system developed by the Ministry of the Interior of Republika Srpska, which refers to crime called Crimea1 and Crimea 2 is also partially present.

## CRIMINAL INTELLIGENCE ACTIVITY IN THE PURPOSE OF CRIME FORECASTING

Considering the concepts of crime forecasting, types and methods of such research, its main characteristics should be emphasized. Its goal is to identify the perpetrator, illegal acts in general and the factors that cause them as well as potential the victims or objects of the attacks. Methods of criminal science are the generalization of experiences of investigative and judicial work, studying the manner of committing criminal offenses and processing scientific methods for collecting, finding, fixing and examining evidence based on natural and technical science data (Šaver & Vinberg, 1945: 5). In the forecasting process, the possible consequences of crime are also assessed. Based on the research conducted, effective measures for crime prevention or its individual types are being developed.

Crime forecasting may relate to trends, a situation, the period of events as well as other given prognostic parameters, and the forecast itself should be employed both in the tactical sense and the strategic sense.

The forerunner of all the above is quality criminal intelligence activity. The expansion of old and new forms of crime is an indisputable fact in a modern society. The assumptions of optimal results in opposing the same require the construction of a modern structure which would be authorized to work in the so-called forefront of criminal activity, that is, to enable early warning and extend the time in favor of crime forecasting and criminal preventive response by state bodies.

In the middle of the 20th century, the basic forms of criminal intelligence work were established, which developed through several criminal intelligence activities. Intelligence work or activity is the result of collecting, processing, integrating, analyzing, predicting, interpreting and disseminating intelligence. Intelligence is any new knowledge about a foreign country, crisis area, current or potential adversary collected through intelligence work related to intelligence work pertaining to crime.

Criminal intelligence work has its characteristics which can be set in a way that it is comprehensive in terms of time, space and methods, important as a support to decision-making. It is carried out with equal intensity regardless of the form of crime and its manifestation and is aimed at the criminal phenom-

enon from several aspects. In accordance with the above, the criminal intelligence activity uses various methods of collecting information, which extract information from various sources. It is important to note that the ways and methods of collecting information use the methods employed by intelligence services or security services, and some methods of collecting information characteristic of police work have been developed.

In the mid-1990s, initiatives for proactive policing began to strengthen. This, among other things, meant predicting criminal activities in the future. In order for that to be possible, it was necessary to obtain as much useful information from the criminal milieu as possible, which was only possible with an increase in criminal intelligence activity. That is why the National Intelligence Model was created in England, which extended to all levels: local, regional, cross-border issues, international, serious and organized crime (Guidance on The National Intelligence Model, 2005: 12).

Criminal intelligence activity in most European countries is based on an understandable tendency for maximum protection of citizen rights and freedoms and on a wise balance with a deep need for forecast action in order to prevent and detect crimes, which have a more serious impact on the whole society. Forecasting analysis in criminal intelligence directly contributes to a more successful planning of crime suppression by applying modern methods and means.

The exclusive mandate of criminal intelligence, in theory, is to achieve, through the collection, analysis and dissemination of criminal intelligence and the coordination of other services and agencies for combating crime, an appropriate advantage over crime in general in terms of forecast, preventive and pre-criminal relationship with the perpetrators of all forms of crimes.

Given the great importance of criminal intelligence activities in the field of crime forecasting, it is necessary to point out some doubts in defining the important terms used to denote certain criminal intelligence content and actions:

1. Data is any knowledge, data or information which contains certain information.
2. Information means knowledge in its raw form. Information is a universal means of human communication with the world and with each other. Information is one of the main aspects and tools of human practical and theoretical activity. Information is data which means something. In addition to this, Dr. Vodinelić states that every piece of data is information, provided that it communicates something relevant (Vodinelić, 1990: 37), which is certain and correct.
3. Criminal intelligence analysis means the process of decomposing or separating things into their integral parts, as well as determining those parts. The analysis also involves monitoring the flow of certain events to their sources in order to discover the general principles behind them and demonstrate the results of this process.

4. Criminal intelligence data is a product of criminal intelligence analytical process (Manojlović, 2005: 112). It is information with added value, which can be understood. Criminal intelligence data is created by processing raw information. Criminal intelligence has a strategic and tactical application, depending on its content, character and meaning.
5. An intelligence procedure is a process of learning which consists of a series of activities, in stages with the ultimate goal of learning what is not yet known.
6. Criminalistic research means the application of a number of methods in the examination and analysis of criminal intelligence data, facts, with the application of the rules of criminalistics and other sciences, which are based on the use of modern techniques and methods (Šimović, 2002: 7).

Data are raw and uninterpreted observations and measurements. Examples include features of criminal activity that are easily quantified, such as crime reports and other crime statistics, offender databases, and police tasks. Information is data placed in the context and empowered by meaning, which gives it greater relevance and purpose. Knowledge is information which has been given an interpretation and understanding. When a person has added his/her wisdom to information, it becomes knowledge.

Intelligence is data, information and knowledge that have been evaluated, analyzed and presented in a decision-making format for action-oriented purposes, according to a criminal intelligence theorist (Ratcliffe, 2016: 72).

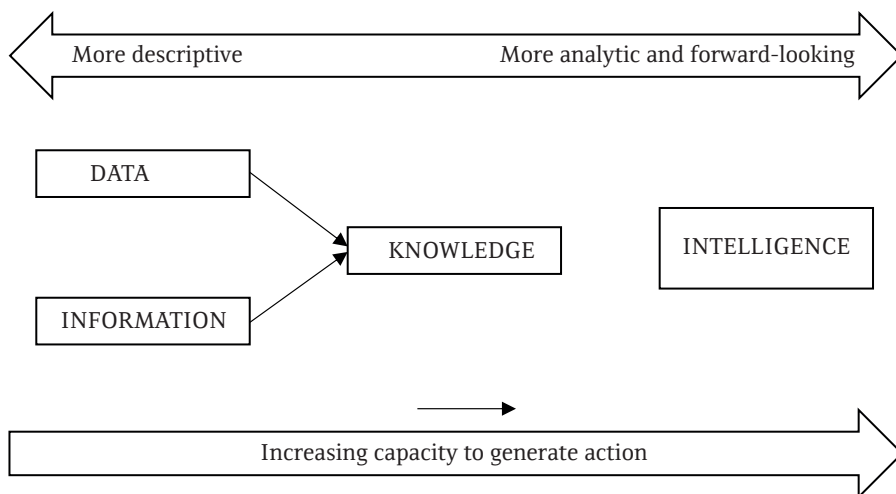
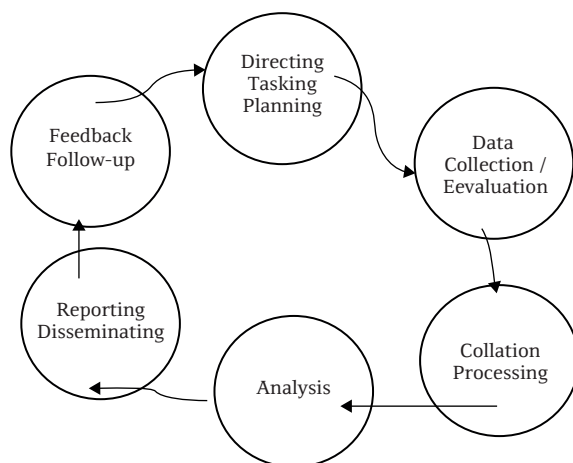


Figure 1. From data to intelligence

Ratcliffe, J. (2016). *Intelligence - Led Policing, 2nd Edition*. London/New York: Routledge.

The task of criminal intelligence and apprising is to obtain as much relevant data and information as possible from all available sources. Criminal intelligence aims at timely, high-quality and comprehensive apprising of phenomena and events in the environment which may have a certain impact on the security situation. More precisely, as it is a matter of criminal intelligence, we primarily mean data, information from the domain of crime phenomena such as preparation, execution, hiding objects and traces of crime and perpetrators (Matijević & Mitrović, 2011: 82). In order to fill the databases with relevant criminal intelligence data in a quality way, it is necessary to systematically record a wide range of seemingly irrelevant information, because even such data, with the help of crime forecasting methods, can help us act in a better way in the crime prediction zone. The intelligence gathering process, traditionally referred to as the intelligence cycle, describes and outline six widely accepted standard steps used to transform raw data and information into value-added intelligence aimed for action. Ideally, this process begins with a decision or a tasking, followed by a planning stage, after which analysts engage in collecting information and data which must be evaluated according to a formally recognized evaluation system (Figure 2).

The next step is, in fact, the actual processing stage, which begins with collating and structuring available data and information and inserting them into a database. The data and information are then analyzed, which results in the production of an intelligence product to be disseminated to the client (the manager, the investigator or others that task the analysts or request their analysis support) and other relevant stakeholders. The clients evaluate the intelligence product with reference to their needs and demands. The received feedback is used to improve the current product or as methodological input for future similar products. (OSCE, 2017: 34).



*Figure 2. Criminal intelligence cycle (OSCE, 2017)*



It should be noted that new experiences of police agencies confirm that there is a fundamental shift in the police toward a strategic, future-oriented and targeted approach to crime control, which is basically based on the concept of criminal intelligence and crime forecasting. However, the letter should not be understood narrowly in terms of proactive operational methods based on police intelligence because it is not necessarily incompatible with these novelties. The National Intelligence Model adopted by the police forces in England and Wales offers, as an example, a business process framework for managing police priorities of all kinds and can include perspectives from partner agencies and local communities, and can set parameters for reactive and proactive crime response. The structured use of analysis within the adopted model potentially takes full account of all factors, but retains essentially an evidence-based decision-making and prioritization process, as well as a future-oriented focus on community security threats (Maguire & Tim, 2006: 67). This model has been adopted by England and Wales in intelligence leadership in police decision-making in the UK. Intelligence collection, crime analysis and intelligence are important in police efforts to reduce crime and address chronic problems related to the same, which was adopted as a model in police education in the Phoenix Police Department's Intelligence Officer Program (Ratcliffe, 2016: 332).

By analyzing the criminal intelligence activity, a need for standards regarding the collection of information arose. The literature points out the problem of obtaining information and insufficient quality of their analysis because there is a lack of staff for quality performance of this task, given that these are new methods which the police have not used frequently. It is emphasized that the first necessary step in solving the problem is to defining it precisely. It is pointed out that it is not easy to obtain information in the field because the police, as a rule, do not have the personnel and financial possibilities to organize a thorough research into a problem. This issue may be overcome in several ways: by concluding cooperation agreements with certain scientific institutions which can, within scientific programs, obtain funds to finance research (thus research arises from the immediate needs of the practice and for its needs). Another way is to introduce a monitoring system (supervision system) so that the facts collected, methods applied and results obtained are presented at a panel before the police and other experts where the analysis of the results obtained is conducted and instructions are given regarding further procedures. Another way is to organize training courses for police officers engaged in criminal intelligence analysis (Goldstein, 1990: 90).

Due to new trends in the manifestation of crime, there arose a need for the specialization of certain organizational units within the police and the current modern system of training of police officers with a tendency to specialize police personnel who are trained to prevent new current forms of crime. The tendency in modern police organizations is certainly oriented toward the professionalization and specialization of both personnel and system solutions with an emphasis on the specialization of a range of tasks on which criminal intelligence is based.



In this regard, there is a need to form new and transform old organizational units in order to become better organized and specialized, which is a trend in police organizations that have performed or are performing such restructuring in order to perform criminal intelligence activities in a better way.

Also, in order to successfully counter crime, systems have been adopted to systematically treat the information received in terms of a better evaluation process. This phase was unjustifiably neglected in classical crime work as well. A complete and purposeful assessment requires an assessment of the reliability of information sources and the value of specific information content. This phase is crucial for an efficient analytical process.

Therefore, an analyst should be allowed to have greater self-confidence in reaching a conclusion. He/She should understand the quality and reliability of the information source on the one hand, and the quality of the information content on the other. The information source and the current information, as two subsystems within the system as a whole, must be evaluated independently. The police officer completing the report should have a proper insight into the knowledge of the assessment system. The evaluation starts at the data collection stage because it is difficult to evaluate information which is not adequately adjusted.

There are three basic principles before starting to evaluate and organize data:

1. Evaluation must not be influenced by personal feelings (the principle of objectivity);
2. The evaluation of the information source must be done separately from the evaluation of the information content and
3. The evaluation should be performed as close as possible to the source (Krstić, 2010: 170).

In light of the above, the causality of criminal intelligence activity is visible in order to have a quality crime forecasting. Criminal strategy in its approach to combating crime, in the part related to crime forecasting, develops and refines the command forecasting methods, but it also introduces new ones, especially with the help of artificial intelligence and new computer programs and algorithms. Both the old and new methods of crime forecasting are conditioned by the information and data on crime collected in the broadest sense. As previously stated, this conditionality is obvious and it can be said that the whole process can be set as an initial stage in the part related to criminal intelligence activity, after which criminal analysis is carried out through the systems of using data and by applying crime forecasting methods, the final forecasting of the manifestation of crime is reached.

At the end, as the final end of the mentioned process, criminal prevention is conducted. All of the above has a clear goal to achieve the best possible results with as few resources and as possible, that is, to achieve police goals in crime prevention and control.

## SYSTEMS OF USING DATA COLLECTED THROUGH CRIMINAL INTELLIGENCE ACTIVITIES

With the reform of police structures in BiH in 2002, in order to strengthen criminal intelligence, the 4 x 4 criminal intelligence system was adopted as a standardized evaluation system and accepted as a common practice for criminal services in most EU police agencies. This system is also used by analysts at Europol and any information received by Europol's information database that has not been evaluated will be evaluated before it is used through this system. The characteristic of this system is based on the fact that the reliability of intelligence information must be examined before it is stored in criminal intelligence systems. Personal feelings must not affect evaluation. Evaluation must be based on a professional approach in order to draw adequate judgments and conclusions. Police officers who enter intelligence into reports are personally responsible for ensuring the accuracy and proper evaluation of information material, which is based on their knowledge and circumstances at the specific time and place when the information was received. Likewise, justification may be required for an action undertaken on the basis of criminal intelligence. Intelligence data coming from the same information, which refer to different cases and persons, are registered in special intelligence reports. Each intelligence data should be evaluated separately on an individual basis.

Also, the same reform introduced telephone hotlines called "crime hunters", as sources of information, which certainly contributed to greater knowledge of crime, although the reliability of sources of anonymous information obtained from "crime hunters" cannot be examined and therefore this information source is treated as "X", without exception, and applications for reporting crime on the Internet have been designed. The data obtained in this way was processed by the said system. The confirmation of the received information content should be sought wherever possible, with the inevitable assessment of risks related to the use of criminal intelligence obtained from such sources before undertaking operational action.

Evaluating the information source according to this system means the quality of information source regarding the following aspects:

1. Credibility;
2. Quality;
3. Reliability and
4. Applicability.

Depending on who gives information, the 4x4 system classifies sources into four categories:

1. Reliable;
2. Usually reliable;
3. Usually unreliable and
4. Untested information source.

1. A reliable information source is a source where there is no minimum doubt in the credibility of the information's source. It is used when the information source is an authorized official of the Ministry of the Interior, a police officer or some other (authorized) person. In the criminal intelligence report, it is marked and classified under "A".
2. A usually reliable information source is classified and used in those operational situations where the information source is known to the police officer completing the report. Such an information source has already proven to be reliable in most criminal-operational situations under the label "informant". In the criminal-intelligence report, it is classified under "B".
3. A usually unreliable information source is used in those operational situations when the information source has proven to be unreliable in most criminal operations. By its nature, such an information source is unreliable, but in some criminal operational situations it can provide valid information. In the criminal intelligence report, it is classified under "S".
4. An untested information source is a type of data source that cannot be evaluated. A typical example of this are anonymous and pseudonymous reports or person who, for the first time, provide information to the police, which has not been evaluated before. In the criminal intelligence report, it is classified under "X".

The stated information collected using the 4 x 4 system from certain information sources must be evaluated in terms of information content by the recipient of the specific information content, regardless of the information source. Evaluating the quality of information received by this system is qualified according to the following groups:

1. True information: label "1",
  2. Information known to an official passing it on: label "2",
  3. Information not known personally to an official passing it on: label "3",
  4. Accuracy cannot be assessed: label "4".
- 
1. True information is a type of information which is accepted as true and is not subject to additional checks in relation to the credibility of its content. As a rule, it is a police officer who acts as a witness – the person passing it on.
  2. Information known to the person passing it on, but not to the police officer completing the report. As a rule, it is information obtained from the informant, that is, a collaborative network.
  3. Information that is not personally known to the person passing it on, but is corroborated by other information. For example, if the person passing information on was given information by a dear person or he

indirectly learned about a criminal event or criminal activities carried out by a group. The informative content of each piece of information must be evaluated differently (Krstić, 2010: 172).

In accordance with the above, police organizations create and keep separate records on crime, which are systematized depending on the methodology of work and the manner of keeping records on crime. Criminal records are, in terms of content and function, part of the entire criminal information system, which has a very important role and significance and which creates preconditions for crime forecasting. Criminal records represent planned and organized collecting, recording and processing of data on the crimes committed and prepared, perpetrators, and trace evidence, as well as criminal actions and measures that are important for detecting and clarifying criminal offenses, detecting perpetrators, their identification and generally for taking preventive criminal measures for the prevention of new criminal offenses by the registered offenders (Krivokapić, 2005: 199).

As the police agencies obtain more information through operational work, reports by individuals, state bodies, companies, etc., they document information and the crime itself through the prescribed forms, which is in line with the 4 x 4 system used by most police structures in the European Union. The Ministry of the Interior of Republika Srpska introduced a modernized system of Crimea 1 and Crimea 2 in 2014, which had previously been used as an analytical and statistical crime database by the former police of the SR of BiH. The mentioned system, which was in the nomenclatures, has been computerized and updated so it can be used, in the tactical sense, for the clarification of specific crimes but also in the strategic sense, which opens the possibility for crime forecasting. This system is roughly divided into two separate units, one contains data on crimes (Crimea 1), while the other contains data of the perpetrators of crime (Crimea 2), and it provides opportunities for statistical and analytical use of data and crime forecasts. These systems are important and they systematically valorize criminal intelligence activities in order to perform quality crime forecasting.

It is important to state that the development of applications and system solutions in the area of information technologies and artificial intelligence opens up new ways and models of information collection and their systematization, evaluation, and ultimately opens up a possibility for tactical and strategic use in forecasting. The tendency to create digital cities and areas in which human activities are recorded in real time and continuously indisputably provides opportunities for monitoring as well as predicting the behavior of both individuals and groups of citizens. Police organizations that already use these science achievements with developed methods and models of crime forecasting can rightly be called "Predictive Policing" in the scientific literature.

"Intelligence-led policing emphasizes analysis and intelligence as pivotal to an objective decision-making framework that prioritizes crime hotspots,

repeat victims and prolific offenders and criminal groups. It facilitates harm and crime reduction, disruption and prevention through strategic and tactical management, deployment and enforcement” (Ratcliffe, 2016: 66). It is evident from the above that this author emphasizes, in addition to tactical, strategic management of criminal intelligence as well. The usefulness of this approach is immeasurable because it directly links criminal forecasting with the systems of using data collected through criminal intelligence because it states the logical possibility to use data from these systems using criminal forecasting methods in order to achieve police goals in crime prevention, that is, crime forecasting.

It is important to note that the new methods which are being developed in the fight against crime should in any case be adapted for quality control and the supervision of possible abuses. Special attention should be paid to the violation of human rights and freedoms of individuals. In this regard, it is necessary to simultaneously develop control mechanisms in terms of state bodies or committees within the executive or legislative branch, which are entrusted by law with certain competencies over the work of the intelligence services (Ćeranić, 2008: 81). This control mechanism should be modeled on the control of intelligence services having specifics of criminal intelligence and police predictive system by professional and competent police and civil servants and persons trained for this type of control appointed, according to statutory procedure, by competent authorities, which would serve as a protection mechanism of a democratic society from possible abuses. Special attention should also be paid to the protection of systems of using data collected through criminal intelligence, because they are computerized and most often installed in separate applications and are usually part of intranet networks used in closed security systems. As such, they are vulnerable to threats, therefore it is necessary to constantly protect the data and the entire system from any kind of threat. In accordance with the above, from the very beginning, the developed systems and software applications have been designed for the use by authorized individuals, scientific teams, and so on.

Based on the above, it can be concluded that the entire process of criminal intelligence work, the system of using crime data collected by criminal intelligence activities, crime forecasting is mutually conditioned as one cycle and should be observed in this way as well. The final product observed in this way represents crime forecasting that can be used in the specific clarification of a crime or group of crimes committed, in a tactical sense, and predicting the movement of crime in a strategic sense, depending on the crime prediction task.

## CONCLUSION

Criminal intelligence activity is the first step without which it is impossible to perform a quality crime forecasting. Every crime forecasting is based on crime data. With the development of new crime forecasting methods and by using the existing methods, there is a need for greater knowledge and insights

about crime, that is, perpetrators, victims, crime scenes, the methods of perpetrating crime and other relevant data.

In order to analyze them, these findings must be entered, processed, and systematized through the system, so they can be properly and systematically, depending on the need, processed and ultimately used. The use of these data, in most cases, is based on tactical use in order to learn about crime, that is, to shed light on crimes. Tactical use was initially the only motive for collecting data to be used for shedding light on crimes. The development of science and its methods relevant to criminalistics provides possibilities for crime forecasting based on a scientific method that gives results regarding crime prediction. In predicting future occurrence of criminal activity, the time of execution, a potential perpetrator, the manner of execution, an object or a victim of attacks, including other relevant manifestations of criminal activity from the criminalistics and criminological aspect, police structures are given strategic priority in relation to crime. A quality crime forecasting provides an advantage over crime because it achieves a strategic advantage that allows an appropriate preventive action and cost-effectiveness of policing because it creates the preconditions to achieve better results using less resources. It also enables quality crime prevention, which is generally neglected due to inappropriate presentation of both its value and usefulness, including the results of crime prevention work.

Given that the primary task of criminalistics, including crime forecasting and prevention, is the collection, analysis and provision of relevant information and data in the crime preparation phase, so that a planned criminal activity may be timely anticipated and prevented. Tendency of the development of modern police and security systems is predicting both crime and other social phenomena of interest for security. The development of criminal-intelligence activity and the system of manipulation of the data collected, which are collected through the mentioned activity, using the existing and developing new crime forecasting methods, including prevention, opens up a possibility to gain broader knowledge about crime, which can contribute to the development of criminology and criminalistics as sciences.

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## **BOOK REVIEWS**



The review of the book *Security in Emergency Situations (Bezbednost u vanrednim situacijama)* by Dragan Mlađan

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A book, that is, a textbook having significant features of a scientific monograph entitled *Security in Emergency Situations* Dragan Mlađan was published by the University of Criminal Investigation and Police Studies in Belgrade. The book contains 527 pages. In addition to the introduction section which deals with safety in emergency situations as a scientific discipline and a compulsory subject studied in the third year at this University, the book includes the following nine chapters:

1. Defining and classifying basic terms relevant to emergencies
2. Danger, vulnerability, risks and consequences of emergencies
3. Organization of a system for disaster risk reduction and emergency management
4. Reducing the likelihood of occurrence and mitigation (prevention) of the consequences of emergencies
5. Preparedness of key entities for disaster risk reduction and emergency management
6. Protecting the population in emergency situations
7. Response to emergencies
8. Recovery from the consequences of emergencies
9. International cooperation in emergencies

In his textbook of the same name published in 2014, Professor Dragan Mlađan managed, in a complete and comprehensive way, to synthesize and bring the students (and the scientific and professional communities), closer to this very broad, diverse, complex, extremely multidisciplinary field which is constantly changing in a society of risk. Almost six years have passed since the publication of this textbook, which is a short period of time in the historical sense. However, regarding disaster management, significant changes have taken place in this period, both globally and locally. A series of crises and catastrophes in the world, catastrophic floods in 2014 and 2016 in Serbia, several emergencies in local self-government units, concluding with the COVID-19 pandemic, which fundamentally shook and seriously questioned the existing theoretical paradigms, have put to the test national and supranational systems for crisis and catastrophe management, the methods and mechanisms of crisis

management, the (in)ability of crisis managers, priorities and values on which modern civilization is based have imposed, *volens - nolens*, the need for a thorough review of basic principles of crisis management. All serious states predicted the danger of a global pandemic, but none of them was ready. Politicians constantly emphasize the importance of preparations and prevention. However, guided by the principles of “new public management” which propagates to “do more with less”, they do not allocate funds in budgets for prevention and preparation. The current situation leads to much work, but few rational and applicable solutions. In this environment and circumstances, this book was published, which can be useful to both students and practitioners for preparations and emergency management.

The scope of this book is very wide and it seems that each chapter could be the subject of a separate monograph. Professor Mlađan adhered to a “medium range” regarding each topic very skillfully. He did not write scarce or short sections such as lexicon or encyclopedia entries, and neither did he discuss the problem at too great a length, which was not easy at all. Either with the topics falling within “his area of expertise”, which draw him to go into detail, or those ones less familiar to him, he seeks additional sources to update basic information, and he managed to find a measure in content and scope of the material processed. The whole material is very well systematized, the problems are presented, to the extent possible, pictorially, obviously and supported by numerous data, tables, figures, maps, graphs and statistics. In processing the literature, the author used a large number of relevant domestic and foreign sources. The absence of vanity, the sense of responsibility and creative restlessness led him to consult with colleagues and experts in certain areas, since it is impossible for an individual to know such a wide range of phenomena well. All this resulted in a very valuable manuscript which would become an indispensable literature for anyone dealing with crises, disasters, and emergencies.

Although it is, in essence, based on a previously published book and draws from it what is unquestionably still valid, it is still a new book in which the author thoroughly re-systematized the matter, harmonizing purely theoretical chapters with the latest research, the reflections and approaches of the world's most relevant authors. The latest normative solutions (primarily the Law on Disaster Risk Reduction and Emergency Management) and the system documents (National Disaster Risk Assessment) are also included. The text is enriched with numerous examples, images, tools and calculations, which enable students to easily comprehend information and practitioners to apply crisis management tools. The book is written in an understandable, clear language and adequate style, but not to the detriment of academic correctness, owing to which it is presented through relevant scientific and professional information which is systematized, generalized and connected into a compact whole, which provides a solid basis for future research.

The book *Security in emergency situations* by Dragan Mlađan, in addition to academic standards, meets all pedagogical standards and criteria required by a

university textbook. Additionally, the book has an indisputable practical value and will be of use to practitioners not only in the Sector for Emergency Management and the Ministry of the Interior in general and other emergency services and organizations dealing with various types of crises and disasters (Red Cross, Mountain Rescue Service, etc.). It is certain that this is a book which students will not throw away when they pass the exam, but will often consult it during their career. If they work in the area of emergency situations – they will surely keep it on their desks.





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- ✓ Empirical articles: introduction, methods, research, results and discussion, conclusion.



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- ✓ Title of the article: 12-pt font, bold, typed in uppercase letters, centered.
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 Viktimološkog društva Srbije-Žrtve kriminaliteta i žrtve rata: međunarodni i domaći kontekst, knjiga apstrakta* (p. 13). Beograd: Viktimološko društvo Srbije & Prometej.
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The Journal of Security and Criminal Sciences publishes innovative scholarly articles that address topics ranging from security studies, criminalistics and forensics, protection and rescue, the organization of policing and police activities, to special physical education. Additionally, the journal publishes articles in other scientific fields that are closely related to the profile of the journal.

The journal publishes original research articles, review articles, short communications, article critique or response papers, conference reports, book reviews, and research projects reports that have not previously been published or submitted to another journal for consideration in any form.

Article 53 of the Rulebook on Publishing Academic Work ("Official Gazette of Republika Srpska" No. 77/17) provides for the quality of a review as one of the criteria for the categorization of journals.

- Pursuant to Article 35(5) of the Rulebook, the review must contain the following:
  1. Evaluation of the relevance and originality of the article and its contribution to the relevant field;
  2. Evaluation of the novelty and originality of research;
  3. Evaluation of the methods used;

4. Recommendation for assorting the manuscript into the relevant category or article type;
  5. Evaluation of the literature used;
  6. Recommendation to publish the article.
- Article 23 of the Rulebook provides for the following article types:
    1. **Original research article** is, in principle, organized according to the IMRAD scheme for experimental research or in a descriptive way for descriptive scientific fields, in which the text about the research results of the author's own study obtained using scientific methods, which are textually described and allow for the research to be replicated and the facts to be verified, is published for the first time.
    2. **Review article** presents an overview of recent articles regarding a specific topic with the aim of summarizing, analyzing, evaluating, or synthesizing the main ideas arguments and findings, with new syntheses that must encompass the results of the author's own research.
    3. **Short communication** is a short article or a preliminary study which does not have to include all the IMRAD elements. It summarizes the findings of the author's completed original research or article still in progress.
    4. **Article critique or response paper** is a discussion of a certain scientific topic, based exclusively on scientific argumentation, in which the author expresses his/her opinion which must be supported with evidence, that is, confirms or disproves the findings of other authors.
    5. **Informative review** such as editorials or commentaries.
    6. **Review** is an evaluation of a book, instrument, computer program, case, or a scientific event. It evaluates the correctness/incorrectness of a scientific paper, criteria, or starting points, with a particular emphasis on the quality of the work evaluated.
  - When reviewing the article, the reviewers should consider the following:
    1. Does the article fit the scope of the Journal of Security and Criminal Sciences?
    2. Does the title clearly describe the article?
    3. Does the article adhere to the journal's standards?
    4. Does the article in the relevant category have all the necessary elements (for example: original research article – introduction, methods, results, discussion, conclusion)?
    5. Are tables and figures easy to interpret and understand?
    6. Are the sources cited in accordance with the Instruction for authors?



- Other notes (Article 35, items 2, 4 and 6)
  1. Articles are evaluated descriptively.
  2. Reviewing form must be signed if it is in printed form and sent to the editorial office via email for each article reviewed.
  3. Reviewers are required to point out possible violations of ethical standards in the work.
  4. Reviewers should provide a full reference to a representative single author/co-authored articles from the narrower scientific field, such as the work they have reviewed.

