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## EDITORIAL INTRODUCTION

We have before us the second issue of the *Journal of Security and Criminal Sciences*, this time for the year 2023, or the fifth year as this, in many respects new, journal is presented to the readership. Perhaps this issue could be marked as festive and thus mark the fifth anniversary of its release. At a time when there is less money and understanding for printed publications than ever, this is no small achievement. This time, there are two articles co-authored by Russian authors Viktor Zverkov, Tatjana Sidorovich, Faleev Mihail and Tsibikov Nikolay and by Boris Tučić, Goran Guska, and Miloš Milošević and Đurica Amanović. The authors address different topics and each article deserves close attention.

The article entitled “Contemporary challenges and threats to the international and national security of the socio-economic development of Eurasian countries” by Russian authors is intriguing not only because of the title, but because it concerns contemporary global world contradictions, how society treats the environment, the violation of the sovereignty of independent countries under the pretext of “peacemaking and world security” and similar topics that the authors rightly treat as security challenges and threats. Special emphasis is placed on terrorism which is used to achieve political and ideological goals and terrorist acts using “dirty bombs” and biological agents, which, again, as it has been pointed out, “are regarded as the most dangerous due to their medical, biological and socio-psychological consequences.” The article concludes that “society’s wrong perception of the real consequences of radiation accidents, radiological terrorist attacks, direct and indirect damage to the population and the environment has historical and psychological roots.”

The second article entitled “Strategic compass for security and defense of the European Union: a platform for global action within the common security and defense policy?” in which Boris Tučić explains that the content and scope of the Strategic Compass for Security and the defense of the European Union as a broader strategic platform through which the Union would “achieve the strategic autonomy of its policies in the field of security and defense and become an autonomous, indispensable security actor on the global stage.” Tučić analyzes the Strategic Compass for the Security and Defense of the European Union, which was adopted by the European Council in March 2022, and points out that “the Strategic Compass is still only a reflection of the bureaucratized efforts of the European Union’s services to implement the assigned task and does not offer answers to some key, primarily strategic issues.” Tučić concludes by critically pointing out that “the scope of this document is small, which cannot be identified as a broader strategic platform for developing common policies in the field of security and defense at the European level”, and that the Strategic Compass cannot yet be seen as a “white paper” on common defense at the level of the European Union.

In the article entitled “Evidentiary actions implemented by the courts in the Banja Luka region in the cases of offenses against sexual integrity,” Goran Guska presents the quantity and quality of evidence obtained through evidentiary actions through the analysis of judgments rendered by the courts in the Banja Luka region. Guska’s study is focused on the impact of evidentiary actions on the outcome of a judgment. In the empirical research conducted for the purpose of his doctoral dissertation, Guska concludes that a third of the total number of judgments rendered by the courts in Republika Srpska for the offenses analyzed in his study were rendered by the courts in the Banja Luka region. “By analyzing the evidentiary actions undertaken in relation to the judgments rendered by the courts in the Banja Luka region, we determined that the most represented evidentiary actions are witness examinations and suspect interrogations, while in relation to actions undertaken to obtain objective evidence, the action that was mainly undertaken was expert analysis (forensic medical analysis of the victim of an offense was mainly performed, and to a lesser extent forensic biological analysis was performed for the purpose of obtaining evidence against the perpetrator), while other evidentiary actions were used to a lesser extent” – which is Guska’s basic thesis. Additionally, it is worth pointing out that the author came to the realization through research that the number of convictions is very high (92.70%), while the number of acquittals is lesser, of which only one (out of three) judgments was rendered due to an insufficient evidence. According to Guska, “these findings indicate that the evidence, that is, the evidentiary actions undertaken, both qualitatively and quantitatively, were sufficient and effective, as they made it possible to pronounce guilty judgments.”

In their article entitled “Development directions, functions and strategic objectives of sport and special physical education in law enforcement in Serbia”, Milošević and Amanović point out that human potential requires special attention in Serbian law enforcement, which the authors view as the basis of success. According to Milošević and Amanović, professional work and relationship are necessary factors for the fulfillment of social interest, whereby, again, a strategic approach is necessary.

Finally, a book entitled *Security Systems and the Issue of Control* has been reviewed by Velibor Lalić, which indicates the importance of the social control of security system. We believe that this issue of the *Journal of Security and Criminal Sciences*, which entered its sixth year of publication, does not lack editorial achievements or fail us in terms of the standards we have become accustomed to.

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# CONTEMPORARY CHALLENGES AND THREATS TO THE SECURITY OF INTERNATIONAL AND NATIONAL SOCIO-ECONOMIC DEVELOPMENT OF EURASIAN COUNTRIES

Review Article

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**Abstract:** The uncontrolled, destructive development of civilization has sharply sharpened contemporary global world contradictions, primarily interstate and intrastate relations, society's attitude toward the environment, the violation of the sovereignty of independent states under the pretext of "peacemaking and world security," etc. Experts are alarmed by a growing number of various challenges and threats (geopolitical, food, demographic, climatic, ecological, raw material, energy, etc.) and natural and technogenic emergency situations, the constant improvement of scenarios and methods of terrorist activity, unforeseeable political, socio-economic, ecological and other consequences that hinder the organization and execution of rescue and humanitarian operations, and the sustainable development of countries. Among the possible means of terrorist activity, terrorist acts using "dirty bombs" and biological agents are regarded as the most dangerous due to their medical, biological and socio-psychological consequences.

**Keywords:** national security, economic activity, natural and technogenic emergencies, terrorism, dirty bomb.

## INTRODUCTION

Comprehensive problems that have arisen before humanity are described as a result of the deformed, destructive development of civilization with com-

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plex and diverse forms and types of dangers. The process of forming a new polycentric model of the world order is accompanied by the growth of global and regional instability. The contradictions associated with an uneven world development, the widening gap between the levels of prosperity of countries, the struggle for resources, access to markets and control over transport networks have intensified. Competition between countries now includes basic values and models of social development, human, scientific and technological potential. The support of the USA and the European Union to the unconstitutional coup d'état in Ukraine led to a deep split in Ukrainian society, the international community, and an armed conflict and instability in Europe, in the immediate vicinity of the borders of the Russian Federation.

The growing international conflict potential, the illusory perspective of changes in the hostile course of Russia's traditional geopolitical opponents require the development of a long-term policy for national security, a sustainable socio-economic development, a proper assessment of the strategic risks of large investment projects that are implemented in developing regions, but which are subject to regular, unforeseeable impacts of consequences caused by the increasing intensity and scale of global climate and environmental changes, various unforeseen circumstances, crises, emergency situations [ES], terrorist acts, which have different scenarios and use different means (*Figure 1*). The main approaches to the strategic planning of the state system for the prevention and liquidation of emergency situations in the Russian Federation are aimed at ensuring the following: international humanitarian operations; integrated socio-economic sustainable development national projects; the ecological security of economic activity; the mitigation of the impact of emergency situations; the reduction and prevention of terrorist activity; the improvement of forces and means for early warning of threats; and the efficient interaction between rapid response teams. The growing military threat posed by NATO contributes to the improvement of information sharing between the Ministry of Emergency Situations and the Russian Ministry of Defense, other key departments and organizations responsible for the fight against accidents, breakdowns, natural disasters, and organizing the fight against terrorism (the destruction of the North Stream gas pipeline), and civil defense (Зверьков et al., 2022: 60).

## PROVIDING COMPREHENSIVE SECURITY TO THE STATE UNDER CONDITIONS OF HARMFUL AND DANGEROUS ENVIRONMENTAL FACTORS IMPACT

The problem of protecting the national security of states from external and internal dangers and threats, coalition ways of providing security to states are the dominant trend in contemporary international relations. In the unipolar world, new dangers and threats that affect the entire post-Soviet space and each country individually have arisen. Due to the growing threat aimed to destabilize

new states and territories, the integration of the efforts of states to protect their interests in the field of military security on a multilateral and bilateral basis is visible in almost all the countries of the world. In the post-Soviet space, the desire of the USA, Germany, Sweden, Turkey, Iran, and China to include some countries in their sphere of influence is obvious. Potential sources of military danger were formed along the entire perimeter of the borders of the Commonwealth of Independent States (CIS), under the impact by various factors that turned into a direct military threat, which, in different regions, assumes an interregional character different in time, place and scale. The group of troops (forces) in the areas along the external borders of the CIS are being formed to the extent that they violate the existing parity of forces; the organization of border conflicts and armed provocations by the neighboring countries; the creation and training of armed formations in other states intended for use against the CIS; the engagement of foreign troops in the neighboring territories of the CIS, which are not related to measures for peace restoration and maintenance in accordance with the decision of the UN Security Council. There are also territorial claims among the member states of the CIS.

The growing threat of new regional conflicts or the expansion of ongoing ones leads the leadership of certain countries to achieve political and military goals by using weapons of mass destruction. Using the created technological and production base, accumulated resources, some of them have obtained nuclear weapons and the means for their delivery (Israel, India, Pakistan, Iran, North Korea), while others are making efforts to solve this problem, increasing the risk of nuclear proliferation, which contributes to the emergence of new conflict hot spots and activates smoldering inter-national, inter-ethnic, inter-religious contradictions, organized crime, drug trafficking, refugee migration flows, environmental problems, the spread of epidemics and famine. The fight against international terrorism has become a global problem (Усиков et al., 2009: 14; Зверьков et al., 2022: 60).



Figure 1. A variant of the classification of the main contradictions and conflicts in the process of the development of civilization by type of solution

Due to increasing danger, the CIS naturally strives for integration in the military domain, the preservation of the common historically formed geostrategic and economic space, cultural, linguistic and other traditional ties. Many post-Soviet countries do not have a sufficient military-industrial base for the production of the necessary weapons and military equipment, but they have modern production capacities for the production of components, such as aggregates, components, devices, control systems, and so on. All of the above predetermines the greater cooperation of the CIS in encouraging cooperation in the creation and production of weapons. Collective security systems formed in cooperation with international organizations and regional security structures can become an effective factor of stability and security in the Eurasian region and the world, a link in the multi-level global security system between the West and the East, the North and the South, in the 21st century.

## PROBLEMS FACED BY THE ELECTRIC POWER INDUSTRY – THE MOST IMPORTANT COMPONENT OF NATIONAL SECURITY

The Russian Federation has the largest territory in the world, which is extremely unevenly populated, with an unequal degree of economic development of the region. About two-thirds of its surface is outside the zone of centralized electricity supply: remote, sparsely populated areas, which are strategically important due to their large mineral wealth. Siberia occupies 57% of Russia's territory with 15% of the country's population, mainly along the Trans-Siberian Railway. Over 90% of produced gas, 70% of oil reserves, 50% of wood resources, large non-ferrous and rare metals resources, and chemical raw materials can be found in its northern, sparsely populated macro-regions. The remote, hard-to-reach regions of Far North, Siberia and Far East have an autonomous electric power industry. The operation of numerous outdated power plants and boiler plants on diesel and fuel oil with different equipment is associated with significant organizational difficulties in the delivery of fuel and spare parts during the northern delivery, an increase in unforeseeable costs for their procurement and transportation when a river must be navigated rapidly. Under difficult natural conditions, traditional energy sources and fuels based on renewable sources cannot meet the economic and environmental requirements imposed by the growing heat and electricity demands. The problems related to the environmental responsibility for the condition of unapproachable territories contaminated with industrial waste, used blocks and spare parts, and fuel and chemical storage containers have intensified. The growing shortage of heat and electricity faced by these territories threatens the industry development plans and increases the outflow of population due to poorly solved problems related to a comfortable life and reduces the country's ability to defend itself. Solving the

problem by setting up new networks is not, in most cases, economically feasible or impossible due to terrain conditions, long distance, and consumer decentralization (Саркисов, 2014: 7).

## POSSIBLE PRINCIPLED SOLUTION

***A radical solution to this problem can be the widespread introduction of low power nuclear power plants (NEMS):*** floating, portable and stationary. The most promising, mass-produced compact mobile nuclear units of modular design with full factory readiness can work without overloading the active zones for up to 20-30 years, with subsequent shipment to places of traffic. Considering the difficult and expensive northern delivery for remote regions, NEMS can become the basis of energy for industrial development and maintenance of the social sphere. Preliminary estimates indicate that the total need to cover electricity and heat deficit at the expense of NEMS for the period up to 2030 for the northeast of the country amounts to about 20 GV (200-2000 units with a capacity of 10-100 MW). The practical implementation of this direction can be achieved if there is a reasonable idea to create a NEMS system as the basis of the regional electric power industry in the state strategy for energy supply in the regions that are not included in the unified energy system, allowing them to fully achieve the main advantages:

- Minimizing the scope and cost of capital construction in the regions where the nuclear power plants are situated. The cost of installation and commissioning of a NEMS are minimized because high-tech, expensive and complicated operations are transferred to specialized factory workshops that have qualified personnel;
- Possibility of transferring the most dangerous nuclear and radiation operations related to repair and the transshipment of fuel from the deployment location to specialized factory workshops, ensuring a high level of procedural safety;
- Significantly simplified problems related to the decommissioning of these nuclear power plants after the end of their working life;
- minimized ecological consequences for the environment;
- Possible use of a small number of employees on a rotational basis.

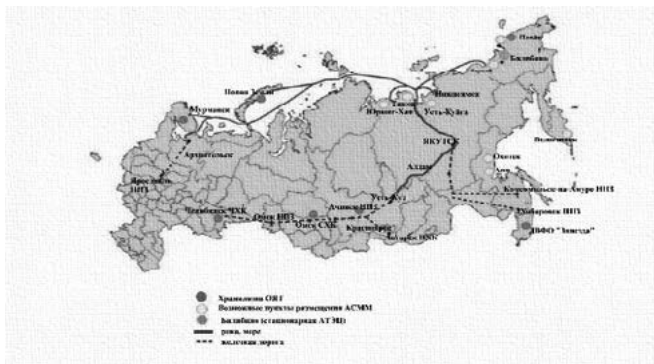
The installation of low-power nuclear sources in a certain region should be the result of a comprehensive analysis of the benefits and cost related to their operation, determining the needs of the region based on their economic situation and development prospects (*Figure 2*). The type of low-power nuclear source chosen should be appropriately justified in terms of economic efficiency, nuclear and environmental safety and other determining factors of national security (Шадрин, 2011: 101). The use of low-power nuclear sources requires solving a number of problems related to the non-proliferation of nuclear mate-

rials, ensuring nuclear and radiation safety, the training of personnel, the development of a special legal framework, combating terrorism, and so on. Unfortunately, despite the huge economic potential and strategic importance for the development of Far North, Siberia, and Far Eastern regions, a unique concept and program for decentralized energy supply in the regions in the Russian Federation has not been fully developed (Саркисов et al., 2018: 5). Russian science and industrial production complex currently offer a number of measures to overcome the risk of “radiation.” Some of them are analyzed in more detail in the following sections.

## EXPERIENCE IN ELIMINATING THE CONSEQUENCES OF EMERGENCY SITUATIONS

Long-term experience with eliminating the consequences of emergency situations at radiation facilities enabled the reduction of the level of radioactive contamination of the region implementing the following (Зверков et al., 2022: 60; Саркисов, 2014: 7):

- Improving the regulatory framework of the sector;
- Increasing the efficiency of the research phases (the reconnaissance of the area, the identification and delineation of the boundaries of the area of radioactive contamination, subsequent work on decontamination, the storage of contaminated materials in specific storage facilities);
- Minimizing the exposure of the population living near the zone of radioactive contamination to the consequences of the accident;
- Applying automated methods for monitoring the radiation and environmental situation at the locations of radiation-hazardous factories and facilities;
- Using modern portable and precision instruments, equipment, auxiliary engineering and technical equipment to increase efficiency, reduce work cost.



## MEDICAL AND SOCIO-PSYCHOLOGICAL ASPECTS OF RADIATION TERRORISM

Taking into account a rather strict protection of nuclear-dangerous objects, experts, describe radiation terrorism as the uncontrolled spread of ionizing radiation sources in the environment – much more likely than nuclear (Kuna et al., 2007: 52). Theoretically possible scenarios for the use of radioactive materials [RM] are the following:

- Sabotage at facilities where there is a risk of radiation (nuclear power plants, ships with nuclear power plants, research and medical facilities with ionizing radiation sources [IRS], etc.);
- Drinking water or food contamination;
- Producing a “dirty bomb” to be activated in a densely populated area. The technological simplicity of making a “dirty bomb”, the prevalence and availability of RM in science, technology and medicine are the reason for a constant threat posed by radiation terrorism, which is aimed at spreading fear of food and water contamination, environmental components with radionuclides contamination among the population, and generating panic, and social and economic destabilization of societies (Ильин et al., 2008: 11; Kuna et al., 2009: 85; Kankova, 2006: 128).

## KEY FACTORS OF POTENTIAL DANGER FROM RADIATION

The prevalence of these sources in various sectors of the economy (industry, agriculture, medicine, autonomous energy sources), the problems of their registration, licensing, regulation, control and suppression of the possibility of illegal movement, especially in the non-nuclear industry, the relative simplicity of making “dirty radioactive bombs” and the means of their delivery represent the key factors that determine the degree of potential danger from IRS for the purposes of radiological terrorism. According to data of the Nuclear Regulatory Commission of 2007, the USA used over 53,700 registered potentially most dangerous IRS of types 1 and 2 in various areas. The radioactive substances likely to be used in terrorist attacks are Cobalt-60, Strontium-90, Cesium-137, Iridium-192, Americium-241, and Californium-252 (Kankova, 2006: 128); (Levett, 2007: 346). According to the United Nations Scientific Committee on the Effects of Atomic Radiation [UNSCEAR], there are more than 10,000 radiation therapy units with Cobalt-60, several hundred with Cesium-137, sources for industrial radiography (80% with Iridium-192, the rest with Cobalt-60, Sele-

nium-75 and Ytterbium-169), for fire protection and oil exploration (based on Americium-241), more than 300 industrial irradiators containing combinations of emitting radionuclides. According to IAEA data, 441 reactors in nuclear power plants and 231 research reactors were operating in 56 countries across the world at the beginning of the 21st century (450 reactors were closed, decommissioned and/or under construction). Their spent nuclear fuel is perfect material for terrorists. Radioisotope thermoelectric generators [RTG] are dangerous constructive autonomous sources of electricity in artificial Earth satellites, space probes, automatic beacons and meteorological stations. Over 900 RTGs with an activity of 45 Mcuries of strontium-90 and were produced in Russia (Chin, 2007: 950; Гребенюк & Сидоров, 2012: 11).

The execution of radiation terrorism acts by antisocial elements involves various methods used to spread RM and their impact on the contingents (Kuna et al., 2009: 85; Chin, 2007: 950). A dirty bomb is a combination of ordinary explosives, such as dynamite, with radioactive dispersed/non-dispersed materials (liquid and/or powder) packed around an explosive core (Kankova, 2006: 128; Фалеев & Цыбиков, 2019: 339). Damage caused by a dirty bomb is directly related to the explosive contamination of people or the environment with radioactive materials, causing limited damage, direct or indirect damage to human health, the natural environment, social and economic spheres, with a strong psychological effect (Chin, 2007: 95; Фалеев & Цыбиков, 2019: 339; Ring, 2004: 42). By using highly active sources to achieve significant psychological and biomedical effects, terrorists themselves are exposed to great danger. Basic care for one's own health and life prevents radiation terrorism: bulky lead protection makes it difficult to assemble and transport dirty bomb devices, weak protection exposes terrorists to radiation risks (Гребенюк & Сидоров, 2012: 11; Ring, 2004: 42). The improper storage of radioactive materials and the fact that radioactive materials are available in medical, educational, scientific and industrial institutions generate prerequisites for their abduction by various types of criminals. In the USA, on average, 200-375 radioactive sources are lost and/or stolen on a yearly basis, which is a similar situation in other industrialized countries in the world (Kuna et al., 2009: 85; Арутюнян, 2004: 38). The Ministry of Emergency Situations of the Russian Federation, the State Enterprise – MosNPO “Radon”, and The Federal Service for Supervision of Use of Natural Resources (Rospirodnadzor) confirmed the presence of various alpha, beta and gamma emitters (a total of 19 radionuclides) in the abandoned IRSs or in IRSs seized due to improper storage, which can be used to make a dirty bomb between 2004 and 2015.



## PRIORITY DIRECTIONS PERTAINING TO MEASURES FOR THE PREVENTION AND ELIMINATION OF THE CONSEQUENCES OF NATURAL AND TECHNOGENIC DISASTERS

The consequences of global climate change still have unforeseeable impacts on natural and economic systems in Russia, which significantly affect the health of the population of this huge Eurasian country with diverse (geographical, climatic, ecological, economic, or demographic) conditions. At the end of the 20th and the beginning of the 21st century, there is a growing dangerous phenomena with catastrophic consequences, an increase in the number of emergency situations, terrorist activities and a growing impact of unfavorable and dangerous environmental factors (Figure 3), which exacerbate the problems related to the national security of the country (Цыбиков, 2018: 242). Through the implementation of the Yokohama Strategy and the UN Plan of Action for a Safer World, developed countries create early warning systems for timely warning and emergency notification. The sustainable development of Russia requires ensuring the stable functioning of the economic sector and improving the safety of the population against all kinds of challenges and threats.

In the area of technogenic, natural and ecological security, the distribution of responsibility between competent state structures with the coordinating role of the Ministry of Emergency Situations of the Russian Federation, it is advisable to organize the monitoring of the state of the environment and public health in a single integrated monitoring for the subsequent explanation of the agreed measures related to adaptation to negative impacts (Цыбиков, 2018: 242; Цыбиков, 2016: 52).

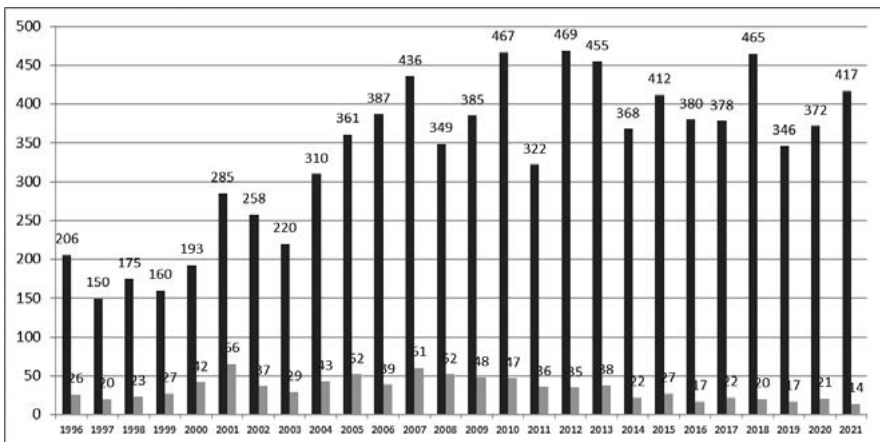


Figure 3. Distribution of hydro-meteorological dangerous phenomena by year: total number (blue), number of unforeseen dangerous phenomena (red).

It is desirable to create, improve and develop early warning systems for emergency situations based on the maximum use of the possibilities of existing systems for monitoring the state of the environment (atmosphere, hydrosphere, soil and vegetation, wildlife), technosphere objects, including the security of buildings, objects, critically important and potentially dangerous objects of the economy, traffic infrastructure. The technical basis of the early warning system in emergency situations should be preserved by land, air, and space observation and control. An analysis of the emerging situation must be carried out using modern geophysical information technologies, which enable real-time warning coupled with modeling methods for the possible development of emergency situations. It seems that the realization of the target functions of such integrated monitoring in Russia can be carried out by coordinating interactions regarding specific indicators of the distributed systems of key departments and organizations that are prioritized through their sectoral and territorial monitoring and forecasting systems (Арутюнян, 2016: 52; Сорокин et al., 2017: 63).

The creation of documents for the strategic development of the constituent entities of the Russian Federation showed an urgent need to take into account the constituent entities of the Russian Federation and the impact of extraordinary risks on the socio-economic development of the region, their investment attractiveness and the formation of a comfortable and ecologically safe environment. A variant of the simplified structure of the Unified State System for the Prevention and Elimination of Emergency Situations including the local level of government (municipality) is discussed in more detail by (Сорокин et al., 2017: 63). The decades-long practice of eliminating the consequences of emergency situations in Russia indicates an increase in the potential risk of accidents at potentially dangerous facilities and facilities of critical infrastructure along with the release of radiation, chemical and biological pollutants into the environment. The analyzed scenarios for the development of emergency situations at radiation facilities and problems related to the elimination of such situations, are, according to scholars, identical to the issues that are resolved for similar facilities in other economy sectors (Фалеев & Цыбиков, 2019: 65; Цыбиков, 2016: 52). The prevention of risks, among other things, to promising nuclear energy can be successfully achieved through integrated development planning of constituent entities of the Russian Federation and the member states of the CIS.

## CONCLUSION

Society's wrong perception of the real consequences of radiation accidents, radiological terrorist attacks, direct and indirect damage to the population and the environment has historical and psychological roots (the nuclear arms race, the dramatic consequences of the atomic bombing of Hiroshima and Nagasaki). An ordinary man's radiophobia, wrong perception of radiation danger of the

majority of decision-makers at various levels of legislative and executive power, and contradictory and scientifically unjustified super-rigidity of the regulatory system in the field of radiation safety increase perception of the radiation factor. Due to the complexity of work on economically important facilities in the country, the problem of combating possible radiation emergency situations and terrorist attacks at the current stage and close cooperation between research and practical institutions in Russia and neighboring countries in solving these problems are extremely important (Арутюнян et al., 2004: 38; Фалеев & Цыбиков, 2019: 339).

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# THE STRATEGIC COMPASS FOR SECURITY AND DEFENSE OF THE EUROPEAN UNION: A PLATFORM FOR GLOBAL ACTION WITHIN THE COMMON SECURITY AND DEFENSE POLICY?

Original Scientific Article

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**Abstract:** Within a theoretical framework of international relations and using selected scientific methods, such as content analysis, inductive, deductive, and comparative methods, this paper analyzes the content and reach of the Strategic Compass for Security and Defense of the European Union as a broader strategic platform through which the European Union, under continuous and complex security circumstances, achieved one of the key and long-proclaimed ambitions, namely the essential strategic autonomy of its policies concerning security and defense and, subsequently, its position as an autonomous, indispensable security actor at the global level. The analysis conducted leads to the conclusion that, regardless of the circumstances of its preparation and adoption, the Strategic Compass definitely does not have the capacity to enable the European Union to act in this way, which, basically, represents a highly bureaucratized list of goals and objectives with a number of shortcomings, which has almost no new strategic value and limits the European Union in the geopolitical sense, verifying it as a regional security actor of secondary importance in relation to NATO.

**Keywords:** European Union, common security and defense policy, strategic compass, strategic autonomy.

## INTRODUCTION

Very slow, and then increasingly rapid development of the European Union's security policies in the last twenty years implied the idea of securing the strategic autonomy of the organization and its position as an independent security actor that would determine key processes at the global level using its capacity and instruments. In this regard, different strategic documents had been produced over time at the European level, which defined the frameworks

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for the development of the Union's security policies; however, none of them fully succeeded in putting the political idea of the strategic autonomy of the European Union as a security actor into action. Under the circumstances of the threat to regional and global security caused by the Ukrainian conflict as a manifestation of a broader process of redefining the balance of power between the main centers of power, ideas about the strategic autonomy of the Union have been revitalized, while the Strategic Compass for Security and Defense, as the latest documented emanation of the need for its security repositioning, was announced as a strategic framework to ensure the conditions for the final realization of this goal. In order to see the potential of the Strategic Compass as a platform that would ensure the strategic autonomy of the Union, this paper analyzes its content, focusing on the four thematic pillars upon which this document rests – “act”, “secure”, “invest”, and “partnership”, and identifies the key goals and objectives set forth in them. Analysis of each mentioned segment of the document structurally represents a separate sub-unit of the paper, while concluding observations are presented in the conclusion section.

## THE STRATEGIC COMPASS AS A SECURITY PLATFORM

In the circumstances of the degradation of relations between Brussels and Washington during Trump's time in office, but also as a consequence of BREXIT and, finally, the security context in the wider European area which grows more complex, including the conflict in Ukraine, ideas about the need for the Union's “independence” as an actor that will effectively protect its own values, interests and goals at the global level have gained importance again. The implementation of such an idea was set forth in the Strategic Compass for Security and Defense of the European Union, which was finally unanimously adopted by the European Council on March 21, 2022, based on a detailed analysis of the implementation of the security and defense component of the Global Strategy of the European Union from 2016 (European Union EEAS, 2016), which was conducted by experts of the European External Action Service (EEAS). According to the original idea, the main goal of the Strategic Compass was to enable operational guidelines for the development and improvement of certain segments of the European Union's security policies so that the organization would finally manifest itself as a “full-fladged” security actor in its immediate, but also wider and highly unstable environment (Blockmans et al., 2022: 2). In this regard, the central part of the Strategic Compass, as a document about sixty pages long, following the example of some previous relevant documents of the European Union, such as the European Agenda for Security (European Commission, 2015), structurally rests on four thematic pillars: crisis management, that is, as formally means in the document, “act”, resistance to security challenges, risks and threats, that is, “secure”, capacity development, that is, “invest”, and international co-operation, that is, “partner” (European Union EEAS, 2022). Regardless of the progress made, in the sense that it identifies directions

for further strengthening the European Union’s capacity concerning security and defense, on which 27 member states reached a consensus, the Strategic Compass is still only a reflection of the bureaucratized efforts of the European Union’s services to implement the assigned task and does not offer answers to some key, primarily strategic issues. Among other things, the Strategic Compass pays little attention to the concept of security strategic autonomy of the European Union, which was emphasized in previous similar documents and which has represented the conceptual basis for the development of the Union’s security policies in the past twenty years, while the foreseen directions for the development of the European Union’s capacity concerning security and defense clearly indicate that the document recognizes the European Union primarily as a regional rather than a global security actor. In other words, the Strategic Compass, regardless of the initial ambitions, is only a list of concrete administrative, legal and operational measures, some of which are new, while others are just an upgrade to existing ones, through which the Union’s capacity to act, secure, invest and achieves co-operation in the area of security and defense in significantly changed security circumstances. Additionally, this document is criticized for having “succumbed” to the events in Ukraine, focusing primarily on the Russian Federation as a security threat, while little attention is paid to the actions taken by China in the context of the alleged violation of the basic postulates of international order and international law supported by the European Union, or, on the other hand, the Indo-Pacific region as the “center” of the balance of power of the key international actors in the future (Blockmans et al., 2022: 3). Based on such findings, including the aforementioned treatment of the Union primarily as a regional security actor, conclusions were drawn about the “geographical narrowness”, that is, the limited geographical or geostrategic reach of the document (Gnessotto, 2022).

*“Act”*

The part of the document entitled “Act” envisages, as a key direction of strengthening the potential of the European Union, especially in regard to the implementation of military missions within the Common Security and Defense Policy, the development of Rapid Deployment Capacity (RDC) consisting of 5,000 people, which would represent an improved format of the earlier battle groups of the European Union, which, as is known, were never operationally activated. The basic task of the Rapid Deployment Capacity would include urgent preventive, that is, deployment and action for the purpose of crisis management in the wider European area. This kind of operation of the Rapid Deployment Capacity would also mean the improvement of the Military Planning and Conduct Capability – MPCC, as a structure that is currently coordinating the planning and implementation of several non-executive military missions of the European Union, such as the EU Training Mission – EUTM, which are carried out in Mali, Somalia, the Central African Republic or Mozambique, including

the EU Military Assistance Mission – EUMAM. Additionally, the successful use of the RDC means appropriate rotations of military personnel in order to strengthen the predictability of the situation and availability of the RDC at any time, as well as finding a stable solution regarding the financing of this military capacity. However, the key prerequisite for the effective operation of the RDC, which is specifically highlighted in the Strategic Compass, refers to the provision of a more flexible approach in the decision-making process itself, taking into account not only the Common Security and Defense Policy *stricto sensu*, but also the Common Foreign and Security Policy of the European Union, as a wider political framework to which it belongs, which is contractually still quite firmly positioned on the principles of intergovernmental co-operation, which means unanimity in the decision-making process. As past experiences show, it is precisely failure to fulfill this prerequisite, that is, the unwillingness of individual members of the European Union to additionally limit their sovereignty in a politically very sensitive area, that could manifest as one of the key obstacles to the effective use of the RDC. Additional focus on the solutions contained in Article 44 of the Treaty on the European Union can be identified as a novelty in this section of the Strategic Compass, which enables a number of interested member states to act with joint forces in order to carry out certain missions and operations within the Common Security and Defense Policy, develop the concept of Coordinated Maritime Presences – CMP and highlight the need to ensure better synergy between the activities to be carried out by the aforementioned *ad hoc* coalitions made up of a number of the member states and “traditional” missions and operations carried out by the European Union within the Common Security and Defense Policy. At the same time, it should be noted that the Strategic Compass does not, among other things, regulate in detail some of the key issues in this regard, such as the nature and framework of mission and operation mandates that should be implemented in accordance with Article 44 of the Treaty on the European Union or modalities of securing stable and permanent financial, technical and human resources for their implementation.

The key objectives identified in the Act section may be summarized as follows:

- By 2022, an agreement on a troop rotation schedule during the implementation of civil and military missions should be reached;
- By mid-2022, the EU military missions should be adapted in order to increase their effectiveness on the ground;
- By end of 2022, establishing and strengthening the link between EU-NAVFOR Atalanta and the European Maritime Awareness Mission in the Strait of Hormuz, as well as in the Sahel;
- By the second half of 2022, other maritime areas of interest will be considered, building on the experience of the Coordinated Maritime Presences concept in the Gulf of Guinea and its expansion in the North-West of the Indian Ocean;



- By 2023, decisions on the implementation of Article 44 of the Treaty on European Union will be reached, to allow a group of willing and able Member States to plan and conduct a mission or operation within the EU framework and under the political oversight of the Council;
- By 2023, a military concept for air security operations will be agreed on;
- By mid-2023, a new Civilian CSDP Compact that would enable the deployment of a civilian CSDP mission of 200 fully equipped experts within 30 days, including in complex environments will be adopted;
- By 2023, a network of human rights and gender advisers in the EU’s missions and operations will be strengthened;
- By 2023, the scope and definition of common costs to stimulate participation in military missions and operations will be re-assessed;
- By 2025, full operability of the Rapid Deployment Capability will be achieved, with the prior preparation and adoption of operational “scenarios” in 2022, that is, the implementation of exercises in 2023;
- By 2025, the Military Planning and Conduct Capability will be able to plan and conduct all nonexecutive military missions and two small-scale or one medium-scale executive operation;
- By 2025, the improvement and harmonization of cross-border procedures will be completed.

*“Secure”*

The Security section focuses on strengthening the Union’s resilience concerning various security challenges, risks and threats in a more complex security environment, with special reference to hybrid threats; an emphasis is placed on strengthening situational awareness based on available intelligence data which, again, primarily depends on Member States and their competent agencies, which contains another potential aggravating circumstance for the effective operation of the organization in this domain, taking into account that not only adequate coordination of national agencies, which should be ensured at the European level, is imposed as a basic prerequisite for the fulfillment of this objective, but also readiness of Member States to exchange relevant intelligence at any time and on any issue between one other and certain EU specialized agencies. Additionally, it is evident that an emphasis is placed on strengthening the Single Intelligence Analysis Capacity – SIAC, ensuring secure communication, including the implementation of the European Union Satellite Center and building a common European strategic culture, which would rest on unique rules and modern information technology. In dealing with hybrid security threats, a central role is envisaged for the Hybrid Fusion Cell – HFC, which was established in 2016 at the proposal of the European Commission and the High Representative of the European Union for Foreign Policy and Security as a unique framework for dealing with this form of security threats, which

should operationally contribute to the implementation of relevant elements of the European Agenda for Security (European Commission, 2015) and individual, more specific strategic documents, such as the European Union Cybersecurity Strategy (European Commission, 2013), the Strategy for Energy Security (European Commission, 2014) or the Maritime Security Strategy (Council of the European Union, 2014). An additional instrument to counter hybrid security threats is the creation of EU Hybrid Rapid Response Teams (HRRT), which have found their place in cyber operations and through the involvement of the Union in the framework of the Ukrainian conflict. An interesting moment in this segment also refers to the decision that, in order to strengthen secure communication within the European Union, its existing civil space program will be extended to the domain of defense in the coming period, primarily through the preparation of a separate strategic document that is, the EU Space Strategy for Security and Defense – EU SSSD, and close co-operation with NATO and civilian partners in this context. The Strategic Compass is mainly focused on the Ukrainian conflict, that is, the Russian Federation as a “source” of security threats to the European continent, neglecting the fight against terrorism, with an emphasis on the need to further improve the existing instruments for the prevention and fight against this form of security threats within the framework of the Common Security and Defense Policy, insisting on the link between political radicalism and the fight against terrorism, while no attention is paid to very causes and “roots” of the phenomenon in question. The situation is similar in the fight against the proliferation of nuclear weapons. In this regard, the Strategic Compass seeks to reaffirm Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (United Nation, 1995), which entered into force on March 5, 1970, of indefinite term, owing to the amendments to Article V of the 1995 Treaty, under which the signatory parties undertake to, in good faith, as soon as possible initiate negotiations on stopping the nuclear arms race and act in the direction of its gradual reduction to complete elimination, with appropriate international control under the auspices of the United Nations. At the same time, in this segment as well, there is fear of possible deployment of Russian nuclear potential in the context of the Ukrainian conflict, as well as readiness to further strengthen co-operation with NATO and the USA and to launch appropriate initiatives to establish “post New – Start” contractual arrangements, admittedly, without concretizing the measures that would be necessary to implement in this regard.

The key objectives identified in the Security section may be summarized as follows:

- In 2022, additional rules and standards to strengthen the cyber security of the Union will be adopted, and Hybrid Threat Response Teams will be further developed to provide a framework for a coordinated response to all cyber campaigns affecting the European Union;
- In 2022, the Cyber Diplomacy Toolbox will be further strengthened by exploring additional response measures;

- In 2022, the EU’s Cyber Defense Policy to protect, detect, defend and deter against cyberattacks will be further developed;
- By the end of 2022, the EU Threat Analysis will be reviewed and reviews will be conducted every 3 years;
- By the end of 2023, an EU Space Strategy for security and defense will be adopted;
- In 2023, concrete EU actions in support of disarmament, nonproliferation and arms control goals will be reinforced;
- In 2023, the EEAS Crisis Response structures, including the Situation Room, will be strengthened;
- By the end of 2023, national strategies to prepare the armed forces for climate change will be developed;
- By 2024, all CSDP missions and operations will be fully equipped with capabilities and resources to deploy relevant instruments of this toolbox;
- By 2025, the EU Satellite Centre to boost the EU’s autonomous geo-spatial intelligence capacity will be strengthened;
- By 2025, the EU’s maritime security awareness mechanisms will be further developed and strengthened;
- By 2025, all EU missions and operations will have an environmental advisor.

*“Invest”*

Certain intentions regarding the financial and organizational strengthening of the security and defense of the European Union can be identified in the Invest section, such as the decision to involve member states more strongly in activities that are implemented through the Permanent Structured Cooperation – PESCO within the Common Foreign and Security Policy and commitment of member state to spending 2% of their GDP on defense, which would potentially, or at least partially, solve the problem of non-budgetary financing of EU military missions and operations under the auspices of the Common Security and Defense Policy. On the other hand, it is also planned to strengthen the European Defense Fund – EDF through the inclusion of the European Investment Bank as a support instrument, especially in the implementation of joint activities in the following areas: developing battle tanks, improving European patrol boats, strengthening defense in space, developing soldier systems, border protection, enhancing military mobility capabilities, and countering unmanned aerial systems. In order to ensure a more coherent approach to the development of European defense technology, an increased financial co-operation on defense innovations among member states is foreseen, including the NATO Investment Fund or the Defense Innovation Hub within the European Defense Agency. However, the fact remains that the Strategic Compass, regardless of

the expressed ambitions, in this part does not offer appropriate answers to the key questions related to the stability of the financial and operational capacities necessary for the implementation of military operations and missions of the European Union within its Common Security and Defense Policy and ensuring “transparency”, that is, public control, including parliamentary supervision over budget expenditure in this regard.

Some key objectives identified in the Invest section may be summarized as follows:

- As of 2022, defense ministerial meetings on EU defense initiatives addressing capability development will be organized and chaired by the High Representative of the Union for Foreign Affairs;
- By mid-2022, defense spending will be increased and improved;
- By the end of 2022, a Defense Innovation Hub will be established within the European Defense Agency;
- In 2022, strategic dependencies in the defense sector will be further identified;
- By the end of 2022, research, technology development and innovation to reduce our strategic dependencies in technologies and value chains in the defense sector will be further boosted;
- By early 2023, work on upcoming proposals for new financing solutions to facilitate Member States’ joint procurement of EU strategic defense capabilities;
- By 2023, measures will be taken to promote and facilitate the access to private funding for the defense industry;
- By the end of 2022, the process of directing defense capabilities to certain security “targets” will be reviewed.
- By 2024, a civilian capability development process will be set-up to assess the capability needs;
- By 2025, critical gaps on strategic enablers will be substantially reduced;
- Work on a possible amendment to the European Defense Fund regulation.

### “Partners”

Although the need for increased co-operation between the European Union and other relevant security actors in the modern, complicating world is obvious, the document’s section on partners seems to be the least elaborated. Or, as Isabella Antinozzi says, this section is long on rhetoric but short on content (Antinozzi, 2022). Additionally, an analysis of the section points to several obvious weaknesses. For example, NATO is mentioned as a key security partner in the document, which, regardless of its *modus operandi* in the post-Cold War era, still represents an organization of regional character. Also, the

document mainly pays attention to the need to increase co-operation with the Western Balkan region, the countries in the eastern and southern neighborhood of the European Union, the Eastern Mediterranean or the Middle East, while, as already mentioned, the Indo-Pacific region, as an area identified by many as a key scene in the power relations between the central global political and security actors in the future, remained completely undeveloped regarding strategy and content. In other words, it seems that the creators of the Strategic Compass, regardless of their expressed determination to impose the Union as an indispensable global security actor, have firmly positioned the organization within regional frameworks. Secondly, in addition to insistence on the abstract phrases “strengthening co-operation” or “strengthening dialogue’ throughout the entire document, there is also a noticeable disproportion in the commitment to further strengthen co-operation with international organizations such as NATO, the UN, the Organization for Security and Cooperation in Europe – OSCE, the African Union or the Association of Southeast Asian Nations – ASEAN, on the one hand, compared to co-operation with individual countries such as the USA, Norway, Canada, and Turkey, on the other. This means that, despite the fact that the European Union, with its internal structure, policies, and its way of acting, is undoubtedly more than a mere international organization, it is not perceived in the document as a security entity that would be equal to the states that still represent central security actors at the international or global level. Further, it can be noticed that the document, regardless of the key motives for its creation and adoption, does not even in principle deal with the key issues regarding European security in the future, such as possible outlines of a new European security architecture that will respect changes in the international order induced by the Ukrainian conflict and processes directly related to it. As an argument in favor of the fact that the creators of the document “missed the target” in terms of content and functionality is the fact that the document focuses on hybrid threats and hybrid tactics, even though the reason for probably the biggest security crisis faced by the post-Cold War world, which is symbolically embodied in the Ukrainian conflict, is primarily military power and the implications of its application (Blockmans et al., 2022: 8).

The most important objectives in this section may be summarized as follows:

- As of 2022, strategic partnership, political dialogue and cooperation with NATO will further be strengthened, deepened and expanded;
- As of 2022, the new joint set of priorities for EU-UN cooperation will be implemented;
- In 2022, the first biennial Security and Defense Partnerships Forum will be held;
- As of 2022, political dialogue and strengthen cooperation with the OSCE, African Union and ASEAN resilience will be deepened and a joint dedicated roadmap with the OSCE on conflict prevention and crisis management with concrete regional and thematic actions will be developed.

## CONCLUSION

Regardless of the initial optimism of Brussels officials, the analysis of the Strategic Compass indicates that, in terms of content, functionality, and geopolitics, the scope of this document is small, which cannot be identified as a broader strategic platform for developing common policies in the field of security and defense at the European level. With relatively few novelties offered by the document, such as the Defense Innovation Center, the Defense Partnership Forum chaired by the High Representative, the improved civilian package within the Common Security and Defense Policy, or the new format of rapid deployment forces, the Strategic Compass primarily manifests itself as a list of objectives in the field of security and defense, most of which represent only an upgrade or the reformulation of the ambition contained in other strategic documents, lacking necessary guidelines for their realization. For example, the document envisages the establishment of Rapid Deployment Capacity, as an improved form of the existing combat groups of the European Union, but it does not eliminate the basic obstacles due to which the combat groups of the Union have remained mere “ink on paper” until today, which primarily reflect the lack of the political will of Member States to actively participate in such a cooperation.

The bureaucratic approach to key issues is also reflected in the lack of courage for the Union, in accordance with the proclaimed decisions, to position itself as a global actor with expressed autonomy in the security and defense domain, which is particularly evident in terms of overemphasized reliance of the Union on, and even hiding behind, NATO as its key strategic partner in numerous domains. According to Pontijas Calderon, the Union is therefore intended to play a secondary role in relation to NATO, and European interests in the field of security and defense are directly subordinated to the interests of the USA (Calderon, 2022: 20).

Or, as Gnessoto puts it, the Strategic Compass is not yet a “White Paper” on common defense at the level of the European Union because it only sets industrial direction within the European Union, but not a strategic direction for the development of common defense policy (Gnessotto, 2022: 3). In the best case scenario, taking into account the circumstances and efforts put into the drafting of the document, including the negotiation process at the expert and political levels that lasted almost a year and a half, the Strategic Compass for Security and Defense of the European Union could be described as an intermediate step towards a new strategic framework which can be expected in the forthcoming years, which will offer answers to all key questions related to the Union’s security and defense policies, including its position and role in the changed global security circumstances as, we hope, essentially autonomous and, accordingly, an adequately capacitated actor (Bargues, 2022).

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# EVIDENTIARY ACTIONS IMPLEMENTED BY THE COURTS IN THE BANJA LUKA REGION IN THE CASES OF OFFENSES AGAINST SEXUAL INTEGRITY

Review Article

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**Abstract:** Offenses against sexual integrity are among those that are the subject of interest of all segments of the widest social community. From learning about this type of criminal offense until the final trial judgment, the public follows the course of criminal proceedings with great interest. This paper seeks to present the quantity and quality of evidence obtained during evidentiary actions through the analysis of judgments rendered by the courts in the Banja Luka region. The aim is to present the impact of the evidentiary actions implemented on the outcome of the court proceedings. This paper presents a portion of the empirical research related to the analysis of the judgments addressed in the author's doctoral dissertation.

**Keywords:** offense, sexual integrity, evidentiary actions, court

## INTRODUCTION

Victims of offenses against sexual integrity usually involve the most vulnerable categories of society, and even though they do not frequently occur compared to other types of offense, they attract a lot of public attention due to the long-term consequences that affect victims, their families and the environment. In our country and throughout the world, the academic and expert communities are interested in this topic, while a number of scholars in our region have studied and continue to study this type of offense.

This paper presents a portion of preliminary findings of the author's doctoral dissertation entitled "Offense of illicit sexual activity" to be defended at the Faculty of Law, University of Novi Sad. Considering that the object of the empirical research of the doctoral dissertation is the analysis of the same offense through judgments, that is, the practice of the courts in Republika Srpska, this paper present a portion of the aforementioned research through data

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related to the application of evidence and the outcome of the criminal proceedings conducted in cases of crimes against sexual freedom: Rape under Article 193, Sexual intercourse with a helpless person under Article 194, Sexual abuse of a child under Article 195, Sexual intercourse by abuse of position under Article 196 and Satisfying lust in front of another under Article 197 (Krivični zakon Republike Srpske, 2003) for the Banja Luka region – local jurisdiction of the District Court in Banja Luka and the basic courts belonging to it. The sample of the empirical research consists of 131 judgments rendered for a total of 134 criminal offenses by the District and Basic Courts in Republika Srpska for the ten-year period from 2008 to 2017,<sup>2</sup> and research findings pertaining to the courts within the Banja Luka region are presented in this paper.

The judgments rendered by the courts in the Banja Luka region and their representation in relation to other courts adjudicating in cases in Republika Srpska, the quantity of evidentiary actions, that is, evidence resulted from their application and their influence on the type of judgment rendered for the offenses in question were analyzed. The findings obtained led to a conclusion about the type and value of evidence used in criminal proceedings for the offenses in question belonging to the group whose object of protection is sexual integrity.

2 Judgment of the Basic Court in Banja Luka, 71 0 K 003 497 08 K dated 08/21/2009; Judgment of the Basic Court in Banja Luka, 71 0 K 011 128 07 K dated 14/05/2008; Judgment of the Basic Court in Banja Luka, 71 0 K 012 011 93 K dated 30/11/ 2009; Judgment of the Basic Court in Banja Luka, 71 0 K 012 155 07 K dated 13/02/ 2008; Judgment of the Basic Court in Banja Luka, 71 0 K 013 806 03 K dated 10/12/2008; Judgment of the Basic Court in Banja Luka, 71 0 K 063 988 10 K dated 05/31/ 2010; Judgment of the Basic Court in Banja Luka, 71 0 K 065 738 09 K dated 24/08/2010; Judgment of the Basic Court in Banja Luka, 71 0 K 065 811 09 K dated 10/11/ 2011; Judgment of the Basic Court in Banja Luka, 71 0 K 120 967 12 K dated 28/01/2013; Judgment of the Basic Court in Banja Luka, 71 0 K 131 805 11 K dated 15/12/2011; Judgment of the Basic Court in Banja Luka, 71 0 K 157 159 14 K dated 28/10/ 2015; Judgment of the Basic Court in Banja Luka, 71 0 K 189 098 14 K dated 14/02/ 2017; Judgment of the Basic Court in Banja Luka, 71 0 K 203 984 15 K dated 14/06/2016; Judgment of the Basic Court in Banja Luka, 71 0 K 208 950 15 K dated 27/07/2016; Judgment of the Basic Court in Banja Luka, 71 0 K 242 011 16 K dated 22/11/ 2016; Judgment of the Basic Court in Banja Luka, 71 0 K 250 957 17 K dated 07/12/2017; Judgment of the Basic Court in Banja Luka, 71 0 K m 150 283 12 Km dated 30/01/2013; Judgment of the Basic Court in Banja Luka, 71 0 Km 013 730 08 Km dated 23/10/2008; Judgment of the Basic Court in Banja Luka, 71 0 Km 161 759 12 Km dated 02/06/2013; Judgment of the Basic Court in Banja Luka, 71 0 Km 169 035 13 Km dated 16/10/2013; Judgment of the Basic Court in Banja Luka, 71 0 Km 175 315 13 Km dated 30/09/ 2013; Judgment of the Basic Court in Banja Luka, 71 0 Km 191 238 14 Km dated 27/08/2014; Judgment of the Basic Court in Banja Luka, 71 0 Km 245 192 16 Km dated 03/09/2017; Judgment of the Basic Court in Banja Luka, 71 0 K 232 401 16 K dated 21/12/2016; Judgment of the Basic Court in Gradiška, 72 0 K 017 378 11 K dated 30/01/ 2012; Judgment of the Basic Court in Gradiška, 72 0 K 022 074 11 K dated February 5, 2014; Judgment of the Basic Court in Gradiška, 72 0 K 047 145 15 K dated 14/10/2016; Judgment of the Basic Court in Gradiška, 72 0 Km 035 310 13 Km dated 19/02/ 2014; Judgment of the Basic Court in Gradiška, 72 0 Km 063 633 17 Km dated 27/07/ 2017; Judgment of the Basic Court in Gradiška, CMS 2999 12 K dated 20/03/ 2015; Judgment of the Basic Court in Kotor Varoš, 73 0 K 000 479 07 K dated 02/06/2008; Judgment of the Basic Court in Kotor Varoš, 73 0 K 000 713 05 K dated 09/03/2009; Judgment of the Basic Court in Kotor Varoš, 73 0 K 001 191 08 K dated 13/01/2010; Judgment of the Basic Court in Kotor Varoš, 73 0 K 001 670 08 K dated 24/12/2009; Judgment of the Basic Court in Kotor Varoš, 73 0 K 010 447 12 K dated 28/09/ 2013; Judgment of the Basic Court in Kotor Varoš, 73 0 K019 345 14 K dated 18/07/2014; Judgment of the Basic Court in Prnjavor, 78 0 K 026 130 17 dated 14/11/2017.

## A STUDY OF JUDICIAL PRACTICE IN BANJA LUKA

A total of 41 judgments rendered by the District Court in Banja Luka, the Basic Court in Banja Luka, the Basic Court in Gradiška, the Basic Court in Kotor Varoš, the Basic Court in Prnjavor and the Basic Court in Mrkonjić Grad covering the Banja Luka region were obtained. No judgments were obtained from the District Court in Banja Luka, while 27 judgments were obtained from the Basic Court in Banja Luka, seven judgments from the Basic Court in Gradiška, five judgments from the Basic Court in Kotor Varoš, two judgments from the Basic Court in Prnjavor, while we were informed by the Basic Court in Mrkonjić Grad that they did not adjudicate the mentioned offenses; therefore, there are no judgment for the mentioned period of time. These data are presented in Table 1.

*Table 1. Number of obtained judgments in the Banja Luka region*

Name of court	Number of judgments	Number of offenses
District Court in Banja Luka	No judgments	No judgments
Basic Court in Banja Luka	27	28
Basic Court in Gradiška	7	7
Basic Court in Kotor Varoš	5	5
Basic Court in Prnjavor	2	2
Basic Court in Mrkonjić Grad	0	0
<b>Total</b>	<b>41</b>	<b>42</b>

A total number of offenses contained in the judgments amounts to 42, and the different number of judgments and criminal offenses stems from the fact that two criminal offenses were ruled in one judgment (Judgment of the Basic Court in Banja Luka, 2010). Data by type of criminal offense are shown in Table 2.

*Table 2. Type of offenses*

Type of offense	Number of offenses	Number of judgments
Rape, Article 193	15	14
Sexual intercourse with a helpless person, Article 194	6	6
Sexual abuse of a child, Article 195	14	14
Sexual intercourse by abuse of position, Article 196	1	1
Satisfying lust in front of another, Article 197.	6	6
<b>Total</b>	<b>42</b>	<b>41</b>

In order to have a more precise idea of the quantitative importance of the work of the Banja Luka courts in relation to other courts in Republika Srpska, the number of judgments was compared with the number of inhabitants. According to the 2013 census, 373,521 inhabitants live in the Banja Luka region,

which includes the cities of Banja Luka, Gradiška, Kneževo, Kotor Varoš, Laktaši, Mrkonjić Grad, Prnjavor, Srbac and Čelinac, while 1,170,342 inhabitants live in Republika Srpska, in other words, 31.91% of the total population of Republika Srpska resides in the Banja Luka region (Popis stanovništva, domaćinstava i stanova u Republici Srpskoj 2013. Godine. Rezultati popisa, gradovi, opštine i naseljena mjesta, 2017). Compared to the total number of processed judgments, the courts covering the region of the city of Banja Luka participate with 31.3% of the total number of judgments received, and it would be expected that this percentage would be higher if the above-mentioned missing judgments were included. Thus, in relation to the available judgments, the percentage of the population of the Banja Luka region in relation to the total population of Republika Srpska and the number of judgments rendered by the courts covering the Banja Luka region in relation to the sample are approximately 31.9% versus 31.3% respectively.

## THE IMPLEMENTATION OF EVIDENTIARY ACTIONS

The investigation of offenses against sexual freedom is possible by implementing both (traditional) evidentiary actions and special investigative actions. Evidentiary actions include: the search of apartment, other premises or persons; temporary seizure of objects and property, taking action with suspicious objects, interrogation of suspects, examination of witnesses, site inspection and reconstruction, and expert analysis) contained in Chapter 13 of the current Criminal Procedure Code (Zakon o krivičnom postupku Republike Srpske, 2021), that is, Chapter 15 of the previous code which was in force for most of the proceedings for judgments that are the subject of research (Zakon o krivičnom postupku Republike Srpske, 2003). The possibility of implementing special investigative actions under the current law regarding the judgments in question was prescribed by Article 226 and Article 227, under which they may be conducted regarding offenses for which a prison sentence of at least three years or a more serious sentence can be imposed (Zakon o krivičnom postupku Republike Srpske, 2003). The current law has increased this threshold, so it is possible to implement these actions in the cases of offenses for which a prison sentence of at least five years or a more serious sentence can be imposed (Zakon o krivičnom postupku Republike Srpske, 2021). According to the previous Criminal Code of Republika Srpska, it was possible, regarding the judgments in question, to implement special investigative actions for all offenses under investigation, except for the offense of sexual intercourse by abuse of position, Article 196, paragraph 1, and the offense of satisfying lust in front of another, Article 197 (Krivični zakon Republike Srpske, 2003).

The criminalistic aspect of clarifying and investigating offenses against sexual freedom favors certain investigative actions, first of all site inspection, the examination of witnesses (victims) and interrogation of suspects, including

some expert analyses (forensic medical examination, biological and other analyses) (Vodinelić, 1972).

The use of evidence in the proceedings for the offenses in question was analyzed by observing them through the ways of obtaining them through traditional evidentiary actions, that is, special evidentiary actions, and then through the analysis of traditional evidentiary actions undertaken through the following categories: the examination of witnesses, the interrogation of suspects, investigation (crime scene), search (of apartment and other premises or persons, and vehicles), expert analyses, site inspection, temporary seizure of objects (Simović, 2005). The mentioned parameters were observed through their overall and individual representation in relation to the Banja Luka courts and some offenses in question.

An analysis of the judgments rendered by the courts in the Banja Luka region found that only traditional evidentiary actions had been implemented, while special investigative actions had not been implemented at all. Also, the offenses in question are specific due to the mutual relationship between the perpetrator and the victim, where finding of the previous analyses indicated that the perpetrator and the victim had known each other (92.7%), which certainly facilitates the investigation in terms of identifying and prosecuting the perpetrator of the offense using traditional evidentiary actions. The judgments rendered for the offenses in question and the implementation of evidentiary actions indicated that the examination of witnesses and interrogation of suspect were implemented in all cases. Also, considering a total number of judgments, an expert analysis was performed in 35 cases, that is, 85.4% of all judgments, while the largest number, a total of 25, were psychological and psychiatric expert opinions, 7 medical expert opinions (bodily injuries) and 3 biological expert opinions. All psychological, psychiatric and medical expert examinations were related to the victim of the offense, while biological examinations of the perpetrator of the offense were carried out for the purpose of obtaining evidence to identify the perpetrator. Searches had been conducted two times, investigations six times (all investigations were conducted on the scene), identification had been used in three cases, while objects had been temporarily seized six times. The Basic Court in Banja Luka used the reports of witness examinations and suspect interrogations as evidence in 27 judgments, report of the search two times, the report of the expert witness 21 times, the report of the investigation 6 times, the records of crime scene inspection 3 times, and the temporarily seizure of objects 6 times. The Basic Court in Gradiška used the reports of witness examinations, suspect interrogation and expert witness as evidence in seven judgments, while investigation was used as evidence in 3 cases and the temporary seizure of objects in one case. Similarly, the court in Kotor Varoš only used the reports of witness examinations and suspect interrogations, that is, the report of expert witness in all its judgments. In addition to the aforementioned evidentiary actions used in both judgments by the court in Prnjavor, the same court used identification in one case.

*Table 3*

Name of offense	Number of judgments	Evidentiary actions							
		Examination of witnesses	Interrogation of suspects	Search	Expert analysis	Site inspection	Identifying objects	Temporary seizure of objects	Special investigative actions
The District Court in Banja Luka	Judgments were not received	-	-	-	-	-	-	-	-
The Basic Court in Banja Luka	27	27	27	2	21	6	3	6	0
The Basic Court in Gradiška	7	7	7	0	7	3	0	1	0
The Basic Court in Kotor Varoš	5	5	5	0	5	0	0	0	0
The Basic Court in Prnjavor	2	2	2	0	2	0	1	0	0
The Basic Court in Mrkonjić Grad	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>41</b>	<b>41</b>	<b>41</b>	<b>2</b>	<b>35</b>	<b>9</b>	<b>4</b>	<b>7</b>	<b>0</b>

An analysis of the finding of the representation of evidentiary actions by type compared to the offenses in question, which is presented in Table 4, indicated that the same number of the evidentiary actions regarding witness examinations and suspect interrogations that were used in the proceedings for all the offenses in question was observed. Additionally, regarding the offense of rape, a search was used in one case out of a total of 14 judgments, expert analysis in 13 cases, investigation in 5 cases, identification in two cases, and the temporary seizure of objects in 4 cases. In the case of sexual intercourse with a helpless person, expert reports were used in 5 cases and crime scene investigation in one case, while out of a total of 14 judgments rendered for the offense of sexual abuse of a child, expert reports were used in 13 cases, investigation in 3 cases, identification in one case and a temporary seizure of objects in 2 cases. Additionally, in one judgment concerning sexual intercourse through abuse of position, a search, expert analysis and a temporary seizure of objects were used, while expert analysis were used in 3 cases and identification in one case out of a total of 6 judgments rendered for the offense of satisfying lust in front of another.

It may be observed that subjective evidence was used in all cases and that it is the most represented, while expert analysis was used in the largest number of objective evidence, while other traditional evidentiary actions were used in a significantly smaller number of cases, while there is no evidence obtained through the implementation of special investigative actions. The findings obtained through an analysis conducted as a part of the dissertation demonstrate that the perpetrator and the victim had known each other for some time in three cases (two cases of rape and one case of satisfying last in front of another), and the result that identification was used in all three cases was expected, which can support the fact of the effectiveness of the criminal procedure. Considering the analysis of the results shown in Table 5 indicated a large number

of convictions and only three acquittals, it is obvious that the evidence used in the proceedings conducted by the Banja Luka courts was sufficient in both quantitative and qualitative terms to render convictions.

*Table 4*

Name of offense	Evidentiary actions								
	Number of judgments	Witness examination	Suspect interrogation	Search	Expert analysis	Site inspection	Identification	Temporary seizure of objects	Special investigative actions
Rape, Article 193	14	14	14	1	13	5	2	4	0
Sexual intercourse with a helpless person, Article 194	6	6	6	0	5	1	0	0	0
Sexual abuse of a child, Article 195	14	14	14	0	13	3	1	2	0
Sexual intercourse by abuse of position, Article 196	1	1	1	1	1	0	0	1	0
Satisfying lust in front of another, Article 197	6	6	6	0	3	0	1	0	0
<b>Total</b>	<b>41</b>	<b>41</b>	<b>41</b>	<b>2</b>	<b>35</b>	<b>9</b>	<b>4</b>	<b>7</b>	<b>0</b>

## WAYS OF CONCLUDING THE PROCEDURE

This segment of research analyzed the types of judgments rendered, so the judgments were analyzed in relation to Article 288 of the Criminal Procedure Code of Republika Srpska: judgments dismissing charges, judgments acquitting the accused, and guilty judgments (Simović, 2005: 485). In relation to the prescribed ways of concluding the criminal procedure, we observed them through the categories of dismissal, acquittal, and conviction, and in relation to the court adjudicating in the case and the types of the offenses in question. The judgments also included rulings against minors, considering that, under the RS CPC, judgments which have the force of *res judicata* have been rendered (Simović, 2005: 132). The results are shown in Table 5.

*Table 5*

Court	Number of judgments	Dismissal	Acquittal	Conviction
The District Court in Banja Luka	Judgments were not received	0	0	0
The Basic Court in Banja Luka	27	0	3	24
The Basic Court in Gradiška	7	0	0	7
The Basic Court in Kotor Varoš	5	0	0	5
The Basic Court in Prnjavor	2	0	0	2
The Basic Court in Mrkonjić Grad	0	0	0	0
<b>Total</b>	<b>41</b>	<b>0</b>	<b>3</b>	<b>38</b>

Table 5, which refers to the types of judgments in relation to the courts in the Banja Luka region adjudicating in the cases, demonstrates that out of a total of 41 cases and the same number of judgments, three judgments of acquittal and 38 convictions were rendered, while no judgments dismissing charges were rendered. In terms of percentage, there were 92.7% of convictions in relation to 7.3% of acquittals. Looking at the courts adjudicating in the cases, the Basic Court in Banja Luka rendered three acquittals and 24 convictions, or 12.5% compared to 87.5%, while other courts have a conviction rate of 100%.

Table 6

Name of offense	Number of judgments	Dismissal	Acquittal	Conviction
Rape, Article 193	14	0	1	13
Sexual intercourse with a helpless person, Article 194	6	0	0	6
Sexual abuse of a child, Article 195	14	0	0	14
Sexual intercourse by abuse of position, Article 196	1	0	0	1
Satisfying lust in front of another, Article 197	6	0	2	4
Total	41	0	3	38

An analysis of the types of judgments by offenses shows that one judgment acquitting the defendant for the offense of rape was rendered, while the remaining 13 were guilty judgments. Regarding the offense of satisfying lust in front of another, two judgments are acquittals or 1/3 of the total number for these offenses, while four were guilty judgments. Judgments related to other offenses are convictions. Therefore, looking at the ratio of convictions and acquittals rendered by the courts in the Banja Luka region, a large representation in favor of convictions may be observed, while there are no judgments dismissing charges. Three judgments acquitting the accused stated different reasons for making such decisions. When the court rendered a judgment in the case of satisfying lust in front of another, it applied the code that was amended after the offense had been committed, and when applying such a code, which is more lenient for the perpetrator, the court found that the actions committed by the perpetrator did not constitute an offense (Presuda Osnovnog suda u Banja Luci, 2017). Similarly, regarding the offense of satisfying lust in front of others, the court did not find any elements concerning the nature of the offense. Regarding the offense of rape, the court acquitted the accused on the grounds that the evidence presented was not sufficient to clarify beyond reasonable doubt whether the sexual relationship between the accused and the victim was voluntary or forced (Presuda Osnovnog suda u Banja Luci, 2008). Even in criminal law theory, there are doubts regarding the essence of rape in an involuntary sexual act or an act that is carried out exclusively through coercion (Škulić, 2019: 38).



An analysis of these three judgments indicates that two judgments were rendered solely due to procedural shortcomings (concerning the absence of basic elements of the essence of offenses themselves), while the lack of quantity and quality of evidence in the third judgment influenced the court's decision to dismiss the charge. Analogous to the above, we may conclude that the quality of the evidence used in the criminal proceedings was sufficient and applicable concerning convictions. The lack of evidence that resulted in an acquittal in only one case compared to the remaining 40 judgments constitutes a small percentage of those actions used in investigations that we can evaluate as having been effective. Also, the fact that special investigative actions were not used in cases where it was possible to use means that they are not necessary, that is, traditional investigative actions are expedient in relation to the aforementioned judgments, that is, criminal procedure, which can also be seen as one of the arguments that supports the amendments to the Criminal Procedure Code of Republika Srpska, that is, the section containing a list of criminal offenses for which it is possible to undertake special investigative actions, and the section that now stipulates the same actions may be undertaken for those offenses that carry a minimum sentence of five years instead of a minimum sentence of three years.

## CONCLUSION

As stated in the Introduction section and in accordance with the views of the majority of scholars, the expert community and the largest part of society in the region to which Republika Srpska belongs, offenses against sexual freedoms or sexual integrity, even though they are not frequent according to official data, attract substantial attention and affect the most vulnerable categories of society: women, children, the elderly and individuals with special needs or those victims who depend on or are subordinate to a person who, by abusing their position, becomes the perpetrator of such an offense. That is why the public expects a criminal-law response to this type of delict in both preventive and repressive terms. Almost one-third of the total number of the judgments in Republika Srpska for the offenses in question were rendered by the courts in the Banja Luka region: the District Court in Banja Luka and the Basic Courts in Banja Luka, Gradiška, Kotor Varoš, Prnjavor, and Mrkonjić Grad, which shows a slightly higher degree of representation compared to other regions if we look at them in relation to the number of inhabitants. By analyzing the evidentiary actions undertaken in relation to the judgments rendered by the courts in the Banja Luka region, we determined that the most represented evidentiary actions are witness examinations and suspect interrogations, while in relation to actions undertaken to obtain objective evidence, the action that was mainly undertaken was expert analysis (forensic medical analysis of the victim of an offense was mainly performed, and to a lesser extent forensic biological analysis was performed for the purpose of obtaining evidence against the perpetra-

tor), while other evidentiary actions were used to a lesser extent. Furthermore, an analysis of the judgments rendered by the courts in question indicated that the number of convictions is very high (92.70%), while the number of acquittals is lesser, of which only one (out of three) judgments were rendered due to insufficient evidence. These findings indicate that the evidence, that is, the evidentiary actions undertaken, both qualitatively and quantitatively, were sufficient and effective, as they made it possible to pronounce guilty judgments. Also, it was determined that only traditional evidentiary actions were used in criminal procedure, while special investigative actions had not been used even once, even though the CPC of the RS envisaged this possibility.

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# DEVELOPMENT DIRECTIONS, FUNCTIONS AND STRATEGIC OBJECTIVES OF SPORT AND SPECIAL PHYSICAL EDUCATION IN LAW ENFORCEMENT IN SERBIA

Review Article

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**Abstract:** Human potential, as the basis of success, especially in special physical education (SPE) and sports, requires special attention in Serbian law enforcement. This especially refers to planning and organizing these activities. Competent personnel in sports and SPE, once at a satisfactory level, due to the long-term unfavorable socio-economic development and policies conducted in society and the state, but also insufficient understanding of sports in law enforcement and SPE by the management structure is quite unstable, and signs of its possible collapse are becoming more evident. The fulfillment of social interest and personal needs of the participants in the system cannot be achieved without professional work and relationship. Based on this, and for the purpose of rationalization and unified management, a strategic approach is needed, which is analyzed in this paper.

**Keywords:** Sport management, Special physical education, sports in law enforcement, law enforcement.

## INTRODUCTION

Sport management and its application in sports in law enforcement and Special Physical Education (SPE) cannot be the same as the principles of profitable sports organizations, due to the specificity of organizing and managing government institutions such as the Ministry of the Interior of the Republic of Serbia. However, the basic interest of SPE and sports in Serbian law enforcement is similar to that of any other sports organization – fulfilling the needs of an individual, a group, an institution, and the state as a whole. Sport exists to

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fulfill the mentioned interests, which is the reason why sports organizations are formed (Životić & Veselinović, 2016). That interest can survive in law enforcement only if, regardless of the specifics of police activity, the original principles of sport are preserved. That is why the mission and spirit of sports must be preserved in the system of sports for law enforcement. Respecting the purpose of the existence of sports and SPE in Serbian law enforcement, the management's task is to concretize the position of sports and SPE in the broader police system, which will provide better quality work and therefore greater results, better sports and competition results, including better health, professional and special characteristics of law enforcement officers (Milošević et al., 2005; Milošević & Milošević, 2013; Amanović & Milošević, 2022). At the same time, the stable positions of the organization in charge of sports and SPE must be preserved in all segments, functions and resources (Milić, 2006; Životić, 2007). Business and financial stability is of particular importance here, which is necessary for achieving established program objectives. Sports and SPE represent a creative process of fostering sports and human values and sports results, that is, the level of the assessed preparation of law enforcement officers (Milošević et al., 2005; Milić, 2006).

In order for the entire system to function effectively and achieve its basic objectives, sports organization and SPE in law enforcement requires support such as financing, facilities, administration, personnel, and marketing. Special attention should be paid to the development and strengthening of sports and SPE at lower levels of management, such as the Police Department for the City of Belgrade, regional police departments, and police stations, where the responsibility rests with the local leadership. However, the principle of decentralization in the system of sports and SPE in Serbian law enforcement must contain only one element of centralization, which is control (Milić, 2006). Sport management and SFO in Serbian law enforcement should apply and develop all management functions: forecasting, personnel, planning, management, organizing and control. These sport management principles and SPE in Serbian law enforcement and their application are quite flexible, but the need to achieve the most efficient management systems must take into account the principles of the theory of sport and management. This paper analyzes and presents the current state and proposes a strategy for the development of sports and SPE in Serbian law enforcement.

## CURRENT STATE OF SPORTS AND SPE IN SERBIAN LAW ENFORCEMENT

In the 1990s, the Ministry of the Interior of the Republic of Serbia (MUP) established a line of work and a department of SPE, and new training programs and education programs for educators were designed and implemented. At the same time, new selection and evaluation standards were being constructed for

the needs of different lines of work within the MUP. Compulsory SFO classes were introduced and were organized three times a week, while law enforcement officers' competence practice was assessed twice a year according to international recommendations and standards. SPE was taught in the Serbian MUP, schools, at the College of Internal Affairs and the Police Academy by three categories of experts according to academic (Milosevic & Milošević, 2013). The first category is the instructors (more than 200) had to have an associate degree and a good knowledge of SPE. This group of instructors taught at SFO departments and conducted classes in various units and security centers. The second category comprised professors who graduated from Faculties of Physical Education (about 70) and had a good knowledge of the SPE system. They conducted classes in units and security centers, while some worked in the SPE department within the police administration of the Serbia Ministry of the Interior and were involved in the analysis, programming and control of the implementation of various physical training programs for all employees at the MUP. A number of employees with these qualifications taught courses at high school of internal affairs. The third category of experts, who designed the SFO system and held a master's degree or doctoral degree, taught at the College of Internal Affairs (VŠUP) and the Police Academy (PA). Regarding the organization and implementation of SPE training programs at the VŠUP, PA and MUP, European Union experts reported that it met the European standard and should be further developed (Monk, 2001; Slater, 2001) in accordance with the economic and technical changes and the way the police is organized, adhering to science and scientific findings (Banović & Amanović, 2017).

In parallel with the rapid development of SPE between 1989 and 2000, there was a rapid development of sport within the Ministry of the Interior. At that time, within the sports association, 15 clubs competed in various sports at the federal level. A police sports association was founded, which was a member of the Balkan, European and World Police Associations. Our police officers (among whom there was a large number of students) participated in judo, karate, jujutsu, archery, skiing and football competitions organized by the aforementioned police associations. Serbian law enforcement had been the Balkan karate, judo, jujutsu, and skiing champions twice, the European judo and jujutsu champions and they had won the bronze medal in football and had been the indoor soccer world champion – 98 law enforcement officers were representatives of Yugoslavia, SCG and Serbia in various sports. Individually they had been world, European, Mediterranean, Balkan and national champions in various sports. Eight law enforcement officers were members the national team which participated in the Olympic Games. Indeed, SPE was well-developed and had an enviable status in the MUP – it influenced law enforcement officers' awareness of the need to engage in physical and sports activities (Amanović, 2007; Milošević & Milošević, 2013).

It is a fact that SPE was verified as a science and teaching field in the late 1980s. According to the scientific discipline, SPE belongs to police stud-

ies, namely special police studies. As a subject, it belongs to specialist subjects, and at police higher education institutions it belongs to the group of core subjects. Education and SPE training is based on science, a scientific method and police practice and, coupled with other scientific disciplines, it contributes to building law enforcement officers' personal integrity and professional capacity, using specially designed educational training programs (Milošević et al., 2005; Amanović et al., 2015a; Amanović et al., 2015b; Amanović et al., 2017; Žigić et al., 2019; Banović & Amanović, 2022). In the mentioned period, through organized courses for SPE instructors in law enforcement and courses in physical and technical protection (customs, electricity distribution, water supply, private security, etc.), a great accumulated experience was demonstrated, which can be seen during the conduct of training courses and in modernized study plans and education, training and licensing programs. Special physical education was scientifically established by teachers involved in more than 20 research projects, with over 1000 academic articles published in prestigious international and domestic journals or presented at international or domestic scientific gatherings, including the Counseling in SPE, 15 published textbooks and manuals, 8 monographs, 10 software packages, and 4 internationally verified scientific theories that can explain various phenomena related to the SPE subject. Experiences, plans and programs from other European academic institutions were used while designing new curricula and programs related to this study, which had a substantial impact on the quality, modernity, applicability of the programs.

## DEVELOPMENT STRATEGY OF SPORT AND SPE MANAGEMENT IN LAW ENFORCEMENT IN SERBIA

The strategy for the development of sport and SPE management envisages reforms of all processes that are subject to standardization and further development of sports and SFO in Serbian law enforcement. Generally, the most important characteristics of success, especially in sports, are to have the latest information about world trends at one's disposal and successfully face changes. These changes have been taking place in Serbian law enforcement, at all levels, over the last ten (or more) years, meaning reforms in the sport and SPE domain. As a result of such a relationship and benchmarks, according to modern management theory, managers, primarily top management, are required to have appropriate experience and knowledge pertaining to concepts and strategic management applications.

Based on previous studies and analyzes carried out in sports organizations, educational institutions (formerly SŠUP, VŠUP, PA) and organizational units within the headquarters of the Ministry, internal and external factors of the environment reformulated organizational directions, and in accordance with the vision, mission and development objectives of the reform of police education, there arose unequivocal facts that point to the inevitability of defining the



strategy of sports and SPE in Serbian law enforcement (Milošević & Mudrić, 2001; Milić, 2006). Related to this is the need to base the new concept of sports organization and training on modern programs, training technologies, norms, standards and evaluation in accordance with European standards and recommendations of the OSCE and the Council of Europe (Milošević & Milošević, 2013).

Sports in law enforcement and SPE can essentially be identified with a set of transformational processes resulting from the immediate and cumulative adaptation of law enforcement officers' body to educational and training stimuli (Milošević et al., 2005; Milošević & Milošević, 2013; Milošević & Milošević, 2014; Amanović et al., 2015b). These processes represent phenomena conditioned by numerous laws that rule within internal physiological, biomechanical and psychological systems and police officers, as integral anthropological entities, and their environment. Therefore, effective and economical work to achieve the desired results depends, to a significant extent, on the systematic collection and use of information essential for the development of exercise plans and programs, and the determination of the content, scope and intensity of the activities that comprise current sport and SPE training programs. The objectives of sports in law enforcement are designed to give maximum effects, while adhering to the professional profile of law enforcement officers and degree of complexity of their jobs and tasks. They are defined as follows:

- Achieving an optimal level of special knowledge and abilities,
- Achieving and maintaining law enforcement officers' optimal motor and cognitive structures and personality traits;
- Enhancing law enforcement officers' emotional resistance to professional, conflict, and stressful situations;
- More efficient adaptation to the modern way of life, better and faster professional adaptation.

As a contribution to the development of a new strategy for the development of police sports and SPE, we provide the following recommendations on directions for developing police sports and SPE and strategic objectives that will enable the realization of the proposed directions for the development and functions of sports and SPE in law enforcement, which should be a part of this new strategy (Milošević et al., 2005; Milić, 2006; Milošević & Milošević, 2013).

*Development directions and functions of sports and SPE in law enforcement*

These recommendations would refer to the most important directions of further development and functioning of sports and SPE in Serbian law enforcement, which are inevitably connected with the training process of law enforcement officers and other law enforcement personnel, including law enforcement officers who compete in sports:

- Design new plans and programs, training technologies and norms;

- School and train law enforcement officers and other members of the Ministry of the Interior of the Republic of Serbia:
  - » Training for senior personnel for the needs of sports in law enforcement and SPE,
  - » Basic training for police demonstrators in SFO and sports instructors,
  - » Basic specialist training for certain sports (judo, karate, jujutsu, archery, swimming, orienteering, skiing...) that are part of the service,
  - » Courses and seminars for certain organizational functions in sports and SPE;
- Employing, monitoring and developing personnel in sports and SPE:
  - » Admitting managers, coaches and athletes to the SPE team and sports clubs in association with the University of Criminal Investigation and Police Studies,
  - » Organizing advanced seminars for certain duties in sports and SPE (managers, organizers, coaches, referees, athletes),
  - » Conducting standardized testing in sports and SPE,
  - » Preparing analyses and forecasts, the monitoring and development of personnel, law enforcement athletes, and law enforcement officers,
  - » Controlling work in SPE (a level of preparation), sport (results, rewarding and the motivation of athletes);
- Sport and SPE system in Serbian law enforcement
  - » Establishing a special organizational unit for sport and SPE management;
  - » Ensuring a network of training centers for athletes and law enforcement officers training, equipment, fields, gyms, swimming pools, and the like;
  - » Providing the necessary logistical support for the system (equipment, training props),
  - » Organizing the health care of participants in sports and SPE;
  - » Integration into the national sports system;
  - » Active participation in international sports competitions;
  - » Participation in scientific research conducted by domestic and foreign institutions;
  - » Establishing a framework for the existence of sports and SFO in Serbian law enforcement by law or rulebook, which would solve the organizational and financial structure of the organization.

### *Strategic objectives of sport and SPE in Serbian law enforcement*

The strategic objectives of sport and SPE in Serbian law enforcement should also be defined within:

- Law on Police/by-laws through:
  - » Amendments that define sport and professional development – SPE as a compulsory activity in Serbian law enforcement;
  - » University of Criminal Investigation and Police Studies, Serbian Police Sports Association, and sports clubs as an inevitable supplementary form of preserving the psychophysical status of law enforcement officers and athletes for their successful performance of duties and tasks;
  - » Within legal framework for financing SPE, sports – competitive and recreational activities in the financial plan of the Ministry of the Interior of the Republic of Serbia, based on annual program content.
- SFO and sports facilities should come under the jurisdiction of the training center, which shall be used by sports clubs and employee without charge according to the established plan;
- Control mechanisms and consultation systems at the level of decentralization, while managers and trainers should be delegated responsibility for applying the established control standards with mandatory retesting;
- Based on the defined new standards the recruitment and selection process should be applied and each basic unit should have a sport and SPE manager, while sports clubs should have licensed trainers;
- Regular training of SPE personnel and sports clubs personnel, on the basis of continuous learning, especially law enforcement officers;
- Active participation in international cooperation, through the Serbian Police Sports Association, at educational gatherings, competitions and in the administrative structures of the European Police Sports Union;
- Introduction of licensing system for employees and trainers, with one of the license elements based on competency assessments in SPE, while in sports it would be based on a specific sport discipline test scores;
- Introduction of quality assessment standards for the purpose of quality management of sport and SPE;
- Introduction of an informative-marketing system for the purpose of transparency in work and decision-making, especially regarding law enforcement agencies.

*Theoretical and methodological framework of sport management  
and SPE in Serbian law enforcement*

The development of work abilities of law enforcement officers and physical abilities of top law enforcement athletes and their performances at competitions, sets of educational training programs, belongs to the complex management problems domain. The purpose of the methodology developed and used in SPE and sports in Serbian law enforcement is to inspect the condition and functioning of all segments of the system using scientific methods, in order to maintain and improve it, to achieve the best possible results in the performance of tasks related to crime prevention and detection, the maintenance of public order and tranquility, traffic control and regulation, police service work, administrative and other police tasks and duties. The methods used for this purpose can be divided into methods for collecting data on system segments, methods for analyzing quantitative and qualitative changes, and methods for programming and controlling educational and training effects (Milošević, 1985; Milošević et al., 2005; Milić, 2006; Milošević & Milošević, 2013).

The first group of methods is used to collect data on law enforcement officers' motor and functional abilities, their morphological, biochemical, biological, sociological and psychological characteristics, the situational application of acquired knowledge on undertaking tactical and operational measures and actions, as well as data on kinematic and dynamic characteristics of law enforcement officers' specific movements. The aim of collecting this type of data is to diagnose the condition, training effects and changes in monitored abilities and characteristics. Additionally, these data are used for various quantitative and qualitative analyzes with various aims, such as programming and control of training and teaching.

The second group comprises methods used to create selection and evaluation criteria and analyze quantitative and qualitative effects and changes caused by educational and training programs. These methods have a wide range of application and they are mainly used in SPE to:

- Assess capacity and rules for the development of law enforcement officers' abilities;
- Determine law enforcement officers' work and education profiles and the design of selection criteria;
- Diagnose the state of adaptive dimensions of students and law enforcement officers of different work profiles, along with the development of procedures for their assessment;
- Determine the initial status of students and workers in terms of classification and homogenization of groups of students and workers in the educational and training process and rationalization of the procedures used for selecting students and workers for admission to service and special tasks;

- Determine the state caused by adaptation and transformation processes;
- Determine quantitative effects and changes among law enforcement officers caused by educational and training procedures in the domain of adaptive characteristics, special knowledge and processes;
- Determine the transitive and final states of students and law enforcement officers in the form of integrative changes in adaptive (psychological, sociological, motor, functional, morphological) characteristics, the required biomotoric and special knowledge and finally law enforcement officers' conceptual and situational responses concerning effective application of tactical and operational measures and actions;
- Determine the rules of variability of certain adaptive characteristics and mathematical regularities of their development (growth in a certain period of time) and the regularity of learning and the applicability of SPE certain structures among students and workers under the influence of special training and educational treatments,
- Create models of transformational and adaptive changes in law enforcement officers in the SPE process,
- Model and simulate SPE special activities and transformational (informational and energy) processes in accordance with the requirements of scientific knowledge and the requirements for police work;
- Create information support for the SFO management model for law enforcement officers,
- Create information support intended for the optimization of training programs (operators);
- Establish a management model for SFO for students and law enforcement officers.

The third group consists of methods for programming and controlling teaching and training effects of SPE. They are used to:

- Design individual and group exercise programs in different domains of education and training;
- Develop standards for the control and improvement of education and training effects.

The first group of methods used in SPE includes cinematographic methods, tensiometric methods, dynamometric, psychological, pedagogical, biochemical, results partialization methods, and methods for diagnosing law enforcement officers' functional state. The second group comprises multivariate methods such as primary data processing methods, comparative methods, multivariate correlation analysis, multivariate regression analysis in manifestation and latent spaces, canonical and taxonomic analyses, discrimination analysis, including factor analysis and mathematical analysis methods. In addition to multivariate and mathematical analysis methods, linear, non-linear and network programming methods are also used.

## CONCLUSION

Police reform in Serbian, which included, among other things, changes in the education system and professional training, included the sports domain and SPE. In this sense, the process of adopting European standards, creating a development strategy, and redefining the existing sport and SPE management system have already begun in order to apply new technologies and management processes. The new concept of sport and SPE management in Serbian law enforcement should enable the creation of a compatible and acceptable new development strategy followed by other management processes. It should be emphasized that the essence of organizing sports and SFO means a large number of agents and factors within and outside law enforcement agencies, which have an impact on the achievement the set objectives, while the European conceptual framework for the development and integration of sport and SFO for law enforcement officers is particularly important in the following areas:

- Developing a new concept of modern management;
- Developing a system for efficiently meeting the needs of high-quality educational and training processes, using the parameters based on which sports and SPE can be managed;
- Selecting general and specific ability tests on the basis of which new plans and programs would be applied in a precise and clear manner;
- Theoretical foundation of sport management and SPE in law enforcement at the strategic and operational levels, whose basis would be the use of theoretical, empirical, and experimental observations and analyses.

New training technology and norms would help to optimize training and educational processes with less energy and time commitment of athletes and law enforcement officers and reduce material costs. Based on the above issues, it is recommended to prevent further collapse of the system, continue with the current reforms (the application of new training technologies and management processes), and adopt an acceptable strategy for the development of sports and SFO in Serbian law enforcement. In this process, it is valuable to take into account all previous experiences.

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## ***Review of Security Systems and the issue of Control*** **by Predrag Čeranić**

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The book *Security Systems and the Issue of Control* by Predrag Čeranić represents a significant contribution to the security studies literature. Its importance primarily lies in the topic addressed by Čeranić and the manner in which the content of the book is presented. A security system and its control is the starting point for all debates on security, be it theory or practice. Čeranić deals with the theory of security systems, a topic that has not been substantially addressed by local scholars in recent times. The systemic approach to studying security, unfortunately, has lost its importance in a “sea” of micro-topics which are mainly related to the events that occurred and were current at a certain moment, which often have a relative and even daily political significance in terms of knowledge. Additionally, the issue of control of the security system is a key determinant regarding the direction in which societies should move on the spectrum from truly democratic to totalitarian societies, from strong to failed and collapsed states. The security system is a reflection of the entire society – political relations, ideology, economy, culture, historical heritage. As such, it represents a fruitful epistemological framework for scientific analysis. Čeranić deals with these key questions and provides answers to them in a scientifically-based manner, which makes this book even more valuable.

The book comprises two larger parts in which Čeranić thoroughly addresses and critically examines the key issues analyzed in separate chapters.

In the first part of the book entitled “Security and Control”, Čeranić deals with definitions of security and security systems that represent a valuable overview of basic theoretical and conceptual issues of security, comparative security systems, and their control.

The second part of the book systematically addresses the security system of Bosnia and Herzegovina in detail.

The topic of security systems has been Čeranić’s main research interest. His previously published books and academic articles made him a recognizable scholar and expert on the security system in Bosnia and Herzegovina. Čeranić’s

long practical experience in the intelligence-security sector may be implicitly noticed in the text, considering how he approaches certain topics and addresses them. The reader gains an impression that the author is an experienced analyst and an excellent connoisseur of affairs. As a practitioner, Čeranić knows the security system of Bosnia and Herzegovina from the inside and from the outside as a theoretician and lecturer. It is particularly important to point out his decades-long experience regarding the topic of security system and the fact that he witnessed and participated in the events, social “breakdowns” and transformations of the security system in Bosnia and Herzegovina.

The book is written in a scientific but simple style and is understandable for readers. In the book, the reader can find relevant information that is systematized, generalized and connected into a compact whole.

The book *Security Systems and the Issue of Control* by Predrag Čeranić is a contribution to the security studies literature. The book is intended for students attending the Faculty of Security Studies, University of Banja Luka, and a general readership.



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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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