

## EDITORIAL

### Dear Readers,

The first issue of the scientific journal **Facta Universitatis: Law and Politics** for the year 2017 is a thematic issue including scientific papers in the field of criminal law.

**Emir Ćorović** (LL.D.) and **Aladin Šemović** (LL.D.) submitted an article titled “*Critical Review of the Security Measure of Restraint to Approach and Communicate with the Injured Party under Article 89a of the Serbian Criminal Code*”. The authors analyze this security measure which was introduced into Serbian criminal law by legislative changes and amendments in 2009. Although this criminal sanction has been part of the domestic criminal legislation for seven years, there are serious legislative deficiencies associated with its regulation. Considering that courts tend to use this measure sparingly and less frequently year after year, the authors give suggestions *de lege ferenda* aimed at improving its efficiency.

**Darko Radulović** (LL.D.) submitted an article on “*Alternative Criminal Sanctions in the Criminal Legislation of Montenegro*”. After discussing various theoretical issues concerning the deprivation of liberty, especially short-term imprisonment sentences, the author elaborates on the importance of alternative sanctions, their place in system of criminal sanctions in Montenegro, and the relevance of their application as a substitute for short-term imprisonment sentences. Despite a wide registry of alternative criminal sanctions, the author points out that the sentence of imprisonment can never be completely abolished.

**Vanja Serjević** (LL.D.) submitted an article titled “*Economic Criminal Law: Comparative overview*”. The author discusses the criminal liability of legal entities, which has been in the focus of theoretical debates and criminal law reforms over the past century, especially in the modern globalization era. After presenting an overview of the major concepts and theories of criminal liability of legal entities, the author provides a comparative overview of relevant legislation in prominent criminal law systems of the USA, Germany and EU, as well as a general overview of the Serbian legislation on this matter.

**Filip Mirić** (LL.D.) submitted an article dealing with “*Criminogenic Influence of Penitentiary Institutions*”. The author points out that time spent in prison can be an important criminogenic factor due to deprivation of privileges and direct exposure to penitentiary environment, which may result in “criminal contamination”. After discussing different forms of deprivation in penal institutions and their impacts on prisoners’ life, the author stresses the need to use effective measures and forms of treatment to prevent criminal contamination, reduce the criminogenic impact and ensure inmates’ rehabilitation and re-socialization.

**Milica Todorović** (PhD student) discusses the issue of “*Prevention of Harassment at Work*”, by focusing on the concept, phenomenological characteristics, etiological factors, types of mobbing or harassment at the workplace, and imminent consequences sustained by victims. Considering the need to have mobbing at work officially recognized and legally sanctioned as a form of harassment, the author stresses that the social response must be embodied in a comprehensive and effective system of primary, secondary and tertiary preventive measures. The author provides an overview of the Serbian legislation and points to the role of the non-governmental sector in the prevention of this form of violent crime.

**Igor Popović (LL.B.) and Olivera Ševo (LL.B.)** submitted an article titled “*The Never-ending Story of Al Husin and Bosnia and Herzegovina: from El-mujahedin to freedom?*”. The authors discuss the problem encountered by BH authorities concerning foreign combatants who participated in the BH civil war (1992-1995), many of whom stayed in BH after the war. Being recognized as a threat to national security, Imad Al Husin has been detained in an immigration centre for years. This case illustrates the legal issues pertaining to deportation proceedings and length of his detention, which urged the authors to analyze the ECtHR decision in *Al Husin* case and related decisions of the BH Constitutional Court.

**Olivera Mijalković (LL.M)** submitted an article titled “*The Treatment of Prisoners in the Penitentiary-Correctional Facility in Niš*”, which includes the results of empirical research on forms of treatment in this penal institution, their importance and impact on convicted offenders. The analysis of different forms of institutional treatment in the PC Facility in Niš provides a referential framework for overcoming the observed deficiencies and further development of modern forms of institutional treatment in Serbia, adapted to individual needs and ultimately aimed at prisoners’ resocialization in full observance of their human rights.

**Ana Prokić (LL.B.)** submitted an article discussing “*The Link between Organized Crime and Terrorism*”. After examining individual characteristics of organized crime and terrorism, and analyzing the complexity of the crime-terror nexus, the author points to diverse problems in combating organized crime and terrorism generated by globalization and growing cooperation between organized criminal groups and terrorist organizations. Given that these traditionally separate phenomena have demonstrated many operational and organizational similarities, the author highlights the importance of understanding the link between organized crime and terrorism as the first step towards formulating an effective state response to this evolving threat.

Although this thematic issue of *Facta Universitatis: Law and Politics* covers diverse criminal law topics, the Editorial Board has decided to include another interesting article from the field of constitutional law, contributed by Prof. dr Geetika Sood (India).

**Prof. dr Geetika Sood** elaborates on the topic of “*Parliamentary Democracy in India: Legal Issues and Challenges*”. While India has the British model of parliamentary democracy, the author emphasizes that contemporary institutions of representative democracy have their counterparts (such as ‘*Sabha*’ and ‘*Samiti*’) in ancient Vedic India. The author casts more light on elections and adult suffrage in India, the role of executive bodies, the power of the judiciary. Calling upon case law illustrating the judicial approach to parliamentary democracy, the author identifies specific problems observed in practice and discusses the challenges facing the Indian parliamentary democracy.

We hope you will enjoy reading the results of scientific research on the criminal law issues that the contributing authors have chosen to discuss in their theoretical and empirical research-based articles. The multidisciplinary nature of the submitted papers and the authors’ choice of current legal issues indicate that our scientific journal *Facta Universitatis: Law and Politics* is open to different approaches to the legal matter under observation and committed to publishing scientific articles across a wide range of social sciences and humanities. In that context, we invite you to submit research articles on topics of your professional interest.

**Editor-in-Chief**

Prof. Miomira Kostić, LL.D.

Niš, 13<sup>th</sup> March 2017

**Guest Editor**

Darko Dimovski, LL.D.