

EDITORIAL

Dear Readers,

The third issue of the scientific journal **Facta Universitatis: Law and Politics** for the year 2017 includes scientific papers primarily in the field of criminal law but it also includes articles in the field of human rights, economics and philosophy of law.

Assist. Prof. Darko Dimovski and Petar Pešić submitted the paper titled "*Use of Evidence obtained in breach of the Convention rights as a violation of the Right to a Fair Trial*", where they analyzed the standards established by the European Court of Human Rights (ECtHR) in Strasbourg concerning the use of evidence obtained in breach of the rights envisaged in the European Convention on Human Rights and Fundamental Freedoms (ECHR), ultimately resulting in a violation of the right to a fair trial. In this context, the attained standards on the use of evidence obtained in breach of the respective articles of the ECHR are examined through the analysis of the Court jurisprudence on this matter and evolution of these standards. Ultimately, the authors discuss whether the use of evidence obtained in breach of the Convention rights makes the criminal proceedings unfair as a whole.

Prof. Dr. Marko Trajković, submitted the paper titled "*Is the logic of law in contrast to Christian values?*" In the first part of the article, the author discusses the relationship between legal norms and Christian values and how they can affect a change in human behaviour. Relying on the premise that the law must be value-based, the author underscores Christian values as the inexhaustible resource and ultimate guidelines in the creation of legal norms. Given the dramatic changes in the moral attitudes of people, the author considers the Christian, philosophical and legal approach to euthanasia, as a most prominent example of the absence of values in a legal norm, as well as in the foundations of a legal system. Upon discussing the ethical aspects of the competent patient's right to request to die and the doctor's decision on such a request, in the second part of the article the author reflects on the moral issue of control of man's power, given that absolute freedom, without respect for human life, constitutes a destruction of that freedom.

Milena Nikolić, a PhD student of the Faculty of Economics, University of Nis, submitted the paper titled "*The Role of Soft Law in the Convergence of Pension Policies of the EU Member States*". Given the failure of the European Union to harmonize the diverse EU Member States' pension policies and tighten the policy of budget deficit and public debt control, the EU has intensified the efforts to regulate this area by adopting the so-called soft law, which is ultimately aimed at the convergence of the EU Member States pension policies. The aim of this paper is to determine the effect of soft law regulation on the convergence of pension policies of the EU Member States and assess its impact on the achievement of commonly defined objectives: sustainability and adequacy of pension systems, as well as modernization of pension systems.

Iva Antić, a PhD student of the Faculty of Law, University of Nis, submitted the paper titled "*Neonaticide*". The author examines the historical, criminal and criminological aspects of this crime, as a most serious homicide typically committed by women, in an endeavor to

determine a typical profile and distinctive characteristics of a woman who kills her newborn child. The ultimate goal of this paper is to draw attention of the professional public to this insufficiently researched topic and to emphasize the need for its more comprehensive examination in the future. The special relevance of this paper is reflected in considerations of the criminological and victimological aspects of this form of privileged homicide.

Borko Milošević, a PhD student of the Faculty of Law, University of Nis, submitted the paper “*Phenomenological Characteristics of Terrorism as a Severe Form of Political Crime*.” In the last few decades, terrorism has grown into one of the greatest and almost unsolvable challenges for individual states and the international community alike. The author examines the definition contents, methods, and phenomenological characteristics of this severe form of violence. The author underscores the importance of further research on terrorism from the ideological, philosophical, ethical and other aspects, which may contribute to creating sound grounds for combating and effective suppression of terrorist activities.

Luka Anđelković (LL.M.) submitted the paper “*The Elements of Proportionality as a Principle of Human Rights Limitations*” The principle of proportionality is the most important requirement that must be satisfied in the limitation of human rights. It includes four major elements: legitimacy, adequacy, necessity, and proportionality *stricto sensu*. After discussing the origin and evolution of the principle of proportionality, the author examines each of these constituent element particularly focusin on the application and the significance of these elements in the jurisprudence of the European Court of Human Rights and the case law of the Constitutional Court of Serbia.

Milica Stanojević (LL.M) submitted the paper titled “*Specific Treatment and Rights of Women Deprived of Liberty*”. This author discusses the rights of women prisoners as a special category of persons deprived of the fundamental human right- the right to liberty. Considering the specificities related to the rights, status and treatment of women in conditions of social isolation, the author concludes that one of the key problems in the Serbian penitentiary system is the lack of sensitivity to the specific needs and psychology of women. In that context, the author refers to the conclusions of the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment.

Marina Trenkić (LL.M) submitted the paper “*Trafficking in Psychoactive Substances*”. The criminal offence of trafficking in psychoactive substances has been constantly on the rise worldwide. After exploring the concept, classification and basic features of psychoactive substances, the author provides an overview of narcotics-related criminal offences in Serbian legislation. Recognizing the need for further research on this issue, the author presents the results of the empirical research carried out at the Higher Court in Niš in the period from 2013 to 2016. On the basis of the statistical data collected on narcotics-related crimes, the article discusses the penal policy, including both criminal sanctions and safety measures imposed on the offenders.

Gordana Nikolić, **Aleksandar Bošković** and **Tomislav Trajković** submitted a co-authored paper titled “*The Importance of Secret Surveillance of Communications in Detection and Proving the Criminal Offense of Extortion*”. Serbian legislation includes specific measures and special investigative techniques aimed at counteracting different kinds of organized crime. The authors analyze the secret surveillance of communications, as one of the prescribed special evidence-gathering activities, and discuss its application in detecting and proving the criminal offense of extortion. The authors point to possible modifications in the legal provisions on secret surveillance of communications, which may contribute to improving the procedural application of this special investigative measure in detecting and proving the criminal offense of extortion.

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. 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, 6th October 2017**Visiting Editor**

Darko Dimovski, LL.D.