

EDITORIAL

Dear Readers,

The third issue of the scientific journal *Facta Universitatis: Law and Politics* for the year 2018 contains articles from different fields of law, social sciences and humanities.

Prof. Marija Ignjatović, LL.D., Associate Professor, Faculty of Law, University of Niš (Serbia), submitted the paper titled “*Exercitor and magister navis in Roman law*”, where she analyzes the legal position of the owner of a vessel (*exercitor navis*) and the captain of a vessel (*magister navis*), which was not always precisely defined in Roman law. Taking into account insufficiently developed navigation in the period of the late Republic, there was no need for defining the legal position of the owner of a vessel and the captain of a vessel. With the development of maritime trade in the classical period, they started being perceived as two separate roles, including a clear distinction between their rights and obligations. In the postclassical period, with the general decadence which was omnipresent in the Roman society, there was a decline in navigation; one of the negative reflections was merging the roles of the *exercitor* and *magister navis* in one person again. In order to better understand the positive effects of the situation when the ship owner was also the captain of that ship in the period of the late Republic, as well as the negative effects of merging these two roles into one in the Dominate period, the paper examines the legal position of *exercitor* and *magister navis* during three periods in the development of Roman law: the last centuries of the late Republic, the classical period and the postclassical period.

Prof. Edyta Krzysztofik, PhD, Associate Professor, Department of European Union Law, Faculty of Law, Canon Law and Administration, *John Paul II* Catholic University of Lublin (Poland), submitted the paper titled “*The Applicability of the Charter of Fundamental Rights in Poland*”. The author analyses the EU system for the protection of fundamental rights. This system had been developing since 1969 until the date of entry into force of the Treaty of Lisbon, which established three areas for the protection of human rights. The first is based on the Charter of Fundamental Rights. The second refers to the general principle, as emphasized by the Court of Justice in its case law in the 1970s. The last area is the future one and it assumes strengthening the protection of fundamental rights within the Council of Europe system by obliging the EU to join the ECHR. Moreover, Poland and the United Kingdom are parties to Protocol No. 30, which is also treated as primary law. In addition, Poland attached two Declarations to the Treaty of Lisbon. The Declarations are only political in nature and do not affect the scope of the Charter's application, but they define certain values that are important from the perspective of the Polish legal system.

Prof. Michał Peno, Ph.D. Assistant Professor, Department of Philosophy of Law and Legal Theory, Faculty of Law and Administration, University of Szczecin (Poland), submitted the paper titled “*Prima Facie Retributivism: on the Obligation to Administer Justice*”. The paper examines retributivism in the normative perspective in an attempt to penetrate the structure of the fundamental premises and theses of retributivism.

Retributivism assumes that punishment is just, in the broad sense of the term, but in reality punishment is not just. The model of retributive punishment is contrafactual, which is evident above all in the problem of punishing the innocent. A proper modification of retributivism's normative premises consists in seeing these premises not as unconditionally binding directives, but as optimization rules, a kind of *prima facie* duty. These are mainly the ethical duties of the state considered from the viewpoint of criminal policy. In effect, it is possible to formulate a non-fundamentalist (non-idealistic) variant of retributivism - better corresponding to social reality. The core of the paper consists in outlining such a concept. The inspiration for it was provided above all by the ideas of W.D. Ross and R. Alexy.

Krzysztof Tomaszewski, PhD (in Sociology), Faculty of Law, University of Białystok (Poland), submitted the paper titled *“The Interoperability of European information systems for border and migration management and for ensuring security”*. The author notes that the European Union has been exposed to an increase in illegal migration in recent years. As a result, the threat of terrorist acts increased, which further contributed to reducing the sense of internal security of citizens. The EU citizens expect more effective external border controls and more efficient migration management. Such challenges are addressed by the interoperability of European information systems for border management and migration, and ensuring security of the EU. A key element of interoperability is the adaptation of current systems and the development of new ones, especially in the technical aspect. In addition to legal, organizational and logistic activities, it is a key element in the entire system of activities of European institutions and agencies.

Mirna Dželetović, PhD student, Faculty of Law, University of Novi Sad (Serbia) submitted the paper titled *“Civil Liability of Minors”*. The author examines the concept of causing damage to another, which entails tort liability in accordance with the conditions specified by the law. The national law stipulates that children under the age of 7 are not liable for damage caused to another, while minors over the age of 7, if capable of reasoning, can be held liable for damage. A minor attains general tort liability at the age of 14. Considering that minors can be held liable for damage caused to another, the Serbian Obligations Act (on Contracts and Torts) makes a justifiable distinction between minors of different age regarding their individual liability. This distinction is not common in other European legal systems. The author concludes that it would be sensible to postpone the process of establishing tort liability of a minor for a later period, when the minor attains full contractual capacity. The conclusion is based on two main reasons. The first one is the fact that parental right, which last until the said age, implies the parents' obligation to take care of their underage child. The second reason is the financial situation of the child that prevents him/her from compensating the damage s/he has caused to another person.

Jelena Tasić, LL.B., Judicial Assistant-Associate, Basic Court in Niš, Republic of Serbia submitted the paper titled *“Legal Provisions on Violence in Sports and Disputable Issues in Court Practice”*. The author provides an overview of the most significant international and national legal documents on violence in sports. In particular, the paper examines the Serbian legislative framework on sports violence. The Serbian Act on the Prevention of Violence at Sports Events, which regulates the behaviour of participants in sports events, contains numerous novelties related to this criminal offence. This paper discusses the most relevant legal provisions on violence in sports, provides official statistics, and analyzes the existing case law of Serbian courts on this matter. The author focuses on some landmark decisions and disputable issues encountered in the judicial practice of Serbian courts, particularly in the jurisdiction of the Appellate Court in Niš and higher courts in this region.

We hope you will enjoy reading the results of scientific research on the legal, economic, social and policy-related other 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.

We would like to extend our appreciation and gratitude to our distinguished reviewers whose professional attitude to double-blind peer review has significantly contributed to the quality of our scientific journal.

We wish you a happy New Year and we look forward to our prospective cooperation.

Editor-in-Chief

Prof. Miomira Kostić, LL.D.

Niš, 17th November 2018