

EDITORIAL

Dear Readers,

The first issue of the scientific journal *Facta Universitatis*, Law and Politics, for the year 2016 includes scientific papers in the field of law and politics. The Editor-in-Chief, Prof. dr Miomira Kostić, and the Co-editor of this issue Doc. dr Dejan Vučetić hereby extend their appreciation to all contributing authors from the country and abroad, as well as special gratitude to the individual reviewers, whose submissions and reviews have substantially contributed to the publication of this issue.

In line with the publication plan for the year 2016, the Editor-in-Chief and the Co-editor are pleased to announce that the **topic** of the first thematic issue of *Facta Universitatis*, *Law and Politics* in 2016 is:

EXTREME FORMS OF EXPRESSION IN THE 21ST-CENTURY DEMOCRACIES AND MODERN INTERNET-BASED TECHNOLOGIES.

The topic of this thematic issue has been devised by the Co-editor Doc. dr Dejan Vučetić, with an aim to present the research results of a group of Law Faculty students and their professors (coaches) who participated in a number of national and international moot court competitions in the field of human rights' protection and media law. To commend their collaborative effort and remarkable results in these competitions, where they represented the Law Faculty in Niš and the University of Niš in the best possible light, we present the results of their research on human rights and media law issues.

Part 1: The first part of this thematic issue includes eight articles dealing with a range of contemporary *human rights and media law* issues.

Dejan Vučetić, Gala Bončić, and Petar Pešić examine the liability of social networks for extreme forms of speech, focusing on the research of the normative framework concerning the liability for extreme forms of speech on social media networks as a new form of internet intermediaries. The authors analyze numerous international and national legal documents as well as the case law of the European Court of Human Rights, the US Supreme Court and decisions of national courts related to social media networks.

Vidoje Spasić discusses the normative framework on online privacy in the EU and in Serbia. The development of modern technology has brought many benefits but it has also seriously endangered individual privacy and raised numerous issues concerning personal data protection. While the EU regulation on this matter is constantly updated, the Serbian legislation seems to be more suitable for the analogue than for the digital environment.

Miomira Kostić and Vida Vilić discuss the issue of hate speech on the Internet. Apart from the obvious benefits offered by the Internet and social networks, there has been an increase of cyberspace abuses related to people belonging to particular age, gender, sex, national or religious groups. By virtue of social networks, these individuals and groups are exposed to different forms of harassment, insults, calls for lynching, all of which amount to

hate speech. The authors examine relevant EU documents and Serbian legislation on this issue, and propose solutions for preventive action.

Darko Dimovski and Luka Andjelković focus on the factors which national and international courts take into consideration when making distinction between extreme speech and legitimate expression. There are no general rules which can be automatically applied in adjudicating such cases. The article explores the application of these factors in particular ECtHR cases, given the fact that this court has the most developed case-law on this matter. The authors give their critical opinion on certain decisions and, finally, evaluate the real significance of these factors.

Sanja Djordjević Aleksovski examines the freedom of expression in light of the jurisprudence of the European Court of Human Rights. An important component of freedom of expression is the right to free and unhindered transfer of information. Being the primary transmitters of information on matters of public concern in modern democratic societies, mass media may have a dual capacity: they may either be violators of freedom of expression, or entities exposed to the infringement of freedom of expression.

Ivan Ilić and Tamara Stanojević analyze the practice of the ECtHR and the US Supreme Court in cases relating to restrictions on freedom of expression, with special emphasis on hate speech as negation of freedom of expression. The authors conclude that the legal standards developed in the US Supreme Court case-law reflect a much broader scope of rights pertaining to freedom of expression, particularly in terms of counteracting hate speech, than the legal standards established in the ECtHR case-law.

Andrej Blagojević analyses the concept and the normative framework of hate speech in relevant international documents as well as in Serbian legislation, with specific reference to legal provisions on hate speech in relevant media-related legislative acts. After acknowledging the positive tendencies towards recognizing, monitoring, and sanctioning hate speech in many countries (including Serbia), the author proposes some solutions for counteracting hate speech.

Aleksandra Marinković, Aleksandra Mirić and Filip Mirić provide an overview of the most important EU legal documents governing the European policy on digitisation of cultural heritage. After highlighting the significance of digitisation in the process of preserving cultural diversity and popularizing cultural heritage, the authors suggest that the presented EU recommendations and guidelines for digitisation of cultural heritage may be very useful in the process of harmonizing Serbian legislation with the EU normative framework in this area.

Part 2: The second part of this thematic issue includes six articles dealing with diverse legal and political issues in the contemporary world.

Danilo Ž. Marković (Academician) discusses the correlation between globalization as a social process and the process of intellectualizing labour, which has generated significant changes in the content and character of labour. The result is the emergence of *intellectual capital*, where one's activities demonstrate knowledge and skills as the basic developmental resource. The author discusses the concept of decent/dignified labour, as an envisaged objective in the evolution of capitalism and human society, elaborating on the prospects and effects of its exercise.

Zorica Mršević discusses the issue of regulating the legal status of transgender persons. After indentifying the key steps in the legal recognition of transgender identity,

the author provides a comparative law overview of changes in the regulation of this matter in different legislations. Some countries have gone far while others have not taken even the first steps. Notably, different initiatives may be observed worldwide, which contribute to increasing the social acceptance of gender diversity. In Serbia, a significant lack of regulations on the status of transgender persons, who are largely marginalized and victimized, proves that there is much room for improvement.

Zoran Jovanovski and Vesna Poposka discuss the applicability of the reservations regime envisaged in the Vienna Convention on the Law of Treaties to human rights treaties. In the context of rising security problems, International law is facing global challenges. Universal values (human rights and freedoms) may be undermined. States impose reservations but the problems arise in the interpretation and enforcement of this Convention. The authors analyze theoretical aspects and practice of eminent institutions to find answers to these global challenges.

John Glover analyzes the interrelation between property rights, restitution and fraud. The Anglo-American ability to award property rights in order to achieve justice *in personam* marks a conceptual difference between civil and common law systems. Judicial orders made on restitutionary claims may affect the status of property owner as related to the victims of wrongdoing. The author explores the way in which the interrelation of property rights, restitution and fraud is used as an anti-fraud weapon in capitalist countries with common law legal systems.

Goran Spasić discusses juvenile delinquency as a negative social phenomenon, which has been analyzed from the (narrower) normative and (wider) sociological standpoint. The paper focuses on the comparative analysis of the system of criminal sanctions that may be imposed on juvenile offenders in the legal systems of states created after the dissolution of the former SFR Yugoslavia, which face similar problems in the field of combating juvenile delinquency.

Neda Savić and Milica Stanković examine the concepts of social deviance and contemporary morality, and their causal link with criminogenesis and social progress. Providing an overview of different perspectives by different schools of thought, the authors present the typology of aberrant behaviour and discuss the problems underlying the classification process, given the diversity of aberrant behavior.

Filip Mirić has submitted a *book review* on the monograph *Victimization of Elderly Persons* (in Serbian) authored by Prof. dr Miomira Kostić (Publication Center, Faculty of Law, University of Niš, Niš 2010, p. 247). The problem of victimization of elderly people in Serbia has to be kept in the spotlight of the contemporary academic, professional and general public. This book is not only a significant contribution to the academic literature on this subject matter but also a valuable textbook for law students and a reference book for legal practitioners.

Ivan Ilić has submitted an *In memoriam* note commemorating the death of Prof. Čedomir Stevanović (1928-2016), the eminent professor of *Criminal Procedure Law and Criminalistics* at the Faculty of Law in Niš (from 1962-1993), a long-term Chief of the Criminal law Department, and Dean to the Law Faculty in Niš in two terms of office (1983-1984 and 1990-1992).

We hope you will enjoy reading the results of scientific research on the law and politics 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 and political issues indicate that our scientific journal *Facta Universitatis: Law and Politics* is open to different approaches to legal and political issues 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.

The topic of the next thematic issue is:

CHILD POLICY

The papers intended for the next thematic issue shall be submitted by **1st June 2016** at the latest.

In addition, authors are most welcome to submit articles on different topics in the field of law and politics, book reviews and selected papers written by PhD students. These contributions are not subject to strict deadlines but they should be submitted by **1st October 2016** at the latest. The submitted papers will be published in the second issue of *Facta Universitatis: Law and Politics series*.

For further information on our thematic issues, please refer to the front page of our scientific journal *Facta Universitatis: Law and Politics series*:

<http://casopisi.junis.ni.ac.rs/index.php/FULawPol/announcement>

Wishing you a Happy Easter,

Editor-in-Chief

Prof. Miomira Kostić, LL.D.

Niš, 11th April 2016