

Punitivity and Penal Populism in Slovenia

Benjamin Flander, Ph.D., Assistant Professor in the Theory of Law and the State at the Faculty of Criminal Justice and Security, University of Maribor, Slovenia. E-mail: benjamin.flander@fvv.uni-mb.si

Gorazd Meško, Ph.D., Professor of Criminology and Dean of the Faculty of Criminal Justice and Security, University of Maribor, Slovenia. E-mail: gorazd.mesko@fvv.uni-mb.si

A study conducted three years ago (Flander & Meško, 2011), showed that, since gaining its independence, Slovenia has witnessed a harsher criminal justice policy and legislation and that this, among other things, is reflected in a steady increase in the prison population. The escalation of punitivity has been identified primarily as a symptom of global trends, which Slovenia has not escaped or is unable to escape. On the other hand, the study showed that Slovenia, in contrast to some other countries, has not experienced any aggressive punitive populism, at least not on a wide scale. The latter has been limited to certain politicians and legal experts on 'the right', while political actors on 'the left' have been prone to action that could be described as penal populism. We claimed that the tightening of penal policy and legislation 'on the sunny side of the Alps' did not in itself mean that, at the same time, the "substance" of criminal justice in Slovenia has changed in the same way too, as a stricter penal policy and legislation may have (at least temporarily) primarily symbolic implications.

In this study, we focus particularly on the dynamics during the period 2011–2012, which was not included in the previous study. The analysis showed that the changes that have occurred within the last two years have, with few exceptions, been changes for the worse; e.g. 'reforms' of the criminal justice system resulting in greater punitivity. One particular new development in this period has been that in the name of law and order, the political left (the new left?) has become infected with active penal populism and thus contributed to the escalation of punitivity. The fact that in recent years the public have become more supportive of severe punishment – also deservedly to political populism – that punishments and sentencing policy are harsher, that procedural criminal law is becoming ever more utilitarian and less focused on guaranteeing the rights of the accused, and that 2012 witnessed a record high in the prison population, has not only had symbolic effects in Slovenia. The criminal law and criminal justice in Slovenia, as in most democratic countries, have recently been undergoing harmful changes which are the powerful driving force of the crisis in the criminal justice system.

Keywords: criminal justice, punitivity, penal populism, neoliberalism, Slovenia

UDC: 342.7:343.8(497.4)

Ime datoteke: doc-novo.docx
Mapa: \\GUITSR01\Redir\$\jesmrekar\My Documents
Predloga: C:\Users\jesmrekar\AppData\Roaming\Microsoft\Predlo
ge\Normal.dotm
Naslov: Media reports on crime in Slovenia
Zadeva:
Avtor: uit0198
Ključne besede:
Komentarji:
Datum izdelave: 23.9.2014 15:42:00
Številka spremembe: 5
Zadnjič shranjeno: 14.4.2015 15:48:00
Zadnji shranil: jesmrekar
Celotni čas urejanja: 259 minut
Nazadnje natisnjen na: 15.4.2015 12:04:00
Kot pri zadnjem popolnem tiskanju
Število strani: 1
Število besed: 440 (približno)
Število znakov: 2.509 (približno)