

Significance of the Criminal Policy on the Confiscation of the Proceeds of Crime

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The confiscation of the proceeds of crime has long been the focus of criminal policy at both the national and international levels, leading also to the changes in legislation with a tendency to the most effective confiscation of the proceeds of crime. In order to achieve this objective, the creation of a centralized body at the national level for the identification and management of the secured and confiscated criminal assets is crucial, which is also one of the priorities of the Resolution on the National Program for Prevention and Suppression of Crime for the period 2019–2023. The objective of procedurally simpler international cooperation in this area that would enable states to confiscate more assets from criminal activities in cross-border cases, was also adopted by the new Regulation (EU) 2018/1805 of the European Parliament and of the Council, which will come into force in December 2020 and will also be binding for Slovenian case-law. The Regulation also focuses, inter alia, on the better protection of victims.

Recently, revised German legislation has been intensely addressing question at the national level, and even earlier, changes have also been made Austrian law. Namely, German law introduced in 2017 obligates primary confiscation of proceeds of crime, from which, in the context of criminal enforcement proceedings, compensation of victims is carried out. In order to more effectively deprive offenders of benefits, on the one hand, and to provide more adequate protection of victims on the other, this system would also be worth considering in Slovenian law.

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