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Analýza trendů kriminality v roce 2010

Criminality in the year 2010

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Summary

The compendium “Criminality in the Year 2010” is the twentieth publication by the Institute for Criminology and social prevention from a series of publications (with the working name “yearbooks”) devoted to assessing the state of criminality in the preceding year and criminal trends in the Czech Republic in general. It is compiled from a collection of several papers by institute staff and in its chart section it follows on from the statistical data given in previously published compendia devoted to criminality trends. At the same time – through the focus of separate papers – it attempts to provide a deeper insight into the serious problems connected with criminality and discussed very little elsewhere – specifically, this concerns the topics of victims of criminality, organised crime, economical criminality and, in this year’s compendium, changes in substantive law, due to the fact that a new legal code began to apply in the Czech Republic as of 1.1.2010.

With regard to the new criminal code, the year 2010 represents a certain, but not particularly radical, turning point in monitoring criminality trends in the Czech Republic. In view of the fact that no significant inroads have as yet been made into the methodology of processing departmental statistics either in the Ministry of the Interior (Police of the Czech Republic), or the Ministry of Justice (old clauses have only been “re-numbered” as new ones), it is impossible to make a qualified assessment of the influence of the new criminal code on the level of criminality in the year assessed, taking into account the new approach to prevention of criminality in the Czech Republic. For this reason, we do not come to any far-reaching conclusions in this study of ours from the data for 2010 as far as changes in criminality trends are concerned, because in-depth analysis both of how the change in the criminal act is reflected in the level of criminality as a whole, and also of separate criminal phenomena established by statistics from both of the above ministries is lacking. Such an analysis can be made only after the passing of a certain period from the date of this change – at least, however, 3 - 5 years.

For this reason, the introductory article by the head of the authorial team which is traditionally devoted to the development of criminality in the preceding year in the context of developments in criminality after the year 1990 does not go into particularly great detail, nor does it draw any profound conclusions from changes in the statistic data. Although it includes a commentary on the basic statistical indicators of criminality for the year 2010, the source of which are standard and non-standard sets of statistics from the Police of the Czech Republic compiled by the Ministry of Justice of the Czech Republic and the Supreme State Prosecution Service of the Czech Republic, but it does contain a breakdown of the changes in trends as against the past period.

In the article dedicated to organised crime, as part of research into organised crime, basic data is regularly established on the structure and activities of organised criminal groups within the territory of the Czech Republic. Basic quantitative data from wide-ranging research which has been underway at the Institute for Criminology and Social Prevention since 1993 is contained in this article, reflecting the degree and method of participation of permanent members and externalists, women and foreign nationals within the criminal groups and on the forms of illegal and additional activities of these organised groups. The foundation of the aforementioned data is educated estimates communicated by means of anonymous questionnaires by experienced members of special units of the Police the Czech Republic targeted at fighting organised crime, drugs, corruption and financial criminality. The number of those questioned is in the region of 12 - 33. At the beginning of 2011, the 18th running examination was carried out of 28 experts where they assessed the situation in the year 2010. Due to this, long-term time sequences are used in the study.

The contribution dedicated to problem of victims of violent crime in the Czech Republic in 2010 is the most wide-reaching material providing a mass of information on the victims not published elsewhere. Its value is enhanced by a range of detailed charts containing statistical data on the victims in the greatest possible of distribution.

Another contribution concerns the phenomenon of commercial crime which we have been addressing over the long-term in the “criminality yearbooks”. We understand commercial crime as *unlawful economic behaviour whereby financial or other benefit is achieved at the expense of a specific economic entity (the State, a company, a fund, physical entities etc.) which constitutes the legal basis for criminal acts being committed*. Economic acts are acts which are performed in an economic environment using economic instruments. It must be added that commercial criminality under this definition does not fully cover the scope of crimes appearing in Part Two, Title VI of the Criminal Code no. 40/2009 Coll. Commercial

crimes, but comprising a wider spectrum of crimes, crossing over into crimes defined mainly in Title V, Crimes against Property, in accordance with the classification used in the statistics of the Police of the Czech Republic. This suggests, of course, that it is impossible to include or compare judicial statistics of commercial criminality under Title VI of the Criminal Code with the statistics of the Police of the Czech Republic.

The final paper affords a brief overview of several important milestones of the development of substantive criminal law from the foundation of the independent Czechoslovak State until the present. Its inclusion in the compendium relates to the existence of the new criminal code published under number 40/2009 Coll., which replaced its aging predecessor after almost fifty years of being valid. (Criminal Act no. 140/1961 Coll. was, despite being amended many times, our longest valid code of substantive criminal law since the year 1918.)

A significant part of the compendium is formed of appendices – charts capturing the continual development of criminality in general and the development of individual types and also less accessible information gained while performing different tasks at the ICSP which relate to the matter of assessment of criminality of in the Czech Republic in a wider sense (e.g. statistical data on the numbers of persons imprisoned in the world).

Translated by: Presto