

PRAVDA PO MERI DETETA

INSTITUT ZA KRIMINOLOŠKA
I SOCIOLOŠKA ISTRAŽIVANJA

MEDUNARODNI NAUČNI
TEMATSKI SKUP

2018

PRAVDA PO MERI DETETA



Međunarodni naučni tematski skup
International scientific thematic conference

PRAVDA PO MERI DETETA

Child Friendly Justice

TEMATSKI ZBORNIK RADOVA MEĐUNARODNOG ZNAČAJA
THEMATIC CONFERENCE PROCEEDINGS
OF INTERNATIONAL SIGNIFICANCE

Palić, 06-07 jun 2018.
Palic, 06-07 june 2018.

Institut za kriminološka i sociološka istraživanja
Srbija, 2018
Institute of Criminological and Sociological Research
Serbia, 2018

Izdavač
Institut za kriminološka i sociološka istraživanja
Beograd, Gračanička 18

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Pekograf d.o.o.

Tiraž
300

Održavanje međunarodnog naučnog skupa podržalo je
MINISTARSTVO PROSVETE, NAUKE I TEHNOLOŠKOG RAZVOJA
REPUBLIKE SRBIJE

Publisher
Institute of Criminological and Sociological Research
Belgrade, Gračanička 18

For Publisher
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Print
Pekograf d.o.o.

Impression
300 copies

International Scientific Conference was supported by
MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGICAL
DEVELOPMENT SERBIA

5. CHARACTERISTICS OF THE SOCIAL PROTECTION REFORM

In the last 18 years, the main features of the social protection reform in Serbia have been the momentum of (domestic and foreign) investments/donations to the social structure, the involvement of international partners in reform processes, the tendency towards the development of community services, the multiplication of service providers, the strengthening of the NGO sector importance, the involvement of expert workers in numerous educations and licensing, the creation of a professional association – Chamber of Social Protection, etc. Following the changes in 2000, thanks to international donations, the system of material benefits, previously collapsed due to large delays in payments and insufficient budgetary allocations, has been revitalized. The goal of the changes was to improve the social assistance system in order to reach as many citizens as possible, to improve the quality of services, to shift the focus from institutional accommodation to services in the local community and to implement partial decentralization (Babić, 2010).

The "spirit of change" in the social protection of Serbia clearly reflects the 2005 Social Protection Development Strategy, which sets out the directions of action as the starting points: system efficiency; strengthening of social cohesion; fostering independence and the ability of people to help themselves; improving the social status of citizens at the personal, family and wider social level; ensuring the protection of the most vulnerable social groups that are not able to participate in the economic activity to ensure their existence.

Key reformers have emphasized that the state should retain in its hands only the part of the social sector that should meet the principle of solidarity. Also, the state does not have to be the only organizer, financier and "producer" of social services (Matković, 2003). The neoliberal model of social policy, therefore, supports the view that, for example, the engagement of the non-governmental sector by the state for the state itself is both cheaper and morally more justified than when the money from the budget is spent through investing in the state apparatus. As Vuković (2017) points out, the ideological climate of creating a new social policy after the changes in 2000 is well illustrated by the program text of B. Mijatović from the influential NGO, Center for Liberal-Democratic Studies. In this text, Mijatović starts from the fact that modern social policy must rely on ideas: greater responsibility of individuals for their own decisions, social assistance is granted only to the impotent, social solidarity is an expression of individual moral feelings, rather than the state decision, the role of the state is reduced to the regulation of relations whereby the state should withdraw from the sphere of decision-making, financing and provision of services, etc. (Vukovic, 2017).

In this way we can distinguish two main objectives of the social protection reform in Serbia: 1) system marketization through the multiplication of service providers and managerization in the governance of institutions, and 2) the individualization of the (potential) users' responsibilities. Completely in the spirit of neoliberal ideology.

The new Social Welfare Law was adopted in 2011 ("Official Gazette of the Republic of Serbia" No. 24/2011), and already in the very definition of social protection, we can notice its reform orientation, although predominantly towards the neoliberal concept. Thus, Article 2 states that social protection is "organized social activity of public interest aimed at providing assistance and empowerment for an independent and productive life in the society of individuals and families, as well as preventing the emergence and elimination of the consequences of social exclusion." In this definition, the emphasis is on providing

assistance and empowerment of endangered individuals and families for independent living, which highly correlates with the residual model of social policy and social protection, that is, the individual is responsible for his/her own life and the life of his/her family.

The starting point is the premise that there are two "natural" or socially determined channels or ways by which the individual needs of people can be met: market and family. When this does not work, the state interferes through its social welfare institutions that encourage people to train and include themselves in the work process to the minimum extent. Other people who want to help the vulnerable can do it voluntarily, by engaging in philanthropic organizations and providing help through them. Social protection goals only elaborate on and specify predominantly conceptual neoliberal premises, with an emphasis on the role and responsibility of the individual and the family in meeting their needs.

As a key challenge, the problem arose as to how to shift from the concept of institutionalization to deinstitutionalization, from centralization to decentralization, from the basis of "state care for man" into value and practical principles based on individualistic starting points in a relatively short time when there is no sufficiently developed market economy that opens more significant opportunities for employment and thus the assuming of individual responsibility for one's own life.

In relation to juvenile delinquency, this ideological discourse in criminal law insists that the minor himself/herself is responsible for the expressed behaviour. Here the delinquency of children and minors is interpreted predominantly through individual-psychic factors and the freedom of choice and will of the individual, in terms of whether he/she will behave asocially or prosocially. This has the ultimate goal implying that all the responsibility for the consequences of behaviour should be borne by the minor himself/herself. The neoliberal model of social policy strongly corresponds to the criminal-procedural model of justice (as opposed to the protective model). The central focus of this procedural model is the autonomy of the minor's will, as well as insisting on respect for universal human (liberal) rights (Jugović, Žunić, 2004).

In declarative terms, the minor offenders' social protection system reform in Serbia is based on contemporary scientific and democratic principles such as (Jugović, Žunić, 2004): the rights and best interests of the child and minor; the plurality (alternativity) of services and programs; participation / partnership of beneficiaries, social services and other local community institutions; support to parenthood and family preservation; early detection of children at risk; raising quality and continuous improvement of professional work; reducing the scope of institutional forms of protection and reducing the pressure on institutional accommodation. Likewise, the professional and political holders of the minor offenders' social protection reform have begun from the fact that this system should be reformed in the direction of: decentralization; redefining and restructuring the functions and standards of institutions; changes in the work methodology; establishing a continuum of protection and program diversity; and deinstitutionalization.

In terms of defining standards, the reform involved the following changes: a) defining the general values and principles of the Center for Social Work; b) labor standards and structural standards (material and human resources); c) process standards (services: type, co-operation inside and outside the service, case management, education, supervision); e) standards for professional practice (competence, code of conduct, confidentiality, publications, public relations and media, etc.); f) outcome standards (Džamonja-Ignjatović, Žegarac, 2002).

One of the biggest methodical changes in the functioning of the Centers for Social Work is the introduction of a professional procedure by the method of the case manager, in contrast to the previously used teamwork model. Ideologically, it was considered to be one of the ways to transform the Centers for Social Work and thereby overcome the limitations arising from medical and traditionally paternalistic approaches. Case management is defined as: "the method of social work in which the needs of the users and the family are assessed, a network of services that adequately responds to the user's multiple needs is organized, the process is coordinated, monitoring is performed, and the interests of users are evaluated and represented" (Milosavljević, Brkić, 2005: 260).

In relation to the existing working method, the case manager method introduces several important novelties (Brkić, 2008): a) commitment to a specific case. b) more efficient teamwork (emphasis on knowledge and skills, rather than professional profiles); c) shared responsibility in professional-user relation (instead of a collective, professional and personal responsibility is emphasized); d) orientation to strengths, rather than weaknesses of users (users are required to use their own potentials to overcome problems and establish control over their own lives). A new categorical apparatus is established - assessment and plan of services, replacing the terms of social diagnosis & history and treatment plan, which is not only of terminological but also of vital importance.

Reform ideas developed over the past 18 years also had normative sources in terms of international and legal documents and standards. Above all, it is the UN Convention on the Rights of the Child. In addition to this act, other UN documents such as the Beijing Rules on the treatment of children and young people in conflict with law (or the Standard Minimum Rules for the Administration of Juvenile Justice), the Riyadh Guidelines (the United Nations Guidelines on the Prevention of Juvenile Delinquency), the Tokyo Rules (United Nations Standard Minimum Rules for Non-custodial Measures). And finally, the normative source of the reform are the European standards for social services.

Although the strategy for the development of social protection in Serbia was adopted in 2005, six years passed until the adoption of a new Social Welfare Law (2011), as a normative framework for the implementation of changes. In the meantime, the changes were carried out partially and without sufficient insight into the whole and the consistency of the system. The conceptualization and implementation of changes came under the significant influence of foreign experts, international organizations (in particular the Open Society Foundation, Save the Children, UNICEF, DFID, UNDP / EU) as well as small, relatively closed monopolistic and political circles of domestic experts in economic and social politics, who created and introduced changes in the system or in its individual parts through project activities. According to Vuković (2017), a small group of 20 individuals was designed and implemented the service system reform in the period from 2001 to 2012, which was closed, basically coherent, connected in terms of interest (materially!), ideologically homogeneous and without alternative approaches and public critical reviews of the course and ideology of the reform.

6. NEOLIBERAL IMPACTS ON JUVENILE JUSTICE

One of the most important novelties introduced by the Juvenile Crime Law and the Law on Criminal and Legal Protection of Juveniles from 2005 is the introduction of corrective orders aimed at juveniles not entering criminal proceedings (the so-called diversion procedure) or suspending the proceedings and thus requiring extra-judicial social

intervention for individual cases. For the purposes of corrective orders, this Law emphasizes two interrelated objectives. The first objective is not to initiate criminal proceedings against a juvenile or to suspend it. The second objective is the concretization of the first goal: to affect the proper development of the minor and the strengthening of his/her personal responsibility so as not to commit crimes in the future through the application of a corrective order (Jugović, 2006).

To define the purpose of the corrective order aimed at "proper development of a minor" is relatively problematic given the question of scientific and professional consensus as to what the "proper development of a minor" is. In the Law, this term is related to future non-committing of offences as an indicator of proper development. It is quite certain that the term "proper development" of a minor cannot be related only to the non-committing of criminal offences; it is much wider than that. An even greater problem of this term is its moralizing character: as it follows that the cause of offending behaviour is "improper development". In contemporary humanities, such terms are not used in the description of the juvenile behaviour and its overall development. Through the formulation of the purpose of the corrective order in terms of the influence on the overall social and psychophysical development and the best interests of the minor, it was possible to overcome this weakness in terminology in a legal-formalistic-general manner (required by the "language of legal provisions") (Jugović, 2006).

Article 10 of the Law defines the purpose of criminal sanctions, namely corrective measures and the juvenile imprisonment sentence. The ascertainments on the purpose of sanctions reappear here through the strengthening of the personal responsibility of the minor and the development of his/her personality (in this article, the concept of personality is used, unlike in Article 6 of the Law which defines the purposes of correctional orders), but through more precise prerequisites such as: supervision, providing protection and assistance to minors, upbringing and vocational training. The inclusion of juveniles in the community is recognized as the ultimate purpose of criminal sanctions, which is a good wording of the essential and social and individual goal of re-socialization in relation to juvenile offenders.

In the second paragraph of this article, it is stated that the purpose of the juvenile imprisonment is also the exercising of an increased influence on the juvenile perpetrator not to commit crimes in future, as well as on other juveniles not to commit crimes. It is not clear why the legislator thinks that the only the purpose of the juvenile imprisonment sentence should have a general-preventive significance in terms of the effect of this punishment on other minors not to commit crimes?! General-preventive significance should be the general purpose of all criminal sanctions, not only the most repressive one (Jugović, 2006).

In some way, the definition of the purpose of the corrective order aimed at strengthening personal responsibility so as not to commit criminal acts in the future is also problematic. It is important, but not enough, and not in itself. It is true that a minor needs to face the consequences of his/her behaviour and take responsibility for his/her own actions (Conrigan, 2002). However, the question is to what extent he is realistically capable of assuming such responsibility on his own. It follows from that the delinquent act is only a consequence of the free will of the minor.

Ethiological studies and practice convincingly show that the family and wider social environment, along with personality traits, are key milieu for the emergence of juvenile

delinquency. Personal responsibility cannot be strengthened in threatening living and, in particular, family conditions. Therefore, the purpose of the corrective order could be defined not only through the strengthening of the personal responsibility of the minor, but also through strengthening of his family, social, cultural, educational, working and individual-psyche capacities (Jugović, 2006). The mistake is to interpret the entire problem only through the responsibility of minors: the success of all levels of prevention, even the prevention of recidivism, is the educational and counselling-therapeutic treatment of parents. Evaluation studies point to the significant success of the family system therapy program, parental competences training, as well as cognitive behavioural programs and programs of learning and modifying social skills that target both minors and their parents (Jugović, 2014).

A well-established and modernly conceived system of institutions and services for the treatment of young people in conflict with the law should be based on principles such as (Stakić, 2003): a) centeredness on the child - individualization of treatment in accordance with the best interests of the child / juvenile and his/her needs; b) focus on the family - directing the treatment towards preserving and improving the functioning of the family and the child it takes care of; c) integration into the local community - stimulating the capacity of the local community; d) the functionality of the institutions and the cultural-ethical sensitivity of their actions.

7. SOME OUTCOMES OF THE SOCIAL PROTECTION REFORM IN PRACTICE

First of all, social protection today faces many negative indicators of social development in Serbia. The rate of poverty or social exclusion risk (AROPE) as the most important indicator for monitoring the Europe 2020 strategy amounts to 42.1% in Serbia, which is after Bulgaria and Romania, higher than in any country in the EU. In recent years, data have shown the increase in the number of reported cases of domestic violence, the number of children without parental care, single-parent families, elderly who need help at home, children and adults with disabilities who cannot be included in the society without support service (World bank, 2011; Matković, Mijatović, Stanić, 2014).

By analyzing the current social protection system in Serbia, Babović (2010) estimates it is characterized by:

- a relatively small amount of material benefits (coupled with rigorous checks and low threshold);
- a modest network of local social protection services: local self-government units are responsible for opening services, but they rarely do so;
- the facilities for the accommodation of users have not been transformed, and the long-announced systematic involvement of the private sector has not happened;
- the state has not given up its principle commitment to switch from the system based on the dominance of the public sector and large institutions for the accommodation of users to a system of open community services that would equally be implemented by the private and public sector and which would prepare the user for independent living,

- the new social protection system will expect the beneficiaries - the poorest, most marginalized, the least active, educated and networked members of the society - to participate in decision-making, take responsibility for themselves and their families, represent their own rights and exert pressure on state authorities to fulfil their rights.

According to the analysis of the Social Inclusion and Poverty Reduction Team of the Government of the Republic Serbia (Matković, Stranjaković, 2016), the key features of the state of social protection in Serbia today look like this:

- social protection services are not provided continuously during the year;
- shelters, day care centres for children in conflict with the law, shelters for children and rest are poorly distributed in only 10 local self-government units;
- dependence on donor programs and poor sustainability of services
- the persuasive dominance of users from urban areas: the problem of accessibility of services;
- service providers are predominantly state-owned, with the exception of support for independent living services where the ratio is 50-50%;
- very low expenditures for social protection services within local self-government competence - about 0.065% of GDP
- average expenditures for local social protection services per capita as low as RSD 280 a year;
- most funds are "withdrawn" by daily community services with a share of 80%;
- the inclusion of children and young people with developmental disorders and disability is narrow;
- coverage of the elderly by home assistance service (1.1% of the total 65+ population) is low (e.g. Germany 2.6%)
- service quality problems and the need to review minimum standards of social protection services.
- Past experience from the beginning of the application of the case managing method to the centres for social work in Serbia points to numerous dilemmas and difficulties (which are both objective and subjective), such as¹:
 - equalizing different professions according to the requirements of a defined job "case manager": "everyone does everything" where work individualization to professional profiles is lost;
 - high case manager burden and the risk of him/her not devoting sufficient time to the user due to the processes of the professional procedure itself and the large number of documents accompanying his/her work;
 - the lack of necessary knowledge and competencies for quality case management and qualitatively uneven reports;

¹ According to the internal publication of the Standing Conference of Towns and Municipalities of Serbia: A report from the workshop "*The current state of social protection in towns*", held on 27/02/2015 in Arandjelovac and attended by 22 directors or representatives of the town Centers for Social Work in Serbia.

- undefined supervisor's work: supervisors receive the most difficult cases as their "undefined status" creates resistance in other employees;
- dilemma: how to organize supervision, as internal or external;
- case management is not accompanied by norms that take into account the number of inhabitants, the level of development and the characteristics of the community;
- the organization, number of employees and financing of the centres' work do not follow changes in the number of users, complication of problems and living situations of users, which negatively affects the quality of work,
- insufficient connectivity, communication and coordination with other systems in order to exchange data and perform tasks within the competence of the social system protection, healthcare, justice, education, and police.

INSTEAD OF A CONCLUSION

Since 2008, the global and local economic and social crisis has been putting social protection under multiple pressures arising from the spread of social issues, narrowing of material resources for action and focusing on philanthropic & supporting roles. Previously marginalized users are more affected by the social consequences of the crisis. The workload of social workers is growing due to the increase in the number of users and the complexity of their social troubles, which can result in the reduction of the importance of international standards of practice and the reduction in the quality of social work. Investments in the social protection system have been reduced, especially in preventive programs and early intervention programs. Governments pay more attention to economic indicators and assessments of the financial crisis than on the values of social cohesion, social justice and social welfare. A notable feature of the current state is also the relatively low material position of the employees in the social protection system.

The neoliberal experiment in the social protection reform in Serbia has turned into a policy of encapsulation and inconsistency of the ideological stronghold that mostly corresponds a neoconservative model: the key element of the reform - the development of social services failed, the social services market has not developed, an elitist minority of project beneficiaries of transition in social protection was created, which is into a change in the ideological or political matrix (this means that neoliberalism was only a means of personal gain at the given moment), and the situation is cemented by the tendency towards minority control of public resources and control of the conditions of the reproduction of professions in this system (Vuković, 2017). Although important changes are announced in the Social Welfare Law and working groups are being formed, there are no significant changes.

In an ideological sense, the current state seems more like a turn to ideological neoconservatism with the confusion elements "what to do next?". The idea of "earn for social assistance" and the importance of morals and working value for the social position of individuals and families are emphasized, increased security is being introduced in social services after family murders within the centers for social work, and professional workers are controlled in terms of respect for working hours (card system), etc. It is also evident that a part of the social protection system is increasingly being transferred, as part of the

pluralisation of services, into the private sector for wealthier individuals and families, the best examples for which are old people's homes and counselling-therapy services.

Social response to juvenile delinquency in Serbia is characterized by the absence of a clear strategy and a comprehensive system, the sporadicity of implementation of individual programs, the lack of a continuous operation and the connection of programs and low financial investment in the prevention system. Therefore, the question of "what to do" in social interventions towards juvenile crime in the transitional society of Serbia cannot be offered only an expert answer, before that we need a political answer to the question of what the real project of social and value development of this society is (Jugović, 2014).

The authors of this paper believe that (juvenile offenders) social protection in Serbia, in times of rapid social changes and crises, should pay special attention to humanistic ideas belonging to anti-discriminatory and anti-subjective perspectives. These perspectives must be integrated into the understanding of the real material reality of users, the ways of distributing social resources and the global social structures within which social protection works (Jugović, Brkić, 2013). Representation, empowerment and emancipatory approach, therefore, are the key ways to achieve humanistic values and the well-being of children in times of social turmoil.

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IDEOLOŠKI I POLITIČKI KONTEKST REFORME SOCIJALNE ZAŠTITE MALOLETNIH PRESTUPNIKA U SRBIJI: EKSPERIMENT NEOLIBERALNE HEGEMONIJE

Predmet ovog rada jeste sinteza dosadašnjih ideja naučne, stručne i političke javnosti o tome u kom pravcu treba da se kreće reforma sistema socijalne zaštite u tranzicijskim društvima koja sa odnosi na decu i maloletnike sa delinkventnim ponašanjem. Institucije socijalne zaštite predstavljaju ključan segment organizovanog i formalnog sistema društvenog reagovanja na maloletničko prestupništvo. Najopštija uloga savremeno koncipiranog sistema socijalne zaštite jeste bavljenje zaštitom interesa dece i maloletnika. Službe socijalne zaštite polaze od stanovišta da je kriminalitet dece i maloletnika manifestacija smetnji u socijalnom razvoju i zadovoljavanju njihovih socijalnih potreba. Osnovni cilj rada je kritička analiza reformskih ideja i ukazivanje na određene dileme i kontroverze koje su pogledu reformskih zahvata u ovoj oblasti javljaju. U radu se kritički ocenjuju domaća iskustva u reformi sistema socijalne zaštite. U radu se koristi metoda analize dokumenata. Analiza ukazuje da je moguće identifikovati osnovu ideologije reforme sistema socijalne zaštite maloletnih prestupnika, kao što su koncept individualne odgovornosti za životne probleme, pluralizam servisa, decentralizacija, redefinisavanje metoda i standarda institucija, vođenje slučaja i deinstitucionalizacija.

KLJUČNE REČI: socijalna zaštita / ideologija / reforma / maloletni prestupnici / Srbija