



UNIVERZITET CRNE GORE
PRAVNI FAKULTET



ARRS

JAVNA AGENCIJA ZA RAZISKOVALNO DEJAVNOST
REPUBLIKE SLOVENIJE



Univerza v Mariboru

Fakulteta za varnostne vede

Crime against the environment in rural settings



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- Criminal law and criminal law reaction in the era of major environmental disasters are increasingly the indispensable and only adequate response to the most severe forms of socially harmful behavior.
- Compared to traditional crimes, which are often a threat to social stability, environmental crimes lead to a serious threat to human survival on earth.
- As the number of such phenomena, with technological progress and the creation of new sources of danger, grows day by day, the system of adequate criminal law reaction, as well as the number of incriminations, is improving.
- The number of detected criminal offenses in this area is in great disproportion to the committed offenses, since the detection, clarification and proof of criminal offenses against the environment is mostly very difficult.



Essential problems

- Statistical data confirm that the essential problems in the process of successfully combating the environmental problem are first delayed prevention, is reaction only when the case is found in the courtroom.
- In addition, the frequent lack of evidence and complicated expertise are the reasons for the small number of cases that have been completed and where a conviction has been handed down.



Reports from 2017,2018,2019

Due to the commission of criminal offenses against the environment and spatial planning, 303 adults were reported in 2019, 269 people were reported in 2018, 381 adults were reported in 2017.

- Due to the commission of the criminal offense - **environmental damage** under Article 307 of the Criminal Code of Montenegro, in 2019 1 person was reported, in 2018 6 people were reported, in 2017 1 person was reported.
- Due to the commission of the criminal offense - **killing and torturing animals and destruction of their habitat** under Article 309 of the Criminal Code of Montenegro, in 2019 10 persons were reported, in 2018 21 persons were reported, in 2017 11 persons were reported.
- Due to the commission of the criminal offense - **theft of a protected natural asset** from Article 311 of the Criminal Code of Montenegro, in 2019 there were no reported persons, in 2018 2 persons were reported, which reports were rejected.
- Due to the commission of the criminal offense - **illicit handling of dangerous substances** under Article 314 of the Criminal Code of Montenegro, in 2019, 1 person was reported, which report remained unresolved at the end of the reporting period.
- Due to the commission of the criminal offense - **the devastation of forests** under Article 323 of the Criminal Code of Montenegro, in 2019 3 persons were reported, in 2018 1 person was reported, in 2017 4 persons were reported.

Reports from 2017,2018,2019

- Due to the commission of the criminal offense - **forest theft** under Article 324 of the Criminal Code of Montenegro, in 2019 103 persons were reported, in 2018 121 persons were reported, in 2017 121 persons were reported.
- Due to the commission of the criminal offense - **illegal hunting** under Article 325 of the Criminal Code of Montenegro, in 2019 12 persons were reported, in 2018 10 persons were reported, in 2017 9 persons were reported.
- Due to the commission of the criminal offense - **illegal fishing** under Article 326 of the Criminal Code of Montenegro, in 2019 18 persons were reported, in 2018 24 persons were reported, in 2017 34 persons were reported.
- Due to the commission of the criminal offense - **construction of facilities without report and construction documentation** from Article 326a of the Criminal Code of Montenegro, in 2019 152 persons were reported, in 2018 73 persons were reported, in 2017 199 persons were reported.
- Due to the commission of the criminal offense - **illegal connection to the infrastructure** under Article 326c of the Criminal Code of Montenegro, 3 people were reported in 2019.

We come to a conclusion that the most reports, in the mentioned period, are for the criminal offense of building a facility without a report and construction documentation, but also forest theft, there were fewer reports of other kind.

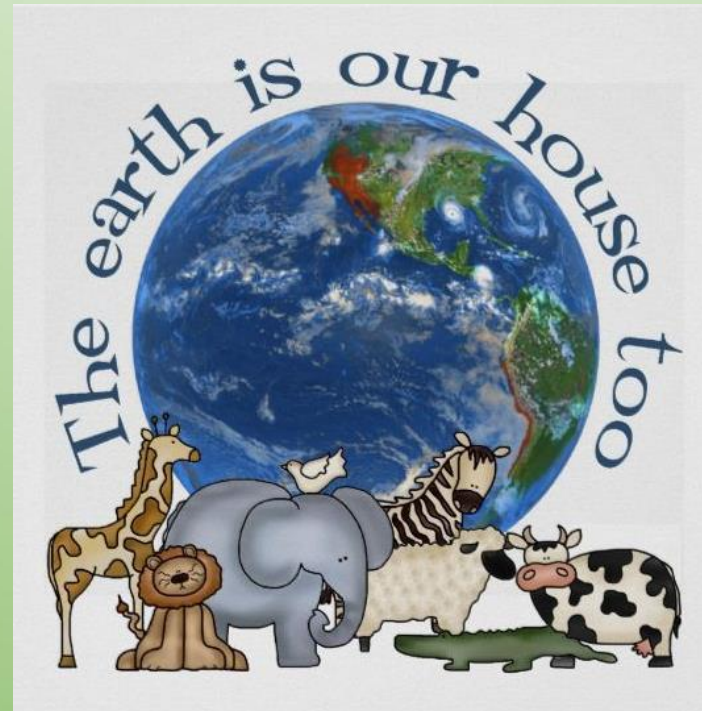
Water (scarcity and pollution)

negatively affect

biodiversity loss

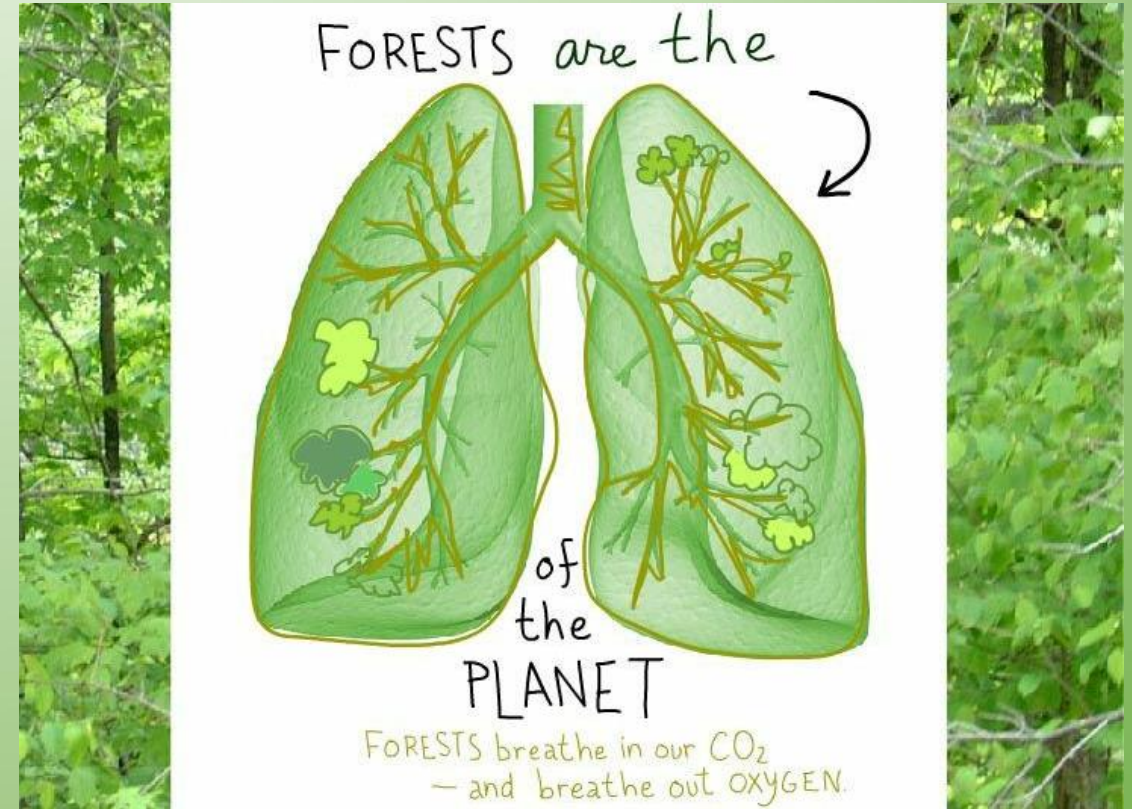
habitat change

daily lives of residents



Air (Pljevlja)

- 214 citizens of Pljevlja in 2018 fell ill with cancer (the largest number in the last five years)
- Consequence of the chronic poisoning of the air and water (by the work of the local thermal power plant and coal mine)
- Pljevlja – among the 10 most endangered environments in Europe



Poaching

- A number of cases of killing legally protected species in less than half a year
- Wounded owl (The Eurasian eagle – owl) near the Technical Faculties in Podgorica
- Three deer – Mount Golija, Nikšić
- Shot roe deer was found near Plužine
- Griffon vulture (flew from Croatia to Montenegro) at Ulcinj saltworks
- Recovered pelican from the Ulcinj saltworks (CZIP)
- Poachers kill from 64 – 197000 legally protected species of birds every year




Conclusion

- Small number of processed cases
 - *Main reasons:
- Immaturity of awareness of the need to protect the environment in our society
- Insufficient application of criminal offenses or misdemeanors provided by law



Sanctions

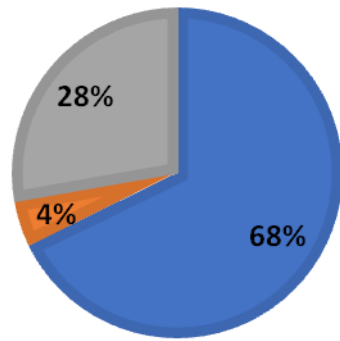
- The Criminal Code of Montenegro may impose penalties, warning measures, security measures, and educational measures (for juveniles)
 - A prison sentence of up to 12 years
 - A fine
 - A measure of confiscation of items
- 



Research results

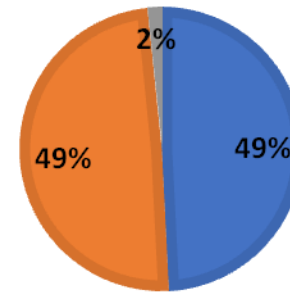
I KNOW WHAT AN ENVIRONMENTAL CRIME IS.

■ Yes ■ No ■ Partly



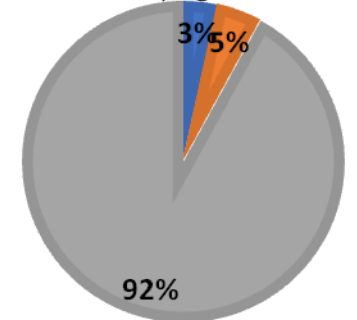
MONTENEGRO IS AN ECOLOGICAL STATE. I BELIEVE THAT IN ACCORDANCE WITH THIS, ADEQUATE PROTECTION OF THE ENVIRONMENT, PLANT AND ANIMAL SPECIES IS BEING IMPLEMENTED IN THE RIGHT WAY.

■ I do not agree ■ I partially agree ■ I totally agree



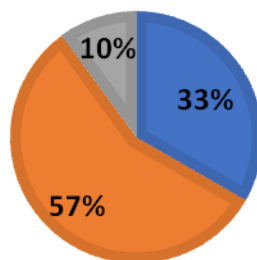
ENVIRONMENTAL POLLUTION ADVERSELY AFFECTS HUMAN HEALTH AND LIFE.

■ I do not agree ■ I partially agree ■ I totally agree



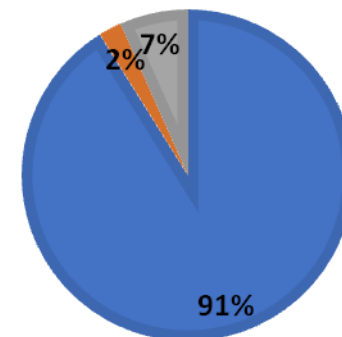
PEOPLE ARE TIMELY AND ADEQUATELY INFORMED THROUGH THE MEDIA ABOUT ENVIRONMENTAL PROTECTION MEASURES AND THEIR SUCCESS.

■ I do not agree ■ I partially agree ■ I totally agree



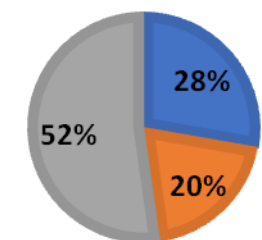
DO YOU THINK THAT MORE MONEY SHOULD BE INVESTED IN PRIMARY WATER TREATMENT?

■ Yes ■ No ■ I do not know



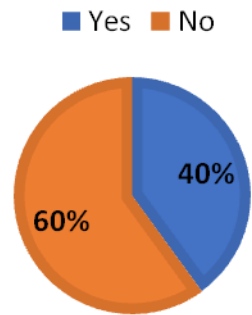
I AM FAMILIAR WITH THE BIGGEST PROBLEMS THAT OUR COUNTRY IS FACING IN ORDER TO PRESERVE THE ENVIRONMENT.

■ Yes ■ No ■ Partly

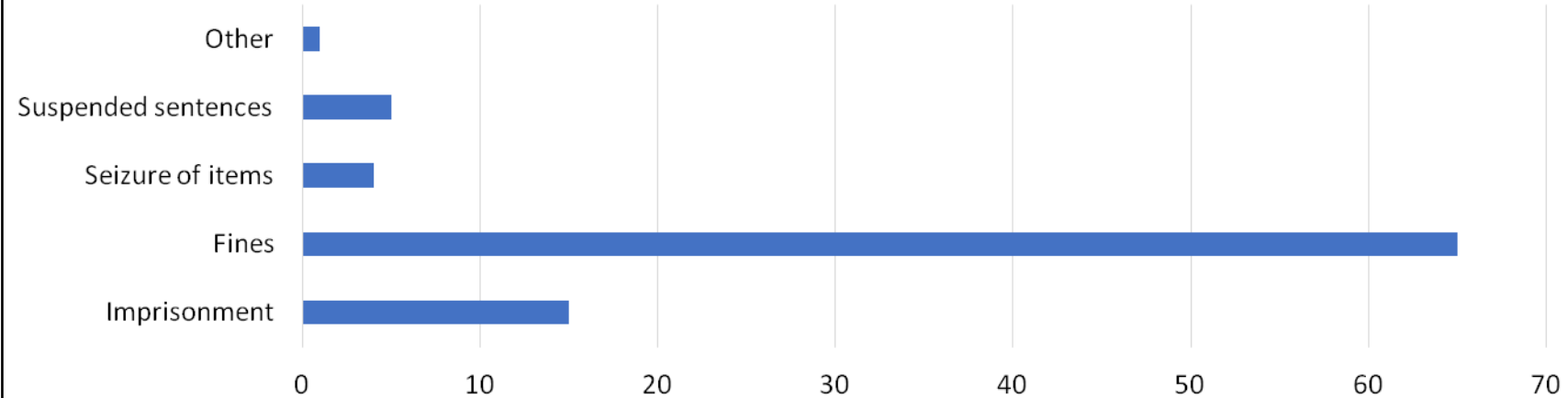


Research results

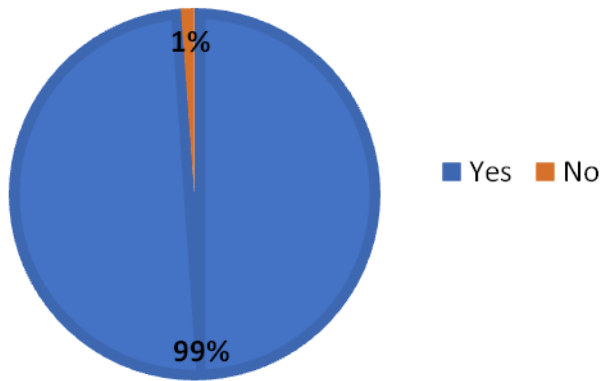
**I AM FAMILIAR WITH THE
LEGAL REGULATIONS RELATED
TO ENVIRONMENTAL
PROTECTION.**



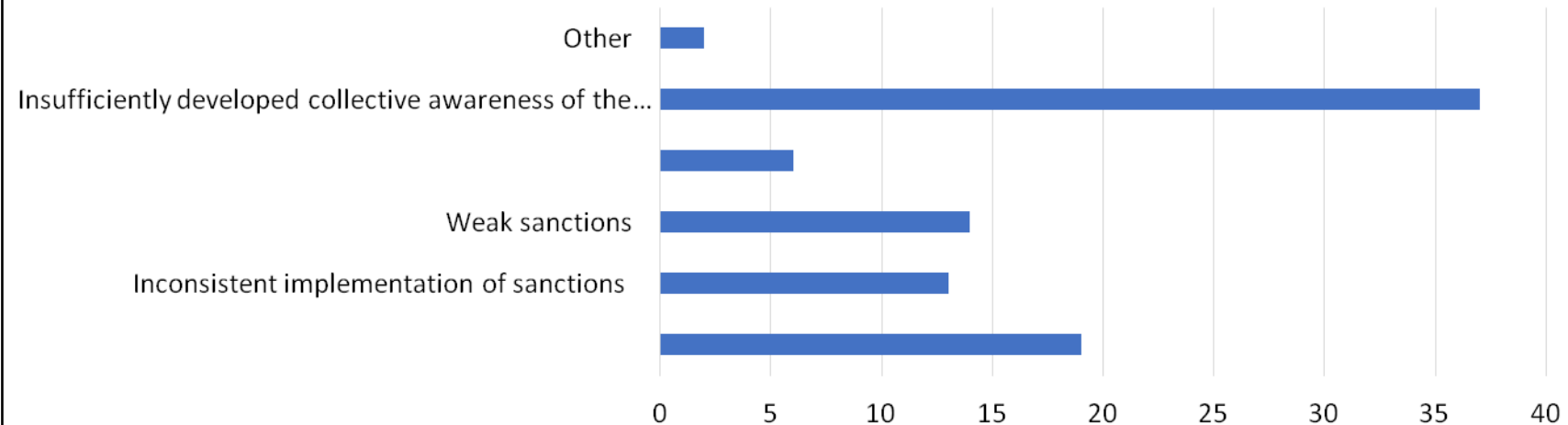
The best way to prevent crimes against the environment is a sanction in the form of:



**I BELIEVE THAT STRICTER
MEASURES SHOULD BE
INTRODUCED IN ORDER TO
PRESERVE THE ENVIRONMENT.**



I believe that the problem of inadequate environmental protection lies in:



We appreciate your attention!

